

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

September 3, 2010

Present:

Nikki Dofflemyer, Captain, Internal Affairs

Mercedes Pinkerton, 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 3rd, 2010, the time is 1009 hours. We're conducting this interview with Ms. Mercedes Pinkerton. 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. Ms. Pinkerton is not the subject of the investigation. She is currently on-duty, has been released from service for the purpose of this interview. Mercedes can you identify yourself for the record please?

Pinkerton: Mercedes Pinkerton.

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

Pinkerton: Yes ma'am.

Dofflemyer: And your capacity is a firefighter paramedic?

Pinkerton: Yes ma'am.

Dofflemyer: How long have you've been with Fire Services?

Pinkerton: Ah, six years.

Dofflemyer: Six years.

Pinkerton: Going on seven yeah.

Dofflemyer: How long have you been a medic?

Pinkerton: Two.

Dofflemyer: Two years okay. Ms. Pinkerton has been advised she 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 your 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 do answer neither your 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?

Pinkerton: Yes ma'am.

Dofflemyer: Okay, you also understand this is an active and open internal affairs investigation.

Pinkerton: Yes ma'am.

Dofflemyer: Okay at this time I'm directing you upon closure of this or upon any our interview, please do not discuss any parts of the events with anybody until the case comes to closure. You also understand that you will be providing a sworn statement which is given under oath?

Pinkerton: Yes ma'am.

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

Pinkerton: Not at this time.

Dofflemyer: Okay, be advised any time during this interview you wish to get representation, just advise and will stop the interview and allow you to seek representation before we move forward.

Pinkerton: Yes, okay.

Dofflemyer: Alright 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?

Pinkerton: I do.

Dofflemeyer: Alright, very good. I want to talk about some exchange of medications that have transpired over the I think one time in June 2nd, 2010, with Roy Rawlins when he came out and exchanged Lorazepam. And there was also a time in February when there was an exchange in medication involving you and Roy Rawlins. The first one I want to talk about is ah, June 2nd, 2010, do you remember Captain Rawlins come out and exchanging medication?

Pinkerton: I do, I'm not sure if it was June 2nd or another date, but it's in February. It's documented on the narcs log.

Dofflemeyer: Okay so there's one time in February and one time in June?

Pinkerton: Yes ma'am.

Dofflemeyer: Okay, let's talk about the June incident. Tell me what you remember.

Pinkerton: I just came in with the Lorazepam that was about to expire and he asked that I pull my narcs log out and my books, I did. Got the drugs, he asked me to ah, put the expired ones full of the medication into a red box and ah, he asked that I sign my narc logs for the new drugs. So we just threw them open into the container.

Dofflemeyer: Okay, the medication that Captain Rawlins was retrieving from the station, ah, was the medication wasted?

Pinkerton: Ah,

Dofflemeyer: Was it wasted at the station?

Pinkerton: Not, not disposed of properly I don't believe.

Dofflemeyer: Okay.

Pinkerton: Ah, they were put into a canister, but they were not opened and poured out.

Dofflemeyer: Okay. How long was Captain Rawlins there that particular day?

Pinkerton: Just for maybe a few minutes.

Dofflemeyer: So there's no way in the world...

Pinkerton: Five to ten minutes probably.

Dofflemyer: so there's no way that the medication, there was time?

Pinkerton: No.

Dofflemyer: To draw up the medication and...

Pinkerton: No.

Dofflemyer: waste it properly. Tell me again, what did you do with the medication?

Pinkerton: Ah, we put them in, or he had me put them in the red bio-hazardous box.

Dofflemyer: Did he instruct you to put that, put the medication?

Pinkerton: Yes.

Dofflemyer: And it was Lorazepam a scheduled IV controlled substance?

Pinkerton: Yes. I believe it was either eight or ten milligrams worth.

Dofflemyer: Did he instruct you or direct you also to sign the log indicating that the medications had been...

Pinkerton: Wasted.

Dofflemyer: Wasted?

Pinkerton: Yes.

Dofflemyer: Okay. Anybody else present?

Pinkerton: Ah, during the first incident.

Dofflemyer: And that would be February?

Pinkerton: In February, Dan Pronovost, my partner was ah, in the room with me.

Dofflemyer: Okay.

Pinkerton: And it was the same incident exactly actually. And ah, I asked him if he wanted me to squirt them out and he said no to put them in the box, that that was wasted. Ah, Dan witnessed that and I put them in the box.

Dofflemyer: Okay.

Pinkerton: The second incident I don't recall if there was a witness or not.

Dofflemyer: Did you express any concern to Captain Rawlins when he instructed you to place the, the medication into the container and not waste it in a proper fashion?

Pinkerton: I asked him specifically if he wanted me to squirt it out and he said nope it's wasted and had me throw them in the box. So I did not challenge him.

Dofflemyer: Is there a reason you didn't challenge him?

Pinkerton: Ah, because he is my supervisor. I assumed that he knew what he was doing. I was not ah, clear after he left. I went on line to look at the SOG's and I was unable to find anything specific to the proper disposal. Ah, so in February this occurred in February.

Dofflemyer: Okay.

Pinkerton: And ah, I was a little nervous about the transaction afterwards. So I called another station.

Dofflemyer: And this is February not the June.

Pinkerton: This is February.

Dofflemyer: Okay.

Pinkerton: I called Station 42 and I spoke to Mannion and he ah, said that the same thing had occurred to him and he believed that Chief Ebanks was aware. So I didn't pursue it any further.

Dofflemyer: And who did you talk to again at in February?

Pinkerton: Shawn Mannion.

Dofflemyer: Shawn Mannion. And he indicated to you that it happened before?

Pinkerton: He indicated that it had happened the same day to him.

Dofflemyer: Okay.

Pinkerton: And he didn't feel comfortable with it either, but that he believed that Chief Ebanks was already aware of the situation.

Dofflemyer: Did he say that he reported to the Chief?

Pinkerton: I don't recall who specifically.

Dofflemyer: Okay.

Pinkerton: I just assumed at that point someone was aware of it, so I didn't pursue it any further.

Dofflemyer: And in February the medication was removed from the station and the medication was not wasted properly.

Pinkerton: No.

Dofflemyer: By drawing and disposing...

Pinkerton: And wasting it the proper way.

Dofflemyer: And that would be to draw it into a dispenser?

Pinkerton: What I would consider wasting is to draw up the medication and squirt it out into either trash or sink. Ah, and that was not done.

Dofflemyer: And in February were you also directed or ordered by Captain Rawlins to do?

Pinkerton: Yes.

Dofflemyer: To, to complete that transaction...

Pinkerton: Yes.

Dofflemyer: in that fashion.

Pinkerton: That's why in June I just assumed it was the same thing, so.

Dofflemyer: Did you notify anybody else in June that it transpired a second time?

Pinkerton: No.

Dofflemyer: Okay, did you think that you need to at that point?

Pinkerton: At that point, I assumed because it happened to so many other individuals that I spoke with that it was.

Dofflemyer: Did you talk to anybody in June about it? Did anybody else indicate that the same procedure...?

Pinkerton: Ah, only the person I was working with, ah, Pell I believe it was, John Pell.

Dofflemyer: Did he witness?

Pinkerton: He documented it in the log book that ah, that it was wasted by Rawlins not myself and that I signed.

Dofflemyer: Did ah, but did he witness the wasting?

Pinkerton: I don't recall if he was in the room.

Dofflemyer: Okay.

Pinkerton: I just asked him to write it in the log book.

Dofflemyer: Any other incidents with this type of procedure was used?

Pinkerton: That I remember only February and ah June.

Dofflemyer: Had you had any other supervisor?

Pinkerton: Never, every supervisor I've ever had had properly had me ah, squirt it out and patiently waited for it to be done.

Dofflemyer: Okay. Was Captain Rawlins in a hurry that day?

Pinkerton: He seemed to be.

Dofflemyer: So he took the medication with him when he left?

Pinkerton: He took the expired medications in a red box and he left me with my replacement medications.

Dofflemyer: Do you know what he did with the medication?

Pinkerton: I do not.

Dofflemyer: And you said it was logged in the log book that the medication?

Pinkerton: It was logged that I actually signed for him wasting it.

Dofflemyer: Okay.

Pinkerton: And that's all that was written.

Dofflemyer: But the medication was not wasted prior to leaving the station?

Pinkerton: Not physically squirted out no.

Dofflemyer: Okay, very good. Alright Mercedes is there anything ah, that I haven't asked you that you believe that I need to know?

Pinkerton: Other, no, ah, other than the fact that it happened in February, because I know everything's been going back to the June incident. But for me it happened as early as February, so.

Dofflemyer: Has Captain Rawlins talked to you at all about this?

Pinkerton: Never.

Dofflemyer: Has anybody else approached you about this?

Pinkerton: Ah, no, other than ah, conversations with my partner. We were uncomfortable with it. Ah, and speaking to Mannion on the phone and just through discussion, finding out that it had happened to other people.

Dofflemyer: Okay, alright, very good. Do you remember any of the other people it happened to?

Pinkerton: Ah, off hand I know only of a few. Ah, like myself, Dan Pronovost because it happened to him at Station 44, specifically to him.

Dofflemyer: In this station in February where were you stationed at?

Pinkerton: This was all at 45 for me.

Dofflemyer: 45, okay, Station 45. Okay, alrighty, we're going to go off the record and we're still at same date, and we're still at the Historic Courthouse located in DeLand, Florida, and the time is 1019 hours and we're going to go off the record.

(Tape recording devices off)