COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

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COMMONWEALTH OF MASSACHUSETTS *

vs. *

JOHN DOE *

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PRESENTED BY:

THOMAS CALDWELL, ESQUIRE
ENTERPRISE & MAJOR CRIMES DIVISION
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BOSTON, MASSACHUSETTS 02108

MONDAY, FEBRUARY 1, 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
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Thomas Caldwell, Esquire

I N D E X

E X H I B I T S

(Grand jury called to order)

(Whereupon, Grand Jury Exhibit 16, was pre-marked by the court reporter.)

MR. CALDWELL: Good morning, ladies and gentlemen. My name is Thomas Caldwell. I'm an assistant attorney general and today I'm going to be continuing an investigation concerning the Amherst drug laboratory and the Department of Public Health; matters that occur on diverse dates between January 2004 and January 2013. I have one witness for your consideration today.

Sir, can you please raise your right hand?

* * * *

JAMES HANCHETT, SWORN.

* * * *

BY MR. CALDWELL:

Q Please have a seat. Sir, can you please state your name, spelling your last name for the grand jurors?

A James Hanchett, H-A-N-C-H-E-T-T.

Q And sir, are you currently employed?

A No, I'm retired.

Q And what job are you retired from?

A I was the laboratory supervisor at the Amherst drug lab.

Q And what dates were you the supervisor at the Amherst drug laboratory?
A Probably from 2006 to 2012 when they closed the lab down.
Q And previously to 2006 where were you employed?
A At the Amherst drug lab. I was the supervisor of the drug lab but I wasn't head of the whole section.
Q What was your position at the drug lab?
A Okay, it was -- I supervised the drug chemists and I've done that for the last 15, 20 years. And I had to make sure there was coverage during the week, approve vacation time. There was only four of us so it made it, you know, difficult to get everything done we had to get done.
Q And who were the four people working at the lab?
A The -- when we closed it was Sonya Farak, Rebecca Pontes, Sharon Salem and myself.
Q And what was Sonya Farak's position at the laboratory?
A She was, at the time, a Chemist II.
Q What was Rebecca Pontes's position?
A A Chemist II.
Q Sharon Salem?
A A Chemist III.

Q And what were Sharon Salem's primary duties as a Chemist III?
A Well, she should have been working in the lab but we had lost our evidence officer through retirement and they never replaced her, so Sharon volunteered to handle the evidence.
Q And what were the roles of Sonya Farak and Rebecca Pontes at the lab?
A They were chemists and they analyzed the drug samples.
Q Were they the only ones who analyzed the drug samples?
A No, I helped out too.
Q And in terms of you helping out, can you please explain that to the grand jurors?
A Well, because of the backlog and we had to help Boston out because they were so far behind, so Rebecca and Sonya would do most of the samples and I would -- with my other duties I would come in and just help out. Maybe I did a third to what they were doing, a third to a half of what they were doing possibly.
Q What were the average hours of operation of the Amherst drug laboratory?

A You could come in as early as seven and stay as late as six. It was flex time. You had seven and a half hours you had to be there, a half hour for lunch, so eight hours.

Q Okay, so it's fair to say you could come and go as you pleased as long as you fulfilled your hourly time sheet, correct?

A Correct.

Q How did one access the laboratory at Amherst?

A Well, there was two ways. At first it was just a key to get in but then the university upgraded the facilities and they went to a key card and a key. So either one was still sufficient.

Q And that would enable a chemist or a supervisor like yourself to come in the lab early, to come into the lab late and to do overtime or just fulfill your hours if you wanted?

A Yes, all four of us had full access.

Q So Jim, I'm going to show you what was previously marked as Grand Jury Exhibit Number 16. It was previously marked. Can you please take a look at that and look up when you're finished.

A Yup, I've seen it. You showed it to me already.

Q Can you tell the grand jurors what that Exhibit

Number 16 is?
A It's basically saying you won't prosecute me for anything I'm about to give in evidence today.
Q And that was shown to you on December 10th, correct?
A That is correct.
Q And that was in the presence of myself and Detective -- Captain Steven Fennessey of the Massachusetts Police at the Attorney General's Springfield office, correct?
A That is correct.
Q At that time we sat down and we had a conversation with you?
A Yes, you did.
Q And we explained that letter to you, correct?
A Correct.
Q And you voluntarily engaged us in conversation in regards to your employment at the lab?
A That is correct.
MR. CALDWELL: I will now enter into evidence Grand Jury Exhibit Number 16 and publish it to the grand jurors. Thank you, Mr. Hanchett.
Q So Mr. Hanchett, I'm just going to start -- back up. When do you start working at the lab for the Department of Public Health?

A August of '77.
Q And did you start working at the laboratory at Amherst?
A Yes, I did.
Q Okay. What college did you graduate from?
A Lowell Technological Institute.
Q And did you receive any degrees from Lowell Technological Institute?
A Bachelors of Science and Chemistry.
Q Now when you started at the lab in 1977, what was your first assignment there?
A I worked at the food lab for the first maybe year, year and a half.
Q And what kind of testing did you do at the food lab?
A We tested foods for pesticides, for any kind of contaminants, protein. You know, basically the safety and health and welfare of the state.
Q Now when do you start testing substances that were alleged to be narcotics?
A Probably '79, late '78, '79 maybe. We started, the training process began.
Q Do you recall who your supervisor was at that time?
A The overall supervisor was Richard Waskiewicz and my boss in the drug lab was Allan Stevenson.

Q Now, was the Amherst lab always on the campus of UMASS Amherst, if you recall?
A Well, since the mid-'60's. Prior to that it was in Western Mass Hospital.
Q And where's Western Mass Hospital?
A In Westfield, off of Route 20. That was there long before my time.
Q Okay. Now, at the time you started testing alleged narcotics at the lab, do you recall who the head of the Department of Public Health was?
A No, I do not.
Q Do you remember who's the head of the Boston laboratory?
A Yes, Dr. -- it will come to me.
Q That's fine if you don't remember. That was the Hinton Laboratory, correct?
A No, that was at 600 Washington Street. He was there first and then they moved it to the Hinton Lab.
Q And who was the supervisor at the Amherst lab at the time you started?
A Frederick Goyal. George Michaels, I knew I'd get it.
Q Before you took over as lab supervisor who was the supervisor at that time?
A It was Allan Stevenson.

Q And did he retire?
A Yes, he did.
Q Do you recall when he retired?
A I'm thinking around 2008, 2000 -- yeah, right around there. I don't know exactly, but around 2008.
Q And how long did you work for Mr. Stevenson?
A Probably 25 years I worked for him, 25, 30 years almost.
Q Now is there a time you became lab supervisor?
A Correct.
Q And you essentially took over all his duties and responsibilities?
A Correct.
Q Now, I know you had mentioned it in some previous testimony a few moments ago, but can you tell the grand jurors what your exact duties and responsibilities were as lab supervisor?
A Well, we received samples. When they came in I had to make sure they were analyzed properly. We had to follow certain drug lab protocol we had. I had to order supplies. I had to maintain the instruments which we had, you know, over a million dollars worth of instrumentation and that was probably a quarter of my job, you know, managing the equipment and stuff.

And you know, again, personnel. Maintain the lab, making sure the lab was, you know, totally staffed during that business hours which were normally, eight to four was our business hours.

Q And in your role as lab supervisor who did you report to directly?

A Julie Nassif.

Q And what was -- tell the grand jurors who Julie Nassif is?

A She was the head of analytical chemistry at the Hinton Lab which she oversaw the drug lab and I don't know, maybe three or four other labs, and the Hinton State Lab.

Q So Ms. Nassif oversaw the drug laboratory at Hinton in Jamaica Plain and the drug laboratory located at UMASS Amherst?

A Correct.

Q And when you -- what types of things would you report to her about?

A The backlog. We had, you know, we generated monthly reports and that listed how many samples we were behind, how many samples came in, what the chemist had analyzed, you know, how many that month. Broke it down a different; how many heroin, cocaine. And

then we'd talk about equipment needs, personnel needs and you know, getting training. We both, Sonya and Rebecca went to the DEA school in Washington, DC.

Q And when you reported to her was it in person?

A Yes, it was.

Q And where did you go to report to her?

A Hinton Lab.

Q Is there anything else that you did when you would go to the Hinton Laboratory?

A I would pick up drug samples from the Boston lab. They were, they had a very high backlog, you know, in the tens of thousands, so. I would probably bring two, three hundred samples back to the Amherst lab which we would analyze usually on overtime.

Q Now you talked about backlog. There was a backlog at the Amherst laboratory?

A Yes, but not as bad as the Hinton lab.

Q So, essentially the Amherst lab would help out the Hinton laboratory and just test some samples that were slated to be tested?

A Correct. Correct.

Q And how frequently do you do this a month?

A Monthly. Once a month.

Q Every month?

A Yeah.
Q Now it's fair to say that Hinton was a pretty busy place in terms of a drug lab, correct?
A Correct.
Q Now can you describe the procedure that you undertook when you went to the Hinton lab to pick up the drugs to be tested?
A We'd go into the evidence room, we'd speak with the evidence officer, she would give me a list of all the drugs I was going to receive, I would get the drugs, go into the back room and check every envelope to make sure every drug on the envelope was listed on my sheet. Then she would scan all the drugs, I would sign a sheet saying I received these samples, I'd bring the samples back to the Amherst lab to our evidence officer, she would do the same thing. She would scan them, she would receive them, check all the envelopes and then we'd sign off and then we'd be -- those samples would be put into our drug lab assignments for the chemists.
Q Now was there any particular evidence officer that you dealt with picking up the drugs at the Hinton lab?
A It was mostly Shirley, but I've dealt with them all.

Lisa O'Brien ----

Q Is that Shirley Sprague?

A Shirley Sprague. Mostly Shirley Sprague and Lisa O'Brien were the probably two primary ones because the other one was sick a lot.

Q Was it Lisa or was that Elizabeth O'Brien?

A We call her -- Elizabeth, yeah. Elizabeth, sorry.

Q Now how would you transport these drugs?

A In my car, personal car, lock them in the trunk.

Q So those were transported in your personal vehicle?

A Correct.

Q What were the type of packaging? How were they packaged?

A They were in manilla envelopes and stored in -- I don't know, plastic bins.

Q Now how long were you doing the overflow testing from the Hinton laboratory?

A I bet you 15, 20 years. One time we had seven chemists so we did a lot of their samples.

Q Did anyone have any discussions about this to you; Julie Nassif or anyone else at DPH how long this would be going on for?

A It was just a practice that was started before me and I continued it under my tenure.

Q Now were there any particular substances that they gave you over others?
A Mostly simpler samples. Their large trafficking cases they kept. What they tried to give us was small amounts of coke, heroin and they would keep the marijuana down there because it was simpler to do. So it was just basically simpler cases.
Q And when you say "simple cases" can you give the grand jurors an example?
A I'd say usually around ten packets of under. Really nothing more than a hundred.
Q Now were these samples from just Suffolk County or were they other counties?
A No, they primarily gave us the lower counties in the state, the Capes. I think we had Framingham one time. Suffolk County they did themselves. And earlier we did Lowell, Lawrence, Framingham. We've done different places, but Suffolk County was really what they did mostly.
Q So fair to say you'd do Plymouth County, Bristol County, maybe even the Cape and the Islands?
A Yes.
Q And you had mentioned previously that you did these overflow samples on overtime?

A Usually, yes.
Q Now, was there an overtime budget at DPH?
A It came and went.
Q When you say that, what do you mean?
A As state budget goes, July to July, usually when the budget was approved we'd have overtime starting maybe in August which would run out maybe May, late April, May, when they have to go through the budget process again, so.
Q And as the lab supervisor and even in your time employed as a chemist, how did you work out the overtime allotment between the various chemists?
A It was -- depends how it was broken down. Sometimes it would be five -- you're allowed five hours a week, sometimes eight, sometimes ten. And occasionally unlimited, but the most -- it's usually around five to ten hours a week. So we'd allocate each chemist could work five hours or ten hours, whatever it would be.
Q So it was the situation, if you wanted to work overtime you could --
A You could work it.
Q -- work as much as you want?
A Yes. Yeah.

Q And the ability to enter and leave the lab freely helped in that happening, correct?
A Correct. We tried to maintain two people in the laboratory at all times but that was sometimes difficult to do. There was only four of us left at the time.
Q Okay. And now why was that difficult to do; keep two people at the lab at the same time?
A Just because, you know, after the Melendez-Diaz decision we were in court, you know, much more frequently than before.
Q You mentioned Melendez-Diaz. What is Melendez-Diaz?
A That mandated that the testing chemist had to be in court as best evidence in the case. We used to be able to give a certificate of analysis and that was presumed to best evidence and we didn't have to go. But after Melendez-Diaz we had to go, so. Maybe 15, 20 percent of our time probably went to court, so we lost a lot of analysis time in that.
Q Okay. Now, doing your overtime work, if you were coming in earlier, coming in late; how would you access the laboratory? What security procedures were in place?
A Well, we had a -- there was alarms on the main

laboratory, the secondary laboratory, the office, the evidence lockup and the storage lockup were all armed. And there was a keypad when you entered, you had to enter the code to get access to the lab.

Q Was it one code or was it a code for each employee?

A One code.

Q Was that code -- you could never bypass that code, correct?

A No, you could not.

Q Did you ever have a swipe card access to the lab doors?

A Yes, that was separate though. You still had to enter the code to get into the -- to shut the alarms off, but the swipe card would let you into the main office, the evidence room, my office and the secondary lab.

Q Now this swipe card, every chemist or employee at the lab had one?

A That is correct.

Q Now as far as you know, did it keep track of your comings and goings?

A It was supposed to. I don't know if the system was every fully operational. It was run by the University of Mass, not by Public Health.

Q And, but however, to access any interior area of the lab, you didn't have to use the swipe card, you could use a manual key, correct?

A Yes. The key was always a override just in case it didn't work, but.

Q Did every chemist and employee at the lab have a key?

A Yes, they did.

Q Now you had earlier talked about the budget and you had mentioned money and ordering supplies. Can you explain to the grand jurors how that worked and who you worked with in coordinating ordering of supplies, maintenance of machinery and essentially just day-to-day operations?

A Okay. Our ordering had to be handled by the Public Health Purchasing Department. I would request, order say drugs, I'd have to go through DEA forms, fill them out, check to see if money was available, had to get approval. And the equipment was the same way. I had to -- if the machinery broke down, I needed parts right away, we had to get, you know, an emergency order in, we'd have to go through purchasing and that's basically it. Everything was done through purchasing. They allocated us a certain budget through the year for ordering supplies. And

sometimes we'd go over, sometimes we'd go under, so. And with equipment, with breakdowns and stuff, that was really unlimited because they had to fix it. So there was no limit on that. Purchasing was a capital budget item and we had no control over that. That was set up much higher than me, by who, I have no idea who made the decision.

Q So in terms of maintenance of the equipment there was obviously an open-ended allotment to fix the machinery.

A Yes.

Q However, as to other supplies there was a set budget --

A A set budget, correct.

Q -- and you could not go over that?

A Correct.

Q Now, can you give some examples to the grand jurors what other supplies would be outside of maintenance?

A All the paper. We went through a lot of paper, all the equipment used a lot of print -- paper through the printers, printing out documents and stuff. All the chemicals used for the bench. You know, just you know, paper towels, lab coats, just standard office supplies, laboratory supplies; the plastic -- the

gloves you had to wear. You know, beakers, glassware, all disposables, plastic bags we used to package the drugs in. All consumables is what they were called.

Q And what happened if there was no money to make those purchases; what would you do as supervisor?

A Well, sometimes we'd have to get supplies from the Boston lab. They had their own supply room at the Hinton lab and they did stock some things there. Which if we got it, I think it was charged to our account later, at a later date.

Q Okay, now what was the most expensive thing in your operating budget at the Amherst lab?

A Probably chemicals.

Q And when you say chemicals, what type of chemicals?

A Solvents, anything we ordered through Fisher Scientific. We ordered a lot of stuff through them. Solvents are expensive. We used the petroleum ether, we used methanol and we'd get it by the case which were four liter bottles, four four liter bottles in a case. And sometimes they went up to four or five hundred dollars a case. So we went through a lot of that. Paper, we went through a lot. But the plastic bags, the Kapak bags for sealing the evidence in was

another expensive item we had to get through Fisher Scientific. So that was one of the things we had to make sure we had plenty of, well stocked.

Q There were solvents you had indicated; ethanol and etcetera. What were those used for in the lab?

A We had to do extractions sometimes to purify the drugs. And all the drugs were dissolved in solvent prior to our analysis.

Q Now, in terms of that testing procedure when you had a police sample that came in -- strike that.

Now, when you're in the process of ordering drugs, or excuse me, ordering any type of supplies at the lab, did you -- was there ever any push-back from DPH concerning the ordering of supplies --

A Oh, yeah.

Q -- especially chemicals?

A Yes, they would tell us, you know, too much, you're over-budget, you've got to cut back. Well, the state process in purchasing and stuff, and then other times they'd tell us you'd got to order more because they had a surplus. You know, you can't -- you know, end of the year, prior to the fiscal year, sometimes there could be extra. Most years not, but there was a few years we ended up getting surplus.

Q Now, it's fair to say that the Hinton lab budget was much larger than yours, correct?

A Yes. They probably analyzed three to four times as many samples as we did. So their budget was quite a bit larger.

Q Did you have similar equipment at your lab at Amherst that they had at Hinton?

A Basically. There's were the -- we were the satellite lab so they were the main lab, so their equipment was a little better and they did have more of it. But basically it was the same; mass specs, infrared spectrometers, gas chromatographs was basically the instruments we used.

Q At any time did you ever voice your concerns to your supervisor, Julianne Nassif, concerning the lack of money or problems with the older machines?

A Yes, I've always -- every year I had a wish list I gave to her for equipment we thought we needed, replacing instruments. I mean, we had instruments that were given to us by one of the labs in the Boston -- the Hinton lab that there was -- they analyzed environmental samples and it was out of date so they gave it to us.

Q Did you ever voice any concerns about security at the

lab?

A Many times. We -- the way the lab was set up we had a -- it was a -- the building housed an auditorium used by UMASS students, that was on the next floor. So between our main office and the laboratory was a corridor that anybody had access to. You know, I always complained about that and there was nothing they could do they said.

Q Now, did your supervisor, Mr. Stevenson, did -- when you took over for his job did he ever express any concerns to you or give you the heads-up about these types of issues?

A No. Basically I just continued in the same process that he had ran the lab for for maybe the 10, 15 years he ran it.

Q Now, can you give the grand jurors an example of when you would purchase a replacement part for a machine. What would you do?

A Okay, if I knew what the part was I would call Agilent, who was the supplier of all our equipment. I'd have to get approval through purchasing. We could not purchase it through Agilent because they weren't a state vendor. We had to go to a state vendor who would then purchase it from Agilent and it

just complicated everything and always had to get approval with the purchasing department first.

Q Did Ms. Nassif assist you in getting that approval at any time?

A No, it was strictly the purchasing department. I mean, she could push if there was a problem, you know, if we needed something right away and they said no, we can't do it, she would push. She, you know, knew who to get a hold of down there, I guess. Their office was probably five, six people in there, so there was quite a few people working in purchasing.

Q So if there's an item that you needed very badly and you would voice your concerns to Ms. Nassif and she would attempt to --

A Correct, if it was --

Q -- assist you?

A -- going to, you know, jeopardize the analysis of drugs they would have to get it done, you know, pronto.

Q And it was fair to say that she was always very positive if you had this type of request?

A Yeah, she never gave us a problem with that.

Q Who is Charles Salemi?

A He was the head of the Boston drug lab. He -- he

probably took over maybe ten years ago after Kevin McCarthy. So he was -- the same job I had but he was the boss of the Hinton lab, supervisor.

Q Fair to say that was around 2005/2006?

A Yeah, probably about then. Kevin McCarthy held the job before that.

Q And did you have daily or weekly communications with Mr. Salemi?

A No, very rarely. The only time I would see him on occasion when I would go down there for a pick up of drugs. He occasionally would be in the evidence room. That was the only time I had any communication with him. I never -- never met with him. All the -- everything I had to do about the lab was, Julie Nassif was in charge, so that's who I met with.

Q Did he have any more duties and responsibilities than you at the Hinton laboratory?

A No, I think it was basically the same.

Q He simply just had a larger staff --

A Right.

Q -- and higher case load, correct?

A Yes, much higher.

Q Did you ever have any conversations with him orally or via electronic mail regarding budget, machinery,

things of that nature?
A Oh yes, we complained; lack of budget, lack of support from higher up in Public Health. You know, our lab was in deplorable condition. Their lab was in deplorable condition. You know, finally we ended up getting something done and they started the process of getting stuff done but they just let it go for so long.
Q So he voiced similar concerns --
A Exactly.
Q -- that you had?
A It was not a good environment to be working under. Equipment hoods were broken, not replaced, not fixed.
Q Okay, now you said that at some point they started to do something about it and those were the problems at the lab that you described?
A Correct.
Q And now what steps did the Department of Public Health attempt to take to remedy the problems that you just indicated were going on?
A What they did was they -- they didn't have the money so they made a deal with the university. They gave up some of our space we had for storage and the University of Massachusetts came in and renovated

three or four of our rooms, excluding the main lab which they didn't do.

Q And now, in terms of your laboratory, the laboratory at Amherst, was that accredited?

A No, it was not. We had initiated the process through SWGDRUG but that was one of the items that was cut out of the budget.

Q Okay. And SWGDRUG is a standard working group for forensic laboratories, correct?

A Correct.

Q And they, so to speak, set the bar or the requirements of accreditation?

A Correct.

Q And those are something that every lab obviously strives for, correct?

A Correct.

Q Did you make any attempts as the supervisor to get the lab accredited?

A Yes, we approached Julie and it was just, there was no money in the budget. And the problem being, it was a $25,000 fee to get into the SWGDRUG program and to fully implement it you'd probably lose maybe 20 percent of your man hours taking care of paperwork. There's a much more -- we met other testing

procedures of SWGDRUG, but a lot of the stuff we didn't meet was in the paperwork; the storage, the receiving of drugs, sealing them up and you know, that was some of the areas we were weak in but we just didn't have the manpower or the time to handle it all, or the money to complete SWGDRUG.

Q Who was Julie Nassif's supervisor or her boss?

A Linda Han.

Q And who is Linda?

A She was the head of the whole laboratory, the whole Hinton lab, all public health offices in the building and stuff.

Q Now, in terms of accreditation that you spoke about from the standard working group of drugs for forensic laboratories; do you have any type of drug testing protocol in place? You had indicated that you met the standards in terms of testing. Can you please explain to the grand jurors what those are?

A Well, we had a SOP that we listed for every drug. Back in the early '80s we hired a professor and a grad, a post-grad, a post-doc from Northeastern to come to the lab and they set up procedures for how to analyze drugs. We more or less followed their procedures that they recommended. And what it was

was the preliminary test and a conformational test and we had this -- and we had to put it all into documentation, so we did have a SOP, listed every testing procedure we had which was required under SWGDRUG.

Q That's standard operating procedure?

A Yes.

Q And you said it was about the early 1980s?

A Yes, it was about mid -- early '80s to mid '80s was when we started to computerize the systems and stuff. That's when the computers came in, everything was being done by hand by then and that's when they came in and decided to more or less get us up to date with the proper procedures for analysis of drugs which -- we were always pretty close, it's just the -- things change through the years, instrumentation changed, things got more automated, you know, faster.

Q Now in all your times while employed at the Department of Public Health since 1977, was that the only time somebody came in to put some type of policies or procedures in place?

A Correct. He did both labs, by the way.

Q Now in addition to -- you had indicated the standard working group for drugs and other requirements they

had in terms of procedures and paperwork. Is it fair to say that outside the standard working group there was also certain standards set forth from the Drug Enforcement Agency?

A That is correct.

Q And can you please explain what those were?

A It was the procedures used to handle the standards we had or any kind of controlled substances. We had to have a safe, it had to be alarmed and it had to be in a secure location. And that was basically -- oh, and when you're ordering you had to -- there was different classes of drugs through Schedule 1 though 4, I believe. Depending on the schedule there was a different requirements. Schedule 1 was something like heroin. You had to have -- everything had to be done in hand, everything -- no copies, everything signature. You submit a -- that form goes to the purchasing department, they'd send it to the company they're buying the drugs from and the drug companies would send that to DEA just to make sure everything was, you know, completely -- everything had paperwork. When we received the sample we had to log it it, we had to weigh it, and we had to record how much was used from the bottle.

Q Okay, now you're talking about ordering drugs. Now what kind of drugs could you order from certain -- from other laboratories?

A What we did, we tried to maintain primary standards which we'd use to -- for quants and we used to set the instrument libraries up, all our -- all the mass specs had their own libraries and those were used to -- the primary standards were used to set up the instrument libraries.

Q Now tell the grand jurors, what is a primary standard?

A A primary standard is something purchased from a drug or chemical company that has been certified as to that is what it is.

Q And when you say -- what types of drugs would you order as primary standards from laboratories?

A Heroin, cocaine, methamphetamine, oxycodone, just about everything. THC, samples to do quants on the THC.

Q And were there any requirements to order these materials that you had to follow through on?

A Yes, a lot of paperwork and you know, deal with purchasing and again, you were limited to who you could purchase from because they had to be a state

vendor. So sometimes it made it difficult to obtain some drugs because they weren't state vendors so we had to go through an outside source possibly, and then sometimes they couldn't deal with it because they can't transfer the DEA forms from one place to another.

Q So essentially you had an application, or you put an application in with the DEA --

A Correct.

Q -- and they reviewed that application?

A Yes.

Q And it gave you approval to purchase these drugs?

A Correct.

Q So essentially it's a license --

A To purchase the drugs, yes it is.

Q -- to purchase drugs. And the -- while you were the -- the supervisor at the individual labs, they were the one who did the application, correct?

A Correct.

Q And the application was in their name?

A Yes, it was. But it was ----

Q But it's for essentially the entire laboratory?

A Yes.

Q So you were the point of contact?

A Correct.
Q And in -- now, you used standards because you have to test the known versus an unknown?
A Correct.
Q And a standard, the primary standard, was that known --
A Yes.
Q -- material that was either heroin, cocaine, marijuana, LSD or the other drugs that you had indicated?
A Correct.
Q And when you would -- and would you as the lab supervisor, would you order these drugs?
A Yes, I would.
Q And would you order them directly from the company?
A If possible. Sometimes I couldn't because of their state's requirement that you go through a state certified vendor.
Q And in your time as not only as a chemist but as the supervisor of the lab, how many of these primary standards of different various substances did you have in the lab stored?
A I would say a 100 to 200. We had -- a lot of were Class E, a lot of them were steroids. But you know,

probably closer to 200. I had -- it was all computerized, all on a sheet of all the samples we had.

Q And did you frequently do inventories of these primary standards?

A No, not until the DEA, until we got a new license and then I did the inventory. I never was told that we're supposed to do it twice a year.

Q And where were these primary standards stored?

A Primary standards were in a cabinet and it was accessed through, you know, a little key. And that was in the main lab for a while until they renovated, then we moved that after we got the new DEA license into the evidence lockup where -- and limited access, just me and Sharon because that was recommended by the DEA.

Q And this cabinet, especially when it was in the general lab area was simply essentially a large file cabinet with two doors?

A Correct.

Q Several shelves in it?

A Yeah, with a key access, that's it.

Q It was key access. And it's fair to say you had access to that cabinet?

A Yes, everybody did basically.
Q So everyone at the lab if they wanted to get into that standard ----
A We had a key we set aside in the evidence lockup and that's where anybody could have went and got the key.
Q Okay. And in terms of the laboratory, this cabinet was away from the testing benches?
A Correct.
Q So if someone were to be inside that standard file cabinet, if you were at your work bench you couldn't necessarily see that?
A No, not at all.
Q And now you talk about these standards. What form were they in?
A Most of them were in powder. Some were liquids. For the 95 percent were powders, salts of the actual samples.
Q Okay. Now I had indicated you would use this known substance, the known drug to test it against the unknown police sample that was being submitted to you?
A That is correct.
Q Can you tell the grand jurors that process? How would you use that primary standard in your testing,

specifically?

A We ran it against the unknown. We always ran a standard against the unknown, so. We had standards made up, maybe 20 standards at a time in the refrigerator with limited shelf life. So you would have to routinely make, you know, new standards. We kept them in one -- one and a half to two milliliter vials, maybe a one ml of solution with one to two milligrams of sample.

Q And every chemist would have that at their workbench?

A No, that was accessed in the refrigerator in the back. And anybody -- any chemist could go in, that refrigerator was not locked.

Q And if they were testing certain drugs, say if they needed -- they believed it was a cocaine sample, they would go get some of this cocaine standard. And now when they got that cocaine standard what -- what type of machinery were they using to test these drugs?

A That would be used -- we always ran a cocaine/heroin standard on the g -- the gas chromatograph was the first test you did, that was a preliminary or a presumptive test.

Q Okay. And explain to the grand jurors what a gas chromatograph is and what it does.

A A gas chromatograph is a -- it's a -- there's a hollow column maybe 100 feet long. The sample is introduced into the column, it passes through the column. As it passes through the column it's separated into its components. Like usually cocaine is mixed with sugars, with other adulterants, and it separates it. As it passes through the column it enters a flame ionization detector and what is shows is a peak on a -- well, most cases it was a computer, if you get a peak where the sample came out. The time at which is called the retention time of that sample and that -- and you compare that standard with your unknown. If the times matched, that was presumptive that this is what you had. For instance, cocaine would have, you know, certain retention time and the standard would have the same retention time.

Q Okay. Now can you explain the next step? If it was believed to be cocaine, for example, or if it was not believed to be cocaine; what would the next step of the chemist be?

A If it was cocaine, now you would move it to the mass spec.

Q And what is the mass spec?

A The same principle with the oven separating the

samples, but instead of having the flame ionization detector you had a mass detector, and what it did was it broke the sample down, the molecules down into fragments. These fragmentation patterns are highly specific for their drugs and stuff, so you can -- by looking at fragmentation pattern you not only can tell what exactly what drug it is but you can basically confirm that that's what it is. It can't be anything else but that drug.

Q Were there any other tests other than those two that you would run on the drugs?

A Cocaine we always did a crystal test to prove, it was the L isomer.

Q And when you say "L isomer" what do you mean by that?

A Under Massachusetts State Law it's -- it lists cocaine as having to come from the cocaine plant. There's two forms of cocaine, L and D. L is the only form that comes from the cocaine plant. So we had to prove that it was L cocaine. And that's just -- L and D, it -- you dissolve cocaine in a solution and it rotates light in a specific direction. That's why they get -- lever rotator and dexter rotator is what the L and D stand for.

Q Okay. Now in this process would the chemist be

weighing the drugs?

A You weighed the drugs when they came into your station. You weigh them, you'd get a net weight of the amount of sample you had and that was reported on your -- into your system with your little index cards you had.

Q And would there be any weighing done prior to the test being done?

A When a sample came to the lab it was weighed, but it was weighed in the plastic bag. When the chemist got the plastic bag, he re-weighed the plastic bag, make sure it matched. We allowed, you know, some discrepancies for water loss or water gain depending on the type of year it was, but you had to be within certain percentage of that weight and it was then -- it was okay. Then you opened it up, then you weighed out what was inside and then you determined the net weight on the sample.

Q Okay, so now moving forward. After the weights were done, the two tests were run, what was the next thing the chemist would do.

A They'd seal the sample back up into the container it came in, seal into a plastic bag, initial the plastic bag and return it to the evidence officer, if they

complete it that night. If it wasn't complete they'd put it back in their safe and it would stay in there until the next day maybe when they'd return it to the evidence officer.

Q So each chemist had a small safe at their work station?

A No. There was two safes in the room and we shared them.

Q So every chemist had a shelf say?

A Basically, yes.

Q And when a chemist would get a certain group of samples to test, about how many would they receive?

A I'm thinking maybe 10 to 15 at a time.

Q And about how long would it take the average chemist to get through that 10 to 15?

A It depends on the difficulty of the sample. If they're very simple you could get through those in one day. If they're more complicated, they're like, you know, multiple packets, thousand packets, it might take two or three days to get through them.

Q And so you had indicated in previous testimony that these samples were never checked back into the evidence officer, that they were left in the small safe within the lab?

A Right, until the analysis was completed and then they were checked back in with the evidence officer.
Q Now was that a locked safe?
A Yes, it was.
Q And every chemist there had access to that safe?
A That is correct.
Q And all the chemists -- so it would be perhaps if you were testing drugs, your drugs or your alleged drugs, any alleged drugs that Sonya Farak had, and any alleged drugs that Rebecca Pontes had, correct?
A Correct.
Q It would all be in that safe?
A Yes, they would.
Q Now after the test was completed, what type of paperwork did the evidence officer generate?
A Okay, the -- with the sample you had an index card and you filled in the information on that; what the sample was, how much it weighed, how many bags you tested. Return that to the evidence officer. She would generate a certificate of analysis which would follow the drugs back to the area police departments and that's what was returned. The sealed plastic bag, a certificate of analysis all went to the police department. They would come in, they would sign for

it, Sharon would co-sign for it and it could be returned.

Q And that was a similar process when it came in?

A Exactly.

Q An officer would bring it, sign it in? Sharon, the evidence officer would sign it in?

A Weigh it, sign it in.

Q And they'd be given a receipt of those drugs?

A Correct.

Q And what did the certificate of analysis say?

A It basically stated what the drug was composed of. It would give the weight, you know, the sample was found to contain cocaine. It would list the sample number on it, the results of the test, the weight of the sample, signature of the analyst, signature of the notary, the date it was complete -- the analysis was completed, the date the sample came in, that's about it.

Q And who got a copy of that certificate of analysis?

A The police department when they received their drugs.

Q And every drug that came in was assigned a certain sample number, correct?

A Correct.

Q And after the test was completed and all that

paperwork was finished, including the certificate of analysis, what, to the best of your knowledge would Sharon do with those drugs?

A She would lock them up in the vault.

Q Would she ever contact the police department to indicate they were done or ----

A No, not unless they requested it. Ninety-nine percent of the time they didn't. They usually had a routine. Springfield, for instance, came in once a week. Holyoke came in maybe once to twice a month. So they were always coming in. The smaller towns might not come in for three or four months, but if they needed it they could always call to see if it was ready.

Q I'm going to go back to the talk about primary standards. And we're going to use a couple of examples in terms of price. How much would a typical cocaine standard cost the lab?

A It depends on the size. Usually -- usually around $100 for maybe a 10 milligram vial.

Q And how long would 10 milligrams of a cocaine standard last you?

A A few months, maybe a month. So what we did was we used secondary standards in that case.

Q Okay. Now, you say secondary standards.
A Correct.
Q Explain to the grand jury what secondary standards are?
A A secondary standard is, after we confirmed a sample that was given to our department from the police departments by a primary standard, we would take some of that leftover sample from a trafficking case. We'd always have a little leftover from all the tests we did, and that would be used as a secondary standard. We always ran -- every time we ran the gc or the mass spec we always ran a cocaine and heroin standard and that's why we consumed a lot of cocaine and heroin. That's why the 10 milligrams would only last a few weeks probably.
Q So of all the samples coming into the Amherst lab, the primary ones, or the ones you saw the most were heroin and cocaine?
A Yes.
Q Now in terms of talking about secondary standards, you would manufacture these secondary standards at the lab when you ran out of that primary standard?
A Correct. That is correct.
Q Now can you walk through with the grand jurors how

you in fact would manufacture a, say for example a cocaine standard?

A Cocaine, I would take excess sample from a large trafficking case. We always had leftover samples. What I would do is I would extract that, I would purify it, would retest it to confirm it was a cocaine against the primary standard and then it was used as a secondary standard. I would take that with heroin that I got the same way; clean it up, get rid of everything out of it and then use that as a secondary standard, combine the two and that was what was injected into the gc and the mass spec as our standards.

Q So that would be injected, the secondary as opposed to the primary --

A Correct.

Q -- which came directly from the lab?

A Correct.

Q Now, when you say "clean it up", explain to the grand jurors what you mean by that.

A Heroin is never very pure, so you'd have to do an extraction process, so that's where the solvents came in. You'd have to mix it. We used to use 2.8 normal hydrochloric acid and chloroform extract and get rid

of a lot of the contaminates. Then you'd back-extracted it to purify it up, then you would crystalize it out and then you got your standard.

Q Now, you say they had adulterants in them.

A Correct.

Q Now, so is that -- is it fair to say like as in the case with heroin and cocaine, certain cutting agents?

A Correct, adulterants and cutting agents, yes.

Q And your goal was to extract those --

A Get rid of it, yes.

Q -- to get the purest form of the drug?

A Correct.

Q Because that's what you were getting in the primary standard --

A Correct.

Q -- you were getting what was certified as absolutely 99.9 percent pure?

A Correct.

Q And do you think in terms of -- how did you know that what you were manufacturing as a secondary was in fact pure?

A We always ran it. It wasn't -- sometimes it wasn't, you know, as pure as the primary, but when it went through the machine it was always indicated that that

was exactly what it was. It might have been a little, you know, co-contaminants we couldn't get rid of all the time, but it wasn't a problem as a standard because it never interfered with the sample itself.

Q Okay. So in your training and experience it's your belief that the secondary standards were almost as good --

A Correct.

Q -- and if not the same as the primary standard?

A It was standard laboratory procedure when I entered the laboratory field to make secondary standard from primaries, because primaries are very difficult to obtain, especially heroin. It's illegal to make it, so I was -- they would have very small runs where they make heroin.

Q Now did you ever discuss this with anyone else at the Amherst laboratory?

A Yeah, through the years we've had to make our own heroin from morphine when we had problems getting -- obtaining standards.

Q So this is something that Allen Stevenson, your former supervisor did?

A Yup.

Q And is it fair to say perhaps even his former supervisor?
A Oh yeah, it was a common practice. Even when we were at the state police, they still used marijuana samples as their secondary standard because they -- again, it was difficult to get because it's not -- you know, it's illegal or it was when I was there, so you couldn't get primary standards without great difficulty.
Q And it's fair to say that Sharon and Rebecca and Sonya all knew that you were doing this?
A Yes, that is correct.
Q And when you manufactured this sample, did you place it in the refrigerator or the locked cabinet?
A The refrigerator.
Q And why did you place it in the refrigerator, the unlocked refrigerator?
A Because it was a -- they don't last that long. When they dissolve in solution they maybe have a shelf life of maybe three, four months and it will go bad. Especially heroin, it will break down into aminocide, heroin and morphine on prolonged exposure to solvents.
Q So but if you ordered a primary standard from a DEA

laboratory, DEA approved laboratory, it's fair to say that would last longer than the one that you manufactured?

A Right, because you would -- it would be in its pure form, you wouldn't dissolve it into the solvent, only a little bit at a time as needed. So, and it's a powdered form, it could last, not indefinitely but quite a while.

Q How long did your manufactured secondary standards last?

A It depends on how often they were left out on the bench, or, I mean sunlight would hasten their degradation. I would say a good time, you know, maybe three, four months probably at the most we'd get out of it and then we'd start getting interference in the peaks and we'd have to make a new standard.

Q And when there was some type of problem with the test because perhaps the secondary standard was breaking down, who would alert you to that?

A Either Rebecca or Sonya, and then I would make new standards.

Q And when you made a standard what type of sample, police submitted sample did you look for to

manufacture a secondary standard?

A Large trafficking submissions. We always had -- just because of the nature of the sample you always had a little left over. We were doing quants on it and you needed a certain amount, especially if there were multiple containers you might want to get a well-mixed up sample so you'd take a little bit from each container and you'd get a homogeneous mixture and that could be what we'd use. We only needed maybe 25 milligrams of coke and maybe 50 milligrams of heroin to do a really fairly accurate analysis under gc. So anything leftover, that's what I would save and use as the secondary standard.

Q And because these were unstable, that's why you put them in the fridge?

A Correct.

Q Was there anything else, sir, in the refrigerator outside of the secondary samples?

A There was primary standards. Some primary standards required refrigeration. Mostly something like LSD, that broke down rapidly, plus under light it will break down accurately. Most of the testosterone derivatives, the steroids, a lot of those were liquids and those had to be refrigerated too once

they were opened.

Q Now, what type of bottles were these stored in?

A Usually small vials, maybe -- there's usually up to about 10 milligram vials, sometimes more, but that was basically 10 milligram vials.

Q That was the average. Can you give an example of something that you would have more of?

A Cocaine. You could get that at -- you could get maybe up to a gram of that. You could get quite a bit of that. Certain oxycodone, you could probably get 100 milligrams. Methamphetamine probably not, maybe 10. LSD, very little bit, you know, one milligram at a time. Silicin, one or two milligram vials at a time.

Q And it's fair to say that some of the standards that you had, some of the primary standard were in fact very old?

A Yes.

Q About how old were they, some of them?

A Some of them could have been 20, 30 years old. They, you know, the shelf life is indefinite providing its kept in a dark and you know, air conditioned place and stuff, so it's not so bad.

Q Were all the bottles or the vials, were they all

clear or were they dark?
A All were dark for the most part, 99 percent.
Q Now did you ever discuss, outside of Sharon Salem, Rebecca Pontes and Sonya Farak, did you ever discuss the manufacturing of secondary samples with anyone else in the Department of Public Health.
A Well, they knew I was doing it down in Boston because I -- I believe they were doing the similar thing. One of the chemist came out and we -- I made some heroin for him at one time.
Q And did that individual bring it back to the Hinton Laboratory?
A Yes, he did.
Q Do you remember what that individual's name was?
A Paul Servizio.
Q Now, did Charles Salemi, who you had mentioned earlier in the Hinton laboratory, was he manufacturing standards to the best of your knowledge?
A Not that I know of. I have no idea. He was -- the job was mostly left to Pete Piro. He was the one who was the head of the mass spec section and they were the ones that used the standards, so he was in charge of all that.

Q And did you ever have conversations with Peter Piro about manufactured secondary standards?
A No, I don't believe I did.
Q What was his job at the Hinton laboratory specifically?
A He was head of the mass spec and all the instrumentation. So he basically maintained all the instruments, ran all the mass specs. At one time all samples were sent to him and a coworker to run on the mass specs, but after the Melendez-Diaz decision we had to go back to -- each individual had to do his or her own samples, just complicated -- too much complication incorporating three or four chemists in for one particular case.
Q Now did Julie Nassif, did Julianne Nassif, did she know about the manufacturer of secondary standards?
A I'm sure she did, yes.
Q Did you ever have a conversation with her in regards to that?
A Yeah, I -- you know, sometimes we told her we couldn't, you know, couldn't purchase drugs so we used secondary standards.
Q And what was her reaction to that?
A It was accepted practice, it was fine.

Q Now it's fair to say this wouldn't be an accepted practice in an accredited laboratory, correct?
A No, the state police still used to use it.
Q But moving forward, at this time right now, an accredited lab would never make secondary standards?
A No, probably not, no.
Q Now can you explain to the grand jurors what an IR test is?
A Infrared spectrometry. It's a -- that test requires a drug to be very pure. That means you'd have to extract it using the solvents, get it as pure as possible and then you put it in a -- it's a infrared spectrometer, it's a very small beam of a laser light, hits the sample, it's on a diamond prism, it's pressed in place and then as it -- the infrared light passes through certain wave lengths are absorbed and certain ones are not. And that spectrum is, you know, 99 percent positive for that particular drug. It doesn't distinguish isomers. It doesn't distinguish optical isomers but it distinguishes other isomers, as in L and D cocaine, an IR will not distinguish L and D cocaine, both spectrums are the same. But it is cocaine.
Q Now, in your training and experience, is this an

important test?
A Yes.
Q Was it employed at the Amherst laboratory?
A It was for years until we almost fully automated and used the mass specs. The only time we used the IR in recent years was for confirmation for federal cases for the crack cocaine which is a simple test to you, it was rapid and that proved by a quick extraction with petroleum ether, it proved that it was the free base and that's what the federal court system wanted to know.
Q Did you frequently test federal standards at your lab?
A Well, Postal Service, I would say four or five times a year maybe.
Q And you knew it was a federal sample --
A Yes.
Q -- because they would ask for that specific crack analysis?
A Yes, correct.
Q What type of paperwork would you generate above and beyond what you would originally do in terms of certificate of analysis?
A It would be the same specific analysis, it would just

distinguish that it was cocaine in the free base instead of cocaine.

Q Would any of the other chemists at the lab, were they trained to manufacture the secondary standards?

A I mean they could. It wasn't that difficult to do. I know Sharon could do it because when she started there, she started maybe mid to late '80s so we were -- back then we used to do a lot of the clean-ups because we used to do a lot of confirmations with IRs so she was, you know, she knew how to do it if she had to.

Q But Sharon, when you were the supervisor, she wasn't doing any tests at all?

A Yeah, at the beginning she was, then we lost our evidence officers. She worked the bench right across from mine.

Q Now when you say very large, when you would manufacture standards from very large police submitted sample, how large are we talking?

A Oh, geez, you know 40, 50 grams. We've had up to 500 grams. We've had kilograms come in. Three or four kilos so you might want to get a little bit of each one so you'd have a little left over. Heroin, I don't think we've had -- coke we've had, you know,

multi-kilogram submission. Heroin, probably kilogram was the most we've ever had. But a lot of times heroin would come in in what they call fingers. What they were were rubber gloves and the heroin was poured in there when it was wet and then it was dried and they were sealed up and they looked like sticks of chalk when it was dried up, and that's what they would come in as. And we sometimes would maybe get 50 or 100 of them. So you'd take a little bit of each one -- not each one but a random sample and anything left over would be used for your secondary standard.

Q Now at the laboratory at Amherst were there any sort of reference materials that you had? Do you have a library there?

A Yes, we did.

Q And what was in that library?

A We subscribed to the Microgram which is a DEA publication that comes out monthly. We've subscribed to that since its inception. I think it was probably the late '60s, we had ever Microgram, all 12 every year. And they recommended procedures on how to analyze different drugs. We also had extensive library on the mass spec which we purchased and we

also had books we got from, I believe it's Excelsior Press, they did a lot of drug books on hallucinogens, on steroids. So we had -- we did have, you know, maybe -- Microgram, there must have been 40, 50 volumes of Microgram and probably we had 20 to 30 other reference books at our disposal. Plus we had the UMASS library which anybody could go over and access it.

Q So give the grand jurors an example of when you would have to access that laboratory? I mean that library, excuse me.

A Well, you know, prior to -- before we had a mass spec which the libraries are maybe over 100,000 drug samples in a library in a mass spec, we had a very small library on the IR. So what we'd do if we were stuck with an unknown, we'd go to the UMASS library and they have a -- the research industry publishes Irs on just about every chemical so you could look it up and find out for sure what it was.

Q Did the machines itself, the gas chromatograph and mass spectrometer, did they have a library within electronically?

A The mass spec did and the IR did but it was limited. It was a library produced by the Georgia State Crime

Lab on the FTIR and it was limited.

Q And what would that be used for in terms of the machinery?

A Normally, like I said we -- IR we only used for confirmation of the free base, so it wasn't really -- didn't really use it for unknowns. Unknowns, because of the size of the library on the mass spec of, you know, over 100,000, probably a few hundred thousand, that's the one we primarily used to find out what something was.

Q In terms of getting these reference materials, you'd only get them if the budget allowed for that, correct?

A Correct.

Q So there was some gaps in time where you wouldn't be subscribing to such periodicals?

A Right. We used to get the -- I can't even think of it now but that was dropped because of cost. The Journal of Forensic Science, we subscribed to that for maybe 10 years or five years and then it was dropped because it was prohibitive in cost to the department.

Q And when you say the department, you mean the Department of Public Health?

A Public Health, correct.
Q So, in terms of libraries, these machines itself would keep a library within itself of Class A substances which are heroin?
A Heroin, correct.
Q Now, Class B substances would be cocaine?
A Cocaine, correct.
Q Any other type of Class B substances that you can think of that you ----
A Methamphetamine, you know, oxycodone. Most opiates are Class B.
Q Class B? And also Class C substances, can you please give an example of a Class C substance?
A Class C would be like MDA or -- there was not many Class C's. Oh, all the diazebenzopines [sic]; Valium, all those, Clonazepam, those are all Class C's.
Q Now what is MDMA?
A Methylenedioxyamphetamine. Big word.
Q And what is it's most common form that how it would be consumed?
A It was in a powder or a pill, or a pill sometimes. That's what they use at the wave parties or whatever.
Q So it's fair to say these are club type drugs?

A MDA, MMDA, yes.
Q Give an example of a Class D substance.
A Marijuana.
Q Class E substance?
A That would primarily -- most Class E's we did not analyze. If it was a Class E we did it -- we compared it to a library picture of the drug, a picture of the sample and it was so worded on the certificate. This sample was identified by visual identification, it wasn't -- we didn't perform any analysis on it, with the exception of steroids. Because there were so many steroids out there we did confirm the presence of the steroid present as a Class E.
Q And what type of -- how would you identify that pill? Were there any markings on the pill or anything like that, colors?
A Yes.
Q Can you please explain?
A Well, for instance, oxycodone, it was one that was mixed with acetaminophen, it was five milligrams of oxycodone and 325 of acetaminophen and it was marked -- it was a white tablet and it was marked 514. So we'd -- that would be something we would look up,

know what it was. Just any other things might be, for instance ibuprofen over 800 milligrams is a Class E. So we'd look up the tablet, it's over 800 milligrams, we'd say okay, that's what it is.

Q Now in terms of Class E substances, what if that Class E substance wasn't -- what if you received a pill for example and it wasn't in the book?

A We'd have to analyze it.

Q And how would you do that?

A Same thing; gas chromatograph to be a preliminary test, figure out the retention time. We'd compare it to standards or we had a book that listed retention times, we'd compare it to that. If that didn't give us an idea we'd run the mass spec on it and with the vast library of the mass spec, 99 percent of the time we'd get something. If we didn't get anything it probably wasn't a controlled substance anyways.

Q So in terms of -- was there any collaboration between chemists in the discussions about certain Class E substances?

A Yes. When somebody was stuck on a sample they'd either discuss it among themselves or else they'd come to me. And if I was stuck on it I would check with, you know, Boston, with Peter Piro and the

ultimate, we could always submit the sample to the DEA for analysis, which we did very rarely because usually it was nothing.

Q So in terms of -- it's fair to say that information would be exchanged between chemists saying oh, I believed that it was a Class E substance?

A Correct.

Q And at sometimes, sometimes a chemist would just go with that, correct?

A Yes.

Q And that's just -- why would they do that?

A I would just -- it was easier that way. I mean we -- the Class E's, it took a lot longer to analyze Class E's because a lot of them, they don't gc that well, they don't mass spec very well, so you had to do more complicated tests. So that's -- plus time constraints, plus the penalty in Class E's was very minor. So somewhere up top, it wasn't my decision, decided that we were going to analyze Class E's by visual examination only.

Q And it's fair to say that sometimes a Class E substance wouldn't be contained within 94C which are the General Laws concerning drugs?

A Correct.

Q So there could be a situation where a chemist could ask another chemist, "Is this Class C?" The other chemist could say, "Yeah, I think so." And that would just be marked up as a Class C and the certificate of analysis would be created?

A Yes. What I used to like to do was look up in the PDR, try to find it. We had a lot of PDRs. We had maybe 30 volumes of PDR. Every year we had a copy, and also the Merck index will list if it's an Rx or not. If it's an Rx that means at one time it was controlled under the Federal DEA Act, so we would therefore -- because it wasn't listed on another schedule in Massachusetts it's considered a Class E.

Q So sometimes -- and the bottom line is no tests were ever run usually on Class E substances and there were some times that it would be confirmed a Class E substance simply by word of mouth --

A Correct.

Q -- from one chemist to another?

A Correct.

Q And in terms of if -- it's fair to say Chapter 94C of the General Laws of the Commonwealth, they list drugs that are within that Class, A, B, C, D or E?

A Everything except E.

Q And can you explain why is that? Or in your knowledge, your training and experience, why that is?
A Because Class E's, there's probably 10,000 maybe Class E's out there. It just would be impossible to list them all. Those are the ones that come in the market all the time so it would be impossible to stay on top of that. So that's why anything listed in the A, B, C, D is drugs that have been around. And they do add them occasionally to those lists.
Q When you say "add", who does that?
A State Legislature has to do that.
Q Would there ever be a circumstance where it wouldn't be listed in the Chapter 94C of the General Laws but may be listed in the Federal Laws?
A That's correct. We had a lot of -- first when the bath salts came out, we had those, the synthetic marijuanas, they were not listed. Some of the -- well, that's basically it. So they took three or four years maybe to get those listed. So if we received any of those samples what we would do is, we'd return the samples to the police and attach a note saying "possibly federally controlled." And that's all we could do. We had no standards and it wasn't controlled under the jurisdiction of

Massachusetts.
Q That's what you would do, right?
A Correct.
Q But it could be some other chemist would, fair to say maybe take it on their own and maybe just charge it as a Class E?
A Yeah, that's possible, yeah.
Q Is there any instances of you knowing that to happen?
A Yeah, I think there was something with -- oh, geez. No, I can't remember. There was a few times it did happen. There was a couple times things were a gray area. I think one of them was with the buprenorphine. At one time that was going out as a Class E because -- and then we found out no, it's a B, so we did more research on it. Because it was a couple of drugs listed in it, but that was changed. And there was a few of them, like MDMA with PCP. There was a couple of them that, some people thought PCP was a Class E and others said no, it's not. But eventually it ended up being controlled by the Federal Government, so.
Q So there was no procedures really set forth by the Department of Public Health how to deal with these Class E substances?

A Very roughly.
Q So it was fair to say it was really the chemist and that chemist's call a lot?
A Right, correct.
MR. CALDWELL: We're going to go off the record now and just take a very short five-minute break.
(Break)
MR. CALDWELL: Back on the record. Thank you, ladies and gentlemen. This is a continuation of the investigation into the Amherst drug laboratory and the Department of Public Health and I'm continuing my questioning of Commonwealth's witness, Mr. James Hanchett.
Q Mr. Hanchett, just one additional question specific to the machinery, the gas chromatograph. Can you explain to the grand jurors just exactly how that piece of machinery works?
A You take a vial, a one and a half to two ml vial, put your sample in it, dissolve it in solvent. You put it on top of the gas chromatograph. There's a robotic arm, it will pick it up, brings it over to the injection port of the gas chromatograph, a syringe enters the vial, takes a sample out, injects it into the gas chromatograph. Now that gas

chromatograph is that column, 100 feet long, very -- it's very very thin, just about thinner than a hair, and the sample passes through the column, it's separated into the base, its constituents. As it comes out of the column it enters the flame ionization detector, it's detected in there and the output of that is retention time and that is compared to a known standard.

Q And that known standard, that primary standard is already in the machine?

A Correct.

Q And as would the case be if you had used the manufactured secondary standard?

A Right. Would be the same, yes.

Q And about how long does that process take?

A Most runs last -- 95 percent of the runs last 10 minutes. There's a two minute cycle in-between where it cleans the syringe out, cools the oven temperature down to a near ambient and then it starts the process over again for the next sample.

Q Now can you explain for the grand jurors the mass spectrometer and what that machine does and how it operates?

A The exact same thing as the gas chromatograph. The

sample is introduced the exact same way. Instead of the flame ionization detector there is a mass detector. What it does is it ionizes the molecules that comes through, breaks them down -- breaking them down into their fragmentation pattern. And the fragmentation pattern is highly indicative of what drug it is. It's almost like a fingerprint. No other drug would have the exact same pattern.

Q But now is there any type of standards in this machine?

A Exact same kind. Primary standards or secondary standards depending on the sample we ran.

Q Now, at any one time would one machine have a primary and the other have a secondary?

A A lot of times it always had secondaries because of the difficulty obtaining heroin in enough, a large enough quantity to run it daily. And we had three mass specs, three gcs, so it consumed quite a bit of sample. It was a one milligram injection every time, but every time it went to inject it it would rinse the sample out five times, so that would discard five micro liters out every time. So that's why we went though a lot of standard, primary and secondary.

Q Now, you know when I say "you're running a blank";

when I say that, you're familiar with that term?
A Yes.
Q Now, can you explain to me what a blank is in terms of this testing?
A After we ran the standard we'd run a blank to insure that there was no carry over. Some instruments are prone to carry over, especially when they're dirty, samples are overloaded, and that could interfere, possibly interfere with your sample.
Q Okay. So would the lab run these blanks to clean the machine out?
A Not -- it wasn't -- it had to run it after the standard but it depends on the individual. Some would run it -- I know some labs run it after every sample. We never did. We'd go five, maybe 10, up to the individual. There was no set pattern. But through my experience as a chemists for over 40 years, I could recognize when the carry over was from sample previous, in other words contamination of the sample. The peak broadens and it's a lot smaller, so you can tell when there's carry over or contamination. So it wasn't a problem.
Q And at your time in the lab when you discovered this, you would then run a blank?

A Yes.
Q Now in terms of the standard working group and accredited forensic laboratories, it's fair to say that they run a blank after ever sample they run as opposed to standard; is that fair?
A A lot of labs do. It's not required. These are only recommendation guidelines. It's not -- I don't believe it's required to run a blank. Some do. Our Boston lab did, after every five samples they ran a blank. The state police did it after every sample. And our Boston lab at one time did every sample, but you know, time constraints. It took 10, 12 minutes every run to get nothing accomplished. So then making sure there's nothing being carried over from the previous test.
Q And you did have the opportunity to work at the state police lab after --
A Yes, I did.
Q -- the Department of Public Health?
A I worked there for a couple years.
Q And fair to say that they ran a blank after each and every sample they ran, not standard?
A That's correct.
Q Now was this similar operating procedure at Hinton?

Did they run blanks after every sample?
A Every fifth.
Q Every fifth.
A They changed. They used to do every sample, but again, it was time. They went to every fifth.
Q And your testimony was at the Amherst lab was between every five to 10?
A Ten. It's really up to the individual. You know, I mean, like I said I -- my experience, I could distinguish between carry over and so I wasn't really worried about any contamination or any wrong, you know, results because of it. You could tell the difference.
Q So you would leave that up to the chemist doing the test?
A Correct.
Q Rebecca Pontes or Sonya Farak?
A Correct.
Q And they did the majority of the testing at the lab?
A Yeah, probably three quarters of it they did.
Q And now did you -- did you train these individuals?
A Sonya was trained at the Hinton lab and Rebecca was trained by me -- primarily me and Sharon at the Amherst lab when she started.

Q And Rebecca Pontes was trained when you were a chemist?
A Yes.
Q Now you said that Sonya was trained at the Hinton laboratory. In your knowledge, were the processes and the procedures for testing narcotics, alleged narcotics, different at Hinton than they were at Amherst?
A No, they were the same. Their guidelines had to be SWIG requirements. That means you had to do a preliminary and a confirmation. Well, their preliminary tests were color tests where ours were the gas chromatograph. Their confirmation was either IR or mass spec, the same as ours.
Q And how many people did they have working at the Hinton Laboratory, if you know?
A Maybe 10, yeah.
Q Now the chemists was assigned a police submitted sample or samples; did they do all the tests or only a portion of the tests?
A After Melendez-Diaz they did all the tests. Prior to that they would sometimes break up the samples. One person would get the white powders, one person would get the marijuanas, one person would get the pills.

They stopped because then you'd end up in court with six chemists at one case, so we couldn't do that.

Q And when you say that there would be one chemist that would do say a spot test, a preliminary test?

A Correct.

Q And then would he then hand it off to another chemist who would run it through the gas chromatograph? Is that what your testimony is?

A He -- yes, he would do the preliminary test, the color test. He'd put it in a vial, give it to another chemist to do the mass spec. But after Melendez-Diaz, that stopped and that chemist had to follow through with all the tests, him or herself.

Q And the head of the gas chromatograph portion of the Hinton laboratory was Peter Piro?

A Peter Piro.

Q And at the Amherst laboratory it was always the case that that chemist did all the tests?

A Correct.

Q And not only the preliminary tests but the gas chromatograph, the mass spec --

A Yes.

Q Crystalline tests, anything like that?

A We'd try to give it, same defendant, that one chemist

would have every sample so it wouldn't -- you know, it would cripple our lab if two or three people had to leave to go to, you know, one trial.

Q Now, would -- when Sonya first arrived at the lab, did you have any influence in her being hired?

A None whatsoever.

Q Did Allen Stevenson, your superior at the time, have any influence on her hiring?

A No.

Q Did you know she was coming to the lab when she first arrived?

A Yeah, I believe Allen told me that we were getting a transfer from the Boston lab.

Q Now, at this time you were actively testing samples every day, correct?

A Correct.

Q So you were in the lab every day?

A Yes.

Q And it's fair to say that your work station was right near Sonya Farak's?

A Yes.

Q Approximately how far away?

A Me to the wall.

Q So say maybe about 12 feet?

A Yeah.
Q So you had occasion to make observations of her person every day, correct?
A Yes.
Q Now, from your perspective at your work station, did you notice Sonya Farak doing anything different than the other chemists?
A No, not until right toward the end. I never noticed anything.
Q Okay. So in terms of her weighing and doing any other tests, any observations you made of her were very similar to the procedure in which you were doing the tests?
A Yes, correct.
Q And was there anything unique that stands out in your mind that she did that maybe you didn't do or ----
A She did more color tests which we still occasionally did color tests, but most of the time we didn't bother. Like I said, the gc was preliminary and plus it gives a permanent record whereas a color test is just your statement that, "Well, it turned out purple." Heroin turns purple so that was one of the color tests she'd use.
Q Now as a new chemist coming into the laboratory,

would you as a supervisor or your supervisor, Mr. Stevenson, assign them any particular types of samples?

A A new chemist?

Q A new chemist.

A Yeah, you'd start them off with -- we'd train them for a month first doing research, looking up the, you know, the structures of drugs, the testing procedures. So them getting familiar with that. After a month they would be working with another, a more senior chemist, and we'd start them off with the simpler stuff; marijuana, go up to the top pills and the powders afterwards. For usually about, almost up to six months you'd be shadowing the more senior chemist. They would be signing your certificate of analysis and after that you'd be a certified analyst and then you would handle your own. But usually the first year or two you wouldn't do any trafficking cases, the larger cases until you're a Chem II and then you would handle the larger cases.

Q So it's essentially like on-the-job training --

A Yes.

Q -- that the chemist goes through?

A Yes.

Q But at this point Sonya didn't go through those steps when She arrived at ----

A No.

Q She had already been fully trained at the Hinton laboratory?

A Correct.

Q So when She came in she was able to do just basically hit the ground running --

A Yeah.

Q -- and do all different kinds of drugs?

A Right. Basically, a few things we did differently, just you know, showed her what we did differently, using the gc instead of the color test and that was all.

Q And when she arrived, did she kind of -- did she abide by the way you did things at the Amherst lab?

A Yes. Oh, yeah.

Q So she never kind of -- she never continued her things from Hinton?

A Her notebook -- her letter and notes were done the same way they did them in Hinton but you know, -- your notebook was your own personal, you know, you know, you know, property. So we didn't, you know, there was no specific way you had to enter your

samples. You just had to put your sample number down, the results of the test. The test you did and results.

Q There was no specific procedure in place for that lab notebook?

A No.

Q And that you entered, handwrote all the samples that you touched in that lab notebook?

A Yes, that's correct.

Q And that lab notebook was also subject to discovery, correct?

A That is correct.

Q So sometimes it's fair to say an assistant district attorney would request those lab notes?

A Yes, that's correct.

Q Did you ever have the opportunity as Sonya's supervisor to observe her lab notes or check them?

A Yes, I did.

Q And how frequently did you do this?

A The only time is -- you'd do that is if you get a phone call for say Springfield PD. We need the results on such and such sample. Well, whose got it? Sonya has it. Well, Sonya's not in, she's in court. Then I'd go to her notebook, look it up. Okay, it's

completed, it just hasn't been written up yet, the results are cocaine or whatever she has in there.

Q Okay. And you had easy access to that notebook, correct?

A That's correct.

Q And you had easy access to the work stations?

A Yes. No locks on the work station.

Q So everything was available to you as a supervisor to look over?

A Correct.

Q It's fair to say you didn't really do that frequently?

A No.

Q In terms of output of the chemists, how would you term their output on a monthly basis in terms of the tests that they completed?

A I would say they probably did between 2 and 3,000 thousand a year, so you know, 2, 250 a month. You know 2 to 250. It depends on the complexity of the sample. I mean, I was probably more on the 100 to 150 side and they were more in the 2 to 300 side. We analyzed approximately 6 to 7,000 samples a year in the Amherst lab.

Q And did you notice anything peculiar about the output

of either Sonya Farak's work or Rebecca Pontes, the other chemist, her work?

A Starting in the late summer, early fall of 2012 Sonya's production dropped. Her condition of her laboratory bench was -- she used to be very meticulous and it was, you know, getting messy. Stacks of papers not being filed properly and stuff. I could see something deteriorating in her habits.

Q And you say that was late 2012?

A Yes, 2012.

Q Prior to that, her output, is it fair to say it was essentially the same as Rebecca's?

A Yes, correct.

Q So they were consistent in terms of the amounts that they were outputting?

A Yes, that was correct.

Q And that was approximately 200 to 250 a month?

A Yes, approximately.

Q Is that something that you check, that you checked on a monthly basis?

A Monthly basis.

Q So would you have to report those numbers to anybody?

A No, we did not. We reported the total samples done and the breakdown of the samples; how many heroin,

how many cokes, how many marijuanas, how many LSDs. Those were given to every DA in the commonwealth.

Q So you not only kept track of how many the individual chemist did --

A Correct.

Q -- but also the substances that they did?

A Yes.

Q In terms of what they were; LSD, cocaine, heroin, etcetera?

A Yes.

Q Now is this something that you kept at the lab yourself as a supervisor?

A Yes. It was -- it was a computer program. You'd write into the program on the computer. You could request the results, input the analyst's name, the month and there was your results. So that would be a report generated every month.

Q And who was that report given to other than the district attorneys?

A They never looked at the chemists' results. They only looked at the results of the total laboratory results. The chemists' results were just looked at our lab by me and I'm assuming Chuck down there. I don't know for sure and I don't know if they were

passed onto Julie or not. It was -- there was 15, 20 years that we generated these reports that I have no idea where they went. When I was doing it nobody asked to see those -- called the chemists' reports.

Q And there was no requirements for you to forward them on to Julianne Nassif or anybody like that?

A No.

Q So those records were essentially saying that they were in-house records?

A Yes.

Q And where were those records kept? Were they just kept on a database on a computer or ----

A Mostly database. I could call it up if I wanted to. And once I saw her working habits deteriorating I started keeping track of it and I went back over, you know, and had it all in a spreadsheet to show her that, you know, something was amiss here.

Q And you only just started doing that because you noticed, as you had previously testified to, her input began to fall out, her appearance of her work station, things of that nature?

A Yes, something was wrong.

Q How about prior to that? It wasn't something you had checked of either chemist?

A Sonya was meticulous prior to that. She was very -- I swore she was dedicated to work, very meticulous in her work, her station, you know.

Q When you say meticulous, describe that for us.

A Just the way she handled all her evidence and stuff. It was -- everything was packaged neatly, everything was marked and labeled neatly. She was just -- that's the way she did things. I mean, she was a smart girl. She was a valedictorian of her class, so I wasn't, you know, I mean ----

Q Now how would you compare her work to that of Rebecca's?

A Very very similar. Becky was pretty good too. I think me, I'd get a little sloppy. I had been there so long. I'd try to stuff stuff in envelopes, my signature deteriorated over the years signing my name so many times to certificates of analysis it, everybody says it ineligible now, but hey, what are you going to do?

Q And so it's fair to say that your testimony is that these two chemists didn't really need a lot of oversight?

A No, they were ----

Q And it's fair to say that they got the work done that

you required of them?
A That's correct. They were trusted employees. You know, eight years. Sonya was there over eight years, I think Becky was around six or seven. So I mean, they were trusted employees. Not a doubt they were doing the job properly.
Q On a daily basis when you were at the lab and you weren't doing tests, where were you?
A I'd be in my office.
Q And where was your office located in terms of the chemistry benches, the work stations?
A Right across the hall.
Q So there's a second lab room?
A Yes.
Q And then there was a door going out to a hallway, correct?
A Yes.
Q And then your office was across that hallway?
A That's correct.
Q So when you were in your office you couldn't see what was going on in the laboratory?
A No, I could not, no.
Q Now in the time that you took over as supervisor how frequently were you in the lab on a daily basis?

A I was in the lab daily but I just didn't spend a lot of time in there. I mean, it depends on when it was. If I had a -- I'd help out doing some larger samples and that would give, you know, the chemists a break and it would slow them down, I'd do some of the large trafficking ones. We used to get, in the last year the lab was open we got over 60,000 packets of heroin in from Springfield and Holyoke. So which is very time consuming to handle. So I would handle cases like that to free them up to do the, you know, simpler cases.

Q So it's fair to say maybe you'd only go in the lab once a day just to kind of check things out?

A Yeah.

Q And other times you'd be in there more frequently?

A Yup, exactly.

Q But it varied on the types of samples that were coming in?

A Exactly.

Q And you only did the larger ones?

A For the most part, yeah. Except when overtime, I would do the regular samples with the girls doing the Boston samples, whatever came in.

Q Now in terms of the chemist, Sonya Farak, did anyone

ever call you or did you ever learn from anybody at the Hinton Laboratory anything about her prior work at that Hinton lab?

A Absolutely not. No communication at all.

Q So no one inquired about to what she was doing there or her experience there?

A No.

Q Now what was Sonya's typical work hours at the laboratory, if you know?

A Usually came in around seven every morning, seven to 3:30, I believe.

Q And what about Rebecca's?

A Same.

Q Seven-thirty to three?

A To three or 3:30.

Q And ----

A We changed hours when the state police took us over, so we had to work an extra half an hour.

Q Okay. And Sharon Salem, of the evidence office, so what were her typical hours?

A The office was open until eight, eight to four, so she would come in by eight.

Q But as you had previously testified, you could get in the lab at any time you wanted?

A Yes.
Q So if you wanted to come to the lab at one in the morning and do work, you could in fact do that?
A Yeah. You're not supposed to do any hazardous work in the laboratory. You could come in and do paperwork but you weren't supposed to do anything hazardous when you were alone. But nobody was there to check.
Q So there were no cameras in the laboratory?
A No, absolutely not.
Q Was that the same situation at the Hinton Lab? Could you come -- did you have access anytime you wanted?
A They had -- they were stricter than we were because they had more people. They mandated you had to have at least two people in the lab which caused problems. Sometimes two people would come in for overtime and one of them wouldn't show. So what happens then, the other one's gotta go home. So, you know, basically that's why we adapted the -- you could come in and work but only on paperwork if there was nobody else in the lab. You couldn't do anything hazardous, you're working with chemicals.
Q But if you wanted to, you could?
A Yeah, nobody's there.

Q You could go into the safe?
A Yeah.
Q You could go into the file cabinet with the standards? You could go into the refrigerator? Nothing was stopping an individual from doing that?
A No.
Q Now where was Sharon Salem, the evidence officer, she wasn't located in the laboratory, correct?
A Across the hall, right next to my office was the evidence room. And in-between the evidence room and the -- my office was the vault where we kept the samples and the standards.
Q So you, while you were in the office, could not see into the laboratory?
A No.
Q And was that same case with Sharon Salem?
A No, she couldn't see in the lab either.
Q Now did you have any opportunity to observe Rebecca Pontes and Sonya Farak and interaction that they had at the lab?
A Yeah, they seemed friendly. They got along okay, not a problem. They were big Patriot and Red Sox fans. They frequently talked about it.
Q Did you know them to have any social interactions

outside of the laboratory?

A No, none absolutely. I found that out later from Sonya -- I mean from Rebecca, but no, they never did.

Q Did you or Sharon, did you have a close working relationship with Sonya?

A No, other than just a, you know, a boss to an employee, that's all I -- you know, I was friendly to her, we talked football and you know, discussed various, you know, samples, different, you know, how complicated they were. You know, what had to be done. But other than that, no, nothing outside the lab whatsoever.

Q And was that also as far as you know the case with Sharon? She had no social interactions with Sonya outside the lab?

A No, none whatsoever.

Q In terms of Sonya Farak in the laboratory, was there anything that you noticed about her person on a daily basis; her physical appearance that you -- that now at this point you kind of reflect upon?

A Yeah, it -- looking back, I mean, you could see that deteriorating. She -- the way she was dressing, her appearance. She was just letting herself go, you know. I had no idea.

Q In terms of your verbal communications with her back and forth, was there anything about those that gave any rise for concern especially in the earlier years?
A No, there was no dress code or anything. As long as you wore your proper, you know, shoes and stuff, there's no dress code. You could wear what you wanted. It could be jeans, she's come in sweat pants, sweatshirt, there was no dress code.
Q Was there anything odd about any type of conversations that you had with her during any course of her time at the lab?
A The only conversations that were with her, and she would get frequent phone calls from her girlfriend who turned out to be -- eventually she was her wife, they would get very loud, you know, to the point of screaming. She'd go out in the hallway. It was disruptive, you know. So that's basically the only problem I ever had.
Q Did you ever discuss that with her?
A I -- just take it outside, that's all I would say.
Q And about how long did you say you worked with Sonya Farak?
A I'm saying close to eight years, seven, eight years. I'm 67 now, my memory goes back but it doesn't go

back exactly how far I want it to go.

Q Now as far as you know and you had mentioned this earlier, there was nothing that was alerted to you by people at Jamaica Plain about her background or anything like that?

A No. Any information about her background she gave me. She told me she started there in the Aids laboratory, moved into the drug laboratory and transferred out to the Amherst laboratory when there was an opening at the Amherst lab.

Q During the time that Sonya was employed at the lab with you, Mr. Hanchett, did you ever do an evidence audit of the lab yourself?

A No, we did not. There was, you know monthly we'd check on anything that was left over and if we had any cases that were backlogged or whatever, we'd check to make sure they were -- everything was up to date. We did do an audit once we discovered samples were missing, then we, you know, that's how we found out there were two samples missing. That was the only time we really ever checked anything that she ever had done.

Q In your very earlier times at the lab, so I'm saying probably maybe before 2005, were audits done by the

evidence officer on a monthly basis?

A Yes, Donna LaCoy was the evidence officer and monthly they did a computerized audit. They would check what came in, what went out and she would check to make sure everything was in order. We never misplaced a sample, never lost a sample, until Sonya.

Q Now you had indicated in the latter half of 2012 of course that you were noticing changes in Sonya Farak's work performance, her physical appearance?

A Correct.

Q Now I'm calling your attention to an approximate date, January 18th, January 19th of 2013. Do you recall that date?

A Yes.

Q And how do you recall those dates?

A Well, that was the date we discovered the missing evidence with Sonya. Sharon came to me that morning and said, "I'm missing two samples. They were in the lockup. They were returned. They should be in there and they're not." I said, "Well, who did them?" "Sonya" So I said, "Okay, well let's go to -- I'll go to where Sonya keeps her samples in the safe. Maybe she had to get them back out to retest something." I went to the safe, they weren't in

there. I went to her workstation, opened up the door right in front of her and looked in there and I didn't see anything. So we looked around ----

Q Now, is that something that happened frequently? Did samples go missing?

A No, never. We never lost a sample and that's why it was -- it was startling for it to happen.

Q So nothing ever -- are you saying that nothing ever got misplaced and was later found?

A Yeah, some things have gone in the wrong bag or something, but when we noticed it was missing we'd go back and find it. We never -- nothing ever was lost, you know, more than just being misplaced momentarily.

Q And what were the policies and procedures at the lab regarding missing samples? Was there anything written in place?

A No, none. The only -- never really had any missing samples. We always had found them. I mean, samples have -- you had lab accidents. You have one very small piece of pill or something like that, it gets broken or something, it's dropped and you can't analyze it. Like I said, a lab accident or insufficient sample. But other than that there was never -- we never had a problem with evidence until

Sonya.

Q Now on that day you had indicated that there were two samples that were assigned to Sonya Farak that went missing?

A Correct.

Q At any time did you find those two missing samples?

A Yes, I -- we looked around, went back in, checked all the bags, we back checked the safes again, went back to her work station. Then I started moving things around at her work station and I found the empty bags.

Q And what did those empty bags, what did they look like and was there any writing on them?

A They were the bags we return the samples in. They're sealed Kapak bags, initialed and have the bar code laboratory number on it.

Q And what were the condition of those bags when you found them?

A They were open. And they were sealed prior to being returned to Sharon.

Q And how do you know that?

A I could see the seal was broken, it was cut open, so.

Q And were those drugs that Sharon had previously logged into the system?

A Yes.
Q And there was alleged, there were substances in those bags assuming that were logged in?
A Correct. And there was nothing in them when we ----
Q Were the tests completed on those already?
A Yes, they were. According to her notebook they were and according to the instrumentation. The log on the instrumentation, she already completed the tests so I called them back up and confirmed that the tests were complete.
Q And you did that through your computer system?
A Yes.
Q And that's a computer system that's located, that was located in Sharon Salem's office, correct?
A Yeah, that's just for the sample control. To get the results of the tests I had to go to the actual mass spec itself to show what the results of the test were, just to confirm those tests were, you know, what she said they were and you know, why isn't the sample there and stuff. So that's when we -- I looked further, cabinets down below, that's when I found the samples, you know, but with other, you know, substances added to it, to conceal the fact that she was stealing it. As soon as we saw that we

called our boss at the state police and he came right out.

Q Okay. So the computer system in Sharon Salem's office and the machinery, all chemists had access to that?

A Yes, they did.

Q And the computer itself in the evidence officer's office, that was -- you just needed a simple pass code?

A Yes.

Q And there was one for the entire lab?

A Yes.

Q So at this point you found the sample bags, had gone back and discovered that there was substance when they came in, that was tested to be positive --

A Yup.

Q -- and now you found these empty bags?

A Yes.

Q And you had indicated you found other substances --

A Yes.

Q -- at her work station?

A Right.

Q Can you explain that for the grand jurors?

A Crack cocaine, it looks like Ivory soap, white soap,

chunks of Ivory white soap, that's what crack looks like, and I found a bin of substances similar to that which I -- looking at it I could tell it was not cocaine. It had no business in the laboratory other than that somebody -- you could see somebody must have been taking the crack out, replacing it with this waxy substance and you know, doing whatever she did with it. I have no idea, but it was pretty obvious what she was doing, that's why we called the state police right away.

Q What other things in her work station did you observe that you found and saw to be unusual?

A Like I said, there was -- just the way she had the bags hidden under stuff, hidden, you know. Plus they were manilla envelopes too from some samples she had hidden in there and just -- and the cabinet down below, obviously it was fake, you know, crack and there was a broken crack pipe too down on the -- in the cabinet down below too.

Q Did you run any tests on those materials that you found?

A No, I did not. I told the state police. He -- the captain, the major, he told me to seal the lab off, put the alarm on and leave the lab.

Q Now those items that you found at her work station; the ripped open bags, the broken crack pipe, those other materials, substances, the envelope bags; those are all very unusual things for a chemist to have at their work station, correct?

A Correct. Right.

Q Now what happened after you sealed the lab?

A State police came, I showed them what I thought was happening. He called in for, you know, crime scene analysis, more state police came in, they analyzed the scene, took pictures, took all the evidence and tried to get a hold of Sonya. Sonya that day happened to be in court in Springfield and the state police went down and interviewed her at the courthouse in Springfield.

Q Did you ever see Sonya Farak after that?

A About two months ago, walking down the street in Northampton. She's out already. I didn't -- just driving by.

Q And you realized that she was subsequently arrested; is that correct?

A Yes.

Q And prosecuted, correct?

A Correct. I think she got 18 months. Not enough.

Q Did you ever have the opportunity to speak with Peter Piro or Julianne Nassif or Charles Salemi after this incident?

A No, I don't believe so, because they had their problems with Annie Dookhan. Julie might have been gone by then. I'm not sure.

Q Did anyone from the state police or the Department of Public Health later interview you or discuss with you what happened with Sonya Farak at the lab?

A Just the state police. The state police interviewed me and then the district attorney's office interviewed me and the attorney general's office interviewed me.

Q At any times were you alerted to the fact that Sonya Farak was not at her work station during the normal course of business at the lab?

A The last few months I noticed she was frequently leaving her work station and I had no idea where she was going. And they had remodeled most of our building and I know on the top floor they had brand new, you know, ladies rooms and mens rooms. I just assumed that's where she was going because the ones down the hall from us were built in the '50's and it looked it. But I had no idea where she was going.

But she was frequently missing, and that's another thing that tipped us off that something was amiss.

Q Did Rebecca ever voice any concerns to you regarding Sonya's conduct in 2012, especially the last half of 2012?

A No, not at all.

Q Did Sharon Salem ever voice any concern about her interactions with Sonya Farak during 2012 or before?

A Vaguely she might have mentioned her sloppiness and stuff but nothing other than that.

Q So nothing in terms of her work and what she was doing?

A No, Sharon -- I was the one who controlled what, you know, what work output was and stuff and I was the one who noticed it and I did speak with Sharon that something's amiss, she's not doing her work and -- but I, like I said she would -- she just recently got married. She never told us but we saw her wearing a wedding ring. So we just thought it was personal problems. At first, that's all I could think of.

Q And you really only dramatically began to notice something, like you say, in the middle of 2012, late 2012?

A Yeah, late, yeah.

Q Nothing in the prior years before?
A No, she was meticulous. She was -- she did a great job. I mean, her work, you could show it. You went through her work, you know, I had no idea that something was amiss.
Q How was her -- did anybody ever speak to you, any police officer or assistant district attorney in regards -- regarding any appearances in court or the testimony that she gave in court; positive or negative?
A The only problem they said, she spoke rather rapidly. That was the only complaint I ever heard.
Q And do you remember who voiced that concern to you?
A It was one of the ADAs in Springfield, I don't remember his name. No, I'm sorry, it was Pittsfield and it was the court stenographer, my mistake. It was a long time ago.
Q Now, at any time in the evidence room if Sharon Salem wasn't at work, would the chemists assign work to themselves?
A They were not supposed to. They were supposed to get another chemist to do that. But again, there's nothing to stop them from doing it. We always, you know, had the other chemist do it.

Q Nothing that you observed at any time, chemists assigning work to themselves?

A No. I noticed like toward the end she was getting -- she seemed to be awful nosey about what was coming in. She seemed to want to know large samples that were brought in, you know, large, you know, trafficking cases in cocaine. And which I thought, it struck me as odd but I still, you know, I just figured she was interested in it. I don't know. I had no clue why, but you know, in retrospect I could see she was, you know, looking to get the larger cases so she could do what she was doing.

Q Now a few final questions, Mr. Hanchett. Did you have the opportunity as her supervisor to do any type of performance appraisal, or was there any type of peer review done with Sonya concerning her work?

A We used to do what they call the EPRS and it was required of very state, every department in the state. But the last two or three years because of budget constraints, we eventually stopped doing it and I think that was done, I think it was three times a year. You meet your -- you exceed, meet or underperform was the three -- the three categories. And Sonya, when I did hers she always met or

exceeded. She was, I told you, she was meticulous.
Q But it's fair to say those stopped around 2009, maybe 2010?
A Yes, the last two or three years there was no EPRS forms done any more.
Q Now when you say EPRS, what do you mean by that?
A There was the Evaluation -- I don't even know what the initials were but that's what it was called.
Q Essentially an evaluation by a supervisor?
A Yes.
Q Whether they ----
A By two supervisors; the immediate supervisor and another supervisor had to cosign off on it. So there was always two supervisors involved.
Q And those would be then sent to the Department of Public Health?
A Correct.
Q And those last few years you didn't do them, was there any discussion with the head of the lab, Ms. Nassif or anyone else regarding getting those back up again --
A No.
Q -- or ----
A No, it was just we can't afford it, it's too time

consuming. And at one part -- at one time it was part of the union contract. You got a bonus if you met or exceeded. So that was very important to have it. And they dropped that so there was no longer any bonus involved so that was one of the reasons why it wasn't that important in the eyes of the department to do the EPRS's.

Q Now when the lab closed, when you were ordered to shut the lab and close, what next step did you take in terms of your deployment now with the state police?

A They shut the lab down and then, it was a Friday, I believe and then that following Monday, it was a holiday, so it was the day after, we reported to the Sudbury lab. Sharon, Rebecca and me.

Q Now, I just want to clarify, when Ms. Farak, when it was discovered Ms. Farak had taken evidence from the lab, you were under the control of the state police at that time?

A Yes, we were.

Q And you had been under the control of the state police ----

A Since July, I believe. July 1st.

Q So it was approximately six or seven months?

A Correct.
Q And you were under the control of the state police was because the authority to test drugs was taken away from the Department of Public Health?
A That's correct.
Q And that was in the wake of certain things, criminal conduct that occurred at the Hinton laboratory?
A No, I think its process started before that, but that's when it was completed, after the misconduct at the Hinton laboratory.
Q So you were a state police employee for approximately six months?
A Correct.
Q What steps were the state police then taking to try to change the lab in terms of the testing, accreditation and things of that nature?
A Well, once they -- once they took us over we were told to adopt their system of blanks after every sample. All blanks had to have a sample name which we never did before, we just, blank was called a blank. Now this had to have sample names. A sample prior to it had the same name with a B attached to it. And the paperwork was a little more complicated. Bags were sealed and initialed and dated, which were

just initialed before, now they were dated. They really didn't spend a lot of time with us. They came down a few times, they evaluated us and they said we met their evaluation criteria. They said we were fine. It was in the papers that we passed the muster. But with, you know, they were in the process of upgrading their accreditation from SWGDRUG to a higher accreditation authority so they didn't have a lot of time to get us up and running. That was going to happen after they finished their accreditation process, then they would spend more time with us. Never got to it because of Sonya.

Q Okay, so essentially they were looking to have that lab fully accredited?

A Correct.

Q To the highest standard or forensic science?

A Correct.

Q And they were in the process of beginning that?

A Yes.

Q It's fair to say though that in their initial review of the lab, while you met some of the procedures, there were other things that you didn't meet?

A Correct.

Q And those were things that they were looking to make

changes to?

A Yes.

Q Now you had mentioned very briefly signing bags?

A Yes.

Q Those are all the evidence bags you signed yourself or initialed by the chemist?

A Right, initialed by the chemist.

Q At any time, Mr. Hanchett, did you pre-initial your bags?

A Occasionally I would -- when I opened a sample I might initial it, but it wasn't -- it wasn't all the time, just occasionally. I don't -- I don't recall doing it more than -- if I knew I had a bag right there and I was going to dump it right into it, I would initial it right then and there before I sealed it.

Q Did any other of the chemist pre-initial bags to the best of your knowledge?

A Not that I know of. Like I said, it's easier to initial it before you seal it, you know, and put your contents in. Sometimes the bags just don't hold it very well and you can't really initial it well.

MR. CALDWELL: I have no further questions of this witness. Are there any questions from the grand

jury? Sir?

JUROR: In the first part of the testimony you mentioned there being a notary signature. Could you tell us a little bit about that?

A All our certificates of analysis, and still to this day the state police uses the same procedure. All certificates of analysis have to be notarized by a notary public.

Q And if I may follow-up to that question. Who was the notary at the Amherst laboratory?

A Sharon Salem.

Q And she would witness each and every one of the signatures by the chemist on that certificate of analysis?

A Yes, she would. Yes, she would witness the signatures, yes.

MR. CALDWELL: Are there any other questions from the grand jurors? Ma'am?

JUROR: Were you the only one that was making secondary standards or did the chemists ----

A No, I was the only one making secondary standards. The other chemists didn't do that.

JUROR: Well, could they do that if they did it without your knowledge?

A I suppose they could have. I wasn't watching them all the time. They could have, but like I said I don't -- have no personal knowledge of that.

Q A follow-up to that, if I could, Mr. Hanchett. Did -- would they ever approach you and indicate to you that a standard was out, can you please make some more for us?

A Yes, yes.

Q Did that happen frequently?

A No, because I usually stayed on it, because I was still doing samples at the time. So I would know when things were running low and I would ----

Q But it's fair to say they would alert you sometimes?

A Yes. Yes, they would. Sometimes they would.

Q Did they ever tell you that they had a sample themselves that would make a good secondary sample?

A No.

Q So they never flagged any individual drugs for you and said you should make a secondary out of this, it's very pure, so to speak?

A No. I had -- I had put aside maybe a 2 to 300 milligrams of coke and heroin. I had kept that in the refrigerator in which it's sealed in plastic. So I had a backlog of it so I would be, you know, ready

to go when I needed to make the next standard.

Q So you had small amounts of the powdered drug --

A Yes.

Q -- set aside --

A Correct.

Q -- so in a case of an emergency if you needed to make it immediately, you could make that standard for it?

A Yes, exactly.

Q And where was that located?

A Usually just keep it in the refrigerator.

Q Were there any other places that you would keep those drugs located, if you remember?

A Occasionally it would be on top of my bench sealed in a plastic container when I was, you know, going to make the standards that week or whatever, I'd have them all ready to go. Come to room temperature it makes it a little easier to weigh them and stuff, balances would fluctuate temperature differences.

MR. CALDWELL: Are there any other questions of the grand jurors? Sir?

JUROR: You said like the machines would automatically clean themselves after, it coudl just be one time and then you went to five times, and then five to 10 times?

A No, five times. You could pre-program it into the machine. The machine would clean the syringe which you picked up the sample with. It would clean it five times in solvent. It would clean -- it would rinse it five times with the actual sample, pick up the sample, inject it, clean it five times again in a different solvent and then be ready to start the procedure over again.

JUROR: Now if it wasn't cleaned, like you said some people would do it a lot quicker and a lot -- repetition to not clean it. When you wouldn't allow it to be cleaned on a frequent basis would that cause problems in all the cases?

A It could possibly cause carry over, that's why you always made sure that you cleaned the syringes properly each time. But again, carry over is -- it's something you could really notice simply, you know, when it comes out because it's -- the peaks are much broader. The peaks on the mass spec are very sharp. You know, they come up and down almost instantly. Whereas a peak from a carry over would be, you know, very short and very broad. So it was easy to distinguish, I thought, in my experience.

JUROR: And I'm just trying to make sure that

this stuff wasn't going into other people's cases.

A No.

JUROR: Okay.

A No, it wasn't. It was thoroughly cleaned.

Q A follow-up to that. In terms of the testing you did, you would know -- you could notice --

A Yes.

Q -- but you can't speak for any other chemists in terms of what they were doing?

A Right.

Q That's just in your experience and your ----

A Yeah.

MR. CALDWELL: Are there any other questions?

(No response by Grand jurors.)

MR. CALDWELL: Seeing that there are no other questions, I'm going to suspend the testimony at this time. Thank you.

(Whereupon, the witness was excused.)

(OFF THE RECORD.)

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 115, 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 3rd day of February, 2016.

ELLEN K. CASSOLA,
Notary Public

My Commission expires October 10, 2019

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