



INTER-OFFICE MEMORANDUM

TO: James Ryan, Deputy Director
Department of Public Protection

FROM: Nikki Dofflemyer, Captain *NR*
Department of Public Protection
Internal Affairs Unit

DATE: September 21, 2010

SUBJECT: Case # IA- 2010-08-286, Captain Roy Rawlins

References:

- R-1 Trip Report Log 10 (Captain Rawlins) 06/02/10 – 06/03/10
- R-2 Volusia County Fire Services (VCFS) Controlled Substance
Accountability Log (CSAL) Engine 11 06/02/10
- R-3 VCFS CSAL Engine 12 06/02/10
- R-4 VCFS CSAL Squad 12 06/02/10
- R-5 VCFS CSAL Engine 13 06/02/10
- R-6 VCFS CSAL Squad 13 06/02/10
- R-7 VCFS CSAL Engine 14 06/02/10
- R-8 VCFS CSAL Engine 15 06/02/10
- R-9 VCFS CSAL Engine 18 06/02/10
- R-10 VCFS CSAL Engine 21 06/02/10
- R-11 VCFS CSAL Engine 22 06/02/10
- R-12 Log book entry Engine 22 06/02/10
- R-13 VCFS CSAL Engine 23 06/02/10
- R-14 VCFS CSAL Squad 23 06/02/10
- R-15 VCFS CSAL Engine 34 06/02/10
- R-16 VCFS CSAL Engine 35 06/02/10
- R-17 VCFS CSAL Squad 35 06/02/10
- R-18 VCFS CSAL Engine 36 06/02/10
- R-19 VCFS CSAL Engine 42 06/02/10
- R-20 VCFS CSAL Engine 44 06/02/10
- R-21 VCFS CSAL Engine 45 06/02/10
- R-22 Log book Station 44 06/02/10
- R-23 VCFS Inter-Agency EMS Incident Form and supporting documents
- R-24 Memo authored by Deputy Chief (DC) Frank Pocica – verbal reprimand
for Captain Rawlins

- R-25 Log book Station 42 and VCFS Controlled Substance Discard Form 06/04/10
- R-26 Document creation date for computer assigned to DC Pocica– RE: Memo to file associated with Captain Rawlins verbal reprimand – 06/09/10
- R-27 Email authored by Captain Charles Kamine to Division Fire Chief (DFC) Jeff Smith
- R-28 Trip Report Chief 13 (DC Pocica) – 06/08/10 – 06/10/10
- R-29 Trip Report Log 10 (Captain Rawlins) – 06/0810 – 06/10/10
- R-30 Transcript - DC Frank Pocica
- R-31 Transcript - DFC Howard Bailey
- R-32 Transcript – Deputy Fire Chief (DC) Kathleen Weaver
- R-33 Transcript – Battallion Commander (BC) Michael Inglett
- R-34 Transcript – Firefighter Paramedic (FF/PM) Samuel Fiorina
- R-35 Transcript - Captain Charles Kamine
- R-36 Transcript – Lieutenant Steven Huber
- R-37 Transcript – FF/PM Scott Frazier
- R-38 Transcript – FF/PM Cory Davis
- R-39 Transcript – FF/PM Phillip Brennan
- R-40 Transcript – FF/PM Justin Gilmore
- R-41 Transcript – FF/PM Jeremy Karaginis
- R-42 Transcript – FF/PM James Lucas
- R-43 Transcript – FF/PM Jordan Heinze
- R-44 Transcript – FF/PM Matthew Smitherman
- R-45 Transcript - FF/PM Carl Laundrie
- R-46 Transcript - Captain Roy Rawlins
- R-47 Transcript – DC Frank Pocica
- R-48 Transcript – FF/PM William Kelly
- R-49 Transcript – FF/PM Mercedes Pinkerton
- R-50 Transcript – FF/PM Daniel Pronovost
- R-51 Transcript – FF/PM Mark Nordquist
- R-52 Transcript – DC Frank Pocica

Complaint:

Based on initial information and the request from Fire Services Division, the Internal Affairs Unit was directed to initiate an investigation into alleged actions by Captain Roy Rawlins occurring on or about June 2, 2010, concerning the improper collection and disposal of a controlled substance, lorazepam, contrary to procedures contained in SOG 102.005 (Controlled Substance Accountability).

Background:

The below list is the sequence of events associated with the notification of an alleged violation of SOG 102.005, by Captain Rawlins, occurring on June 2, 2010:

- BC Inglett received an email from FF/PM Laundrie (Station 23) advising of violation of SOG involving Captain Rawlins and the collection and disposal of soon-to-be-expired lorazepam. (R-23, 33, 45)
- BC Inglett forwarded email authored by FF/PM Laundrie to DFC Bailey and Captain Kamine. (R-31, 33, 35)
- DFC Bailey forwarded email received from BC Inglett to DC Weaver. (R-31, R-32)
- Captain Kamine notified DC Pocica on June, 3, 2010, and completed an VCFS EMS Incident Form (R-23, 30, 35)
- DC Weaver verbally relayed BC Inglett's information to DC Pocica (R-32)
- The week of August 16, 2010, DFC Bailey notified Fire Chief Pozzo of information associated with this event. (R-31)
- On August 24, 2010, Fire Chief Pozzo requested Deputy Director Ryan initiate an internal investigation into the events.

Information

On June 2, 2010, Captain Roy Rawlins collected 190mg of soon to be expired lorazepam, a controlled substance, from Volusia County fire stations. (R-1 – 22)

Sworn statements were provided by the 14 FF/PM who were assigned to ALS stations and were involved in the exchange of lorazepam with Captain Rawlins on June 2, 2010. Eleven of the fourteen paramedics testified they were instructed by Captain Rawlins to sign a VCFS CSAL indicating the lorazepam was disposed/wasted; however, instead of wasting the medication they were directed to place the lorazepam in a biohazard container which was taken by Captain Rawlins and removed from the station.

FF/PM Lucas testified he was instructed to sign a VCFS CSAL prepared by Captain Rawlins and place the full carpulets of lorazepam into a biohazard container while he was on a call for service.

FF/PM Frazier testified he was instructed by Captain Rawlins to sign a VCFS CSAL which indicated he wasted the medication which Captain Rawlins signed as the witness to the disposal. However, Captain Rawlins left Station 35 before the medication was wasted wherein FF/PM Frazier wasted it by himself.

FF/PM Brennen testified he exchanged lorazepam with Captain Rawlins on June 2, 2010, and the exchange and disposal was done in accordance with SOG. (R-1 – 22, 28, 34, 37, 40-46, 48-51)

Captain Rawlins last exchange of lorazepam on June 2, 2010, was completed at Station 42. (R-1, 46) There, Captain Rawlins took the biohazard container which contained the lorazepam collected throughout the day and placed it in an unlocked storage room off of the bay at Station 42. (R-23, 35, 36, 46)

Captain Kamine contacted Captain Rawlins on June 3, 2010, to advise him that he had received information that the SOG was not followed on June 2, 2010, when he collected the controlled substance(s) for disposal. (R-23) Further, he advised that the lorazepam collected on June 2, 2010, would need to be wasted in accordance with SOG 102.005. (R-23, 24, 35, 36, 46) Captain Rawlins was also contacted by DC Pocica who directed him to confirm the medication was still at Station 42 and after confirmation to report to the station and waste the medication in accordance with policy.

On June 4, 2010, Captain Rawlins traveled to Station 42 and documented 194 mg of lorazepam was wasted and Lieutenant Huber signed as the witness. (R-23, 25, 36, 46) The VCFS CSAL that was completed by Captain Rawlins and paramedics on June 2, 2010, indicate 190 milligrams of lorazepam was collected. Four extra milligrams was disposed of on June 4, 2010. No other documentation or information supports the additional 4 milligrams which were wasted. (R-2-22)

Subject statement:

Captain Rawlins provided a sworn statement (R-46) on September 7, 2010 which contained the following:

- On June 2, 2010, he exchanged lorazepam at the Volusia County Fire Services Advanced Life Support Units (ALS) (R-1 -22)
- The UPS delivery of the lorazepam arrived later than normal to the Resource Center and he started the process of exchanging medication at about 1100 hours.
- DC Weaver assigned him to escort the State of Florida representative for the storm shutter grant on the same day he was exchanging the medications at the ALS stations.
- He spent approximately 30 minutes at each station. (R-1, 46)
- The medication was identified as wasted on the narcotics log and he considered it wasted when it was placed into the biohazard waste container.
- He had the paramedics waste the lorazepam by placing the full carpupjets into the sharps container which he provided. (R-34, 37, 38, 40-45, 48 -51)
- The paramedics signed the VCFS CSAL. (R-2 -11, 13 – 21)
- He exchanged the lorazepam while Station 22 was on a call. (R-22, 46)

- He issued new lorazepam to all ALS stations. (R-2 – 11, 13 -21)
- He could not confirm that he left the medication behind at Station 35 although he had already signed the form verifying wasting. (R- 37)
- He taped and sealed the biohazard container containing the full carpupjets of lorazepam and placed it in the storage room off of the bay at Station 42.
- Station 42 is a biohazard waste collection point for VCFS.
- The storage room at Station 42 which contains the biohazard container is not kept locked.
- On June 3, 2010, he was contacted by DC Pocica and Captain Kamine who questioned him on the procedure used on June 2, 2010, involving the collection of lorazepam. (R- 23, 30, 35)
- When contacted by DC Pocica and Captain Kamine it didn't dawn on him he had violated SOG.
- On June 4, 2010, he reviewed the SOG associated with collection and disposal of controlled substance(s) and at that time he realized he had violated the SOG for collection and disposal of controlled substance(s).
- He was directed by DC Pocica to return to Station 42 and properly waste the medication. (R-30)
- On June 4, 2010, per DC Pocica's direction he went to Station 42 and with Lieutenant Huber did a mass disposal of the medication. A mass disposal form was completed.(R-25)
- From the stations where the lorazepam was collected on June 2, 2010, the VCFS CSAL indicated a total of 190mg was collected. Four extra milligrams was disposed of on June 4, 2010 at Station 42. He advised the 4 extra milligrams may have included medication he wasted on June 3, 2010, coming from the resource center which he documented on the disposal sheet dated June 4, 2010. (R-2-11, 13 – 21, 23)
- He explained to DC Pocica that he didn't realize he had violated policy.
- He assisted in writing SOG, 102.005.
- The way he collected and disposed of the lorazepam on June 2, 2010, was not the usual way he collected medication; it was collected this way because he was frustrated and running behind schedule.
- None of the paramedics involved in the collection of medication questioned him on why the lorazepam was being collected in the fashion it was.
- He did not receive any disciplinary action for the violation of SOG but did receive what he believed to be a verbal counseling over the telephone from DC Pocica.
- He did not meet with DC Pocica on June 9, 2010, at the Fire Administration building and receive a verbal counseling for violating SOG. He was at a Fire Training Center at Daytona Beach on June 9, 2010 and was not at the Fire Administration building. (R-29)
- He could not confirm having a meeting with DC Pocica during which he received a verbal counseling directly associated with this incident.

Investigative facts:

Testimony provided by the 13 paramedics involved in the collection and disposal of lorazepam on June 2, 2010, confirm SOG 102.005 was violated by Captain Rawlins. (R-34, 37, 38, 40-45, 48-51) The paramedics interviewed stated they signed the VCFS CSAL indicating the medication was wasted, but the carpulets containing lorazepam were placed in a biohazard container provided by Captain Rawlins. The paramedics advised they wasted the medication in this fashion due to receiving what they believed to be a direct order from a superior officer. Several of the paramedics testified they questioned Captain Rawlins on the procedure he was using while collecting the medication but were either ordered or felt compelled to follow his directive.

After the collection of the lorazepam on June 2, 2010, Captain Rawlins left the bio-hazard container which contained approximately 190 milligrams of lorazepam unsupervised and unsecured for two days at Station 42. (R-2-22, 46) On June 4, 2010, Captain Rawlins returned to the station and retrieved the bio-hazard container, and wasted with Lt. Huber as a witness, a total of 194 milligrams of lorazepam. (R-23, 36) The amount documented as wasted on June 4, 2010 contains 4 milligrams more than the total quantity collected and documented on the VCFS CSAL. Captain Rawlins advised this overage discrepancy may be because he brought medication from the resource center and wasted it with the lorazepam at Station 42. (R-46)

DC Pocica initially (R-30) testified he conducted a verbal counseling session with Captain Rawlins and documented this in the form of a memo to file. (R-24). DC Pocica indicated he held a counseling session with Captain Rawlins for violating SOG, 102.055, on June 9, 2010, at 0830 hours at the Fire Administration building. (R-24, 30) A review of the Trip Report for Log 10 (Rawlins) for June 9, 2010, shows Captain Rawlins was at the Volusia County Fire Training Center in Daytona Beach at 0830 hours on June 9, 2010, and therefore was not involved in counseling session with DC Pocica as stated and documented. (R-29)

A second interview (R-47) was scheduled with DC Pocica due to inconsistencies with the information he provided in his first statement. During this second interview, DC Pocica reported he may have had the counseling session with Captain Rawlins on June 8, 2010 or June 10, 2010, but was not sure. Further recognizing the inconsistencies between these three documents (R-24, R-30, and R-47), DC Pocica requested a third interview. (R-52)

During the third interview, DC Pocica now stated he conducted the counseling session with Captain Rawlins on the morning of June 10, 2010. The travel logs confirm both were at the same location in the morning of June 10, 2010, and their testimonies indicated they may have conversed; Captain Rawlins, however testified he did not remember meeting with DC Pocica on June 10, 2010 and

discussing the SOG violation in any context, therefore, these inconsistencies remain. (R-28, 30, 47, 52) He advised he did speak on the telephone with DC Pocica on June 3-4 concerning the incident. (R-46)

On August 25, 2010, a review of Captain Rawlins' fire personnel file indicated no documentation present from DC Pocica which could be considered a letter of reprimand or a notation of an oral reprimand associated with the events which transpired on June 2, 2010 involving the collection of lorazepam.

Findings:

Based on the information contained in individual statements, supporting documents, and investigative findings, the following violations of policy are sustained:

Improper collection and disposal of a controlled substance, lorazepam, in accordance with **SOG 102.005 (Controlled Substance Accountability)**

Volusia County Merit System, Section 86-451(b) *Conduct or actions which interfere with or prevent the effective and efficient performance or a department's responsibilities; and*

Volusia County Merit System, Section 86-453

1. *Willful neglect in the performance of duties of the position to which the employee is assigned; and*
2. *Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.*

Concluding Statement:

Based on the information obtained during this investigation as noted in references R-1 through R-52 the allegation of misconduct as presented above is clearly sustained. All references used to support this investigation remain with the case file in the internal affairs unit.

Delays in finalizing this investigation are solely attributed to the additional time required for transcription of interviews. Original attachments of interviews and documents pertaining to this investigation remain on file with the Internal Affairs Unit.

Accordingly, this investigative report is submitted for review and action as deemed appropriate.

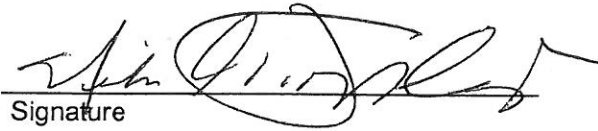
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"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss.112.532 and 112.533, Florida Statute."



Signature

Nikus D. DUFFLEY
Name (printed)