

PROBABLE CAUSE STATEMENT

During the month of August, 2012, Massachusetts State Police Detective Captain Joseph Mason and I were assigned to investigate potential misconduct at the William A. Hinton State Drug Laboratory in Jamaica Plain ("Hinton Laboratory"). As the investigation progressed we began to look at specific misconduct committed by Chemist Annie Dookhan. During our investigation, we have had the opportunity to interview numerous witnesses and review laboratory and court documents pertaining to specific criminal cases.

On August 21, 2012, Detective Captain Mason and I interviewed Chemist Daniel Renczowski. Renczowski is currently a Chemist II employed by the Commonwealth of Massachusetts and was assigned to the Hinton laboratory from October of 2005 until the lab's closing a few weeks ago. Renczowski informed Detective Captain Mason and I that he worked with Annie Dookhan for approximately seven years. Renczowski further stated that on one particular day prior to April or May of 2011 an incident occurred with a sample that Dookhan allegedly tested and determined to be cocaine. According to Renczowski, on this particular day he was assigned to run samples on the mass spectrometry, a machine that analyzes suspected narcotics to see if they are indeed narcotics.¹ Renczowski stated that he ran samples that Dookhan submitted and observed that the samples tested negative for cocaine. Because of this result, Renczowski ran Dookhan's sample a second time, again receiving a negative result. Renczowski went on to state that the samples were returned to Dookhan and he was not informed what happened with the case at that point. I have filed a five page report containing a summary of my entire interview with Mr. Renczowski.

On August 28, 2012, Detective Captain Mason and I interviewed Chemist Annie Dookhan at her home. Initially Ms. Dookhan denied doing anything improper in regards to her analysis of drug samples. As the interview went on, we confronted Ms. Dookhan with information about a particular re-test from a Boston Police case and other anomalies reported to us about her testing procedure and results. When confronted with this information Dookhan became sad and stated "I screwed up big time, I messed up, I messed up bad, it's my fault." She then went on to explain that instead of conducting a preliminary test on each sample she would secure a large number of samples, group them on her bench by the same suspected drug type and test a few samples from each group. She stated that she would group approximately twenty-five of each suspected drug type and test approximately five from each group. She would then prepare all of the samples to be sent to the mass spectrometry. According to Dookhan, if a sample was returned to her from mass spectrometry as a different drug or as being negative for drugs she would try and "clean it up" by making a more concentrated sample or using "more of the sample." Dookhan further admitted that on a few occasion she intentionally turned a negative sample into a positive sample. Dookhan was not able to tell us which particular cases were

¹ The mass spectrometry is a confirmatory test used to check or confirm the test results done by the original chemist in the preliminary testing phase.

"cleaned up" or contaminated. I have filed four separate reports containing summaries of all my interviews with Ms. Dookhan.

During this investigation I became aware of a Suffolk County narcotics case involving the Boston Police and a defendant I will refer to as John Doe. John Doe's true name and case information is known to me and other investigators at the Attorney General's Office and members of the Suffolk County District Attorney's Office. John Doe was arrested in 2010 and indicted by the Suffolk County DA's Office in 2011. In 2010, John Doe sold what he alleged to be cocaine to an undercover police officer. Boston Police Detectives conducted a "preliminary field test" of the alleged cocaine and determined that the product was not an illegal narcotic. Boston Police Detectives confiscated numerous items that John Doe alleged to be cocaine and charged him with distribution of a counterfeit substance. Detectives sent the substance to the Hinton Laboratory for additional testing. In March of 2011, Annie Dookhan conducted testing on two of the items from Doe's case and issued two certificates of analysis stating that she examined the items and the items were "cocaine, a derivative of coca leaves, as defined in Chapter 94 C of the Controlled Substance, Section 31, Class B." On March 8, 2011, Ms. Dookhan signed the certificates of analysis and swore before a notary that the contents of the certificates of analysis were "truthful and accurate to the best of her knowledge and belief." Ms. Dookhan then sent a packet of notes and reports as well as her curriculum vitae to the prosecutor assigned to the case. The certificates of analysis were also forwarded to the prosecutor. John Doe was indicted for distribution of cocaine in 2011. Within the past week, the Massachusetts State Police Crime Laboratory in Sudbury (MSP Lab) conducted testing on the two samples previously tested by Dookhan. The MSP lab determined that both substances were negative for illegal narcotics.

During the investigation I obtained at least three different versions of Annie Dookhan's curriculum vitae. On all three versions, Dookhan stated that she received a Master's of Science in Chemistry from the University of Massachusetts in Boston (UMASS). UMASS has informed an investigator from my office that Ms. Dookhan does not have a Master's from UMASS nor was she even enrolled as a student in Masters level classes. I have also learned through my investigation that Annie Dookhan testified in a narcotics and firearm case in Suffolk Superior Court on August 17, 2010. I have had an opportunity to review the relevant portions of the trial transcript and learned that Annie Dookhan testified under oath before a jury, judge, prosecutor and defense lawyer. In her testimony Ms. Dookhan stated that she "had a Master's of Science in Chemistry from the University of Massachusetts." During cross examination Ms. Dookhan re-affirmed her statement that she possessed a Master's from UMASS. Ms. Dookhan also testified she analyzed suspected cocaine samples and determined the samples were indeed cocaine. After deliberations, the jury convicted the defendant of trafficking in cocaine over fourteen grams, possession of a firearm and other related offenses.

Based on the above information, I have probable cause to believe that Annie Dookhan committed the crimes of Obstruction of Justice/Misleading a Prosecutor pursuant to m.g.l c. 268

§ 13B, Obstruction of Justice/Misleading a Jury/Judge/Prosecutor and Defense Lawyer pursuant to m.g.l c. 268 § 13B and Falsely Pretending to Hold a Degree From a College or University pursuant to m.g.l. c. 266 § 89.

The investigation is ongoing and the above report is for the purposes of arraignment only and will be supplemented by additional reports.

Respectfully Submitted,

Detective Lieutenant Robert M. Irwin #1230