



VOLUSIA SHERIFF'S OFFICE

MICHAEL J. CHITWOOD, SHERIFF

Office of Chief Deputy Brian M. Henderson - Internal Affairs

REPORT OF INVESTIGATION

REPORT NUMBER: IA 22-006

PERIOD COVERED: December 18, 2022
DATE REPORTED: December 18, 2022
SUBJECT(S) NAME: Deputy Julia Curtin, #9121
INVESTIGATING OFFICER: Sergeant Andrew Calkins, #7929

BASIS FOR INVESTIGATION:

On Sunday, December 18, 2022, Deputy Julia Curtin was arrested for driving under the Influence. The arrest stemmed from a traffic stop conducted by Florida Highway Patrol (FHP) on Interstate 4 in Seminole County, Florida.

OFFENSES:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

GO-026-02.IV.F.4 – Misdemeanors Injurious to VSO – VSO personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the VSO or otherwise impairs the operation and efficiency of the VSO or which is likely to impair the ability of personnel concerned to perform assigned duties.

GO-026-02.IV.F.6 – Criminal or Illegal Conduct – Regardless of the filing of criminal charges, or lack thereof, or the absence of a criminal conviction, criminal or illegal conduct that interferes with effective job performance or has an adverse effect on the VSO is prohibited.

INVESTIGATION:

On December 20, 2022, Chief Deputy Brian Henderson assigned the above incident to the Internal Affairs Unit. This report details the Internal Affairs investigation conducted by Sergeant Andrew Calkins.

On December 20, 2022, Sergeant Calkins served Deputy Curtin with a Notice of Internal Investigation. In addition, Deputy Curtin was provided a copy of her Law Enforcement Officer's Bill of Rights. Deputy Curtin signed both documents acknowledging her receipt of the documents.

Sergeant Calkins obtained all relevant documents from the Florida Highway Patrol, including the arrest report and dashcam video footage. Sergeant Calkins reviewed the information and noted the following pertinent information:

On December 18, 2022, at approximately 2315 hours, Deputy Curtin was driving eastbound on Interstate 4 near HE Thomas Jr Parkway. Deputy Curtin is driving her personal vehicle at the time, occupied by her partner Erica Serido. As Deputy Curtin exits the offramp to HE Thomas Jr Parkway, she crosses over the outside white lane with the right side of her vehicle. Trooper Richard Harman conducts a traffic stop just before the intersection.

Trooper Harman contacts Deputy Curtin, who advises she is returning from Orlando. Trooper Harman indicates he *"detected the odor of a alcoholic beverage emitting from the facial area of the driver."* Trooper Harman asked Deputy Curtin if she had anything to drink, to which she responded, *"yes."* Trooper Harman indicates in his report, *"The driver was displaying signs of slow movement and being lethargic. The driver's eyes were glossy and the driver's speech was slow and slurred."*

Trooper Harman gathers Deputy Curtin's license and returns to his vehicle. A short time later, Trooper Harman reapproaches Deputy Curtin and asks her to exit the car. On the dashcam footage, Sergeant Calkins observed Deputy Curtin exiting the driver's seat and walking back to the front of the patrol vehicle. At no time does Deputy Curtin stumble or attempt to steady herself, indicating she is impaired. Deputy Curtin speaks with Trooper Harman and advises she had three drinks, the last at approximately 2200 hours. Trooper Harman asks Deputy Curtin if she would be willing to participate in Field Sobriety Exercises, to which she agrees. Due to being on the side of the interstate, Trooper Harman transports Deputy Curtin to a vacant parking lot to perform the exercises. Sergeant Calkins noted Deputy Curtin and Trooper Harman were close to the dashboard camera while speaking in front of the vehicle. Deputy Curtin never utilized the car to steady herself on the vehicle or swayed her body. While talking with Trooper Harman, Deputy Curtin's speech was articulate and clearly understood.

After Trooper Harman transports Deputy Curtin to the parking lot, he conducts four field sobriety exercises. First, Trooper Harman conducts the Horizontal Gaze Nystagmus with the tip of his pen. Trooper Harman advised in the report, Deputy Curtin failed the exercise. Sergeant Calkins could not see Deputy Curtin's eyes due to the distance from the dashboard camera. Sergeant Calkins noted that while Deputy Curtin stood with her hands by her side, she didn't sway or move from where she was instructed to stand.

The second exercise Deputy Curtin was instructed to complete was the walk and turn. Deputy Curtin completed the exercise, never falling over or steadying herself. Although Deputy Curtin failed to touch heel to toe a few times, she never deviated from the line she was instructed to walk on nor swayed or raised her arms to balance.

The third exercise Deputy Curtin was instructed to complete was the one-leg stand. Sergeant Calkins noted Deputy Curtin raised her leg and counted to 30 without swaying or falling over. According to the FHP report, Deputy Curtin failed to raise her foot six inches off the ground or keep it parallel to the ground, failing the exercise.

The fourth exercise Deputy Curtin was instructed to complete was the modified Romberg. The exercise consists of tilting the head back with your arms by your side and counting 30 seconds to yourself. Sergeant Calkins observed Deputy Curtin complete the exercise without falling over or lifting her arms to steady herself. According to the report, Deputy Curtin stopped at the 26 second mark. Sergeant Calkins utilized a stopwatch, starting the count after Trooper Harman instructed Deputy Curtin to begin and her putting her head back. Sergeant Calkins timed the exercise at 30 seconds.

At the exercise's conclusion, Deputy Curtin was arrested for Driving Under the Influence and transported to the Seminole County Jail.

While at the jail, Deputy Curtin was asked to complete the Breathalyzer which she agreed. According to the report, Deputy Curtin blew .000 twice. Deputy Curtin was asked to provide a urine sample, to which she complied. The results were sent to FDLE for analysis. Sergeant Calkins later obtained a copy of the FDLE report, which showed Deputy Curtin had a single prescribed medication in her system.

On April 3, 2023, the Seminole County State Attorney's Office closed the criminal case. Sergeant Calkins contacted Assistant State Attorney Leah Duel, who handled the case. ASA Duel advised the video evidence showed Deputy Curtin's mannerisms and actions were consistent with an individual not being impaired. Due to the facts of the case, citing a lack of evidence, the original driving Under the Influence charge was dropped. Deputy Curtin was offered and accepted a civil citation for careless driving.

Interview with Erica Serido

On April 10, 2023, at approximately 1716 hours, Sergeant Calkins conducted a sworn recorded interview with Erica Serido. Sergeant Calkins conducted the interview at 105 Pamela Court, Sanford. Present for the interview was Sergeant Benjamin Gordon. Below is a synopsis of the audio-recorded interview:

Erica stated she was the passenger in the vehicle being driven by Deputy Curtin on December 18, 2022. Erica advised earlier in the evening; they attended the Dan Newlin event, which served food and beverage. Erica estimated they arrived at the event between 1930 and 2000 hours. While there, she and Deputy Curtin consumed a full plate of food and a few alcoholic beverages. They decided to leave the event early at approximately 2230 hours because Deputy Curtin had to work the following day. Erica stated she had one alcoholic beverage, while Deputy Curtin consumed three. Erica advised Deputy Curtin *"didn't even finish her drink."* Erica said Deputy Curtin consumed her last drink approximately one hour before leaving the event.

Erica advised after leaving the event; they headed straight home to their house in Sanford. While exiting the offramp, Deputy Curtin fell asleep and crossed the white line. Trooper Harman then conducted a traffic stop on the vehicle. After the traffic stop, Deputy Curtin was arrested while Erica was allowed to drive the vehicle home.

Erica stated Deputy Curtin was never impaired while driving the vehicle and reiterated she was extremely exhausted from her daily schedule. Erica noted that week Deputy Curtin worked several days in a row due to being called in to work, adding to her exhaustion. Erica advised Deputy Curtin was up at 0330 hours to work out the day of the incident, which is a regular occurrence, before going to work at 0600 hours.

Deputy Curtin Timecard

Sergeant Calkins obtained Deputy Curtin's timecard for the pay period ending 12/24. Sergeant Calkins verified Deputy Curtin worked numerous days in a row due to being called in and mandatory training.

Interview with Deputy Julia Curtin

On April 14, 2023, at approximately 1413 hours, Sergeant Calkins conducted a sworn recorded interview with Deputy Julia Curtin. Sergeant Calkins conducted the interview at 123 West Indiana Avenue, DeLand, at the Sheriff's Office Administration Building. Deputy Curtin, Sergeant

Calkins, Sergeant Gordon, and Attorney Mike Lambert were present for the interview. Below is a synopsis of the sworn recorded interview:

Before conducting the interview, Deputy Curtin had the opportunity to review all relevant material obtained during the course of the investigation. Deputy Curtin signed a copy of her Garrity Warning, acknowledging his understanding of the document. Sergeant Calkins read Deputy Curtin a Volusia Sheriff's Office Administration of Oath / Perjury Warning. Deputy Curtin and Sergeant Calkins signed this document in the presence of the same previously mentioned personnel.

Deputy Curtin advised on December 18, 2022; she worked her regular patrol schedule, which started at 0600 hours. Deputy Curtin worked her patrol shift from 0600 until 1600, leaving early so she and Erica could attend the Dan Newlin event. Deputy Curtin stated it was her sixth day in a row working due to getting called in for work and mandatory training earlier in the week. As part of her daily routine, Deputy Curtin woke up at 0330 hours to work out before starting work.

Deputy Curtin stated they arrived at the event at approximately 1900 hours. The event included a show with buffet-style food and drinks, including alcoholic beverages. Deputy Curtin said she and Erica ate a plate of food and had a few alcoholic beverages. Deputy Curtin stated she had three vodka and cranberry drinks while Erica had one. Deputy Curtin said the drinks were single pours and not doubles. Deputy Curtin advised her last alcoholic beverage was approximately an hour before she and Erica left the event to return home. Deputy Curtin and Erica decided to leave the event due to both being exhausted and having to get up early the following day.

Deputy Curtin advised that she decided to drive back home due to Erica being extremely tired. Deputy Curtin stated, *"In hindsight I should have just pulled over and, and I don't know either taken a nap or I don't know have somebody come pick us up but I made the decision to you know keep driving I mean just trying to get us home."* Sergeant Calkins asked Deputy Curtin if she was ever impaired while operating her motor vehicle. Deputy Curtin stated, *"No I was not."* Deputy Curtin admitted to being extremely tired and falling asleep at different points while driving on Interstate 4. At the offramp to HE Thomas Jr Parkway, Deputy Curtin stated, *"I had fallen asleep again and I swerved like completely off the right lane past like the reflectors there."* Deputy Curtin said that Trooper Harman with Florida Highway Patrol pulled her over.

Sergeant Calkins asked Deputy Curtin to explain the interaction with Trooper Harman. Deputy Curtin stated, *"I know one of the first things he asked or I tell him that I have a firearm in the car. And he asked for like license and registration but he leaves like the firearm with us. And then he asked me if I've had anything to drink and I tell him yeah I won't lie to you like I had you know two or three drinks because I wasn't sure at that point until I had gone back and thought about it and I was like yeah I definitely had three drinks. And he I can't remember if he said this after I got out of the car or while I was in the car that he smelled it on me."*

Deputy Curtin stated, *"He [Trooper Harman] was gone for a little bit, and then he came back and asked me to get out of the car. At that point, he like made some sort of hint that he knew I was law enforcement, but I don't, I don't know that's what we were talking about. I don't know how he knew I was law enforcement because I never directly told him. Unless when I, you know, was taking my, my ID out of like my wallet...."*

Deputy Curtin stated Trooper Harman said he was going to conduct a DUI investigation and transported her to a safer area off the exit. While in the parking lot, Trooper Harman conducted a series of tests and ultimately arrested Deputy Curtin for DUI. Deputy Curtin stated, *"I thought I did perfectly fine I mean, I was I was, I was very emotional I was very upset. Like I'm not, I wasn't, I wasn't crying to, you know try to get him to feel sad for me. I just, I've never been in a situation like that, and it just it was very emotional for me and so I was crying, but I thought that even, even then I was still able to you know compose myself and do all of the tests fine. But he ultimately made the decision to take me into custody, and then we went to the jail..."*

After being taken into custody, Deputy Curtin consented to a breathalyzer sample. Deputy Curtin advised the results of the test were .000 both times. Afterward, she was asked to provide a urine sample, to which she willingly agreed. The sample was later sent to FDLE for testing. Deputy Curtin stated the results came back with a single prescription medication.

Deputy Curtin advised she was charged with one count of Driving Under the Influence. After going through the court process, the case was ultimately dropped. Deputy Curtin advised she accepted a careless driving citation with a \$166.00 fine which she paid. Deputy Curtin advised since she cooperated, her license was never suspended.

Sergeant Calkins asked Deputy Curtin if she would have done anything differently. Deputy Curtin stated, *"Yeah I would have just had somebody pick us up and drive us so we wouldn't have to, or even not have gone at all because I was working and just like been more responsible and realize like I was too tired. I, we were both too tired to drive and we, we could have done something differently. And I acknowledge that. But I don't think what happened was fair."*

Deputy Curtin was asked if she violated the following General Orders, and her responses are detailed below:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted. No

GO-026-02.IV.F.4 – Misdemeanors Injurious to VSO No

GO-026-02.IV.F.6 – Criminal or Illegal Conduct

No

This Internal Affairs investigation was presented to Chief Deputy Brian Henderson and the executive command staff. Upon completion of the presentation, Chief Deputy Henderson unfounded the aforementioned General Order violations against Deputy Curtin:

GO-026-02.IV.B.3 – Any other conduct or action, on-duty or off-duty, of such seriousness that disciplinary action is considered warranted.

Unfounded

GO-026-02.IV.F.4 – Misdemeanors Injurious to VSO

Unfounded

GO-026-02.IV.F.6 – Criminal or Illegal Conduct

Unfounded

EXHIBITS:

- A. Report of Investigation
- B. Official Correspondence
- C. Volusia Sheriff's Office Memo 119M0001.22
- D. Florida Highway Patrol Report
- E. Court Documents
- F. Timecard Records
- G. Transcript of Interview with Erica Serido
- H. Transcript of Interview with Deputy Curtin
- I. Digital Evidence

WITNESSES:

Erica Serido



Sanford, Fl 32771

Deputy Julia Curtin
123 W. Indiana Avenue
DeLand, FL 32720

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true to the best of my knowledge and belief.

AND

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

DETECTIVE: *A Calkins* DATE: *5/4/23*
Detective Sergeant Andrew Calkins
Internal Affairs Detective Sergeant

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online
Notarized this *4th* day of *may*, 2023 by Sergeant Andrew Calkins

[Signature]
SIGNATURE OF NOTARY PUBLIC-STATE OF FLORIDA



PRINT, TYPE, OR STAMP COMMISSIONED NAME OF NOTARY PUBLIC

PERSONALLY KNOWN OR PRODUCED IDENTIFICATION

TYPE OF IDENTIFICATION PRODUCED

APPROVED BY: *B Henderson* DATE: *5/04/2023*
CHIEF DEPUTY BRIAN HENDERSON
VOLUSIA COUNTY, FLORIDA