

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

September 7, 2010

Present:

Nikki Dofflemeyer, Captain, Internal Affairs

Frank Pocica, Deputy Fire Chief, 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 September 7<sup>th</sup>, 2010, the time is 1508 hours. We're conducting this interview with Deputy Chief Frank Pocica at the Historic Courthouse located in DeLand, FL. This is a taped interview statement regarding Internal Affairs Case number 2010-08-286. Chief Pocica is not the subject of the investigation. He is currently on-duty. Has been release from service for the purpose of this interview. Chief Pocica could you identify yourself for the record please?

Pocica: Frank Lloyd Pocica.

Dofflemeyer: And you're employed by Volusia County Fire Services.

Pocica: Yes ma'am.

Dofflemeyer: How long sir?

Pocica: Ah, ten years.

Dofflemeyer: And what a capacity?

Pocica: Deputy Fire Chief.

Dofflemeyer: And you're currently assigned to Administration within Fire Services?

Pocica: Correct.

Dofflemeyer: And what departments do you oversee?

Pocica: Ah, Logistics and Training.

Dofflemeyer: And do you supervise currently Captain Roy Rawlins?

Pocica: I do.

Dofflemeyer: Okay, Deputy Chief Pocica has been advised he's participating in an official administrative investigation for the Department of Public Protection. I'll be asking 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. He is 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, 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?

Pocica: Yes ma'am.

Dofflemeyer: Okay, you also understand this is an open and active Internal Affairs investigation at this time?

Pocica: Yes ma'am.

Dofflemeyer: I'm also going to direct you to not discuss with anybody any part of this interview until the case comes to closure. Do you understand you'll be providing a sworn statement? Do you understand that you'll be providing a sworn statement today?

Pocica: No ma'am, I didn't know that but I do know.

Dofflemeyer: Okay, you'll be providing a sworn statement today. Your statement is recorded and in accordance with Merit Rules and Regulations and the Firefighter Bill of Rights you have a right to have representation present during this interview? At this time do you elect to have representation present?

Pocica: No ma'am.

Dofflemeyer: Okay at any time during the interview that you wish to seek representation just advise and we'll cease the interview and allow you to gain a representative. Raise your right hand for me. 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?

Pocica: I do.

Dofflemeyer: Okay, this is a second interview with Deputy Chief Pocica. He was given notice today of the intent to ah, conduct a follow up interview to gain clarification on some events that we spoke about ah during his first interview. This is the packet ah, that we spoke about ah, originally when we talked in reference to Captain Rawlins and the collection of the Lorazepam on June 2<sup>nd</sup>, 2010. Can you just confirm for me that this is the packet that we discussed?

Pocica: Yes ma'am. Yes.

Dofflemeyer: And as you read through that that is a true an accurate document that has not been altered in any way by me or you at this point?

Pocica: Not that I observe.

Dofflemeyer: You placed that packet personally into ah, the files that are maintained by Captain Kamine?

Pocica: Correct.

Dofflemeyer: Okay.

Pocica: In, in his former office.

Dofflemeyer: In his former office.

Pocica: That he would come up here and actually work.

Dofflemeyer: Okay, so the packet including the verbal reprimand was moved from your possession to the file for, the completed file for...

Pocica: Yes.

Dofflemeyer: this particular event. Ah, as we spoke of last time, was this ever placed into Captain Rawlins personnel file?

Pocica: No ma'am.

Dofflemeyer: Okay. And this is, and go over with me again how you became aware of the situation, the events and to the point of where you gave the verbal reprimand to Captain Rawlins.

Pocica: Captain Kamine was up in the office and said we needed to talk. And I said we meet in the small conference room and he presented me with this package and said this is in your hands basically.

Dofflemyer: Okay and what did you do from that point?

Pocica: That point I, I looked at it and I saw where Captain Rawlins was picking up vials and I called him on the radio that afternoon and said what are you doing?

Dofflemyer: Do you remember what date that was?

Pocica: No ma'am.

Dofflemyer: Okay.

Pocica: That you know so much water has gone over the bridge.

Dofflemyer: Okay.

Pocica: And usually I nomenclate it somewhere and I didn't and, and I asked him why are you doing this, he said well that's why we did it. and then a few days later he was on the stairs and we met in the hallway up there and we sat down and we talked about it, and I said Roy why did you do this and he said cause that's the way I used to do it. I said well policy doesn't state that. He said I know.

Dofflemyer: Okay, did you instruct Captain Rawlins to return to Station 42 and waste the medication as per SOG?

Pocica: I, I, I told him it needed to be wasted and then he followed with an email to me and said it was all wasted.

Dofflemyer: Okay and that was the form that I just showed you the controlled substance discard form?

Pocica: Correct.

Dofflemyer: Okay and that was signed off by Roy Rawlins showing that a number of carpjects.

Pocica: He and Lieutenant Huber.

Dofflemyer: Lieutenant Huber.

Pocica: Correct.

Dofflemeyer: And you said you met with Captain Rawlins is this, this is the the memo to file that you did. Is this, this is what transpired? Read through that real quick.

Pocica: Yes ma'am.

Dofflemeyer: Any other disciplinary action taken?

Pocica: No ma'am, not at this point.

Dofflemeyer: Okay, and the date, the date, the memo to file was referenced to Lorazepam date 6/2/2010.

Pocica: Right, that was the day that he was collecting it.

Dofflemeyer: And on 6/9/2010, you met with Captain Rawlins.

Pocica: Correct.

Dofflemeyer: Okay. And you met with Captain Rawlins here at the Fire Admin Building?

Pocica: Yes ma'am.

Dofflemeyer: Okay.

Pocica: Up, second floor.

Dofflemeyer: Okay, I'm going to show you on 6/9 as you indicate in your memo.

Pocica: Ah hum.

Dofflemeyer: You met with Captain Rawlins the Fire Admin Building second floor 8:30 in the morning.

Pocica: Yes ma'am.

Dofflemeyer: Okay.

Pocica: Approximately yeah.

Dofflemeyer: Okay, that's Captain Rawlins GPS report, there's a problem with this Frank.

Pocica: Yeah I see it.

Dofflemyer: On 6/9/2010, where was Roy at according to his GPS report?

Pocica: It says the Fire Service Building. The Training Center.

Dofflemyer: Okay the Training Center. And I'll give you a copy of yours. And where were you at on that particular day on 6/9.

Pocica: I was here.

Dofflemyer: Okay. So the documentation that is here Frank.

Pocica: Doesn't comply correct.

Dofflemyer: Yeah it doesn't match up with, with this here. Do you have an explanation of why it doesn't match up?

Pocica: Other than I typed in the wrong date.

Dofflemyer: What dates did you?

Pocica: It, it could have been the eighth; it could have been the tenth.

Dofflemyer: So you're saying not 6/9?

Pocica: Yes ma'am. Because I, I wrote that.

Dofflemyer: But this here is not an accurate...

Pocica: No.

Dofflemyer: and true statement?

Pocica: No ma'am not according with the records, no ma'am.

Dofflemyer: So if I pull a GPS report for the eighth or the tenth?

Pocica: I would assume something yes ma'am. Because it was in that time period and I did write that day, I wrote it later on.

Dofflemyer: Alright, Captain Rawlins in his sworn testimony says that you all had never sat down and talked about it. That you talked on the phone. How do you explain that?

Pocica: We did talk on the phone and we did talk upstairs.

Dofflemyer: Okay, he indicates that there was no conversation between you two face to face, ah, in reference to this subject here.

Pocica: Well I'm sorry.

Dofflemyer: Any explanation?

Pocica: No ma'am.

Dofflemyer: Nothing at all?

Pocica: I can show you were he was and were I was up there.

Dofflemyer: But according to this right here it could not, this event could not have transpired as you have documented...

Pocica: No ma'am.

Dofflemyer: and placed into the file.

Pocica: That 6/9 may have been the tenth, may have been the eighth. Because I wrote...

Dofflemyer: This would not be an accurate document placed into the file then?

Pocica: According to that date, yes ma'am.

Dofflemyer: Okay, Frank did you have a conversation with Captain Rawlins associated with this event that transpired on 6/2?

Pocica: Yes ma'am, twice.

Dofflemyer: Other than the telephone.

Pocica: Yes ma'am twice.

Dofflemyer: When you talked to Roy, what, what tell me about your conversation?

Pocica: I asked him because I saw his email that, that he destroyed, I said Roy why did we do that. And he said because that's the why I've done it for fifteen years. I said but Roy the SOG doesn't state that. He said I'm sorry. That was it. I mean what do you say, I wasn't doing an investigation. I was just trying to get something out of him.

Dofflemeyer: His sworn testimony says he's never ever done it in that fashion other than that one time.

Pocica: Really? Okay.

Dofflemeyer: So know you see that we have some conflict and stuff. We have something that has a date on it, that you're pretty emphatic last time we spoke this is when it transpired.

Pocica: Yes ma'am.

Dofflemeyer: And I can go back to the testimony that I blocked off the area saying that you met with him that you were emphatic about the date and time.

Pocica: Yes ma'am.

Dofflemeyer: See there is some conflict...

Pocica: Yes ma'am.

Dofflemeyer: at this point.

Pocica: I, I understand.

Dofflemeyer: And something's not accurate in the reporting process, and I was going to give you an opportunity to try and explain it of why there is no accuracy.

Pocica: The, the only thing that I can say is I typed in the wrong day. But it was around 8:30 in the morning when I talked with him because he was on his way to go out to the stations.

Dofflemeyer: Right here read this, this is a false document.

Pocica: Apparently.

Dofflemeyer: Okay. Alright is there anything I haven't asked you Frank that you think I need to know?

Pocica: No ma'am.

Dofflemeyer: Alright we're going to go off the record then it's still the same date, time is 1320 hours and we're going to go off the record.

(Tape recording devices off)