

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

August 27, 2010

Present:

Nikki Dofflemeyer, Captain, Internal Affairs
Steve Huber, Lieutenant, Division of Fire Services
Ryan Thompson, Firefighter, Union Representative

Transcribed:

Rebecca Perryman, Senior Staff Assistant

Dofflemeyer: This is Captain Nikki Dofflemeyer with the Volusia County Department of Public Protection Internal Affairs Unit. Today's date is 27th of August 2010, the time is 1344 hours. We're conducting this interview with Lieutenant Steve Huber?

Huber: Correct.

Dofflemeyer: We're at the Volusia County Historic Courthouse located in Daytona or ah, DeLand Florida. This is a taped interview statement regarding Internal Affairs' case number 2010-08-268. Lieutenant Huber is not the subject of the investigation. He is currently on-duty, has been released from service for the purpose of this interview. For the record we are going to identify all the parties in the room. Myself, Captain Nikki Dofflemeyer, the lead investigator. Steve, if you can identify yourself please?

Huber: Lieutenant Steve Huber, Station 42 A shift.

Dofflemeyer: And you are, do you have a contact phone number?

Huber:

Dofflemeyer: Okay and you're currently employed by Volusia County Fire Services?

Huber: Correct.

Dofflemeyer: And you're employed in the capacity as a lieutenant, a supervisor?

Huber: Yes.

Dofflemyer: What station are you assigned to?

Huber: Station 42.

Dofflemyer: Ah, June 2nd, June 3rd, June 4th, were you assigned to Station 42 at that time too?

Huber: Yes.

Dofflemyer: Okay, Ryan can you identify yourself for the record please?

Thompson: Firefighter Ryan Thompson.

Dofflemyer: And Ryan you are here acting as Lieutenant Huber's Union Representative?

Thompson: Yes I am.

Dofflemyer: Okay and he is your representative of choice sir?

Huber: Yes.

Dofflemyer: Okay very good. You have been advised that you are participating in an official administrative investigation for the Department of Public Protection. I'll be asking you questions specifically directed and nearly related to the performance of your official duties. You are entitled to 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 and incriminate yourself. Ah, you're further advised that if you refuse to testify or answer questions relating to the performance of your official duties, it will be considered an act of insubordination, a violation of a direct order ah by a superior. If you do answer, neither your statements, nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. Do you understand your Garrity rights?

Huber: Yes.

Dofflemyer: Okay you also understand that this is an open investigation, at this time I am directing you not to discuss any part of this investigation with anyone other than your representative until the case comes to closure. Okay? Also in accordance with Merit Rules and Regulations and on the Firefighter Bill of Rights you have right to representation, Mr. Ryan Thompson is here to act in that capacity.

Dofflemyer: Be advised any time during this interview if you wish to take a break, advise and we'll stop the recording and allow you to take a break. It's going to be a sworn statement given under oath. Okay? Will you raise your right hand for me. Do you solemnly swear or affirm that the testimony that you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Huber: I do.

Dofflemyer: Okay, very good. June 4th, Lieutenant Huber you completed a document and I'll show you a copy of that. It's a Volusia County Fire Services EMS Division Controlled Substance Discard Form.

Huber: Ah hum.

Dofflemyer: Dated June 4th for some Lorazepam that was wasted.

Huber: Yes.

Dofflemyer: Do you remember this incident?

Huber: Yes I do.

Dofflemyer: This event? Tell me how you became involved in this?

Huber: Ah, it was late morning and I got a phone call from Captain Rawlins and he said is there a red box in the bio-hazard drop off. So...

Dofflemyer: You were at Station, you were at Station 42?

Huber: At my Station 42, yeah, because there is a drop off, bio-hazard drop off. This is one of the few stations that actually has it. Ah, when over there to look and told him yes there is. He said he'd be there shortly. He showed up real shortly, ah, and we got the box out, went to the office, opened the box and he laid out all the narcotics, wrote them all down. Ah, what they were checked the dates. We proceed to break the seals and ah I got an extra carpuiet and we wasted every bit of it and then all the waste and all the carpuiets and exterior containers where the seals at, ah went back in the red box. Super duper sealed it up, and that was it.

Dofflemyer: Okay. Ah, when Captain Rawlins called you did he, he told you to go and see if you find the red bio-hazard box?

Huber: Yes.

Dofflemyer: Did he tell you what was in the box?

Huber: No he didn't.

Dofflemyer: Did you know what was in the box?

Huber: Ah I didn't know.

Dofflemyer: Prior to Captain Rawlins showing up.

Huber: No, no, no, no. All I know is you shake it and it made noise that was it.

Dofflemyer: Did you see the box or even notice the box prior to?

Huber: It's in our storage room, so it's not something that we check everyday.

Dofflemyer: Okay.

Huber: The only time that we would actually seriously check it is either when we are throwing stuff in it or they're coming to pick up the bags.

Dofflemyer: Okay, so you would have no reason to be in there.

Huber: No clue to be looking in it, no.

Dofflemyer: Okay so you talked to Captain Rawlins.

Huber: Ah hum.

Dofflemyer: What happens after that?

Huber: Ah, which part? On the phone?

Dofflemyer: Yeah talked to him on the phone.

Huber: Talked to him on the phone and he said he'd be out shortly, didn't say what for, did nothing. He showed up and we went and got the box out of the, out of the bio-hazard waste box. Brought it into the, and there was nothing else in the box it was just that one Sharps container. Brought it into the office at Station 42 and took it apart and divvied out all the ah, narcs on the desk and wrote everything down and then disposed of it and then we documented it as disposed of.

Dofflemyer: Who wrote it all down?

Huber: He did.

Dofflemyer: He did?

Huber: Yeah.

Dofflemyer: Okay. So Captain Rawlins did the documentation on the form.

Huber: Yeah he did.

Dofflemyer: And you just signed.

Huber: Yes.

Dofflemyer: discarding.

Huber: Yeah.

Dofflemyer: So you were present through out the discarding of all the medications?

Huber: Oh yeah.

Dofflemyer: Okay, tell me how the medication was disposed of and wasted.

Huber: Ah, we threw into a, we put a bunch of paper towels into a bottom of a bucket. Wasted them all into that and that bottom of the ah, bucket the little thing, the paper towels went all into the red bio-hazard box. Ah, the other thing, everything went into the box.

Dofflemyer: Do you know what happened to the bio-hazard box after you were done?

Huber: After we, we sealed, I mean we really sealed it up afterwards and then ah, honestly can not remember if it went back into our drop box or if he took it and put it into another drop box. Honest can not remember.

Dofflemyer: That's fine. Do you remember how ah, many vials were wasted?

Huber: A bunch.

Dofflemyer: in that (inaudible).

Huber: It was sixty, eighty, I know there was a bunch. There was a bunch.

Dofflemyer: Don't have an exact number?

Huber: No I can't remember.

Dofflemyer: Lieutenant is it common practice for full vials to be left in a bio-hazard box in your storage room?

Huber: No.

Dofflemyer: Have you ever seen that before?

Huber: I've never seen that before. Usually we discard really quick.

Dofflemyer: So yourself and Captain Rawlins wasted the medication together?

Huber: Yes.

Dofflemyer: You were together...

Huber: Yes.

Dofflemyer: when it took place?

Huber: Side by side.

Dofflemyer: So you witnesses this Captain Rawlins waste the medication.

Huber: Yes.

Dofflemyer: And you were at Station 42.

Huber: Yes.

Dofflemyer: After you talked with him, how long after you spoke with him by phone did he arrive?

Huber: It was short. I, I, it was so short that I, I remember going wow that was quick.

Dofflemyer: You're not sure of how many milligrams were wasted?

Huber: No, two months ago, three months ago now I can't remember.

Dofflemyer: Any other documentation besides the forms that you and Captain Rawlins completed?

Huber: I sent an email to my battalion about it.

Dofflemyer: And who was your battalion?

Huber: John Pasqualle, I can not find it.

Dofflemyer: And what, what did the email say?

Huber: Ah, pretty much ah, Captain Rawlins came into the station and we discarded a large amount of, like I said, I kind of round it up to it was a round number I think. But it was, it stated the amount on it and I can't remember what the amount was, I just can't. And ah, yeah, he, he and I discarded it was documented and (inaudible).

Dofflemyer: Was it unusual circumstance to have to discard medication in that fashion?

Huber: Ah...

Dofflemyer: Finding it in the bay and then discarding it?

Huber: Yeah that part. I mean discarding it you know like that is common. Ah, I mean people, some people shoot it down the sink and then put something after it and wash it down. The other people, you know, however they do it they do it. But it's out into the open where the air is going to take the shelf life right off of it.

Dofflemyer: Ah, violation of policy, is it a violation of policy to place those medications in a bio-hazard container?

Huber: Oh not emptied?

Dofflemyer: Not emptied.

Huber: I don't know to tell you the truth. I mean it probably, I, I don't know I have no clue.

Dofflemyer: Okay.

Huber: No idea. I just know that we're suppose to when they're out of date and we've got replacement, (made sound of whoosh) you dispose of right then and there. And you discard the stuff in the Sharp box.

Dofflemyer: Let me show you a form and you didn't complete this form but I want you to kind of review it with me.

Huber: Okay.

Dofflemyer: This is controlled substance accountability form.

Huber: This is like all of the other ones are on our trucks.

Dofflemyer: If, if it shows a date under column amount wasted.

Huber: Ah hum.

Dofflemyer: And you have a paramedic signature and a witnessing party.

Huber: Ah hum.

Dofflemyer: Does that mean the medication was wasted at that particular station?

Huber: At that point right then and there.

Dofflemyer: Okay. So if this form was filled out and the medication was not wasted at that station, this would be falsifying the actual events that took place.

Huber: If, yes it would. Ah, now there is a new SOG out that says that Captain Rawlins are suppose to take all of the meds and waste them at his place or whatever.

Dofflemyer: When did that SOG come out?

Huber: You got me. It's in the ah, it's in the directive or something. It came out recent.

Dofflemyer: Okay.

Huber: It's a recent.

Dofflemyer: But it wasn't at this time here?

Huber: I don't think so. I don't know, I don't know the date that ah, that SOG directive whatever you want to call it came out.

Dofflemyer: Okay, I'll find out.

Huber: But.

Dofflemyer: No problem I'll find out. Common, is it a common practice for controlled substance to be stored in the bay?

Huber: No, no, no.

Dofflemyer: Controlled substance are suppose to be kept under lock and key?

Huber: Lock and key, doubled lock. Lock to get into the box and lock to get into the container.

Dofflemyer: Who counted the Lorazepam prior to disposal?

Huber: Oh, he did.

Dofflemyer: He did.

Huber: Yeah, he counted it up.

Dofflemyer: Did you ever do a second count?

Huber: No, I didn't do a second count. I just took his word that that's what it was. After he counted over whatever how many eighty whatever it was I took his word for it.

Dofflemyer: Any conversation with Captain Rawlins?

Huber: Ah, I tried, he didn't, he was not very conversational.

Dofflemyer: Did he say anything to you at all? Did he tell you why he had to come back to?

Huber: No, he didn't say anything about that at all.

Dofflemyer: He didn't tell you why...

Huber: Nothing.

Dofflemyer: he was coming back to dispose of the medication?

Huber: No, no.

Dofflemyer: Did you ask him?

Huber: I, the only thing I did ask him was what he thought about our new chief and he said that he probably wasn't very happy with him. And that was that. I asked him about the weather and everything else. And he's usually talkative and he was not talkative at all.

Dofflemyer: Have you had any conversation with anybody else about this...

Huber: No.

Dofflemyer: this event here?

Huber: No.

Dofflemyer: Have you talked with Roy Rawlins at all about it?

Huber: No.

Dofflemyer: Okay, all right Steve I don't have any other further questions. Is there anything that I haven't asked you that you think I need to know?

Huber: Ah, I do think you do need to know that since this is going on, I think this needs to be said that ah, when Roy was counting everything out and logging everything down, ah, he was real specific on what was accounted for ah, and his accountability was so thorough that I didn't think I had to recheck his accountability because I was sitting there when he was doing it. I mean he was super duper thorough about it. He's a really, I don't know if I should say it, but he's a real anal individual.

Dofflemyer: Ah hum.

Huber: And he is real thorough on stuff like that, so doesn't make sense why that box was in the, was in the bio-hazard box the way it was.

Dofflemyer: Do you ever know Roy to do anything like that before? Have you ever heard the rumor of him doing anything like that before?

Huber: No.

Dofflemyer: All right Steve we're going to go off the record.

Huber: Okay.

Dofflemyer: Understand you're subject to recall.

Huber: Yes.

Dofflemyer: If I need to bring you back in and clarify anything or if I get additional information I want to ask you more questions about.

Huber: Okay.

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Dofflemyer: Otherwise, let's see what time. We are still at the Historic Courthouse in DeLand, the time is 1355 hours and we're officially off the record.

(Tape recording devices off)