

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

August 26, 2010

Present:

Nikki Dofflemeyer, Captain, Internal Affairs

Kathleen Weaver, Deputy Fire Chief, Division of Fire Services

Transcribed:

Rebecca Perryman, Senior Staff Assistant

Dofflemeyer: This is Captain Nikki Dofflemeyer with the Volusia County Department of Public Protection Internal Affairs Unit. Today's date is 26th of August 2010, the time is 1420 hours. We're conducting this interview with Deputy Chief Kathy Weaver at the Volusia County Historic Courthouse located in DeLand Florida. This is a taped interview statement regarding Internal Affairs' case number 2010-08-286. Deputy Chief Weaver is not the subject of the investigation. She is currently on-duty, has been released from service for the purpose of this interview. Kathy can you identify yourself for the record please?

Weaver: Yes, my name is Deputy Chief Kathleen Weaver.

Dofflemeyer: And ah is there a contact phone number to reach you at?

Weaver: Yes 386-804-1586.

Dofflemeyer: And you are currently employed by Volusia County?

Weaver: Yes.

Dofflemeyer: How long have you been employed by Volusia County?

Weaver: Eleven and a half years.

Dofflemeyer: Okay and you currently hold a position as a Deputy Chief?

Weaver: Yes ma'am.

Dofflemeyer: Okay. You've been advised that you are participating in an official administrative hearing for the Department of Public Protection. I'll be asking you questions specifically directed and nearly related to the performance of your official duties. You are 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 yourself. Ah, you're 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 statements, 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?

Weaver: Yes.

Dofflemeyer: Okay, be advised this is an open and active Internal Affairs case. I'm instructing you to not discuss any part of this investigation with anyone other than ah, somebody if you chose a representative during this ah, this meeting, until the case comes to closure. Do you understand this is going to be a sworn statement given under oath?

Weaver: Yes.

Dofflemeyer: Do you understand that in accordance with Merit Rules and Regulations that you do have a right to representation present during your interview?

Weaver: Yes.

Dofflemeyer: At this point you elect to have no representation, is that correct?

Weaver: Correct.

Dofflemeyer: If you change your mind at any time, just advise and we'll give you the opportunity to get a representative.

Weaver: Yes ma'am.

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

Weaver: Yes I do.

Dofflemyer: Okay. There was a series of events that transpired on 6/2, involving ah, Captain Roy Rawlins and the removal of some medication from ah, stations located, Fire Stations of Volusia County. Can you tell me how you became aware of ah, the events?

Weaver: I recall getting a telephone call, I don't recall from whom. Ah, letting me know that he was on his rounds picking up the expired narcotics and delivering a new narcotics, except he wasn't having them destroy it first or, or empty it first. Which is, which is a violation number one of DEA, but it's also a violation of our SOG's, which is you're suppose to dump everything out, throw it in the container and the it gets taken away and removed. Ah, so, once I got off the phone with whomever and I don't remember who, ah, I walked over to Frank Pocica's office and said hey Frank you know what's going on out there. You know basically general conversation back and forth. You know I understand this is going on. Ah, he was, he seemed to be very aware of it, that ah, ah, that Roy was trying to expedite the collection and distribution and didn't have time to have them dump the stuff out. I said well how is he going to do, how's he going to do that? Well he's going to do it back at the Resource Center. Well who's his, who's going to be his witness? Oh well I guess I am. Okay, but you know that's not normally what we do. Oh it's okay, it's okay. Alright, fine and walked back across. I mean making sure he was aware, that's the biggest thing for me was that it's wrong, it's out of, it's out of protocol. It's like come on let's, let's not do this. Ah, I was off on the 3rd for personal, person leave. But I never heard anything beyond, beyond that. I went over talked to Frank and I believe I asked the following day the 4th when I came back to work which was hey did everything go all right. Oh yeah, yeah everything was fine, everything was fine. That was the last I heard of it. So I thought pretty much you know he may have started doing that maybe it got stopped. But did not get any additional reports from anybody ah, that this was what he was doing was going out and taking it and not destroying it first before they threw it into or you know got, handed it off. Because they have to sign that they waste.

Dofflemyer: Okay. Do you remember, was it the beginning of June or so that you remember that you got that phone call?

Weaver: Yes.

Dofflemyer: Okay. And you notified Deputy Chief Pocica ah, because he is Roy Rawlins immediate supervisor?

Weaver: Correct.

Dofflemyer: Did you have any conversation with Roy Rawlins about the procedure he used to collect that medication?

Weaver: No I did not.

Dofflemyer: Protocol for Fire Services is to have a witness watch you actually draw the liquid into a syringe and waste it?

Weaver: Yes.

Dofflemyer: And the information you received is that?

Weaver: He was just taking it and they weren't actually wasting the fluid out of it. He was just taking it as it was and replacing it with the new. They are suppose to, two people one does it and one witnesses it. Ah, takes it, waste it either down the sink which not no longer acceptable or into the sharps container just so that all the drug is taken out of the delivery mechanism.

Dofflemyer: Okay, do you know how many stations were involved with this violation of protocol picking up medication without wasting?

Weaver: No,

Dofflemyer: Nobody made you aware of it. Did Frank ever say that he had any discussion with any other party besides you about the, the events?

Weaver: No, not that I'm aware of.

Dofflemyer: Did he ever say he took any kind of disciplinary action against Roy?

Weaver: Not, did not tell me anything.

Dofflemyer: Did he appear as if he found it to be a violation of protocol?

Weaver: No.

Dofflemyer: And he appeared as if he was aware?

Weaver: Appeared as if he was aware of it. He didn't appear that he, didn't seem to, he didn't seem to indicate to me that he saw it as problematic at all.

Dofflemyer: But he was willing to sign off, he made comment to you that he was willing to sign off as a witnessing party?

Weaver: Yes.

Dofflemeyer: Did he ever say that he had done that when you followed up with him?

Weaver: No.

Dofflemeyer: Did he ever say he spoke to Mr. Ryan about the situation and made any other parties aware up the chain of command?

Weaver: Not to me.

Dofflemeyer: Did he ever make indication he talked to Chief Pozzo about it?

Weaver: No.

Dofflemeyer: If disciplinary action is taken on an employee Kathy ah, be a verbal reprimand, does it have to be documented? Is it normally documented?

Weaver: Normally we do. We normally document on a counseling slip.

Dofflemeyer: And that goes into the person file?

Weaver: It goes in, it should go in the individual's file, file here. Depending upon how much you feel about it, you can essentially document both at the department level and then at the HR level.

Dofflemeyer: So policy protocol is that medication is to be wasted on site prior to being removed.

Weaver: Yes.

Dofflemeyer: And the empty vials go into a bio-hazard container?

Weaver: Yes. In the narcotic logs it's, it's logged out of the narcotic log that's it's been, been wasted.

Dofflemeyer: If Captain Rawlins picked up the medication and ordered a party to sign that log without it being wasted, is that a violation of policy?

Weaver: Yes.

Dofflemeyer: That be considered falsifying a document?

Weaver: Yeah, yes.

Dofflemeyer: Have you talked to Mike Inglett about this situation at all?

Weaver: I'm not, I don't think so. I'm not sure, that's what I said. I talked to somebody, somebody had called me that day, but I can't recall who it was.

Dofflemeyer: Have you talked to Chuck Kamine?

Weaver: Chuck Kamine came in and said something to me about it. I asked him if the situation was resolved, he seemed to indicate to me it was. That was the last.

Dofflemeyer: Do you remember when that conversation with Chuck took place?

Weaver: Not for sure.

Dofflemeyer: Okay.

Weaver: Somewhere in that, somewhere in that month, I'm thinking that month time span.

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

Weaver: No I think that's really everything I know.

Dofflemeyer: Okay. Since this internal's been open you received notice has anybody attempted to talk to you about this?

Weaver: No.

Dofflemeyer: Just to make sure that I have this clarified. When you notified Deputy Chief Pocica he, he appeared as if he was already aware of the situation.

Weaver: Yes.

Dofflemeyer: And Deputy Chief appeared as if?

Weaver: He felt satisfied with what was going on, that the explanation was acceptable and that it was, that it was okay for him to or the procedure to continue in the direction it was going at that point in time.

Dofflemeyer: Did he ever say that the vials were left at another station?

Weaver: I don't.

Dofflemeyer: Did he ever indicate that the vials were left at Station, I think 42 for a period of time?

Weaver: No.

Dofflemeyer: Okay. But he seemed to be satisfied with collecting that medication and bringing it back to?

Weaver: The Resource Center to be destroyed, yes.

Dofflemeyer: Okay, all right, alright we are going to go off the record with Kathy it's still the same date 8/26, the time is 1429 hours and we're going to go off the record.

(Tape recording devices off)