

## Rogue Chemist or Another Manufactured Result ?

Darin Bufalino

Now months after the public being informed of misconduct at the Jamaica Plain state lab, there still are many questions left unanswered. The "Rogue Chemist" moniker applied by Massachusetts State Police to Annie Dookhan has been unmercifully pounded into the collective memory of the public since the breaking of this scandal.

Just saying it does not make it true. It is beyond belief that this "Rogue Chemist" acted alone or if one wishes to naively believe she acted alone ( because people who work in law enforcement do not subvert justice and it is only a "Rogue" never two or more working together ? ) how and why did her co-workers and supervisors allow it to happen ? At the bare minimum her co-workers and supervisors were complicit in allowing crimes to be committed resulting in justice in the Commonwealth of Massachusetts to be perverted. Annie Dookhan stands alone in the defendants dock before a judge, the question begs to be asked, why only her ?

A simple review of interviews conducted by Mass. State Police assigned to the Attorney General's Office starting on August 7th 2012 is littered with examples of Ms. Dookhans unethical actions. There is Supervisor and Evidence Tech / Officer Elizabeth O'Brien's statements regarding Annie Dookhans curriculum vitae which she checked when Dookhan began working at the lab. Dookhan claimed a masters in progress and then in 2011-2012 her c.v. had a masters designation. When Ms. O'Brien confronted Dookhan about the masters designation, Dookhan removed the designation off her c.v. which in itself should have raised warning bells and a review of Dookhans employment at the lab. More perplexing is the fact " according to O'Brien, Dookhan subsequently took the masters degree off, but at times sent her c.v. out with the masters degree on it" ( footnote 1 )

Next there is an interview of Daniel Renczowski chemist II whose initials Annie Dookhan forged on a control sheet. The forgery is spotted by Mass/Spec supervisor Peter Piro. " Piro confronted Dookhan ... about the initials and Renczowski added that the handwriting was Dookhans ... Dookhan said she made a mistake and took the form back". Renczowski advised Peter Piro (again a supervisor) "that he was upset that Dookhan signed his initials" Piro said "take it to Chuck Salemi" ( Charles Salemi lab supervisor II who oversees lab operations) Which Renczowski indeed did do. Renczowski states"that Chuck Salemi said he would take care of it".

There is no record of Charles Salemi taking care of anything regarding that incident and as one reads the rest of Daniel Renczowski's interview, at paragraph 8 "Dan advises there have been inconsistencies in the past with Dookhan's cocaine and heroin samples submitted to the mass/spec... he advises there are no similar occurrences with other chemists" and "Dookhan had some questionable lab habits". (footnote 2)

At this point there are now three (3) supervisors who each are aware of misconduct/violation of lab protocol by Annie Dookhan and yet there is no record that anyone of those supervisors took corrective measures.

This tragedy continues with Charles Salemi's interview on Aug.22 2012 According to Salemi after being alerted by Betsy O'Brien about unusually high sample numbers performed by Annie Dookhan in the month of March 2011 he sent an e-mail to Julie Nassif ( Director of analytical chemistry of the lab ) that they Betsy O'Brien and Chuck Salemi wanted to talk to Nassif about Dookhan's high numbers. As a result of that conversation, Julie Nassif decided she would give Dookhan a special project to slow her down. It is interesting to note that Ms. Nassif is not only the 4th supervisor to be made aware of questionable actions by Dookhan but Ms. Nassif is the Director of the Lab !

Amazing that after being informed of "unusually high" samples being performed by Dookhan the Lab Director's response was to give her a "special project". One begins to wonder why no corrective measures were put in place after the first instance of questionable conduct by Dookhan and at some point one gets the impression that it was of no significance as everyone at the lab continued to let it happen regardless of it tearing the U.S. Constitution into meaningless scraps of paper. If that sounds like typical rhetoric from a convict please consider the following:

To date of the estimated 34,000 cases impacted by the scandal, a mere 200 have been brought before a judge resulting in significant relief. None of Ms. Dookhan's co-workers or supervisors have been charged. Imagine if this was a banking scandal instead of a lab scandal dealing with criminal defendants. Federal investigators by the hundreds would have been combing every facet of the lab. Instead we have State Police detectives who work out of the Attorney General's Office. An office not known recently for being unbiased in its investigations. Speaking of Commonwealth prosecutors, out of the many prosecutors and law enforcement officers who bypassed policy and protocol dealing directly (illegally?) with Ms. Dookhan there has been only one named publicly and his resignation from the Norfolk County District Attorney's office was the sacrificial lamb, forced more by the appearance of an improper relationship with a married woman (Annie Dookhan) than for circumventing lab protocol and court ethics.

Is the State Lab scandal an isolated event? as much as some would want the public to believe it so, the sad truth is it is not. More and more we are seeing cases of malfeasance by those who are entrusted with upholding justice in one form or another. Within the current news cycle comes another Mass. state Lab chemist accused of stealing evidence belonging to criminal cases and substituting them with "counterfeit" substances - this just two weeks after Federal Authorities gave the Amherst Lab she worked at a clean bill of health!



The Jamaica Plain and now the Amherst labs are both closed. All testing is now being performed at the Mass. State Police lab in Sudbury-thereby eliminating what was supposed to be an unbiased 3rd party. Presently in Massachusetts we have police investigating, collecting evidence, testing that evidence and in the end testifying in court about those investigations, evidence and testing of evidence. The drum beats of a police state are beating louder. The general public still assumes only guilty criminals go to prison even as evidence points otherwise, until someone they love gets caught up in the prison industrial complex. To quote Martin Luther King Jr.

"Injustice anywhere is a threat to justice everywhere we are, we are caught in an inescapable network of mutuality, tied in a single garment of destiny, whatever affects one directly, affects all indirectly".

- 1) Interview of: Elizabeth O'Brien August 7, 2012 at JP Lab by  
Mass. State Police
- 2) Interview of: Daniel Renczowski August 21, 2012 by Mass. State Police