

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

August 27, 2010

Present:

Nikki Dofflemeyer, Captain, Internal Affairs

Charles Kamine, Captain, Division of Fire Services

Transcribed:

Rebecca Perryman, Senior Staff Assistant

Dofflemeyer: This is Captain Nikki Dofflemeyer with the Department of Public Protection Internal Affairs Unit. Today's date is 27<sup>th</sup> of August 2010, the time is 1011 hours. We're conducting this interview with Charles Kamine at the Volusia County Historic Courthouse. This is a taped interview statement regarding Internal Affairs' case number 2010-08-286. Mr. Kamine is not the subject of the investigation. He is currently on-duty, has been released from service for the purpose of this interview. Chuck can you identify yourself for the record please.

Kamine: Captain Chuck, Charles Kamine, Volusia County Fire Services, currently Battalion 20.

Dofflemeyer: Okay do you have a contact phone number?

Kamine: Yes,

Dofflemeyer: And what are you're, what are you're official duties at this point?

Kamine: Currently I'm still dealing as the EMS officer and serving also as a Battalion Commander for the Department.

Dofflemeyer: Okay. Mr. Kamine has been advised. He is participating in an official administrative investigation for the Department of Public Protection. He understands he'll be asked questions specifically directed and nearly related to the performance of his official duties. He is 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 himself.

Dofflemeyer: He's also 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, 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?

Kamine: Yes.

Dofflemeyer: You do understand that this is an open investigation?

Kamine: Yes.

Dofflemeyer: Okay, also understand that I am directing you not to discuss any part of this investigation with anyone until the case comes to closure. Do you understand that this is going to be a sworn statement given under oath?

Kamine: Yes.

Dofflemeyer: Okay. In accordance with Merit Rules and Regulations and on the Firefighter Bill of Rights you do have right to representation during this interview. Do you elect to have representation?

Kamine: Not at this time.

Dofflemeyer: Okay. Any time during the interview you change your opinion that you'd like to have somebody present, just advise, we'll make that happen for you. Okay raise your right hand for me. Do you solemnly swear or affirm that the statement that you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Kamine: I do.

Dofflemeyer: Okay. Alright, Chuck, June 2<sup>nd</sup>, 2010. Ah, I think you became aware of a series of events that took place involving ah, the removal and the replacement of Lorazepam at the County Fire Fighters Stations. Tell me in your own words how you became aware and you're involvement in what you know about the situation.

Kamine: Around June 2<sup>nd</sup>, so part of the day I believed I received a phone call that said I needed to check my email, we had an issue with Lorazepam. Ah, which I did check my email and received an email from Commander Mike Inglett, pretty much stating with a copy of an email from one of his firefighters that says,

Kamine: Lorazepam had been picked up from the Fire Stations, the crews were advised to sign the document that they destroyed it. However, the Lorazepam was not destroyed, it was collected by ah, Captain Rawlins at that time. And the crew from his stations I believe there were one or two that were in an email that said that they did not agree with that procedure they didn't feel comfortable signing it that they had wasted when in fact they didn't waste it. And that it was not in accordance with our department SOG's.

Dofflemyer: Do you remember who you had this conversations with, original phone call, do you remember who it came from.

Kamine: I'm pretty sure it was Commander Inglett.

Dofflemyer: Okay.

Kamine: Ah, again it's been a little while I can not guarantee it was his phone call. But I believe there was a phone call that initiated that said check, go check your email. Which I believe I did.

Dofflemyer: And Commander Inglett was the party that forwarded the email to you or sent the email to you?

Kamine: Correct that was one of the emails I believe there was another email in there at that time.

Dofflemyer: What would the email that you received from Inglett state?

Kamine: Ah pretty much...

Dofflemyer: The contents?

Kamine: what I just stated that the ah, one of the firefighters when the Lorazepam expired, they were told to sign the controlled substance log stating that they wasted it. Ah, they questioned Captain Rawlins and he told them to sign it and I would like to, I believe they used the word he ordered them but didn't say the word order. Kind of direct them you will sign this. And they said they didn't feel comfortable with it. They still did sign it, since he was a captain and then at that point they reported it up the chain of command.

Dofflemyer: Who was the firefighter that originally notified?

Kamine: The first one that I spoke, we were discussing was Carl Laundrie.

Dofflemyer: Okay.

Kamine: He's down at Station 23 C shift.

Dofflemyer: And information that was relayed to you is that he was directed to sign the controlled substance accountability form?

Kamine: Correct.

Dofflemyer: Which indicated he wasted a controlled substance?

Kamine: Correct. There's a section on there that serves as our, where we administer, either administer it, ah, add the drug to the drug log or where we waste it yes.

Dofflemyer: Is the second party have to be present when that takes place?

Kamine: Yes, they usually some, usually the person that witnesses the drug being wasted signs for it.

Dofflemyer: Do you know why the Lorazepam was being removed from the stations?

Kamine: At that time, ah, per our new protocol we switched out from valium to lorazepam, I think about a year and half two years ago. Lorazepam ah, at that current time had a ninety day non-refrigerated shelf life. Ah and every ninety days the ah, Lorazepam was, would be wasted and a new stock would be added to the units.

Dofflemyer: What the proper procedures for wasting a controlled substance? And do you have a policy?

Kamine: Correct. We have an SOG ah, that just recently had been I believe from March, if I'm not mistaken, March a new policy was written and ah, would outline start to finish in how the drug would be wasted. It would be all the medicine would be expelled or wasted into the sharps container. Ah, at that time and then the Lorazepam or whatever other controlled substance, whatever the packaging was vial or carpujet or ampule, would be thrown into the Sharp's container. Again which is a bio-hazard ah, container.

Dofflemyer: Okay. So if the Lorazepam was removed from the fire station without properly wasting it, would that be a violation of ah, division policy?

Kamine: If it was not wasted, not necessarily, because in the past we had collected large amounts of it. But we created another form, and it was called a controlled substance dispose form, I can't remember the name of the form. And what it says, in another words was a hand receipt saying I'm taking six milligrams or six vials from you from the station. But it would and it would not be logged the same way.

Dofflemyer: Okay, this log here, this controlled substance accountability log.

Kamine: Ah hum.

Dofflemyer: This is in essence saying that the controlled substance was not removed in bulk but it was actually wasted at the particular station.

Kamine: Correct, the current one that I'm looking at states that 10 milligrams were wasted.

Dofflemyer: Okay.

Kamine: Which would give me the fact that there would have been ah, wasted per the SOG, that's what that's saying.

Dofflemyer: So this form says that that controlled substance was wasted at that particular station signed by the medic that wasted it and a witness that was present.

Kamine: Correct. And if it was going to be done in the way that I just said to be collected it wouldn't have said wasted it would have said been collected and turned over to somebody else, yes ma'am.

Dofflemyer: Is there any time that you could take ah, a group or a bulk controlled substance put it in a Sharps container and leave it unsupervised prior to pick up by a bio-hazard company?

Kamine: Negative, the only time that we ever took a large bulk was when we switched from Valium or Diazepam to Lorazepam. And that we did because there was such a large amount for the entire department and we brought that back which was wasted under proper procedures and at that time it was never put in a Sharps container, it was actually because you, per the ah, 64J states it must be kept under a double lock. So what we do is we actually have locked pelican boxes on the battalion trucks or EMS truck and the drugs would be kept in there with all the signatures, so that if we were involved in an accident we had documentation where all this stuff come from. Never would we put it in a Sharps container. Because there is no, one there no way to lock it.

Dofflemyer: Okay.

Kamine: Does that make sense?

Dofflemyer: It does.

Kamine: Okay.

Dofflemyer: Once you became aware that there was a complaint filed, ah, what was your next action?

Kamine: At that point I believe I came in on-duty the next day, which would have, I work A shift, so this would have been the following shift I came in. Ah, Commander Inglett and I had a short discussion on it. At this time I...

Dofflemyer: (Inaudible) or discussion?

Kamine: It was pretty much we were venting what did something change, why, you know, why they made. I said well and I explained to him too that there has been times where we've taken bulk amounts of it, but we, we had another form like a hand receipt that said I'm taking it off your truck. They would log that in the log book. However...

Dofflemyer: And that has to be under double lock?

Kamine: Correct.

Dofflemyer: Okay.

Kamine: Yeah they would be kept under double lock. We actually have a box in every supervisor vehicles. All the battalions in the EMS. It's a hard case pelican box with the lock. It match, it's the same type of box that they carry the narcs in on the units, just a smaller version of it. We use that for when we transport any controlled substance from supply to the station and it's kept under the double lock. And when I say it's kept under the double lock, we're counting the unit as one lock and the lock on the pelican box.

Dofflemyer: Okay, so you have conversation with Mike Inglett.

Kamine: Ah hum.

Dofflemyer: What do you do next?

Kamine: Well at that point I believe I received another one or two phone calls about the same thing and if my memory serves me right there is another email that was attached to the original form from somebody else, is that correct?

Dofflemyer: I believe so yes.

Kamine: Ah, I'm not sure, I can not remember off the top of my head who that person was.

Dofflemyer: But you received the email and you also spoke with that party?

Kamine: I spoke with several parties, some...

Dofflemyer: Tell me, tell me who you spoke with.

Kamine: I believe I was Battalion 30 at that time. Ah, when I spoke with Commander Inglett (inaudible) shift, it wasn't, it would not have been face to face it would have been via phone calls.

Dofflemyer: Sure.

Kamine: Because I was still stationed over at, was it June, July, this, this past June, no I must have been still at 23. Again I can not tell you if it was a face to face or a phone call, I apologize.

Dofflemyer: Okay, that's alright.

Kamine: And ah, at that point through out the day I went to other stations and I heard, Scott Frazier was another one from Station 35, asked me you know what, what's going on with drugs. I guess that they had discussed it at change of shift that Commander Rawlins had come in and or Captain Rawlins had come in and taken the drugs without and told the guys to waste it without physically wasting it.

Dofflemyer: Was, was Firefighter Frazier a person that got directed by...

Kamine: Well he would have been the relieving crew...

Dofflemyer: Captain Rawlins?

Kamine: from this all happened on a C shift. Frazier works on a A shift, so in the morning when they the new crew came on, they would have discussed hey whatever happened the day before.

Kamine: So I believe it was discussed there. Ah, I can't remember there was several conversations I don't know if I outlined who else I spoke to in the report. Here in my little complaint form. Was there anybody else that had notified me?

Dofflemyer: Is that the documentation that you provided?

Kamine: This is what I do for every type of EMS complaint that we have. And then again ah, let's see, correct. And then Chief Weaver called me as stated on here. Chief Bailey brought up the issue to me again. Ah at this time I once I created this form all together, ah at that time I still was working under Chief Pocica as my direct supervisor. Ah, I notified him I think it was around what time was it, around three o'clock in the afternoon, 1500 hours and then the next morning I called him again and I set up a meeting and I believe I came off-duty and we went and we discussed it on the 4<sup>th</sup>.

Dofflemyer: Okay so you, you talked to Mike Inglett you talked to a couple other firefighters.

Kamine: Ah hum.

Dofflemyer: That make you aware of, of alleged incident that took place.

Kamine: Correct.

Dofflemyer: You then started documentation?

Kamine: Correct.

Dofflemyer: And you do your documentation, who do you call next?

Kamine: Well one before I make any phone calls, as you see on the second page if I may turn this back.

Dofflemyer: Ah hum.

Kamine: I go and I find out what the procedures are. I look it up in I believe this you know the procedures in our department SOG's if there is any State Statutes. One because usually my supervisor is going to go well what violation, was there any violations. Well there is a violation of County protocol, here's the violation of the department SOG, here's a violation of 64 J, which is the governing body from the State of Florida. And I put that all on the forms so that when I go to talk to him I have all the stuff and it's in as you can see it's written on the ah complaint form right there.



Dofflemyer: Okay. So.

Kamine: I called Chief Pocica, told him what happened, he asked me well how are we going to fix this problem. I said well the first thing we need to do.

Dofflemyer: When was the conversation with Chief Pocica?

Kamine: I think the first initial conversation was the 3<sup>rd</sup> of June and then we met the next morning. I said we need to meet on this Chief because there was a lot more there, was more ah, phone calls throughout the day and they said, I kept just telling people it's handled, it's handled, we're handling it, we're handling it, we're handling it. You don't have to send anymore emails it's handled. Ah, at that point I think Chief Bailey was involved, by now Chief Smith had been involved, you know I'll say have chief I've got this problem going on and then in the morning I'm going to meet with Chief Pocica. Which ah, which we did. So I met with Chief Pocica, told him what was going on and he says how are we going to fix this. I said well it's a clear violation of our department SOG, he said well how, I said but before we do anything we need to get these drugs secured. Well where are they? I said I don't know where they are. So I called ah, I believe in my statement, we called Captain Rawlins, he said they were at Station 42. Is it.

Dofflemyer: Ah hum.

Kamine: Did he tell me that, yeah, and I said there at 42, so I had the crew go out and verify it and Steve Huber, Lieutenant Huber stated they were in a Sharps container with piece of tape wrapped around in it sitting on the box in the bay, which is a bio-hazard box where we throw old IV, gloves, bloody items like that. This wasn't even in the box it was sitting on top of the box just wrapped up on there.

Dofflemyer: Had anybody told him it was there prior to that phone call?

Kamine: I, I, I don't know.

Dofflemyer: He didn't indicate that when he spoke with you?

Kamine: No I don't think, at that point I was very short on my words just wanted to find, at that point I called Chief Pocica, we talked about it and he said can we waste them? I said well as long as if we open up that Sharps container and not one seal, and I think I stated in my statement, if no seals were broken and there was I think 96 vials or 96 carpjets, if not one seal was broken we need to take them out waste them the proper way, sign a form, which I never seen this form still for the ah,

Kamine: I think there was, did I see that. Is it in there was there a form that was attached to it that said he actually did waste it. I think it was an email. In fact I think there was an email sent that they had wasted it, no it was a phone call, Roy had called me and stated it's been handled.

Dofflemeyer: Did he tell you who witnessed him wasting the drugs?

Kamine: Yes, Steve Huber. Which is Lieutenant Steve Huber, Station 42. At that point I think Chief Pocica asked me are you satisfied. I said I'm satisfied with they were disposed, however there's still the issue of the violations of the protocol and the ah, department SOG's.

Dofflemeyer: Did you ever turn a packet over to Deputy Chief Pocica?

Kamine: Correct. I took the whole packet that I had, it was a file.

Dofflemeyer: Would this be the packet here?

Kamine: That's correct, this is the packet. And ah, correct, there was a form, remember I told you that I wasn't sure if I had, I knew I received phone call but there was a form. That said ah, remember I told you that we did create a form if we ever did large bulk. This is the form we would have used if he would have collected the drugs, but didn't say they destroyed them. But since he said they were destroyed, he never created this form. So then what he did, he went back after the fact and how many, I think it came up to 79 plus 18 vials and they went back and they wasted this. Ah, and again this number here would not have been right, because this number down here is a control number, that's an old control number, right here. See what I'm talking about.

Dofflemeyer: Sure.

Kamine: If you look back in a previous issues we had discard, I know when I left we were well over five. So this is...

Dofflemeyer: Old form.

Kamine: this is an old, well no, this form, this complete form was just set up for an exact lot number. So if you cross the number with this number with the lot number you're going to have the same one. So that might be issue (inaudible) if we ever get audited.

Dofflemeyer: Okay.

Kamine: Ah, at that point I explained that the drugs were wasted and ah, Captain Rawlins witnessed Lieutenant Huber wasting them, so I was satisfied that they were wasted properly. And I said I felt good, but I said there were still two issues. The violation of the protocol and the violation of the SOG and ah, at that point the whole file was turned over to Chief Pocica and he said I'll get back with you. Ah, approximately I don't know if it was week or two later, I called him and asked him what's the status, and he's goes it being handled it's handled. He wanted to run it, I don't know if Chief Pozzo was here or Tauber was here. You'll have to help me on that. I believe he said he wanted to run it front of the Chief just to make sure that there were no issues make sure that was it. At that point I received a phone call says it's been handled, it's good. He has been counseled on it and at that point I said, ah, I can't remember my exact words but I think, I was like, he said I have the file and somewhere along he said I'll file it. Well all files like this usually come back to the EMS Department and they're kept in a central location. This file never came back to me.

Dofflemyer: Okay, did he ever confirm that he spoke to one of his superiors about this situation?

Kamine: Never confirmed it was when I was in his office on the 4<sup>th</sup>, he stated that he wanted to make sure he wants to run this the drugs had been wasted, he wanted to make sure that the Chief was aware of this and you know, run it before, before it was over with. And at that point we were, it was all satisfied, he still had the file and then I think it was maybe a month or two later, ah, Chief Bailey had contacted me and I think I have an email somewhere there it stated that. And I told him that I was told ah, through Chief Pocica that he had been counseled. And he goes have you ever seen the counseling. I said no I have not seen that. And he goes well where's the file and I said Chief Pocica still has it. And then a couple, I don't know how long later, Chief Smith wrote me an email, I responded to saying to this date here's what I have as a request. I took my PDF copy of what I turned over to Chief Pocica, sent that ah to Division Chief Smith and at that point I told them it was still in their hands.

Dofflemyer: So you presented this packet here to Chief Pocica?

Kamine: Correct in a file, yes ma'am.

Dofflemyer: Do you remember when you did that?

Kamine: Yeah it states in there.

Dofflemyer: Okay.

Kamine: The last day. My last entry into the ah, around twelve twenty hours, let me see, file being forwarded to Deputy Chief Weaver and Pocica. I don't know if it was exactly that hour it was somewhere, cause I would have typed it probably at my fire house and drove it down which should have been somewhere around the 4<sup>th</sup>.

Dofflemyer: This packet ever returned to you?

Kamine: No ma'am.

Dofflemyer: Is it protocol for that packet to be returned back to you?

Kamine: No protocol that's just been I would ah, there is no real policy on this. This was form that I created as a tracking mechanism.

Dofflemyer: Has it been a practice that that form has...

Kamine: Yes, yes and they've always come back to me.

Dofflemyer: Okay.

Kamine: Yes ma'am.

Dofflemyer: Have you, did Chief Pocica ever indicate to you that ah, or he did indicate to you that ah, Captain Rawlins was counseled.

Kamine: Correct.

Dofflemyer: Would the counseling form be attached to that packet for the record?

Kamine: There probably would have been a copy of the counseling form and again at that point when it came back to me I would have PDF a copy of this and kept it in my file on my computer. Ah, then this file would have been filed the old fashion way in a file cabinet.

Dofflemyer: Have you ever seen this document here? Has this file been returned to you as of yet?

Kamine: No ma'am. Okay no I've never seen that document.

Dofflemyer: And for the record that's a memo to file by Frank Pocica reference to meeting with Captain Roy Rawlins at the Fire Admin at 8:30 in the morning on 6/9 ah to counsel him on ah, not following the current SOG when it comes to disposal of a controlled substance. Never seen this form?

Kamine: Correct, no that is...

Dofflemyer: Is this a proper counseling form?

Kamine: That, that's not a counseling form. That's, that's just a, that's like a memo. Our counseling forms two page.

Dofflemyer: Is this an official memo?

Kamine: No ma'am.

Dofflemyer: Do you know with your policy are supervisors required to report unusual, unusual situations up the chain?

Kamine: Oh absolutely, and again I believe we did do that process.

Dofflemyer: But this is not what you know is a counseling slip.

Kamine: No.

Dofflemyer: And you've never seen it before?

Kamine: Not till today.

Dofflemyer: Any other, any other conversations with Chief Pocica, Deputy Chief Pocica?

Kamine: Not on this subject.

Dofflemyer: Did he ever tell you he went to Mr. Ryan and spoke to Mr. Ryan about the situation?

Kamine: It, maybe Mr. Ryan, might have been Mr. Ryan at that time. Because I thought it was the time between Chief Tauber's leaving, Chief Pozzo, so the director would have been Mr. Ryan.

Dofflemyer: Did Mr. Ryan ever speak to you about this situation. Has he ever approach you about it?

Kamine: I don't believe so.

Dofflemyer: And I know you briefly touched, tell me about your conversations with Chief Bailey?

Kamine: Chief Bailey just did a follow up again. He was involved the first day. Ah, he did a follow up again I think it was a couple, maybe a month or so. Ah, whatever the email states and that was pretty much the conversation. I was told I turn the file over to Chief Pocica and he told me that Captain Rawlins had been counseled. And I said Chief Pocica still has the file.

Dofflemyer: How about Deputy Chief Weaver?

Kamine: Chief Weaver and I had a brief conversation somewhere on that date and she advised me to go because it was an operational issue per advisement from Division Chief Smith. He says you need to keep Chief Weaver in the loop which I stated in there that I spoke with her too. And she said you need to let Frank, or Chief Pocica handle that.

Dofflemyer: Okay.

Kamine: And again that was a verbal conversation. It was the same day I spoke with Chief Pocica which I think was the 4<sup>th</sup> of June and ah.

Dofflemyer: Any conversations between you and Roy Rawlins about this incident?

Kamine: The only times was the phone calls that day. Other than that we did not discuss.

Dofflemyer: And he advised you that the ah medication was at Station 42, the controlled substance was at 42.

Kamine: Correct.

Dofflemyer: Did he tell you he told anybody he was leaving it there?

Kamine: I don't believe so.

Dofflemyer: And the documentation that I showed you, I just want to confirm this for the record. The control substance accountability form, if it is signed and witnessed it means that that medication was wasted on site as it's indicated in this form.

Kamine: Only if it's stated it's wasted, which the form that I looking at right now states 10 milligrams was wasted. We would use this form exactly here where it would say transferred, in other words on this date 6/2 it would have said transferred 10 milligrams, but it wouldn't have said wasted to this person.

Dofflemyer: This category.

Kamine: This form...

Dofflemyer: Okay.

Kamine: Right this form stating the drug was wasted, so it would have been done a little bit differently if you, said taken with them. And again in our SOG there is a clear way of how he would transfer the drug out.

Dofflemyer: Okay, and the form that you showed me, the form if the drug had been transferred out the form that would have been completed is this form here, which is a controlled substance discard form which indicates that it was removed.

Kamine: No, this is the way it would have been wasted. Ah, there's another form that would have been, the same form that ah, Captain Rawlins issues drugs from the supply room to the fire station would have been the same form he would have used. Let me restate that, that I would have used to take the drugs from the station back to the supply room.

Dofflemyer: But this is not the correct form you'd use in that circumstance.

Kamine: No ma'am, no.

Dofflemyer: Did Roy ever say to you that he directed staff to file this form?

Kamine: No, he, very short conversations with him.

Dofflemyer: And he went and picked up the controlled substance from Station 42 after your conversation and wasted with Lieutenant Huber.

Kamine: Well according to his phone call he had drove there and they wasted it at Station 42.

Dofflemyer: All right Chuck is there anything that I have not asked you that you think I need to know?

Kamine: No, I believe that's all that I remember.

Dofflemyer: Okay and you have not, you've not received this packet back for your file?

Kamine: No ma'am.

Dofflemyer: And you have never seen this counseling memo.

Kamine: No ma'am.

Dofflemyer: And you have asked, followed up with Deputy Chief Pocica.

Kamine: One time I did, yes ma'am.

Dofflemyer: And it's standard practice for this form to be returned?

Kamine: Yes ma'am that's what we done (inaudible).

Dofflemyer: And when you spoke with him did you, did you indicate to him that you were waiting for the packet to be returned?

Kamine: Correct and I as I stated he said he'll file it. I'm not sure.

Dofflemyer: He said he would file it.

Kamine: Correct, but it's I've never received it.

Dofflemyer: And the files you have control over, correct.

Kamine: Well EMS would have had the control over that yes ma'am. They're kept in my office upstairs.

Dofflemyer: So you would know if he would have brought it back to file it.

Kamine: Well, it has not been, I've been back since and I have not seen it.

Dofflemyer: All right, at this time I don't have any other questions. Ah, just understand that you are subject to recall.

Kamine: Absolutely.

Dofflemyer: If we need clarifying on any other ah, item. Otherwise we are going to officially go off the record. It's still same date, it's still located at the Historic Courthouse in DeLand and we're going off at 10:37 AM.

(Tape recording devices off)