

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

September 3, 2010

Present:

Nikki Dofflemyer, Captain, Internal Affairs

Matthew Smitherman, 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 1151 hours. We're conducting this interview with Matt Smitherman and it's a taped interview statement regarding Internal Affairs' case number 2010-08-286. We are currently at the Historic Courthouse located in DeLand, Florida. Mr. Smitherman is not the subject of this investigation. He is currently on-duty, has been released from service for the purpose of this interview. Matt can you identify yourself for the record please?

Smitherman: Firefighter Matthew Smitherman

Dofflemyer: Are you also a paramedic?

Smitherman: Yes ma'am.

Dofflemyer: Okay who are you, are you currently employed by Volusia County Fire Services?

Smitherman: Yes ma'am.

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

Smitherman: Ah, October 11, 2003, so just about seven years.

Dofflemyer: Okay, where were you assigned on June 2nd, 2010?

Smitherman: Ah, Station 12.

Dofflemyer: Okay, do you remember the exchange of ah, Lorazepam in that station on that particular day?

Smitherman: Yes.

Dofflemyer: Okay, would this be a form that you completed upon the exchange of the medication? Controlled substance accountability form.

Smitherman: Yes ma'am.

Dofflemyer: Okay and that was dated for June 2nd?

Smitherman: Yes ma'am.

Dofflemyer: Okay, very good, tell me what transpired on that day?

Smitherman: I was riding up at Station 12 that day for Lieutenant Kennett, who was riding up as Battalion 20. And Captain Rawlins came in I believe sometime in the afternoon and ah, with twenty milligrams of Lorazepam because there was twenty milligrams expiring on engine twelve and squad twelve. And he asked me to grab the expired medications off of the truck and we did. We grabbed them off the truck. Ah, I say we because I don't remember if it was me that walked out there. I believe it was. Ah, I took the drugs out and he directed me to drop them in a red box and prior to me putting them into the red box I just for clarification purposes, cause I knew that practice was and policy is that it is wasted and witnessed prior to getting rid of. So I asked him you don't want me to waste it before I put it in the box and he goes put it in the box., very rude and obnoxiously. So I dropped it in the box as per his order.

Dofflemyer: Okay, and real quick let's go back, I didn't put you under oath before you said all that.

Smitherman: Okay.

Dofflemyer: But raise your right hand for me, you solemnly swear that the testimony you are about to give is a the truth, the whole truth, and nothing but the truth so help you God?

Smitherman: I do.

Dofflemyer: Do you swear that the testimony that you just gave was the truth?

Smitherman: Yes ma'am.

Dofflemyer: Okay, very good, carry on. So you were instructed to place, it was Lorazepam?

Smitherman: Yes ma'am.

Dofflemyer: Into was it a Sharps container?

Smitherman: I believe it was, yes it was a Sharps container.

Dofflemyer: What is the normal protocol for wasting medication or when you're exchanging, when you're exchanging out medication I should say?

Smitherman: Well it's normally, ah, it's open and disposed off out of the container before the container is thrown away.

Dofflemyer: When you say disposed of, help me out, me not being a paramedic.

Smitherman: Dumped in the dirt, something like that.

Dofflemyer: It's not, ah, common practice for the vial to not be opened and wasted prior to it leaving the station?

Smitherman: I'm, I'm sorry.

Dofflemyer: Is it, is it?

Smitherman: It's common practice that the, the narcotic is wasted prior to disposing.

Dofflemyer: Okay. All right, so Captain Rawlins took the medication with him and the medication was wasted.

Smitherman: He took it with him in the sealed form.

Dofflemyer: Okay sealed form. Did who instructed you to sign the controlled substance accountability form?

Smitherman: In the wasted part?

Dofflemyer: In the wasted, correct.

Smitherman: That would have been Captain Rawlins.

Dofflemyer: Okay. Did he complete this form or did you?

Smitherman: He filled everything out and told me, he placed it down in front of me and told me to print and sign.

Dofflemyer: Okay, did you question him in anyway except for?

Smitherman: The only thing I questioned him on was when he asked me to drop the narcotics in the box, the only thing I questioned him on was I said you want me to waste it, something along those lines.

Dofflemyer: Ah hum.

Smitherman: You do want me to waste it right, something like that, before I put it in the box. And he said drop it in the box or put it in the box, something to that matter.

Dofflemyer: And did you do as instructed?

Smitherman: Yes ma'am

Dofflemyer: Did you notify a supervisor of what had transpired?

Smitherman: Ah, yes I believe I did let Lieutenant Kennett that was riding up that day. I did tell him about it.

Dofflemyer: Okay.

Smitherman: And I documented in the log book.

Dofflemyer: Do you remember what you wrote in the log book?

Smitherman: Something I know for a fact I put Captain Rawlins in quarters with twenty milligrams of Lorazepam and ah, that somewhere along the lines that he took twenty milligrams with him in a sealed form I believe or not wasted something like that. I don't remember the exact words.

Dofflemyer: Okay, but something to the effect.

Smitherman: But it is documented.

Dofflemyer: Has it ever happened prior?

Smitherman: Never.

Dofflemyer: Has it happened, that type of situation happen since June 2nd?

Smitherman: With me?

Dofflemyer: Yes.

Smitherman: No.

Dofflemyer: Okay, did anybody else tell you that they had a similar occurrence take place?

Smitherman: Ah, I had heard ah, that it did happen, I don't remember from who or where. I mean I've been floating for the last four months, I've hit pretty much every station. So I've talked to a lot of people.

Dofflemyer: How long was Captain Rawlins at the station?

Smitherman: I'm not a hundred percent sure. Fifteen minutes, twenty minutes, something like that, maybe less.

Dofflemyer: Do you know what he did with the, the meds once he left?

Smitherman: No, no clue.

Dofflemyer: And you said it was just dropped into the Sharps container?

Smitherman: Yes, in its full form.

Dofflemyer: Was there...

Smitherman: As, as ordered.

Dofflemyer: Was there any other vials in that container? Do you know?

Smitherman: I didn't look, the, the box was sitting next to him, I never touched it, never did anything, all I did was hold over and drop.

Dofflemyer: Okay, and you found it odd that he asking you to do that.

Smitherman: A light bulb went off immediately.

Dofflemyer: Okay.

Smitherman: It's not past practice. It's not policy. So it's something that you know stuck in my head, you know. Put on a light bulb immediately.

Dofflemyer: Okay and you were at Station 12.

Smitherman: Yes, and I do believe Robert Williams was sitting next to me the whole time that happened. If not the whole time, at least the end because I looked right at him and we both kind of chuckled.

Dofflemyer: Okay and he had witnessed.

Smitherman: Yeah.

Dofflemyer: Okay, is Robert a supervisor?

Smitherman: No.

Dofflemyer: Okay, Matt is there anything that I haven't asked you that you think I need to know?

Smitherman: No, that's pretty much I remember from the day.

Dofflemyer: Okay.

Smitherman: I just, I don't remember anything else from the day, all I remember is that, that particular issue of the day just because it was so out of, out of ordinary you know. Out of the ordinary.

Dofflemyer: Okay ah, be advised that you can't discuss any part of this ah, investigation with anybody until the case comes to closure. Okay?

Smitherman: Yes ma'am.

Dofflemyer: All right we are going to go off the record. It is still the same date, we're at the same location and the time is 1158 hours and we're going off the record.

(Tape recording devices off)