

**Volusia County Department of Public Protection  
Internal Affairs  
Case number 2010-08-286  
W. Kelly Witness Interview**

September 3, 2010

Present:

Nikki Dofflemyer, Captain, Internal Affairs

William Dennis Kelly, 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 September 3<sup>rd</sup>, 2010, the time is 0921 hours. We're conducting this interview with Mr. William Dennis Kelly and we are at the Volusia County Historic Courthouse located in DeLand, Florida. This is a taped interview statement regarding Internal Affairs' case number 2010-08-286. Mr. Kelly is currently on-duty, has been released from service for the purpose of this interview. Mr. Kelly can you identify yourself for the record please?

Kelly: William Dennis Kelly.

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

Kelly: That's correct.

Dofflemyer: And your capacity is a paramedic firefighter?

Kelly: Yes.

Dofflemyer: How long have you've been with Volusia County?

Kelly: Since May of 06'.

Dofflemyer: Okay. Ah, what station are you currently assigned to?

Kelly: Station 11.

Dofflemyer: On June 2<sup>nd</sup> 2010, were you assigned to Station 11?

Kelly: I believe so.

Dofflemyer: Okay, Mr. Kelly has been advised he is participating in an official administrative investigation for the Department of Public Protection. I will be asking questions specifically directed and nearly related to the performance of his official duties. You are 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 yourself. You are 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. If you answer questions, neither statement, 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?

Kelly: I understand.

Dofflemyer: Also understand this is an open and active internal affairs investigation. Please do not discuss any part of this interview with anybody until the case comes to closure. Do you also understand that you will be providing a sworn statement which is given under oath?

Kelly: I understand.

Dofflemyer: Okay, in accordance with Merit Rules and Regulations and the Firefighter Bill of Rights, you have the right to have representation present during this interview. Do you elect to have representation present at this time?

Kelly: I do not.

Dofflemyer: Okay, be advised any time during this interview you wish to seek representation, just advise and will stop the interview and allow you to do so.

Kelly: Okay.

Dofflemyer: Okay, raise your right hand for me. Do you solemnly swear or affirm the statement that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Kelly: I do.

Dofflemyer: Okay, June 2<sup>nd</sup>, 2011 (2010) is correct that you were assigned to Station 11?

Kelly: Yes.

Dofflemyer: Okay. Do you remember Captain Rawlins coming to the station on that particular day?

Kelly: I do.

Dofflemyer: Okay.

Kelly: I can't tell you that it was that date in my memory, but I do remember him coming in the, to the station.

Dofflemyer: Would it be to exchange out some medications Lorazepam?

Kelly: It would be.

Dofflemyer: Okay, let me show you a controlled substance accountability form that you signed.

Kelly: Ah hum.

Dofflemyer: Ah, dated June 2<sup>nd</sup>, ah that ten milligrams had expired and it was wasted. You're name and Captain Rawlins witnessing.

Kelly: Yes, that is, that's not my handwriting but the printed name and the signature is.

Dofflemyer: Okay, that would be Captain Rawlins' handwriting filling out the document?

Kelly: Yes.

Dofflemyer: Okay, and that was June 2<sup>nd</sup>, 2010?

Kelly: It was.

Dofflemyer: Okay, very good. Okay, tell me about what happened when Captain Rawlins came to the station to exchange out the medication?

Kelly: Ah, well just for the record I was ah, not a cleared medic at that time and not, this is the first time that I ever had to change out narcs and controlled substances. And I do, what, what I recollect is he came to the station, seemed to be in a hurried pace like he had a lot to do. Came into the station, asked me to go get the controlled substances. I got the controlled substance, I was the key carrier that day as being a cleared medic, that's what I'm suppose to do. Ah, brought them into the station and we exchanged Lorazepam at the table.

Kelly: Ah, and I signed the log, he filled it out, but I do not remember him wasting it. From what I remember he put it into a blue mark one pelican box or something of that nature and then left.

Dofflemyer: Did you question him as to why he was doing it in that fashion?

Kelly: I didn't and didn't even come to mind. Ah, I was kind of nervous about it because I never did it, I wanted to make sure I was doing everything right too. So I kind of you know, tunnel vision also probably and a little bit nervous about it because like now there's controlled substance and everybody's like you know be careful with the controlled substances, but, no I didn't, didn't even come to my mind.

Dofflemyer: Okay, is there a reason you turned the medication over to him without question?

Kelly: Ah, he seemed you know, Roy is ah, an authority figure. He's been here a long time and every time that I had an encounter with him, he, he let's you know you're place. So I was just, I thought that I was doing the right thing.

Dofflemyer: Okay, meaning he let you know your place?

Kelly: Well, you know, he let's you know where he's at, just, just from not, sometimes things he says. But just the way that he presents himself you know, like he's an authority figure and he wants you to know it.

Dofflemyer: Okay. So the medication that the Lorazepam was not wasted at the station prior to Captain Rawlins taking it?

Kelly: Not that I witnessed.

Dofflemyer: Did you waste any of the medication?

Kelly: Not that day.

Dofflemyer: Did he direct you to turn the medication over to him?

Kelly: He did.

Dofflemyer: Did he direct you to sign the form, the accountability form?

Kelly: He did in an authoritative fashion.

Dofflemyer: Okay. Do you know where Roy took the medication after he left the station?

Kelly: I do not.

Dofflemyer: But you believe it was put into one of those little pelican?

Kelly: From what I remember it was put into like a secured, well I wouldn't, I don't even think there was a lock on it. I think it was just a little case that was foamed lined.

Dofflemyer: Did, was anybody else around when he ordered you or directed you to sign the form and turn the medication over to him?

Kelly: They were around but they weren't in the same room.

Dofflemyer: Did you say anything to anybody after he left?

Kelly: I didn't, I mean hindsight twenty twenty.

Dofflemyer: Sure. So at no time did you ever notify another supervisor that the medication was taken in that fashion and it wasn't actually wasted?

Kelly: Not that I can remember.

Dofflemyer: Okay. Are you aware of how you're suppose to waste the medication?

Kelly: I am aware of how you're suppose to waste, especially being a cleared medic.

Dofflemyer: Were you working with another medic on that particular day?

Kelly: I was.

Dofflemyer: Who was that?

Kelly: My clearing medic and Lieutenant George Sotos.

Dofflemyer: Okay, were they present when you were?

Kelly: They were in and out, in and out of the room because it's the kitchen area where we all kind of hang, that's the main living area of the station. But I believe from what I remember, it was just me and Roy and Sotos, George Sotos was on the computer and around the corner in the next room.