

**Volusia County Department of Public Protection
Internal Affairs
Case number 2010-08-286
Brennan, P. Witness Interview**

August 31, 2010

Present:

Nikki Dofflemyer, Captain, Internal Affairs

Philip Brennan, Firefighter/Paramedic, Division of Fire Services

Transcribed:

Rebecca Perryman, Senior Staff Assistant

Dofflemyer: This is Captain Dofflemyer with the Volusia County Department of Public Protection Internal Affairs Unit. Today's date is August 31st, 2010, the time is 0930 hours. We're conducting this interview with Mr. Philip Brennan at the Historic Courthouse located in DeLand, Florida. This is a taped interview statement regarding Internal Affairs' case number 2010-08-286. Mr. Brennan is not the subject of this investigation. He is currently on-duty, has been released from service for the purpose of this interview. Philip can you identify yourself please.

Brennan: Philip V. Brennan the third.

Dofflemyer: And do you have a contact phone number Philip?

Brennan: Yes at the Fire Station?

Dofflemyer: That's fine.

Brennan: Okay, 386-615-6034.

Dofflemyer: And you're currently employed by Volusia County Fire Services?

Brennan: Yes ma'am.

Dofflemyer: How long have you been with Fire Services?

Brennan: Twenty-eight years.

Dofflemyer: And how long have you been?

Brennan: Oh, Fire Services, I've been since 1989.

Dofflemyer: Okay and twenty-eight years of service in County?

Brennan: Yes.

Dofflemyer: And current position as a paramedic?

Brennan: Yes ma'am.

Dofflemyer: Firefighter paramedic?

Brennan: Ah hum.

Dofflemyer: What station are you assigned to presently?

Brennan: Station 18.

Dofflemyer: Station 18, on June 2nd, 2010 were you also assigned to Station 18?

Brennan: Yes ma'am.

Dofflemyer: All right, Mr. Brennan has been advised he is participating in an official administrative investigation for the Department of Public Protection. I will be asking him questions specifically directed and nearly related to the performance of his official duties. He is entitled all rights and privileges guaranteed by the Constitution of the United States and the laws of the State of Florida, including the right not to be compelled to incriminate himself. He's further advised that if he refuses to testify or answer questions relating to the performance of his official duties, it will be considered an act of insubordination and a violation of a direct order. If he does answer questions, neither his statements, nor any information or evidence which is gained by such statements can be used against him in any subsequent criminal proceeding. Do you understand your Garrity rights?

Brennan: Yes ma'am.

Dofflemyer: Okay. You also understand this is an active open internal affairs investigation. This time I am directing you not to discuss any part of this investigation with anyone until the case comes to closure. You also understand you'll be providing a sworn statement today given under oath?

Brennan: Yes ma'am.

Dofflemeyer: Okay. You also understand you have a right to representation in accordance with Merit Rules and Regulations and the Firefighter Bill of Rights. At this time do you elect to have representation present?

Brennan: No.

Dofflemeyer: Okay, any time during this interview if you change your mind you'd like to have representation just advise, we'll stop the interview and allow you to gain that representation. Can you raise your right hand for me? Do you solemnly swear or affirm the statement that you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Brennan I do.

Dofflemeyer: Very good. On June 2nd, 2010, Captain Rawlins came to Station 18 to exchange ah, I guess some Lorazepam that was going out dated for some new Lorazepam. Do you remember that, that event?

Brennan: Ah, no.

Dofflemeyer: Okay, ah, do you remember at any time Captain Rawlins coming to your station to exchange out a drug maybe not on June 2nd, but any time where he came to the station and directed you to turn over ah, medication and not waste it in accordance, in accordance with Division policy?

Brennan; No I don't remember.

Dofflemeyer: Okay, have you ever been told by anybody that that transpired?

Brennan: No.

Dofflemeyer: Okay, and how long you've been a paramedic?

Brennan: Since 19 or since 2000.

Dofflemeyer: Okay, and you are, you're currently policy is to waste the medication with a witness present?

Brennan: Yes ma'am.

Dofflemeyer: Okay, has there ever been a time that you did not waste the medication in accordance with policy?

Brennan: Ah, no.

Dofflemyer: Okay, would this be your signature on the controlled substance accountability form on June 2nd?

Brennan: Yes.

Dofflemyer: Okay and that was June 2nd, 10 milligrams of Lorazepam had expired.

Brennan: Ah hum.

Dofflemyer: And it shows that the amount was wasted?

Brennan: Yes it says that.

Dofflemyer: You wasted the drug and Captain Rawlins witnessed?

Brennan: That's what it says.

Dofflemyer: Is this how the event transpired?

Brennan: Well I can't remember that specific date, but that is my signature and ah, and if it says that the drug was wasted then I have to you know believe that it was wasted.

Dofflemyer: Okay, has there ever been a time that you worked for Fire Services that you did not waste a medication in accordance with policy?

Brennan: No.

Dofflemyer: Okay, very good.

Brennan: Can I look at that?

Dofflemyer: Sure.

Brennan: Yeah usually I would fill this out but he did it, he did it himself, so. Okay.

Dofflemyer: Okay, all right, anything that I did not ask you that you think I need to know?

Brennan: No.

Dofflemyer: Nobody has advised you that Captain Rawlins ordered them or directed them to violate policy?

Brennan: No.

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Dofflemyer: Okay, very good, we're going to go off the record. We're still at the Historic Courthouse in DeLand, Florida. It's still August 31st, the time is 0934, and we're officially off the record.

(Tape recording devices off)