

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

August 31, 2010

Present:

Nikki Dofflemeyer, Captain, Internal Affairs

Justin Gilmore, Firefighter/Paramedic, Division of Fire Services

Transcribed:

Rebecca Perryman, Senior Staff Assistant

Dofflemeyer: This is Captain Dofflemeyer with the Volusia County Department of Public Protection Internal Affairs Unit. Today's date is August 31st, 2010, the time is 1051 hours. We're conducting this interview with Justin Gilmore at the Historic Courthouse in DeLand, Florida. This is a taped interview statement regarding Internal Affairs' case number 2010-08-286. Mr. Gilmore is not the subject of this investigation. He is currently on-duty, has been released from service for the purpose of this interview. Can you identify yourself for the record please?

Gilmore: Justin Gilmore.

Dofflemeyer: And Justin who are you employed by?

Gilmore: VCFS.

Dofflemeyer: And in what capacity?

Gilmore: Firefighter paramedic.

Dofflemeyer: And how long have you been with Volusia County Fire Services.

Gilmore: Pushing six years.

Dofflemeyer: Six years. What station were you assigned to on June 2nd, 2010?

Gilmore: Ah, Station 13.

Dofflemeyer: Do you remember who your partner was?

Gilmore: I believe it was, I'm not positive, but unless something's different it would have been Lieutenant Jeff Mullinax and Firefighter/EMT Leslie Jones. Unless they were off for some reason I don't remember.

Dofflemeyer: Okay. Justin 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. If he does answer questions, neither his statements, nor any information or evidence which is gained by reason of such statements can be used against him in any subsequent criminal proceeding. Do you understand your Garrity rights?

Gilmore: Yes.

Dofflemeyer: You also understand this is an active and open internal affairs investigation. 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?

Gilmore: Yes.

Dofflemeyer: Okay. You also in accordance with Merit Rules and Regulations and the Firefighter Bill of Rights you have the right to representation present during this interview. Do you elect to have representation present?

Gilmore: I have not.

Dofflemeyer: Okay, any time during this interview that you change your mind you'd want representation just advise, we'll stop the interview.

Gilmore: Okay.

Dofflemeyer: Okay. All right raise your right hand for me? Do you solemnly swear that the statement that you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Gilmore: So help me God.

Dofflemyer: Okay, on June 2nd, 2010, you were assigned to Station 13. Ah, there was an exchange of scheduled IV controlled substance Lorazepam that was initiated by Captain Roy Rawlins.

Gilmore: Yes.

Dofflemyer: Can you tell me about that series of events.

Gilmore: Ah, from what I remember, he came into the station with ah, I'm not sure if our drugs are about to expire or if they were, one of the reason he was coming to exchange the drugs out. And he brought drugs for the engine and the squad. And ah, he laid them on the table. I brought me narcs in and my drug boxes in. Opened up my narcs container and took off the I believe it was the Ativan Lorazepam we took off handed it to him and he gave me the new drugs to put on the truck.

Dofflemyer: Okay did you waste?

Gilmore: I did not waste any drugs.

Dofflemyer: Okay. Is it policy to waste the drugs with a witness?

Gilmore: It's policy to have the drugs witnessed, wasted and witnessed.

Dofflemyer: Okay. Would this be June 2nd here the controlled substance accountability form. Would that indicate that the amount was wasted?

Gilmore: It would.

Dofflemyer: Were you instructed to complete this form?

Gilmore: Yes.

Dofflemyer: Were you instructed to sign this form?

Gilmore: Yes.

Dofflemyer: Who instructed you to do so?

Gilmore: Captain Rawlins.

Dofflemyer: Okay. Do you know what happened to the medications?

Gilmore: I do not.

Dofflemyer: Okay.

Gilmore: I believe he took them with him, but I don't know what he did with them.

Dofflemyer: Did you see him secure them in any type of?

Gilmore: I don't remember.

Dofflemyer: But he did take the medications.

Gilmore: He did take them with him but he did not waste them.

Dofflemyer: Was anybody else present when he directed you to sign this form?

Gilmore: I believe Lieutenant Mullinax and Leslie Jones.

Dofflemyer: Did you have any discussion with them about it?

Gilmore: I don't remember.

Dofflemyer: Okay. Did you report ah, this is an unusual circumstance; this is not the common way that you waste medication.

Gilmore: This is not the common way but do to the fact that he was the EMS Captain, I thought that at least thought EMS Captain told me to do it, I assumed that was proper way of doing it.

Dofflemyer: Has this happened? Has it ever happened prior to this one incident where Captain Rawlins came in and exchanged medication like that?

Gilmore: I don't think at 13, and I don't remember the stations before that if he did or not.

Dofflemyer: Has it happened...

Gilmore: I know I've exchanged drugs with him before, I just can't remember the circumstances before that.

Dofflemyer: Okay, has it happened since June 2nd?

Gilmore: No, I exchanged narcs in July and we wasted them and witnessed.

Dofflemyer: So the drugs were never drawn into a syringe and wasted either in the trash or in a sink?

Gilmore: Not on June 2nd.

Dofflemyer: Okay is there anything I haven't asked you Justin that you think I need to know?

Gilmore: I can't think of anything.

Dofflemyer: Has any other supervisor directed you to ah, or failed to follow policy in exchange of mediation?

Gilmore: No, not that I remember.

Dofflemyer: Okay, all right, very good. We're still at the Historic Courthouse in DeLand Florida, still August 31st, the time is 1056 hours and we're off the record.

(Tape recording devices off)