OLEO2024-003

Executive Summary

Date of Incident	May 28, 2023
Location of Incident	Federal Way
Date of Complaint	September 26, 2024
Corresponding IIU Case Number	IIU2024-297
Allegation Types	Fourth Amendment Violation

On September 26, 2024, the Office of Law Enforcement Oversight (OLEO) received a complaint from a community member alleging that a King County Sheriff's Office (Sheriff's Office) deputy detained him without reasonable suspicion, leading to the complainant's arrest on May 28, 2023. As part of its investigation, OLEO conducted a cognitive interview of the complainant; reviewed Sheriff's Office reports and records; obtained the subject employee's previous statements in a court case; and conducted interviews of the witness employee and arresting subject employee jointly with Sheriff's Office Internal Investigations Unit (IIU) investigators.

OLEO recommends the allegation of Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures be **Sustained** because, based on his own description of the stop, the subject employee initiated an investigatory detention without reasonable suspicion that the complainant had committed a crime.

Allegations and Findings

Sheriff's Office Personnel	Allegation	Finding
Deputy Michael Curaming	Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures	Sustained

Applicable Laws and GOM Policies[1]

1. GOM 3.00.020(3): Performance Standards
2. GOM 5.00.020: Detention/Search Short of Arrest (Stop & Frisk)
3. U.S. Const. amend. IV
4. Wash. Const. art. 1, § 7

[1] The General Orders Manual (GOM) contains policies of the Sheriff's Office. Policies applied are those that were in effect when the underlying incident giving rise to the complaint occurred.

Investigative Summary

Interviews

OLEO conducted interviews with:

1. Reymond Lozano (complainant)
2. Sergeant Timothy Hagreen (witness employee)
3. Deputy Michael Curaming (subject employee)

Documentary Evidence

OLEO reviewed the following additional evidence:

1. Written statement of Reymond Lozano
2. Transcript from *State v. Lozano,* September 28, 2023
3. Minute record from *State v. Lozano,* September 28, 2023
4. Transcript of Deputy Michael Curaming's interview with Robert Mangone on July 20, 2023
5. Written statement of Deputy Allesha Reyes
6. Sheriff's Office reports of case #C23017709
7. CAD[2] history for police event #K23137082
8. 911 call recordings
9. Police radio traffic recording
10. Emails between IIU and the King County Prosecuting Attorney's Office

Fact Summary

On May 28, 2023, around 10:07 p.m., a resident of the Enchanted Woods apartment complex called 911 to report that a man was yelling and banging on the back door of a unit in another building. Enchanted Woods contains approximately 15 two-story buildings arranged in a loop on both sides of a circular street. Some of the ground-level units have rear doors that open onto adjoining patios. The 911 caller stated that it was too dark for him to see the person who was causing the disturbance.

Three officers responded to the call: Sergeant Timothy Hagreen, Deputy Allesha Reyes, and Deputy Michael Curaming. At the time of the incident, Deputy Curaming was a new recruit and, as part of the Sheriff's Office's training program, was being shadowed by Sergeant Hagreen. As a result, the two officers shared a radio call sign and the sergeant rode in the passenger seat of Deputy Curaming's patrol car as they drove to Enchanted Woods. Deputy Reyes traveled to the scene separately. The officers met up near the entrance to the apartment complex around 10:19 p.m. and strategized how they were going to approach the building.

At 10:22 p.m., a woman called 911 from apartment N102 and stated that her ex-boyfriend was trying to break into her home. She relayed that he had hit her earlier in the night and that he was now knocking on her back door, possibly while holding an object in his hand. When asked by the 911 dispatcher to describe her ex-boyfriend, she stated he was "Black and Mexican" and gave an incorrect birthday. The woman also relayed her ex-boyfriend's name slightly misspelled. The 911 dispatcher entered in CAD the suspect's name as it was reported and spelled and that he was a Black man. She then broadcast the caller's apartment number over the radio, but did not say the suspect's name or physical description.

[2] Computer-Aided Dispatch (CAD) from the Sheriff's Office Communications center.

Shortly afterwards, on the recording of the radio traffic, one of the male officers stated that they were going to contact the suspect. Deputy Reyes then stated that she was going to speak with the woman in the apartment.

In their interviews, Deputy Curaming and Sergeant Hagreen provided slightly different accounts of what happened next. Deputy Curaming recounted how they drove up the road and approached the rear of the N building. Deputy Curaming believes that they walked about 50 feet up a small hill before they encountered Mr. Reymond Lozano standing on the grass approximately 10 feet from the N building's paved patio area, and that there was no one else around. Deputy Curaming stated that Mr. Lozano started walking away so Deputy Curaming immediately told him to stop and that that he was not free to leave. When asked in the subject employee's interview to state his legal basis for stopping Mr. Lozano, Deputy Curaming the subject employee said: "…because that he was found right outside the back of the residence and he was right place, right time, and he was a male, that's all I can remember of the description. And because he was the only one in the area, we stopped to talk to him and told him that he was not free to leave."

According to Deputy Curaming, he then called Mr. Lozano "Reymond" and Mr. Lozano reacted to the name but stated that his name was Michael[3]; eventually, Mr. Lozano provided his ID. Deputy Curaming stated that Deputy Reyes then said over the radio that they had probable cause to arrest Mr. Lozano for assaulting the woman in apartment N102. Deputy Curaming stated that they then handcuffed Mr. Lozano and walked him back to their patrol car. When they reached the car, according to Deputy Curaming, Mr. Lozano's driver's license photo was visible in CAD. He stated that he verified Mr. Lozano's identity against the photo before having him transported to King County Jail.

Sergeant Hagreen stated that he did not have a strong independent recollection of Mr. Lozano's arrest and was relying on the CAD reports in his answer. Nevertheless, the sergeant believes that he himself looked at Mr. Lozano's driver license photo in CAD before they got out of the patrol car and that their reasonable suspicion for stopping Mr. Lozano was based on his resemblance to the photo in CAD and his proximity to the apartment's back patio area.

The King County Prosecuting Attorney's Office ultimately charged Mr. Lozano with assault in the fourth degree. On July 20, 2023, Mr. Lozano's defense attorney Robert Mangone interviewed Deputy Curaming over the phone. During the interview, Deputy Curaming stated that he did not have a physical description of the suspect before he arrived at the apartment complex. He also relayed to Mr. Mangone that the first thing he said to Mr. Lozano upon encountering him was to stop and that he was not free to leave.

Subsequently, Mr. Mangone filed pre-trial motions challenging the validity of the officers' stop of Mr. Lozano. On September 28, 2023, Deputy Curaming testified at the hearing on the motions, providing the same sequence of events that he gave in the pre-trial interview. The King County District Court Judge found that a *Terry* stop occurred when Deputy Curaming first contacted Mr. Lozano, and that it was unlawful because he lacked reasonable suspicion that Mr. Lozano committed a crime before telling him that he was not free to leave.

[3] In his interview, Mr. Lozano stated that his middle name is Michael and that he regularly goes by Mike.

Analysis

Acts in Violation of Sheriff's Office Polices, Practices, Rules, or Procedures: Sustained

Mr. Lozano alleges that Deputy Curaming lacked reasonable suspicion to detain and question him while investigating the domestic violence call.

Citing *Terry v. Ohio,* GOM 5.00.020 states that in order to detain someone, an officer must have "reasonable suspicion (not a hunch or a guess)" that the person committed or is about to commit a crime. The Washington Supreme Court has described reasonable suspicion as "a substantial possibility" that a crime has occurred.[4] Further, when evaluating whether an officer had reasonable suspicion, Washington courts examine the totality of the circumstances, including the officer's subjective beliefs at the time of the stop.[5]

The evidence in this investigation establishes by a preponderance of the evidence[6] that Deputy Curaming lacked reasonable suspicion to detain Mr. Lozano when he ordered him to stop and identify himself.[7] As he stated in his court case testimony and administrative interview, Deputy Curaming told Mr. Lozano to stop and asked for his identification immediately upon seeing him on the grass within 10 feet of the N building's paved patio area. Importantly, this happened *before* Deputy Curaming said "Reymond" and Mr. Lozano responded that his name was Mike. At that time, Deputy Curaming only knew that the woman's assailant was male, was possibly holding an object in his hand, and that he had been knocking on one of the apartment's back patio doors. Mr. Lozano's mere presence near the patio was not sufficient to give rise to a "substantial possibility" that he committed the assault, particularly in light of the fact that neither officer reported hearing yelling when they approached the building and did not see an object in his hand. There could have been equally probable, lawful explanations for his presence near the patio given that the call occurred near a multi-unit apartment building in a large complex. He could have, for example, been the resident of the neighboring apartment enjoying the use of the patio, or a resident of another building taking a shortcut through the center loop of the apartment complex.

In conducting its analysis, OLEO did not give substantial weight to Sergeant Hagreen's statement that the officers viewed Mr. Lozano's driver's license photo in CAD before they encountered him. As stated previously, Washington Courts are clear that the subjective beliefs of the officer conducting the stop should be considered when assessing reasonable suspicion. The stop here was initiated by Deputy Curaming, who states unequivocally that he did not view the photo until after arresting Mr. Lozano and walking him back to the patrol car. Deputy Curaming never contends that he saw Mr. Lozano's photo before the arrest; not in his written report, not in his interview with defense counsel, and not in court room testimony, all of which occurred more closely to the arrest than Sergeant Hagreen's statement in this investigation.

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[4] *State v. Kennedy,* 107 Wn.2d 1, 4 (1986).
[5] *State v. Day,* 161 Wn.2d 889, 897 (2007).
[6] GOM 3.03.185 states that the standard of proof in administrative investigations is a "preponderance of the evidence" unless a serious policy violation is alleged and there is a likelihood of suspension, demotion, or termination. "Acts in violation" is listed as a "performance standards" issue in GOM 3.00.020, and thus this allegation is subject to a preponderance of the evidence standard. The allegation would still be sustained using a clear and convincing standard, as the evidence is overwhelming.
[7] It is well established under Washington law that a constitutional seizure occurs when an officer orders someone to stop or answer their questions. *See, e.g. State v. O'Neill,* 148 Wn.2d 564, 577-78 (2003).

Because of Sergeant Hagreen's qualification that his statement was based on the CAD history[8], OLEO weighs Deputy Curaming's account of events more heavily, including both his court case testimony and his interview during this investigation. Based on the available evidence, it is clear that when Deputy Curaming told Mr. Lozano he was not free to leave, the only information he had about the suspect was his sex and the approximate location of the occurrence. OLEO agrees with the King County District Court Judge that this was not enough to meet the requirements for an investigatory stop, and that the stop was unconstitutional. Accordingly, the allegation of Acts in Violation of Sheriff's Office Polices, Practices, Rules, or Procedures is **Sustained.**

-R.McPhail
Ryan McPhail
Investigations Monitor

3/12/2025
Date

[8] Sergeant Hagreen stated that he did not have a strong independent recollection of the incident and was speaking based on his review of the CAD history. The CAD log does show that Mr. Lozano's photo was available at 10:24 p.m. and that, immediately afterwards at 10:25 p.m., the 911 dispatcher entered that someone using Deputy Curaming and Sergeant Hagreen's shared called sign stated over the radio "we are contacting him." However, the CAD entries immediately preceding Mr. Lozano's photo and the 911 calls complicate this apparent timeline of events.

Specifically, the 911 dispatcher did not receive a suspect's name or physical description until she spoke to the woman in apartment N102 on a call that, per the recording, began at 10:22 p.m. On the call, the woman spelled her ex-boyfriend's last name as "Lovano" (with a V), and gave a different day and year of birth than the one on Mr. Lozano's driver's license. The CAD history showed that the dispatcher entered this information (along with the first name "Raymond" (with an A instead of an E)) at 10:23 p.m. and ran two unsuccessful inquiries for his information. One minute later, the shared call sign for Deputy Curaming and Sergeant Hagreen entered a search into CAD that included Mr. Lozano's correct birthday and spelling of his name. Mr. Lozano's photo appeared in CAD at 10:24 p.m., after that entry. Both officers told investigators that they had never interacted with Mr. Lozano before his arrest so, given their description of events, they not could have known his birthday and the correct spelling of his name before they detained him and asked for his ID.

It is possible that searches in the CAD system allow for "fuzzy" matching that can return similar results to a query, and that Sergeant Hagreen received these results before getting out of the patrol car to approach Mr. Lozano. It is also possible that the dispatcher entered that the deputies were contacting Mr. Lozano later than the contact actually occurred (and, thus, before Mr. Lozano's photo was visible in CAD). The recorded radio traffic may support this interpretation – on the radio, someone on Curaming/Hagreen's call sign stated "we are contacting him" immediately before Deputy Reyes asked dispatch for the woman's apartment number and stated they had probable cause for arrest over the air (both of which were logged in CAD at 10:23 p.m., before Mr. Lozano's photo was available). It is also possible the Sergeant Hagreen had more identifying information than Deputy Curaming did and failed to communicate it.

In short, the sequence of events based on the CAD records is unclear at best.