CIVIL RIGHTS COMPLAINT AGAINST WASHINGTON COUNTY SHERIFF'S OFFICE AND WASHINGTON COUNTY SYSTEMATIC CONSTITUTIONAL VIOLATIONS, EVIDENCE FABRICATION, RACIAL BIAS, AND PROSECUTORIAL MISCONDUCT

September 1, 2025

SYNOPSIS OF VIOLATIONS

This complaint documents a cascade of constitutional violations, criminal conduct, and systematic policy failures by Washington County Sheriff's Office (WCSO) deputies that culminated in the wrongful arrest, unlawful imprisonment, and malicious prosecution of Nh Le'Peno. What began as racially biased policing in violation of WCSO Policy # 1-002 and the Fourteenth Amendment has evolved into:

- Evidence fabrication under ORS 162.295
- Perjury under ORS 162.065
- Official misconduct under ORS 162.405 and 162.415
- Falsifying business records under ORS 165.080,
- Criminal conspiracy under ORS 161.450 and 18 U.S.C. § 241
- Unlawful arrest procedures under ORS 133.310
- Improper seizure of arrestee property under ORS 133.455 and 133.623
- Tampering with public records under ORS 162.305
- Initiating false reports under ORS 162.375
- Federal obstruction of justice—violations that trigger automatic Brady/Giglio impeachment under established Supreme Court precedent
- Mandatory DPSST decertification under OAR 259-008-0005 and 259-008-0070
- Federal civil rights liability under 42 U.S.C. § 1981, § 1982, and § 1983
- State civil rights violations under ORS 659A.030

The evidence reveals not isolated mistakes, but deliberate misconduct: deputies who possessed exculpatory evidence chose to ignore it; officers who discovered their error chose to conceal it; and a system that, when presented with proof of innocence, chose to pursue prosecution rather than justice. This is not merely a case of police misconduct—it is a systematic subversion of the constitutional order that demands immediate and comprehensive remedial action from oversewing authorities.

I. FACTUAL FOUNDATION: A TIMELINE OF CONSTITUTIONAL VIOLATIONS

The Constitutional Violation Begins: September 17-18, 2024

September 17, 2024 - Evening: An incident occurs at Cedar Hill Target involving an "unknown Black female adult." Deputies collect surveillance footage and evidence the next night September 18, 2024, including a zip-drive containing clear video identification of the perpetrator.

September 18, 2024 - Hours Before Arrest: Deputy Ramkin acquired security footage, decrypted evidence identifying the September 17th suspect referred to as "unknown Black female adult" that would have immediately, but would eventually lie, the same evidence to exonerate Ms. Peno. Deputy Ramkin elected not to review it prior to arresting Ms. Peno.

September 18, 2024 - Time of Arrest: Ms. Peno arrives at target at 9:06 PM and exits Target at 9:38 PM carrying purchase receipts, shown on surveillance to be in her possession, in her hands. Deputies having relied solely on the racial descriptor "Black female adult," arrest her without conducting any individualized investigation. They order her to "drop everything" she is holding, including exculpatory receipts, and assure her these items will be "preserved." These receipts disappear and are never logged into evidence.

October 2024 - Months Later: Deputy Ramkin finally reviews the September 17th footage he possessed at the time of arrest. He concedes Ms. Peno is not the perpetrator but buries this admission in a supplemental report while continuing prosecution.

May 10, 2025 - The Constitutional Violations Compounded: WCSO deputies enter Complainant's home without consent or warrant, claiming to execute a "felony warrant" that was actually an administrative order under ORS 144.350. This unlawful entry generates evidence used to revoke Complainant's bail and issue new arrest warrant.

Present Day: Complainant remains unable to leave her home due to active warrant based on evidence gathered during unlawful home entry, creating ongoing imprisonment and constitutional violation.

The Cascade Continues: How Wrongful Arrest Enables Ongoing Constitutional Violations

The September 2024 wrongful arrest set in motion a continuing pattern of constitutional violations that persists today. Each subsequent violation stems directly from the original racially biased arrest, creating a continuing violation that extends the legal timeliness for all claims.

II. THE CONTINUING CONSTITUTIONAL VIOLATION: MAY 10, 2025 UNLAWFUL HOME ENTRY

Background: The Unreflect-able "No Contact" Condition

Following the racially motivated arrest, the court imposed a "no-contact" condition between Complainant and her companion. This condition was legally unreflect-able because:

- Complainant and companion were never jointly charged
- They appear as "codefendants" only in the release conditions, not in any criminal charging document
- Oregon law requires joint prosecution or conspiracy charges to justify such conditions
- The condition exists solely because of the wrongful arrest—without the racial profiling, no condition could have been imposed

The Unlawful Home Entry: May 10, 2025

The False "Warrant" Claim: WCSO deputies entered Complainant's home claiming they had a "felony warrant" for her companion's arrest. This was materially false:

- The document was an Order of Arrest under ORS 144.350 issued by Post-Prison Supervision, not a judicial warrant
- While ORS 144.360 states such orders "constitute full authority for arrest," this authority is limited to the supervising agency, not general law enforcement
- The order was issued 11/25/24 after the subject filed for a stay of supervision on 11/22/24, making the order potentially invalid
- Even if valid, administrative orders under ORS 144.350 do not authorize warrantless home entries by sheriff's deputies

Constitutional Violations in the Home Entry:

4) Fourth Amendment Violation - Unlawful Search and Seizure:

- Deputies entered Complainant's home without consent, warrant, or exigent circumstances
- Claimed authority under invalid administrative order
- Used false information (calling it a "felony warrant") to justify entry
- Seized evidence (observation of companion in home) without constitutional authority

5) Article 1, Section 9 Violation - Oregon Constitutional Privacy Rights: Oregon's constitution provides heightened privacy protections. The warrantless home entry violated these enhanced privacy rights under state law.

6) Continuing Fourth Amendment Violation: The evidence gathered during the unlawful entry was used to:

- Report "no-contact" violation to court
- Revoke Complainant's bail
- Issue new arrest warrant
- Create ongoing imprisonment (inability to leave home)

The Fruit of the Constitutional Poisonous Tree

Every subsequent legal action stems from constitutional violations:

Original Poisonous Tree: September 2024 racially motivated arrest **First Fruit:** Unreflect-able "no-contact" condition **Second Fruit:** May 2025 unlawful home entry **Third Fruit:** Evidence gathered during unlawful entry **Fourth Fruit:** Bail revocation and new arrest warrant **Fifth Fruit:** Ongoing constructive imprisonment

Current Ongoing Constitutional Violations

Constructive Imprisonment: Complainant cannot leave her home due to active warrant based on evidence gathered during unlawful entry.

Ongoing Terror and Harassment: WCSO deputies have repeatedly attempted to execute the warrant, threatening to "break down the door" and frightening Complainant's minor children.

- Issue new arrest warrant
- Create ongoing imprisonment (inability to leave home)

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Ongoing Violations:

- Failure to preserve exculpatory evidence

5. ORS 162.305 - Tampering with Public Records (Class C Felony)

Violations: Altering official reports to conceal evidentiary manipulation and inflate charges.

6. ORS 162.375 - Initiating a False Report (Class A Misdemeanor)

Elements: Knowingly initiating a false report with public safety officials knowing the information to be false.

Violations - Multiple False Reports by Deputy Ramkin:

a) False Affidavit Regarding "Active Concealment": Deputy Ramkin's sworn probable cause affidavit states that Complainant was observed "actively concealing items." This statement is demonstrably false:

- Target's internal loss prevention system contain minute-by-minute surveillance documentation with no mention of concealment activity
- Contemporaneous surveillance footage does not support any concealment behavior
- Ramkin's own initial police report contains no mention of observed concealment
- Post-arrest evidence examination shows loss prevention had to scan every item in Complainant's bag and return several items that weren't properly scanned, proving they had no knowledge of what was allegedly taken

b) False Report Regarding Sarah Fillo Witness Statement: Ramkin's affidavit claims Sarah Fillo witnessed Complainant's male companion "remove a security wire from a secure." This creates multiple constitutional violations:

i) Fabricated Evidence: The claim is demonstrably false:

- Surveillance footage shows no such activity
- Target's internal minute-by-minute reports contain no reference to this alleged wire removal
- The claim appears fabricated to add credibility to an otherwise unsupported arrest

ii) Improper Imputation of Probable Cause: Even if the wire removal had occurred, Oregon law prohibits imputing probable cause from one person's actions to another without evidence of criminal conspiracy or accomplice liability under ORS 161.150.

Legal Standard For Accomplice Liability: Oregon law requires that to hold someone liable for another's criminal conduct, there must be evidence that the person "intentionally aids or abets in the commission of the crime" with specific intent to promote or facilitate the criminal conduct.

Constitutional Violation: Deputies cannot arrest Complainant based on her companion's alleged actions without individualized evidence that she:

- Had knowledge of any criminal intent
- Intentionally aided or facilitated criminal activity
- Shared criminal purpose or conspiracy

No Evidence of Individual Culpability: The record contains zero evidence that Complainant:

- Knew of any alleged wire removal
- Participated in any criminal planning
- Aided any criminal activity
- Had any criminal intent whatsoever

Results: Even accepting the false wire removal claim arguendo, it cannot legally justify Complainant's arrest without individualized evidence of her criminal participation—evidence that simply does not exist.

c) False Timeline Reports Regarding Travis Gower Contact: Ramkin provides contradictory dates (10/1 and 10/9) for the same alleged contact with Intelligence Analyst Travis Gower. Ores fails to identify who informed him of the misidentification on 12/27. These inconsistent reports constitute false official statements.

d) False Grand Jury Testimony: Ramkin testified that Kinley Baker called him directly, contradicting his sworn affidavit stating Sarah Fillo was the reporting party. This represents either perjury in the affidavit or perjury in grand jury testimony.

5. ORS 133.310 - Authority of Peace Officer to Arrest Without Warrant

Legal Requirement: Oregon law defines "probable cause" as "a substantial objective basis for believing that more likely than not an offense has been committed and a person to be arrested has committed it." Under ORS 133.310, warrantless arrests require probable cause based on corroborated, individualized evidence.

Critical Legal Requirement - Third Party Tip Corroboration: Oregon courts require that arrests based on third-party tips must be corroborated by independent police investigation. Anonymous or uncorroborated tips alone cannot establish probable cause for arrest without additional police verification.

Violations: Deputies failed to corroborate the third-party allegations before arrest despite having immediate access to definitive evidence (September 17th surveillance footage) that would have disproven the tip. The arrest was based entirely on:

- An uncorroborated third-party allegation
- A generic racial descriptor ("Black female adult")
- Zero independent police verification
- Zero individualized evidence linking Ms. Peno to any criminal activity

Aggravating Factors: Deputies possessed but deliberately chose not to review surveillance footage that would have immediately disproven the third-party tip, making the arrest not just unsupported but willfully unconstitutional.

6. ORS 133.455 - Receipts for Property Taken From Person in Custody & Evidence Seizure Protocols

Legal Requirement: When law enforcement seizes property from arrestees, whether as personal effects or potential evidence, they must follow strict documentation and preservation protocols under both ORS 133.455 and WCSO evidence handling procedures.

Violation - Dual Protocol Failure: Deputies violated both evidence seizure and personal property protocols:

a) Evidence Seizure Violation: If receipts were seized as potential evidence (which their probative value as exculpatory material suggests), deputies violated:

- WCSO Policy 67-001 requiring immediate evidence logging
- Chain of custody requirements
- Exculpatory evidence preservation mandates

b) Personal Property Violation:

If receipts were treated as personal property, deputies violated ORS 133.455 requiring proper receipting and return of arrestee belongings.

c) Constitutional Violation: Regardless of classification, the disappearance of exculpatory receipts that deputies ordered Complainant to "drop" and promised would be "preserved" constitutes evidence destruction in violation of Brady obligations and due process requirements.

Aggravating Factor: Deputies' assurance that receipts would be preserved while simultaneously ensuring their destruction demonstrates willful misconduct, not negligent handling.

- No evidence to revoke bail
- No current warrant or constructive imprisonment

Legal Conclusion: The continuing violation doctrine preserves all claims because the constitutional violations form an unbroken chain of causation stemming from the original wrongful arrest.

The Pattern Emerges: Systematic Rights Deprivation

This timeline reveals not errors in judgment, but deliberate choices to violate constitutional requirements at every critical juncture. Each decision point represents a moment where deputies chose misconduct over constitutional compliance, deception over truth, and racial bias over individualized investigation.

III. COMPREHENSIVE LEGAL VIOLATIONS

A. FEDERAL CONSTITUTIONAL VIOLATIONS

1. Fourth Amendment - Unreasonable Seizure and Arrest (42 U.S.C. § 1983)

Legal Standard: The Fourth Amendment requires that arrests be supported by probable cause based on individualized suspicion and adequate pre-arrest investigation. Oregon law requires factual or circumstantial evidence to establish probable cause, not just suspicions or hunches.

Violations: Deputies arrested Ms. Peno based solely on a racial descriptor without any individualized evidence linking her to criminal activity. Despite possessing definitive exculpatory evidence (the September 17th surveillance footage), they deliberately chose not to review it before effectuating arrest.

Supporting Authority:

- *Abercrombie v. Beaux* (11th Cir. 2018): Deputies who arrest without conducting adequate investigation despite having access to exculpatory evidence face loss of qualified immunity
- *Wong Sun v. United States*, 371 U.S. 471 (1963): Fruit of the poisonous tree doctrine

- Jerry v. Ohio, 392 U.S. 1 (1968): Individualized suspicion requirement

2. Fourteenth Amendment - Equal Protection Violation

Legal Standard: The Equal Protection Clause prohibits law enforcement from using race as the primary basis for suspicion or arrest.

Violations: The sole connection between Ms. Peno and the alleged crime was her race and gender. Deputies relied on the generic descriptor "Black female adult" as sufficient probable cause, in direct violation of equal protection principles.

Supporting Authority:

- *Whren v. United States*, 517 U.S. 806 (1996)
- *United States v. Avery*, 137 F.3d 343 (8th Cir. 1997)

3. Fourteenth Amendment - Substantive Due Process

Legal Standard: Substantive due process prohibits government conduct that "shocks the conscience" or is fundamentally unfair.

Violations: Continuing prosecution after acknowledging misidentification, fabricating evidence to reach felony thresholds, and concealing exculpatory material shocks the conscience and violates fundamental fairness.

4. Brady/Giglio Violations - Right to Fair Trial

Legal Standard: Government must disclose all material exculpatory evidence and evidence that impeaches government witnesses.

Violations:

- Concealment of purchase receipts (Brady material)
- Deputy Ramkin's contradictory sworn statements create automatic Giglio impeachment material
- Failure to disclose misidentification until months after arrest

B. ORGON CONSTITUTIONAL VIOLATIONS

1. Article 1, Section 9 - Unreasonable Search and Seizure

Violations: Warrantless arrest without individualized probable cause violates Oregon's heightened privacy protections. Warrantless arrest must be based upon probable cause and does not violate Article 1, Section 9 only when constitutionally sufficient probable cause exists.

2. Article 1, Section 20 - Equal Protection

Violations: Racial profiling violates Oregon's equal protection guarantees.

C. OREGON REVISED STATUTES VIOLATIONS

1. ORS 162.065 - Perjury in the First Degree (Class B Felony)

Elements: Making false statements under oath in official proceedings.

Violations: Deputy Ramkin provided contradictory sworn testimony in his probable cause affidavit versus grand jury testimony regarding the identity of the reporting party (Sarah Fillo vs. Kinley Baker).

2. ORS 162.295 - Tampering with Physical Evidence (Class C Felony)

Elements: Knowingly altering, destroying, concealing, or removing physical evidence

Violations:

- Concealment and disposal of purchase receipts
- Manipulation of lens calculations

Violations: Deputy Ramkin's reports reference contact with Travis Gower, identified as an "Intelligence Analyst for WCSO." However, DPSST records show Gower is a civilian employee whose law enforcement certification expired in 2020.

Critical Questions Demanding Investigation:

- How did an uncertified civilian gain access to Complainant's arrest photos?
- Who authorized disclosure of confidential investigative materials to non-certified personnel?
- What safeguards exist to prevent unauthorized access to criminal files?
- Did this unauthorized access violate privacy statutes and evidence handling protocols?

9. Inconsistent Official Timeline Reports

Violations: Deputy Ramkin provides contradictory official timelines:

- Claims contact with Gower on both 10/1 AND 10/9 for the same communication
- States he learned of misidentification on 12/27 but fails to identify the source
- These inconsistent official reports constitute false statements under ORS 162.375

10. DPSST Professional Standards Violations

Professional Conduct Standards (OAR 259-008-0005 to 0060):

a) Moral Fitness Standards: All individuals certified in a criminal justice discipline are subject to the Board's moral fitness standards including requirements for:

- Honesty and integrity in official capacity
- Compliance with constitutional requirements
- Professional competence and adherence to law

Violations:

- **Dishonesty:** Multiple false reports and contradictory sworn statements
- **Constitutional Violation:** Racially biased arrest without probable cause
- **Professional Incompetence:** Failure to conduct basic investigative due diligence

b) Mandatory Reporting Standards: DPSST standards require agencies to report misconduct that could affect certification, including dishonesty and constitutional violations.

Violations: WCSO's failure to report known misconduct to DPSST violates mandatory reporting requirements.

11. 42 U.S.C. § 1983 - Conspiracy to Deprive Civil Rights

Elements: Two or more persons acting under color of law in conspiracy to deprive constitutional rights.

Violations: Deputies Ramkin, Orozco, and Whipple coordinated to arrest based on racial profiling, conceal exculpatory evidence, and continue prosecution despite known innocence.

2. Monell Municipal Liability

Legal Standard: Municipalities are liable when policy, custom, or failure to train causes constitutional violations.

Violations: Washington County's failure to train deputies on bias-free policing and evidence handling created the conditions that enabled these violations.

3. Supervisory Liability

Violations: Continued prosecution after misidentification was discovered demonstrates supervisory certification of misconduct.

C. CONTINUING CONSTITUTIONAL VIOLATIONS - MAY 10, 2025 UNLAWFUL HOME ENTRY

1. Fourth Amendment Violation - Unlawful Search and Seizure

Legal Standard: The Fourth Amendment prohibits warrantless entries into homes without consent, judicial warrant, or exigent circumstances.

Violations: WCSO deputies entered Complainant's home without:

- Judicial warrant (only administrative ORS 144.350 order)
- Consent (Complainant repeatedly refused and asked them to leave)
- Exigent circumstances (no emergency or hot pursuit)

2. Article 1, Section 9 - Oregon Constitutional Privacy Violation

Legal Standard: Oregon's constitution provides heightened privacy protections exceeding federal minimums.

Violations: Warrantless home entry violated enhanced state privacy rights.

3. ORS 144.350 - Exceeding Statutory Authority

Legal Standard: Administrative orders under ORS 144.350 grant authority to "supervisory authority," not general law enforcement for home entries.

Violations: WCSO deputies lacked statutory authority to execute administrative order, particularly through warrantless home entry.

4. False Statements to Justify Entry - ORS 162.375

Violations: Deputies claimed they had a "felony warrant" when they only had an administrative order, constituting false statements to justify unlawful entry.

5. Using Unlawfully Obtained Evidence

Violations: Evidence gathered during unlawful home entry was used to:

- Report alleged "no contact" violation
- Revoke bail
- Issue arrest warrant
- Create ongoing constructive imprisonment

6. Continuous Constructive Imprisonment - Ongoing Constitutional Violation

Current Status: Complainant cannot leave home due to warrant based on unlawfully obtained evidence, creating ongoing imprisonment without due process.

I. ADDITIONAL ORGON CRIMINAL VIOLATIONS

1. ORS 162.405 - Official Misconduct in the Second Degree (Class C Misdemeanor)

Legal Standard: A public servant commits official misconduct in the second degree if the public servant "knowingly violates any statute relating to the office of the public servant."

Multiple Violations: Each deputy committed official misconduct by knowingly violating multiple statutes relating to law enforcement:

- Violating arrest procedures (ORS 133.310)

- Improper evidence handling (ORS 133.455, 133.623)
- Evidence tampering (ORS 162.295)
- False reporting (ORS 162.375)
- Perjury (ORS 162.065)

2. ORS 162.415 - Official Misconduct in the First Degree (Class A Misdemeanor)

Legal Standard: Official misconduct in the first degree occurs when a public servant, acting with intent to obtain a benefit or harm another, knowingly fails to perform a mandatory duty or knowingly performs an act constituting an unauthorized exercise of official duties.

Violations:

- **Unauthorized Exercise:** Using racial profiling as basis for arrest exceeded lawful authority
- **Failed Mandatory Duty:** Failure to conduct adequate pre-arrest investigation
- **Intent to Harm:** Continuing prosecution after discovering innocence shows intent to harm
- **Benefit Seeking:** Inflating charges to reach felony thresholds for prosecutorial advantage

3. ORS 161.450 - Criminal Conspiracy (Class B Felony)

Legal Standard: A person commits criminal conspiracy if the person agrees with one or more persons to engage in conduct constituting a crime and at least one of them performs an overt act in furtherance of the conspiracy.

Conspiracy Elements Established:

- **Agreement:** Deputies coordinated racially biased arrest and evidence concealment
- **Criminal Objective:** Violating constitutional rights under color of law
- **Overt Acts:**
  - Arrest based on racial profiling
  - Concealment of exculpatory evidence
  - Fabrication of evidence
  - False testimony

4. 18 U.S.C. § 241 - Conspiracy Against Constitutional Rights (Federal Felony)

Legal Standard: Federal felony for conspiracy by two or more persons to injure or intimidate any person in the exercise of constitutional rights.

Violation: Deputies Ramkin, Orozco, and Whipple conspired to deprive Complainant of Fourth and Fourteenth Amendment rights through coordinated unconstitutional conduct.

II. ADDITIONAL FEDERAL CIVIL RIGHTS VIOLATIONS

1. 42 U.S.C. § 1981 - Equal Rights Under Law

Legal Standard: Provides all persons the same rights as white citizens to make and enforce contracts and enjoy property rights.

Violation: Racial profiling interfered with Complainant's equal right to engage in commercial transactions (shopping at Target) free from racial discrimination.

2. 42 U.S.C. § 1982 - Property Rights of Citizens

- **ORS 162.295:** (Tampering with Physical Evidence)
- **ORS 162.305:** (Tampering with Public Records)
- **ORS 162.375:** (Initiating a False Report)

5. DPSST Decertification Referral

Grounds: Report all violations to Department of Public Safety Standards and Training for:

- Dishonesty in official capacity
- Constitutional violations
- Evidence fabrication
- Bias-based policing

Systemic Reform Requirements

1. Policy Implementation Review

Mandate: External audit of Washington County's implementation of:

- Policy #212 (Fair Treatment and Nondiscrimination)
- All WCSO evidence handling protocols
- Brady/Giglio compliance procedures
- Bias-based policing implementation

2. Training Mandate

Requirement: Immediate retraining of all WCSO personnel on:

- Constitutional requirements for arrest
- Evidence preservation and Brady obligations
- Bias-free policing techniques
- Professional standards and truthfulness requirements

3. Supervisory Accountability

Investigation: Review of all supervisory personnel who approved or ratified continued prosecution after misidentification was discovered.

VI. LEGAL AUTHORITIES AND SUPPORTING DOCUMENTATION

Federal Constitutional Law

- **Fourth Amendment:** Jerry v. Ohio, 392 U.S. 1 (1968)
- **Fourteenth Amendment:** *Whren v. United States*, 517 U.S. 806 (1996)
- **Brady Material:** *Brady v. Maryland*, 373 U.S. 83 (1963)
- **Giglio Impeachment:** *Giglio v. United States*, 405 U.S. 150 (1972)
- **Evidence Fabrication:** *Spencer v. Peters*, 857 F.3d 789 (9th Cir. 2017)

- Oregon law requires joint prosecution or conspiracy charges to justify such conditions
- The condition exists solely because of the wrongful arrest—without the racial profiling, no condition could have been imposed

The Unlawful Home Entry: May 10, 2025

The False "Warrant" Claim: WCSO deputies entered Complainant's home claiming they had a "felony warrant" for her companion's arrest. This was materially false:

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Legal Standard For Accomplice Liability: Oregon law requires that to hold someone liable for another's criminal conduct, there must be evidence that the person "intentionally aids or abets in the commission of the crime" with specific intent to promote or facilitate the criminal conduct.

Constitutional Violation: Deputies cannot arrest Complainant based on her companion's alleged actions without individualized evidence that she:

- Had knowledge of any criminal intent
- Intentionally aided or facilitated criminal activity
- Shared criminal purpose or conspiracy

No Evidence of Individual Culpability: The record contains zero evidence that Complainant:

- Knew of any alleged wire removal
- Participated in any criminal planning
- Aided any criminal activity
- Had any criminal intent whatsoever

Legal Standard: Protects all citizens' property rights from racial discrimination.

Violations: Deputies' racially motivated seizure and destruction of purchase receipts violated property rights based on race.

8. OREGON STATE CIVIL RIGHTS VIOLATIONS

1. ORS 659A.030 - Unlawful Discrimination Based on Race

Legal Standard: Oregon law prohibits discrimination because of race in places of public accommodation and public services.

Violations: Deputies' racially biased arrest constituted discrimination in access to public accommodations (retail shopping) and public services (equal law enforcement protection).

L. ADDITIONAL PROPERTY VIOLATIONS

1. ORS 164.055 - Theft in the First Degree (Class C Felony if value exceeds $1,000)

Elements: Unlawfully taking property with intent to deprive the owner permanently.

Violations: Deputies' seizure and destruction of purchase receipts with evidentiary value constitutes theft of property.

2. ORS 133.655 - Unlawful Seizure and Retention of Property

Legal Standard: Law enforcement must have lawful authority to seize and retain property.

Violation: Seizure of purchase receipts without proper legal authority or documentation violated property retention statutes.

M. ADDITIONAL DPSST VIOLATIONS

1. OAR 259-008-0070 - Additional Moral Fitness Standards

Standards: Police officers must maintain moral fitness including integrity, honesty, and respect for constitutional rights.

Violations:

- Dishonesty in official reports and testimony
- Lack of integrity in evidence handling
- Failure to respect constitutional rights

2. ORS 181A.355 - Law Enforcement Misconduct Database Reporting

Legal Requirement: Agencies must report misconduct to state database.

Violation: WCSO's failure to report documented misconduct violates mandatory reporting requirements.

The May 2025 home entry reveals the conspiracy extends beyond the original deputies to include:

- Deputies who executed unlawful home entry
- Supervisors who authorized use of unlawfully obtained evidence
- Prosecutors who relied on evidence from unlawful entry

This expanded conspiracy demonstrates systemic constitutional violation, not isolated misconduct.

1. False Arrest and False Imprisonment

Elements: Arrest based solely on racial descriptor without individualized probable cause.

2. Intentional Infliction of Emotional Distress

Violations: Deliberately continuing prosecution after acknowledging innocence.

3. Negligence in Evidence Handling

Violations: Failure to preserve exculpatory receipts in violation of standard law enforcement protocols.

III. SPECIFIC DEPUTY MISCONDUCT

Deputy David Ramkin - Lead Violator

Criminal Violations:

- **Perjury (ORS 162.065):** Contradictory sworn statements regarding reporting party identity
- **Evidence Tampering (ORS 162.295):** Concealing receipts, altering lens calculations
- **False Reporting (ORS 162.375):** Misrepresenting probable cause formation

Policy Violations:

- Truthfulness (Policy #207-812)
- Evidence Handling (Policy 67-001)
- Bias-Based Policing (Policy 1-002)
- Brady Disclosure Requirements (Policy #504-800)

DPSST Standards Violations:

- Professional conduct standards
- Truthfulness requirements
- Constitutional compliance mandates

Deputies Alejandro Orozco and Josh Whipple - Co-Conspirators

Violations:

- Participated in racially biased arrest
- Failed to intervene despite witnessing misconduct (Policy #207-812, ¶38)
- Aided in evidence concealment
- Failed to report known misconduct (72-hour reporting requirement)

IV. SYSTEMATIC CONSTITUTIONAL ANALYSIS

The Chomskyan Structure: Deep Grammar of Constitutional Violation

The surface grammar of this case appears to be simple police error. But the deep structure reveals systematic constitutional subversion: deputies transformed law enforcement from a truth-seeking enterprise into a conviction-securing mechanism, inverting the fundamental relationship between citizens and state.

Each violation feeds into the next, creating a self-reinforcing system of constitutional nullification:

1. **Racial Profiling** → Eliminates individualized suspicion requirement
2. **Evidence Concealment** → Prevents constitutional challenge

3. **False Testimony** → Corrupts judicial process
4. **Continued Prosecution** → Transforms error into malice

The Hermeneutic Circle: Understanding Through Their Own Standards

Washington County's own policies provide the interpretive framework that condemns their conduct. When they wrote: "prevent and remediate misconduct on the basis of race," they created a binding commitment. When they mandated "every possible effort to corroborate allegations with all available evidence," they established the standard by which their failure must be judged.

The meaning of these policies is not ambiguous—their violation is not interpretive—their breach is absolute.

The Deontikian Principle: Law as Integrity

The principle that best explains and justifies Washington County's legal obligations is constitutional integrity—the idea that government power must be exercised according to law, not convenience, according to evidence, not assumption, according to individualized suspicion, not racial stereotype.

Deputies violated this fundamental principle at every decision point, creating not just individual harm but institutional corruption that threatens the rule of law itself.

V. SPECIFIC REMEDIAL DEMANDS

Immediate Action Required

1. Internal Affairs Investigation

Scope: Full investigation of Deputies Ramkin, Orozco, and Whipple for:

- Policy violations enumerated above
- Criminal conduct (perjury, evidence tampering, false reporting)
- Constitutional violations under color of law

2. Brady/Giglio Notification

Requirement: Immediate flagging of all three deputies for prosecutorial Brady/Giglio disclosure requirements due to:

- Documented dishonesty (contradictory sworn statements)
- Evidence fabrication and concealment
- Constitutional violations affecting credibility

3. Evidence Preservation and Audit

Mandate:

- Immediate preservation of all digital and physical evidence
- External forensic audit of evidence handling procedures
- Recovery and analysis of all Target communications and surveillance footage
- Independent chain of custody review

4. Criminal Referral

Basis: Refer Deputies to District Attorney for criminal prosecution under:

- **ORS 162.065:** (Perjury in the First Degree)

Denial of Due Process: Complaint cannot challenge the warrant because it's based on evidence gathered during unlawful home entry.

ORS 144.350 Analysis: Why Deputies Lacked Authority

ORS 144.350 allows supervisory authorities to "order the arrest and detention" of supervisees, but this authority is:

- **Limited to supervising agencies:** The statute grants authority to "Department of Corrections or other supervisory authority," not general law enforcement
- **Administrative, not judicial:** These are administrative orders, not judicial warrants
- **Subject to procedural requirements:** The subject had filed for a stay, which should have suspended enforcement
- **Does not authorize home entries:** Nothing in ORS 144.350 authorizes warrantless home entries by sheriff's deputies

Legal Analysis: Even accepting the order's validity arguendo, it did not grant WCSO authority to enter Complainant's home without consent or judicial warrant.

CONTINUING VIOLATION DOCTRINE AND TORT CLAIM NOTICE TIMING

Legal Framework: Oregon Tort Claims Act requires notice within 180 days of the incident giving rise to the claim, but continuing violations create new claim periods for each violation.

Application to This Case:

- **September 18, 2024:** Original wrongful arrest (outside 180-day period)
- **May 10, 2025:** Unlawful home entry (within 180-day period)
- **Present Day:** Ongoing constructive imprisonment (continuing violation)

Continuing Violation Doctrine: Because each violation stems from and continues the original constitutional violation, the entire pattern constitutes a continuing violation that keeps all claims timely.

Causation Chain: Without the original racially motivated arrest:

- No "no contact" condition could have been imposed
- No basis for May 2025 home entry
- No evidence to revoke bail
- No current warrant or constructive imprisonment

Legal Conclusion: The continuing violation doctrine preserves all claims because the constitutional violations form an unbroken chain of causation stemming from the original wrongful arrest.

The Pattern Emerges: Systematic Rights Deprivation

This timeline reveals not errors in judgment, but deliberate choices to violate constitutional requirements at every critical juncture. Each decision point represents a moment where deputies chose misconduct over constitutional compliance, deception over truth, and racial bias over individualized investigation.

II. THE CONSTITUTIONAL CHECKMATE: PRE-FORMED PROBABLE CAUSE AND WILLFUL CONSTITUTIONAL VIOLATION

The Smoking Gun: Deputy Whipple's Report Exposes Ramkin's Constitutional Violation

- Target's internal loss prevention reports contain minute-by-minute surveillance documentation with no mention of concealment activity
- Contemporaneous surveillance footage does not support any concealment behavior
- Ramirez's own initial police report contains no mention of observed concealment
- Post-arrest evidence examination shows loss prevention had to scan every item in Complainant's bag and return several items that weren't even Target merchandise, proving they had no knowledge of what was allegedly taken

b) False Report Regarding Sarah Fillo Witness Statement: Ramirez's affidavit claims Sarah Fillo witnessed Complainant's male companion "remove a security wire from a sweater." This creates multiple constitutional violations:

i) Fabricated Evidence: The claim is demonstrably false.

- Surveillance footage shows no such activity
- Target's internal minute-by-minute reports contain no reference to this alleged wire removal
- The claim appears fabricated to add credibility to an otherwise unsupported arrest

ii) Improper Imputation of Probable Cause: Even if the wire removal had occurred, Oregon law prohibits imputing probable cause from one person's actions to another without evidence of criminal conspiracy or accomplice liability under ORS 161.155.

Legal Standard for Accomplice Liability: Oregon law requires that to hold someone liable for another's criminal conduct, there must be evidence that the person "intentionally aids or abets in the commission of the crime" with specific intent to promote or facilitate the criminal conduct.

Constitutional Violation: Deputies cannot arrest Complainant based on her companion's alleged actions without individualized evidence that she:

- Had knowledge of any criminal intent
- Intentionally aided or facilitated criminal activity
- Shared criminal purpose or conspiracy

No Evidence of Individual Culpability: The record contains zero evidence that Complainant:

- Knew of any alleged wire removal
- Participated in any criminal planning
- Aided any criminal activity
- Had any criminal intent whatsoever

Result: Even accepting the false wire removal claim arguendo, it cannot legally justify Complainant's arrest without individualized evidence of her criminal participation—evidence that simply does not exist.

c) False Timeline Reports Regarding Travis Gower Contact: Ramirez provides contradictory dates (10/1 and 10/9) for the same alleged contact with Intelligence Analyst Travis Gower, then fails to identify who informed him of the misidentification on 12/27. These inconsistent reports constitute false official statements.

d) False Grand Jury Testimony: Ramirez testified that Kinley Baker called him directly, contradicting his sworn affidavit stating Sarah Fillo was the reporting party. This represents either perjury in the affidavit or perjury in grand jury testimony.

5. ORS 133.310 - Authority of Peace Officer to Arrest Without Warrant

Legal Requirement: Oregon law defines "probable cause" as "a substantial objective basis for believing that more likely than not an offense has been committed and a person to be arrested has committed it." Under ORS 133.310, warrantless arrests require probable cause based on corroborated, individualized evidence.

Critical Legal Requirement - Third Party Tip Corroboration: Oregon courts require that arrests based on third-party tips must be corroborated by independent police investigation. Anonymous or uncorroborated tips alone cannot establish probable cause for arrest without additional police verification.

Violations: Deputies failed to corroborate the third-party allegations before arrest despite having immediate access to definitive evidence (September 17th surveillance footage) that would have disproven the tip. The arrest was based entirely on:

- An uncorroborated third-party allegation
- A generic racial descriptor ("Black female adult")
- Zero independent police verification
- Zero individualized evidence linking Ms. Peron to any criminal activity

Appropriate Action: Deputies possessed but deliberately chose not to review surveillance footage that would have immediately disproven the third-party tip, making the arrest not just unsupported but willfully unconstitutional.

6. ORS 133.455 - Receipts for Property Taken from Person in Custody & Evidence Seizure Protocols

Legal Requirement: When law enforcement seizes property from arrestees, whether as personal effects or potential evidence, they must follow strict documentation and preservation protocols under both ORS 133.455 and WCSO evidence handling procedures.

Violation - Dual Protocol Failure: Deputies violated both evidence seizure and personal property protocols:

a) Evidence Seizure Violation: If receipts were seized as potential evidence (which their probative value as exculpatory material suggests), deputies violated:

- WCSO Policy 67-001 requiring immediate evidence logging
- Chain of custody requirements
- Exculpatory evidence preservation mandates

b) Personal Property Violation:
If receipts were treated as personal property, deputies violated ORS 133.455 requiring proper receipting and return of arrestee belongings.

c) Constitutional Violation: Regardless of classification, the disappearance of exculpatory receipts that deputies ordered Complainant to "drop" and promised would be "preserved" constitutes evidence destruction in violation of Brady obligations and due process requirements.

Aggravating Factor: Deputies' assurance that receipts would be preserved while simultaneously ensuring their destruction demonstrates willful misconduct, not negligent handling.

D. WASHINGTON COUNTY POLICY VIOLATIONS

1. Administrative Policy #212 - Fair Treatment and Nondiscrimination

Policy: "Washington County strives to treat all people equally. It is our policy to prevent and remediate discrimination on the basis of race..."

Violation: Deputies acted race at the primary basis for arrest, violating express county nondiscrimination mandates.

2. WCSO Policy 1-002 - Bias-Based Policing Prohibited

Policy: "All enforcement and investigative contacts, traffic stops, arrests, searches and property seizures will be based on reasonable suspicion, probable cause or other lawful justification. Bias-based profiling or discrimination on the basis of race... is strictly prohibited."

Violation: Arrest based primarily on racial descriptor violates explicit bias-based policing prohibitions.

3. WCSO Policy 22-001 - Criminal Investigations

Policy: "Deputies shall make every possible effort to corroborate allegations with all available evidence prior to effecting arrest."

Violation: Deputies failed to review readily available surveillance footage before arrest.

4. WCSO Policy 67-001 - Evidence Handling

Policy: "Video and digital surveillance evidence must be reviewed and preserved where technologically feasible. All exculpatory evidence must be included in the investigative file and disclosed promptly."

Violation:

- Failed to review available surveillance footage
- Concealed and destroyed exculpatory receipts
- Failed to timely disclose misidentification

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5. General Conduct Policy #207-R12 - Truthfulness

Policy: "Staff must not be, give misleading information, withhold information with the intent to deceive, or falsify written, verbal, or electronic communications... Staff will report the whole truth when giving testimony or rendering an official report."

Violation: Deputy Ramirez's contradictory sworn statements and concealment of misidentification.

7. WCSO Policy #1201-806 - Inducement of False Testimony

Policy Requirement: Officers cannot induce witnesses to provide false testimony.

Violation: Deputy Ramirez's coordination with Kinley Baker created false testimony regarding who initiated contact with law enforcement:

- **Affidavit Statement:** Sarah Fillo was the reporting party who contacted deputies
- **Grand Jury Testimony:** Both Ramirez and Baker testified that Baker called Ramirez directly
- **Evidence of Inducement:** The coordinated false testimony suggests Ramirez induced Baker to provide false statements to the grand jury, corrupting the judicial process

This represents both policy violation and potential subornation of perjury.

8. Unauthorized Civilian Access to Investigative Materials

Legal Requirement: Criminal investigative files and arrestee photographs are confidential and subject to strict access controls.

Violation: Unauthorized civilian access to criminal records. Kinley Baker, identified as an "Intelligence Analyst for WCSO" However, DPSST records show Gower is a civilian employee whose law enforcement certification expired in 2020.

Critical Questions Demanding Investigation:

- How did an uncertified civilian gain access to Complainant's arrest photos?
- Who authorized disclosure of confidential investigative materials to non-certified personnel?
- What safeguards exist to prevent unauthorized access to criminal files?
- Did this unauthorized access violate privacy statutes and evidence handling protocols?

9. Inconsistent Official Timeline Reports

Violation: Deputy Ramirez provides contradictory official timelines:

- Claims contact with Gower on both 10/1 AND 10/9 for the same communication
- States he learned of misidentification on 12/27 but fails to identify the source
- These inconsistent official reports constitute false statements under ORS 162.375

10. DPSST Professional Standards Violations

Professional Conduct Standards (OAR 259-008-0005 to 0080):

a) Moral Fitness Standards: All individuals certified in a criminal justice discipline are subject to the Board's moral fitness standards including requirements for:

- Honesty and integrity in official capacity
- Compliance with constitutional requirements
- Professional competence and adherence to law

Violations:

- **Dishonesty:** Multiple false reports and contradictory sworn statements
- **Constitutional Violation:** Racially biased arrest without probable cause
- **Professional Incompetence:** Failure to conduct basic investigation due diligence

b) Mandatory Reporting Standards: DPSST standards require agencies to report misconduct that could affect certification, including dishonesty and constitutional violations.

Violation: WCSO's failure to report known misconduct to DPSST violates mandatory reporting requirements.

7. 42 U.S.C. § 1983 - Conspiracy to Deprive Civil Rights

Elements: Two or more persons acting under color of law in conspiracy to deprive constitutional rights.

Violation: Deputies Ramirez, Orozco, and Whipple coordinated to arrest based on racial profiling, conceal exculpatory evidence, and continue prosecution despite known innocence.

2. Monell Municipal Liability

Legal Standard: Municipalities are liable when policy, custom, or failure to train causes constitutional violations.

Violation: Washington County's failure to train deputies on bias-free policing and evidence handling created the conditions that enabled these violations.

3. Supervisory Liability

Violation: Continued prosecution after misidentification was discovered demonstrates supervisory ratification of misconduct.

E. STATE TORT VIOLATIONS

1. False Arrest and False Imprisonment

Elements: Arrest without legal justification resulting in unlawful detention.

Violation: Arrest based solely on racial descriptor without individualized probable cause.

2. Intentional Infliction of Emotional Distress

Violation: Deliberately continuing prosecution after acknowledging innocence.

3. Negligence in Evidence Handling

Violation: Failure to preserve exculpatory receipts in violation of standard law enforcement protocols.

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III. SPECIFIC DEPUTY MISCONDUCT

Deputy David Rambin - Lead Violator

Criminal Violations:

- **Perjury (ORS 162.065):** Contradictory sworn statements regarding reporting party identity
- **Evidence Tampering (ORS 162.285):** Concealing receipts, altering loss calculations
- **False Reporting (ORS 162.375):** Misrepresenting probable cause formation

Policy Violations:

- Truthfulness (Policy #207-R12)
- Evidence Handling (Policy 67-001)
- Bias-Based Policing (Policy 1-002)
- Brady Disclosure Requirements (Policy #504-805)

DPSST Standards Violations:

- Professional conduct standards
- Truthfulness requirements
- Constitutional compliance mandates

Deputies Augusto Orozco and Josh Whipple - Co-Conspirators

Violations:

- Participated in racially biased arrest
- Failed to intervene despite witnessing misconduct (Policy #207-R12, ¶38)
- Aided in evidence concealment
- Failed to report known misconduct (72-hour reporting requirement)

IV. SYSTEMATIC CONSTITUTIONAL ANALYSIS

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3. **False Testimony** → Corrupts judicial process
4. **Continued Prosecution** → Transforms error into malice

This complaint documents a cascade of constitutional violations, criminal conduct, and systematic policy failures by Washington County Sheriff's Office (WCSO) deputies that culminated in the wrongful arrest, unlawful imprisonment, and malicious prosecution of Ms Lei'Peron. What began as racially biased policing evolved into evidence fabrication, perjury, and obstruction of justice—violations so fundamental they strike at the heart of constitutional democracy itself.

The evidence reveals not isolated mistakes, but deliberate misconduct: deputies who possessed exculpatory evidence chose to ignore it; officers who discovered their error chose to conceal it; and a system that, when presented with proof of innocence, chose to pursue prosecution rather than justice. This is not merely a case of police misconduct—it is a systematic subversion of the constitutional order that demands immediate and comprehensive remedial action.

I. FACTUAL FOUNDATION: A TIMELINE OF CONSTITUTIONAL VIOLATIONS

The Constitutional Violation Begins: September 17-18, 2024

September 17, 2024 - Evening: An incident occurs at Target involving an "unknown Black female adult." Deputies collect surveillance footage and evidence, including a zip drive containing clear video identification of the actual perpetrator.

September 18, 2024 - Hours Before Arrest: Deputies Rambin, Orozco, and Whipple possess decisive evidence identifying the September 17th suspect—evidence that would immediately exonerate Ms. Peron. They choose not to review it.

September 18, 2024 - Time of Arrest: Ms. Peron exits Target carrying purchase receipts. Deputies, relying solely on the racial descriptor "Black female adult," arrest her without conducting any individualized investigation. They order her to "drop everything" she is holding, including exculpatory receipts, and assure her these items will be "preserved." These receipts disappear and are never logged into evidence.

October 2024 - Months Later: Deputy Rambin finally reviews the September 17th footage he possessed at the time of arrest. He concedes Ms. Peron is not the perpetrator but buries this admission in a supplemental report while continuing prosecution.

November 2024 - Evidence Fabrication: Deputy Rambin doubles the alleged loss calculations from $286.55 to $479.79 by double-counting 16 of 24 items, conveniently exceeding the felony threshold. Most egregiously, he attributes losses to Ms. Peron for the day after her arrest—while she was in Washington County Jail.

The Pattern Emerges: Systematic Rights Deprivation

This timeline reveals not errors in judgment, but deliberate choices to violate constitutional requirements at every critical juncture. Each decision point represents a moment where deputies chose misconduct over constitutional compliance, deception over truth, and racial bias over individualized investigation.

II. THE CONSTITUTIONAL CHECKMATE: PRE-FORMED PROBABLE CAUSE AND WILLFUL CONSTITUTIONAL VIOLATION

The Smoking Gun: Deputy Whipple's Report Exposes Rambin's Constitutional Violation

This case contains irrefutable evidence of deliberate constitutional violation that cannot be dismissed or minimized. Deputy Whipple's report documents that Deputy Rambin claimed to have probable cause to arrest Ms. Peron for the September 17th incident BEFORE she engaged in any conduct on September 18th.

The Constitutional Mathematics:

- 6:00 PM, September 18th: Deputy Rambin personally retrieves surveillance evidence from September 17th incident
- 9:06 PM, September 18th: Ms. Peron enters Target store
- Time of Arrest: Deputy Whipple reports that Rambin told him he "already had probable cause to arrest Ms. Peron for the crime which occurred the night before"

The Legal Impossibility

Constitutional Requirement: Probable cause must be based on individualized evidence connecting a specific person to criminal activity. It cannot be based solely on demographic characteristics.

The Violation: Deputy Rambin's claim of pre-existing probable cause based on the September 17th incident creates an impossible legal scenario:

1. No Individualized Connection: The only link between Ms. Peron and the September 17th incident was the racial descriptor "Black female adult"
2. Available Exculpatory Evidence: Rambin possessed surveillance footage that would have immediately excluded Ms. Peron as the September 17th perpetrator
3. Willful Ignorance: Rambin chose not to review evidence that would have disproven his "probable cause"
4. Pre-Formed Arrest Intent: Rambin's statement to Whipple proves he intended to arrest Ms. Peron regardless of her September 18th conduct

The Constitutional Analysis Under Magnificiant

Fourth Amendment Violation - Arrest Without Probable Cause: To make a valid arrest, police must have objective evidence indicating that a suspect was responsible for a crime. Rambin's "pre-formed probable cause" was based entirely on:

- Generic racial descriptor ("Black female adult")
- Deliberately ignored exculpatory evidence
- Zero individualized facts connecting Ms. Peron to any criminal activity

Fourteenth Amendment Violation - Racial Profiling: The pre-formation of probable cause based solely on race violates equal protection. Oregon law requires specific evidence of criminal liability for each individual defendant, not guilt by demographic association.

Due Process Violation - Fundamentally Unfair Procedure: Rambin's admission that he "already had probable cause" before observing any conduct by Ms. Peron on September 18th proves that her arrest was predetermined based on race, not evidence—a fundamentally unfair procedure that shocks the conscience.

Why This Detail Cannot Be Dismissed

Legal Precedent: Courts consistently hold that probable cause must be evaluated at the moment of arrest based on facts then known to officers. Rambin's pre-formed probable cause admission proves constitutional violation as a matter of law.

Objective Evidence: Deputy Whipple's report provides contemporaneous documentation of Rambin's unconstitutional mindset—this isn't interpretation, it's documented fact.

Systemic Impact: This proves the violation wasn't accidental but deliberate—deputies specifically chose racial profiling over constitutional compliance.

The Inescapable Conclusion

Deputy Rambin's statement to Whipple creates constitutional checkmate: he cannot claim legitimate probable cause because he admits it was pre-formed based on a prior incident for which he possessed exculpatory evidence. He cannot claim good faith because he deliberately avoided reviewing evidence that would have prevented the violation.

The timing sequence proves willful constitutional violation:

1. 6:00 PM: Rambin collects exculpatory evidence (September 17th footage)
2. 6:00-9:06 PM: Rambin fails to review evidence he personally collected

3. 9:06 PM: Ms. Peron enters store with Rambin already planning arrest
4. Upon Exit: Arrest based on pre-formed, racially-based "probable cause"

This timeline transforms every subsequent violation from potential error into deliberate misconduct, making the constitutional violation undeniable as a matter of law and fact.

III. COMPREHENSIVE LEGAL VIOLATIONS

A. FEDERAL CONSTITUTIONAL VIOLATIONS

1. Fourth Amendment - Unreasonable Seizure and Arrest (42 U.S.C. § 1983)

Legal Standard: The Fourth Amendment requires that arrests be supported by probable cause based on individualized suspicion and adequate pre-arrest investigation. Oregon law requires factual or circumstantial evidence to establish probable cause, not just suspicion or hunches.

Violation: Deputies arrested Ms. Peron based solely on a racial descriptor without any individualized evidence linking her to criminal activity. Despite possessing definitive exculpatory evidence (the September 17th surveillance footage), they deliberately chose not to review it before effectuating arrest.

Supporting Authority:

- *Alencastro v. Jones* (7th Cir. 2018): Deputies who arrest without conducting adequate investigation despite having access to exculpatory evidence face loss of qualified immunity
- *Wong Sun v. United States*, 371 U.S. 471 (1963): Fruit of the poisonous tree doctrine
- *Terry v. Ohio*, 392 U.S. 1 (1968): Individualized suspicion requirement

2. Fourteenth Amendment - Equal Protection Violation

Legal Standard: The Equal Protection Clause prohibits law enforcement from using race as the primary basis for suspicion or arrest.

Violation: The sole connection between Ms. Peron and the alleged crime was her race and gender. Deputies relied on the generic descriptor "Black female adult" as sufficient probable cause, in direct violation of equal protection principles.

Supporting Authority:

- *Whren v. United States*, 517 U.S. 806 (1996)
- *United States v. Avery*, 137 F.3d 343 (6th Cir. 1997)

3. Fourteenth Amendment - Substantive Due Process

Legal Standard: Substantive due process prohibits government conduct that "shocks the conscience" or is fundamentally unfair.

Violation: Continuing prosecution after acknowledging misidentification, fabricating evidence to reach felony thresholds, and concealing exculpatory material shocks the conscience and violates fundamental fairness.

4. Brady/Giglio Violations - Right to Fair Trial

Legal Standard: Government must disclose all material exculpatory evidence and evidence that impeaches government witnesses.

Violation:

- Concealment of purchase receipts (Brady material)
- Deputy Rambin's contradictory sworn statements create automatic Giglio impeachment material
- Failure to disclose misidentification until months after arrest

B. OREGON CONSTITUTIONAL VIOLATIONS

1. Article I, Section 9 - Unreasonable Search and Seizure

Violation: Warrantless arrest without individualized probable cause violates Oregon's heightened privacy protections. Warrantless arrest must be based upon probable cause and does not violate Article I, Section 9 only when constitutionally sufficient probable cause exists.

2. Article I, Section 20 - Equal Protection

Violation: Racial profiling violates Oregon's equal protection guarantees.

C. OREGON REVISED STATUTES VIOLATIONS

1. ORS 162.065 - Perjury in the First Degree (Class B Felony)

Elements: Making false statements under oath in official proceedings.

Violation: Deputy Rambin provided contradictory sworn testimony in his probable cause affidavit versus grand jury testimony regarding the identity of the reporting party (Sarah Fillo vs. Kinley Baker).

2. ORS 162.285 - Tampering with Physical Evidence (Class C Felony)

Elements: Knowingly altering, destroying, concealing, or removing physical evidence

Violation:

- Concealment and disposal of purchase receipts
- Manipulation of loss calculations
- Failure to preserve exculpatory evidence

3. ORS 162.305 - Tampering with Public Records (Class C Felony)

Violation: Altering official reports to conceal misidentification and inflate charges.

4. ORS 162.375 - Initiating a False Report (Class A Misdemeanor)

Elements: Knowingly initiating a false report with public safety officials knowing the information to be false.

Violations - Multiple False Reports by Deputy Rambin:

- Affidavit Statement: Sarah Fillo was the reporting party who contacted deputies
- Grand Jury Testimony: Both Rambin and Baker testified that Baker called Rambin directly
- Evidence of Inducement: The coordinated false testimony suggests Rambin induced Baker to provide false statements to the grand jury, corrupting the judicial process

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- Truthfulness (Policy #207-R12)
- Evidence Handling (Policy 67-001)
- Bias-Based Policing (Policy 1-002)
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Deputies Augusto Orozco and Josh Whipple - Co-Conspirators

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Mandate:

- Immediate preservation of all digital and physical evidence
- External forensic audit of evidence handling procedures
- Recovery and analysis of all Target communications and surveillance footage
- Independent chain of custody review

4. Criminal Referral

Basis: Refer Deputies to District Attorney for criminal prosecution under:

- **ORS 162.065** (Perjury in the First Degree)
- **ORS 162.295** (Tampering with Physical Evidence)
- **ORS 162.305** (Tampering with Public Records)

Systemic Reform Requirements

1. Policy Implementation Review

Mandate: External audit of Washington County's implementation of:

- Policy #212 (Fair Treatment and Nondiscrimination)
- All WCSO evidence handling protocols
- Brady/Giglio compliance procedures
- Bias-based policing prevention measures

2. Training Mandate

Requirement: Immediate retraining of all WCSO personnel on:

- Constitutional requirements for arrest
- Evidence preservation and Brady obligations
- Bias-free policing techniques
- Professional standards and truthfulness requirements

3. Supervisory Accountability

Investigation: Review of all supervisory personnel who approved or ratified continued prosecution after misidentification was discovered.

VI. LEGAL AUTHORITIES AND SUPPORTING DOCUMENTATION

Federal Constitutional Law

- Fourth Amendment: *Terry v. Ohio*, 392 U.S. 1 (1968)
- Fourteenth Amendment: *Whren v. United States*, 517 U.S. 806 (1996)
- Brady Material: *Brady v. Maryland*, 373 U.S. 83 (1963)
- Giglio Impeachment: *Giglio v. United States*, 405 U.S. 150 (1972)
- Evidence Fabrication: *Spencer v. Peters*, 857 F.3d 789 (9th Cir. 2017)

Oregon State Law

- ORS 133.310: Authority for warrantless arrest
- ORS 133.455: Property receipts for arrestees
- ORS 162.065: Perjury in the First Degree
- ORS 162.295: Tampering with physical evidence
- ORS 162.305: Tampering with public records
- ORS 162.375: Initiating false reports

Federal Civil Rights Law

- 42 U.S.C. § 1983: Civil action for deprivation of rights

- 42 U.S.C. § 1985: Conspiracy to deprive civil rights
- Monell v. Dept. of Social Services, 436 U.S. 658 (1978): Municipal liability

Washington County Policies

- Administrative Policy #212: Fair Treatment and Nondiscrimination
- WCSO Policy 1-002: Bias-Based Policing Prohibited
- WCSO Policy 22-001: Criminal Investigations
- WCSO Policy 67-001: Evidence Handling
- General Conduct Policy #207-R12: Professional standards

VII. THE UNDENIABLE CONCLUSION

The Constitutional Mathematics

The evidence creates an equation with only one solution:

Racial Descriptor + Available Exculpatory Evidence + Deliberate Non-Review = Constitutional Violation

False Arrest + Evidence Concealment + Perjury + Continued Prosecution = Federal Civil Rights Conspiracy

Policy + Violation + Supervisory Ratification = Municipal Liability

The Hermeneutic Imperative

Washington County's own words condemn their conduct. Their policies require "every possible effort to corroborate allegations"—they made no effort. Their standards demand truthfulness—they provided false testimony. Their commitment promises equal treatment regardless of race—they arrested based on race alone.

When institutions violate their own stated principles, they forfeit moral authority and invite legal accountability.

The Integrity Principle

Law as integrity demands that governmental power be exercised according to principle, not expedience. Deputies violated this fundamental requirement by:

1. Choosing convenience over constitutional compliance
2. Selecting racial profiling over individualized investigation
3. Preferring false narrative over factual accuracy
4. Pursuing conviction over constitutional obligation

- Immediate investigation of all involved personnel
- Criminal referral for prosecutable offenses
- DPSST decertification for professional standards violations
- Brady/Giglio flagging to prevent future testimony reliance
- Systematic policy reform to prevent recurrence

The principle is fundamental: Constitutional rights are not negotiable, police integrity is not optional, and equal justice under law is not aspirational—it is the foundational requirement of American democracy.

Washington County must choose: Will it uphold the constitutional principles it has sworn to protect, or will it ratify the systematic violation of those principles by its agents? The evidence leaves no middle ground.

The law demands justice. The constitution requires accountability. The community deserves nothing less than complete remedial action to restore constitutional integrity and prevent future violations.

Respectfully Submitted,

Ash Le' Peron Complainant

APPENDIX A: DOCUMENTARY EVIDENCE

[To be attached]

- WCSO Incident Reports
- Surveillance Footage
- Sworn Affidavits
- Grand Jury Testimony Transcripts
- Evidence Logs
- Policy Documents

APPENDIX B: LEGAL AUTHORITIES

[Complete citations and links to all referenced statutes, cases, and policies]

APPENDIX C: TIMELINE OF VIOLATIONS

[Detailed chronological analysis of each constitutional violation]

Complaint Synopsis

Washington County Administrative Policy #212 - Fair Treatment - Equal Protection, and Nondiscrimination Policy

"Washington County strives to treat all people equally. It is our policy to *prevent and remediate* discrimination on the basis of an identity protected by federal, state, or local civil rights law.

(d) Discrimination. That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of his/her race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity.

(5) Noncompliance. The unsatisfactory condition that arises when recipient has failed to meet the prescribed requirements and has shown an apparent lack of good faith effort in implementing all policy provision requirements.

All County Departments and Offices, in collaboration with the Office of Equity, Inclusion and Community Engagement and consistent with any and all guidance materials, shall take all steps necessary to ensure compliance consistent with legal and administrative obligations, to sufficiently administer programs, services and activities in a nondiscriminatory manner, and to review and resolve any complaints pursuant to this policy."

This complaint documents systemic misconduct by the Washington County Sheriff's Office ("WCSO") and its deputies in the wrongful arrest and continued prosecution of Ash Le' Peron. Deputies Rambin, Orozco, and Whipple engaged in racially biased policing as evidenced by the discrimination and bias-free policy violations of Complainant resulting in her arrest.

There is documented evidence that deputies have, since Complainant's arrest, tampered with and concealed evidence as demonstrated by the changed valuation of alleged losses in police reports and discovery material, constituting factual errors in police reports, violation of police conduct statutes and rules, a deprivation of the right to a fair trial, a broken chain of custody, falsification of business or government records, fraud and official misconduct. Deputy Rambin's report of alleged loss valuations increased from $286.55 to $479.79 months after Complainant's arrest — in what appears to be an effort to ensure that a felony threshold has been reached in alleged loss. The alleged loss valuations increased by double-counting 16 of the total 24 items alleged to have been taken constituting the previously mentioned violations. Deputy Rambin's reports either negligently failed to include an accurate recount of loss the night of arrest, constituting an insufficient or negligent investigation or what amounts to an intentional and knowing alteration of evidence months after arrest in an attempt to deceive and mislead. As the chain of custody and accurate documentation has enabled an inflation of values after substantial time had passed since arrest, there is no credible unknown record leading from the crime scene to the courtroom. Further, sworn law enforcement officers are subject to the standards of professional conduct which prevents.

In regard to deputies concealment of evidence, the record will establish that respondent had purchase receipts in her hand (and verified by contemporaneous rem

also failed to properly handle material exculpatory evidence in the form of receipts for which she is seen on surveillance footage having in her hand as she walked out the store directly before being told to "drop them" in order for officers to arrest her. What's more, is Deputy Rambin is on the record providing multiple irreconcilable sworn testimonies and depriving Complainant of her right to a fair trial, violating The Department of Public Safety Standards and Training standards of conduct, County Administrative Rules and Washington County Sheriff's Office Policies and Procedures in order to sustain a prosecution that is based on a racially biased and motivated arrest lacking probable cause.

Deputies, in believing Complainant to be failed to conduct a Constitutionally sufficient investigation prior to Complainants arrest, yet Deputies had (least before Complainant's entry into the Target location) obtained the evidence they would have in their possession at the time of Complainants arrest but that they would entirely disregard until months later when Deputy Rambin conceded his misidentification of Complainant.

Due to deputies' belief that Complainant was the suspect from an incident the night before, they did not corroborate the third party's allegations (whether it was Sarah Fillo, in accordance with Deputy Rambin's sworn probable cause affidavit, or whether it was Kinley Baker, in accordance with Deputy Rambin's sworn grand jury testimony) to ensure that Complainants arrest was supported by contemporaneous facts. Their conduct violated Complainant of rights guaranteed by the Fourth and Fourteenth Amendments to the U.S. Constitution, Article I, sections 9 and 20 of the Oregon Constitution, controlling county administrative oficies prohibiting bias-based policing, and mandates requiring exculpatory disclosure in accordance with Brady/Giglio.

The State of Oregon, Washington County, and the Washington County Sheriff's Office have each promulgated rules and policies related to law enforcement and county employee standards of conduct, which have been demonstrably disregarded as documented herein.

Key Findings:

- Fabricated Probable Cause: Deputies relied on a racially-generic descriptor ("unknown Black female adult") and failed to conduct a Constitutionally sufficient investigation prior to arrest even though exculpatory evidence obtained prior to Complainant's arrest and in their custody and control
- Evidence Concealment and Spoliation: Deputies required Complainant to drop everything in her hands immediately upon exiting the store and reassured her that exculpatory purchase receipts (captured in surveillance footage and in Complainants hand upon leaving the store) would be preserved, yet these items have disappeared, have not been mentioned whatsoever and were never logged into evidence.
- Evidence Tampering/Obstruction of Justice: Deputies have systematically manipulated and misrepresented alleged loss calculations to elevate charges from misdemeanor to felony thresholds. Despite arresting Ms. Peron for a crime she didn't commit, deputies initially calculated the retailer's losses at $285.55 (in addition to the total deputies would concede was not committed by Complainant) immediately after arrest.

national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance."

This complaint provides documentation of the Constitutional violations, racially biased/motivated, procedurally non-compliant misconduct and confirmation by deputies of the Washington County Sheriff's Office ("WCSO"). Respectfully, a formal demand for an IAI investigation, Internal Affairs Investigation, Department of Public Safety Standards and Training discretionary review, Washington County Professional Standards Unity Investigation and Department of Justice Involvement, as well, and During the September 2024 arrest and subsequent prosecution of Ashle Penn, Deputies David Rambin, Augusto Orozco, and Josh Whipple conspired to willfully deprive Complainant of rights or privileges protected by the Constitution or laws of the United States and the State of Oregon. Specifically, deputies violated Complainants rights to:

- Fourth Amendment
  - Be free from unreasonable seizure and arrest
  - Adequate investigation prior to investigation
- Fifth Amendment
  - A government's fidelity to fair procedures
  - Consistent application of rules and laws
  - Substantive due process preventing against government actions that are fundamentally unfair, even if procedurally correct
- Fourteenth Amendment
  - Equal Protection of the law
  - Due process in deputies' admission of wrongful arrest
- State Tort for false arrest and false imprisonment
- Conspiracy to deprive Complainant of her rights in order to maintain malicious prosecution
- Proper handling of exculpatory material
- Proper Evidence Collection, preservation or disposal of evidence to justify or uphold criminal charges
- Article 1 Section 9 right to privacy
- Be prosecuted using only evidence that is both admissible and constitutionally sufficient
- Policing in accordance with Gregory's (and the federal Constitution's) professional conduct standards
- Contract

Under WCSO's own explicit administrative, investigatory, and evidence handling policies, Washington County's administrative policies, as well as state and federal Constitutional Law, the conduct of these deputies, acting under the color of law, through a pattern or practice of resistance to the full equipment of such rights, privileges, or immunities and acting within their official capacities knowingly deprived complainant of her Constitutionally protected rights.

On the night Complainant was arrested, Deputies failed to consult readily available evidence in their possession and relied solely on a third party's allegations without conducting a Constitutionally sufficient investigation prior to taking Complainant into custody. The evidence deputies had in their possession prior to Complainant's arrest would have, and did approximately three months later, exculpate Complainant of the crime for which she was accused of and taken into custody for.

Prior to the incident leading to Complainant's arrest, deputies collected video surveillance from the private retailer that involved the actual person of interest and deputies elected to rely only on a third party's allegations gate the deputies' belief that Complainant was factually not the suspect they sought. The suspect deputies believed Complainant to be is similar to Complainant in race and coloring alone but could have prevented any misidentification and false arrest had they only consulted the evidence that was within their possession at the time of Complainant's arrest. The arresting Deputy, Rambin, would then later direct the private retailer to conduct a search that they knew or should have known violates Spencer v. Krause (excerpt below):

> The Fourteenth Amendment prohibits the deliberate fabrication of evidence by a state official. Devereaux-Abbey,263 F.3d 1070, 1074–75 (9th Cir. 2001) (en banc). Deliberate fabrication can be established by circumstantial evidence. For example, evidence that officials "continued their investigation of [a person] despite the fact that they knew or should have known that he was innocent," id.at 1076, can raise the inference that the investigator has an "unlawful motivation" to frame an innocent person. Costanich v. Dept of Soc. &Health Servs., 627F.3d 1101,1111 (9th

Cir. 2010). Or deliberate fabrication can be shown by direct evidence, for example, when "an interviewee…deliberately mischaracterizes witness statements in her investigative report."

(9th Circuit Court of Appeals holding that fell within the scope of the fourth amendment and article 1 section 9 of the Oregon Constitution. when Deputy Rambin submitted a probable cause for warrantless arrest affidavit and then later provided testimony during a grand jury proceeding that would differ from the sworn affidavit he participated in misleading the grand jury and/or the court and engaged in dishonesty that is not befitting a law enforcement officer. Deputies further took part in evidence laundering and concealment when they failed to include purchase receipts in Complainants hands at the time of arrest that deputies required she "drop" immediately upon arresting her directly outside the store's doors. The following details the factual pattern and enumerates each policy violated, supported by documentary record.

II. Misidentification, Racial Bias, and Policy Violations –

The available police reports and affidavits show the following pattern:
Target loss prevention first described an "unknown black female adult" suspect. Deputies repeatedly relied on this generic racial descriptor as probable cause, rather than any specific, individualized evidence.
Deputy Rambin specifically credits suggestions and identifications based solely on race-linked, non-particularized characteristics, not on concrete, individualized features ("black female adult").
The suspect was identified as Ashle Penn only after this racially generic descriptor circulated throughout law enforcement, making her race the essential vector for suspicion.
Nowhere in the probable cause affidavit or follow-up actions did deputies articulate individualized, non-racially based indicia linking Ms. Penn to any given incident outside of her bare race and gender, in explicit violation of constitutional and administrative mandates to avoid bias-based policing.

WCSO Policy	Reference
WCSO Pol. 1-002 "Bias-Based Policing Prohibited": "It is the policy of this office that all enforcement and investigative contacts, traffic stops, arrests, searches and property seizures will be based on reasonable suspicion, probable cause or other lawful justification. Bias-based profiling or discrimination on the basis of race, ethnicity, gender, or similar characteristics is strictly prohibited."	

Violations: Officers did not develop individualized probable cause but instead relied primarily on race in suspect identification and subsequent arrest, violating the strict prohibitions on bias-based policing.

Brady Disclosure Requirements - Policy #504-801 (07/26/20)

1. **Washington County Sheriff's Office ("WCSO") Leaders Shall Exercise Due Diligence to Ensure that Exculpatory and Impeachment Material of Possible Brady Relevance is Made Available to the Office of the Prosecutor.**

   The WCSO has an affirmative duty to disclose Brady information.

   Agency Response To Staff Testimonial Impeachment

4. **Staff Who are Knowingly and Intentionally Untruthful, are Otherwise Dishonest in the Course of Their Employment, Use Excessive Force, or Violate the Constitutional Rights of Others are Subject to Impeachment of Their Testimony at Trial, and May Also be Subject to Disciplinary Action Up To and Including Termination of Employment.**

Despite officers' access to surveillance footage hours prior to Ms. Penn's entry into Target – Officers were provided with a zip drive of evidence containing the identity of the individual from the day prior as well as Target loss-prevention documentation. The arresting deputies failed to review easily accessible, decisive, exculpatory video evidence prior to detaining Ms. Penn and claiming probable cause was entirely the incident which took place on September 17, 2024 involving someone who is not Ms. Penn, but who carries a similar racial demographic.

Deputy Josh Whipple's report confirms that upon speaking with Deputy Rambin, that deputies had not identified any independent reasonable articulable suspicion of probable cause during the time that Ms. Penn was shopping in Target on September 18th and the contained record from Deputy Whipple demonstrates that Deputy Rambin claimed to have formed probable cause for Ms. Penn's arrest without first viewing the September 17th surveillance footage but claiming that this was

the incident which he was attributing probable cause to. Deputy Rambin's report would later admit that a review of this same footage available at the time of arrest, which could have immediately excluded Ms. Penn as the perpetrator, was consulted and Deputy Rambin conceded quietly, by including it in a report that he'd arrested the wrong individual.

Based entirely on uncorroborated second-hand assertions (from a loss prevention agent, via another deputy) and the race-linked "repeat offender" narrative, deputies arrested Ms. Penn immediately upon her exit from the store—only correcting their error months later when reviewing evidence that was improperly overlooked at the time of arrest when deputies are required to provide constitutionally sufficient investigations. or overlooked video evidence.

The arrest led to further evidence-gathering against Ms. Penn for prior incidents, which would not have occurred but for the wrongful arrest.

WCSO Policy	Reference
WCSO Pol. 22-001 (Criminal Investigations) and Pol. 67-001 (Evidence Handling): "Deputies shall make every possible effort to corroborate allegations with all available evidence prior to effecting arrest or requesting charges. Video and digital surveillance evidence must be reviewed and preserved where technologically feasible. All exculpatory evidence must be included in the investigative file and disclosed promptly."	

Violations: Deputies failed to: (a) view surveillance footage; (b) corroborate third-party accusations; (c) preserve and disclose exculpatory evidence during initial investigation and at time of custody.

3. Evidence Laundering, Mishandling, and Post-Hoc Altering of Official Narrative

Contradictory Sworn Statements: Officers subsequently provided inconsistent narratives and written statements regarding both probable cause and evidence acquisition, as documented in the evolving incident and affidavit reports—with the key detail (misidentification) being corrected only after the State prepared the case for Grand Jury submission, months after the actual arrest.
Mishandling: The handling and documentation of physical and digital evidence violates WCSO Policy 67-001, including improper chain of custody for the "thumb drive" of digital evidence and belated follow-up on reviewed footage.
Post-Arrest Investigation Despite Knowledge of Innocence: After acknowledging that the September 17 suspect was not Ms. Penn, deputies continued investigative and prosecutorial efforts against her, using "fruit of the poisonous tree" evidence—seized only because of the wrongful arrest—as the basis for later cumulative charges.
Evidence Laundering: The process permitted otherwise inadmissible or unattributable evidence (identity, field-seized drug evidence, and subsequent surveillance linkages) to be re-characterized as independent probable cause, explicitly contrary to controlling Oregon evidence law (see Wong Sun v. United States, State v. Bailey).

WCSO Policy	Reference
WCSO Pol. 67-001 VII: "Exculpatory Evidence"	
Pol. 57-001: "Chain of Custody and Evidence Control"	
Pol. 1-002: "Truthfulness in Reporting and Testimony" —requires that all deputy testimony and report writing must be factually accurate, uncontradicted, and timely corrected upon error detection.	

Violations: Deputies altered the narrative after the fact, failed to correct on-the-record statements, and continued to exploit unlawfully obtained evidence, violating clear departmental evidence, integrity, and truthfulness mandates.

III. Cumulative Effects: Perjury, Racial Animus, and Structural Due Process Violations
The above, considered together, demonstrate:
Racial animus and bias at the inception of police suspicion and probable cause formation;
Neglect of evidentiary duty at both the investigative and prosecutorial threshold, with explicit disregard for exculpatory evidence requirements;
Mishandling and laundering of evidence, including conflicted sworn statements amounting to administrative and criminal perjury under Oregon law (ORS 162.065);
Post-arrest investigative bias, continuing in the face of conclusive innocence;
Systemic and individual due process and integrity failures in contravention of Oregon and federal constitutional protections.

IV. Policy and Corrective Relief Sought
Complainant requests that the Washington County Sheriff's Office:
Initiate an internal affairs investigation of all involved deputies, with particular attention to violations of Policies 1-002, 22-001, and 67-001;

Immediately mandate anti-bias, evidence handling, and truthfulness retraining for all personnel implicated herein;
Preserve and review all digital and physical evidence, communications, and report drafts for external integrity audit;
Refer all sworn conflicts for independent prosecutorial and disciplinary review under ORS 162.065 (Perjury in the First Degree) and applicable sheriff's office codes.

APPENDIX A:

WASHINGTON COUNTY SHERIFF'S OFFICE RULES

General Conduct - Policy #: 207-812 (07/31/12) [In relevant parts]

The public entrusts Washington County Sheriff's Office ("WCSO") staff to provide quality public service based on the highest ethical and professional standards.

1. Professional Conduct
   Staff must conduct themselves, on duty and off duty, in a manner that, in the mind of a reasonable person, does not damage the positive public image, integrity, or reputation of the WCSO.

2. Truthfulness
   Absent legitimate safety or investigation purposes, staff must not lie, give misleading information, withhold information with the intent to deceive, or falsify written, verbal, or electronic communications in official reports or in their actions with another person or organization. Staff will impart the whole truth when giving testimony or rendering an official report or statement.

4. Respect for Diversity
   Staff must show respect for the diversity of our community and coworkers. Derogatory remarks, gestures, or other negative actions against anyone based on nationality, race, religion, sexual orientation, gender, gender identity, disability, veteran's status, or age are prohibited.

6. Rumors
   Staff must not spread rumors (circulate a story or report of uncertain or doubtful truth) about WCSO policies, activities, staff, public events, or crimes. Reporting possible staff misconduct or concerning behaviors to a supervisor is required and will not be considered spreading rumors.

7. Knowledge and Enforcement of Laws
   All staff will know the law and act, within their authority, to enforce all state and local laws and ordinances.

8. Knowledge and Enforcement of Policies and Orders
   All staff will be knowledgeable of County and WCSO policies, procedures, and orders that apply to their duties.

   Staff members will, within their authority, enforce County and WCSO policies, procedures, and orders.

12. Withholding Criminal Information
    Staff who receive or have knowledge of facts or information relative to a criminal offense must report it to their commanding officer or supervisor. Staff must not divulge information, directly or indirectly, that may enable any person to avoid arrest, conceal or dispose of evidence, or become aware of a criminal investigation against the person by this office or another police agency.

16. Competent Performance and Attendance
    Staff must consistently display acceptable levels of performance and attendance.

18. Insubordination
    Staff are required to observe and obey the lawful verbal and written rules, work instructions, policies, procedures, and practices of the WCSO and to be respectful toward supervisors and command officers.

27. Use and Care of Property and Equipment

    Staff will properly use and care for WCSO and county-owned property and equipment. They also must properly care for all property the WCSO must hold in custodial status, such as evidence and the personal property of persons in custody.

28. Committing Unsafe Acts and Related Conduct
    Staff must not commit unlawful acts or behave in such a manner that has the potential for endangering or injuring their self, another person, or the property of another.

37. Acting on Violations and Misconduct
    Staff must report suspected or actual violations of WCSO orders, policies, or directives or misconduct by any WCSO staff to a supervisor or manager within 72 hours of learning of the misconduct; this includes unconfirmed rumors of staff misconduct. Supervisors must take appropriate action as soon as a potential or actual violation of rules, regulations, policies, or laws comes to their attention.

38. WCSO Staff Have a Duty to Intervene, Stop, and Report Specific Misconduct by Public Safety Officers or Criminal Justice System Associates
    WCSO Staff Have a Duty to Intervene, Stop, and Report Specific Misconduct by Public Safety Officers or Criminal Justice System Associates

    Staff who witness another public safety officer or criminal justice system associate who is engaged in specific misconduct must intervene and stop the misconduct in a manner that is safe. This applies to excessive force, sexual harassment, sexual misconduct, discrimination based on race, color, religion, gender, sexual orientation, national origin, disability or age, criminal conduct, or conduct that violates Oregon DPSST standards of moral fitness. Intervention may range from giving verbal commands, to moving to a safe place and calling for assistance, to using force based on the observer's training and the circumstances of the incident.

    Staff who witness such misconduct must also report it to a supervisor or higher ranking official in the chain of command within 72 hours of witnessing or learning of the misconduct. The agency will not retaliate against any deputy or reserve for reporting under this section.

39. Consequences of Misconduct
    Policy violations for staff misconduct may be cause for disciplinary action up to and including dismissal, may result in criminal charges for abuse of public office or other criminal charges, and in some cases, may lead to decertification by the Oregon Department of Public Safety Standards and Training (DPSST).

WASHINGTON COUNTY PERSONNEL RULES AND REGULATIONS

ARTICLE 5. PROHIBITED CONDUCT, DISCIPLINE AND APPEALS

5.1 Prohibited Conduct and Cause for Disciplinary Action

Any action that reflects discredit upon the County service or is a hindrance to the effective performance of County functions shall be considered Cause for disciplinary action. Improper action by an employee in an official capacity, any action by an employee not connected with official duties that bring the County into discredit, any action that affects the employee's ability to perform the duties of the employee's position, or improper use of the employee's Position for personal advantage shall also be considered Cause for disciplinary action. Cause may include, but is not limited to the following:

(5) Acts of discrimination or harassment based on race, religion, color, gender, national origin, age, marital status, sexual orientation, gender identity, disability, or other protected status;

(6) Discourteous treatment of the public or other employees, harmful gossip, offensive conduct, or conduct unbecoming of a Washington County employee;

(11) Incompetence, inadequate performance or nonperformance of assigned duties;

(16) Giving of false information or withholding information with intent to deceive, including information provided during the recruitment and selection process;

(20) Violation of any provision of Ordinances, Policies or Rules and Regulations adopted by the Board of Commissioners, or any provisions of county or departmental rules, policies and regulations; or

(23) Violation of Article 13 relating to ethical standards.

ARTICLE 13. ETHICAL STANDARDS

Applicability: This Article applies to all County employees.

13.5 Family, Business and Personal Relationships:

As a public service organization, Washington County recognizes that our principles and policies must reflect the highest standards of integrity. With that in mind, we will continually strive to balance the rights of employees with the interests of the community we serve. The manner in which we conduct ourselves either supports or detracts from the public's perception of the value of government service.

ADMINISTRATIVE POLICY

SECTION: **TITLE:** Fair Treatment, Equal Protection, and Nondiscrimination Policy	**POLICY #:** 212 **R & O #:** 75-41 **IMPLEMENTED BY PROCEDURE #:** 212A Fair Treatment, Equal Protection, and Nondiscrimination Procedure; 211A Washington County ADA Grievance Procedure; 207-A Limited English Assistance
SPONSORING DEPT. DIV.:	
ADOPTED: 8/27/2020	**REVIEWED:**

PURPOSE: The purpose of this policy is to establish standards for the fair treatment and equal protection of all people in accessing Washington County programs, activities, benefits and services.

AUTHORITY: Title VI of the Civil Rights Act of 1964 as amended, and the Civil Right Restoration Act of 1987 (P.L. 100-259), Title VIII of the Fair Housing Act of 1968, Sections 504 and 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, Section 1557 of the Patient Protection and Affordable Care Act, other applicable Federal Civil Rights laws, Oregon Revised Statute 659A.103 and 659A.403, Oregon Administrative Rules 407-030-0010, Oregon Administrative Rule 943-005-0010 and Washington County Resolution and Order 20-30.

GENERAL POLICY:

Washington County strives to treat all people equally. It is our policy to prevent and remediate discrimination on the basis of an identity protected by federal, state, or local civil rights law. We want all people to receive quality services and benefits and have opportunities for meaningful engagement in Washington County programs and activities.

This policy is intended to affirm our commitment to equal protection and fair treatment for all people who live, work, learn, play and pray in Washington County, as well as to require taking affirmative action to address past and present discrimination. All Washington County programs, departments and contractors are implicated by this policy. It serves as the foundation by which we ensure Civil Rights compliance and build toward greater equity and inclusion for everyone in our community.

Federal Civil Rights laws to which Washington County are subject, and the ways in which Washington County shall ensure compliance, include the following:

A. **Title VI of the Civil Rights Act of 1964** (Title VI) states: "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Washington County strives to assure that no person shall, on the grounds of race, color or national origin, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity that is a recipient of Federal financial assistance.

Washington County strives to assure that no person shall, on the grounds of race, color or national origin, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any program or activity that is a recipient of Federal financial assistance.

Washington County shall comply with all applicable Federal agency regulations prohibiting disparate impact in County programs or activities, and do so whether or not those programs and activities are federally funded, consistent with the Civil Rights Restoration Act of 1988.

In the event Washington County distributes federal aid funds to another governmental entity or other subrecipient, Washington County will include Title VI language in all written agreements and will monitor their compliance.

Washington County's Office of Equity, Inclusion and Community Engagement is responsible for initiating and monitoring Title VI activities, preparing required reports and updates, coordinating a complaint process, and other responsibilities as required by 28 CFR Part 200, 48 C F R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964), and 28 C F R section 50.3 U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

B. **Title II of the Americans with Disabilities Act of 1990** (Title II of ADA) states: "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity."

Washington County is committed to preventing discrimination against qualified individuals on the basis of disability in its service, programs, or activities. Washington County will make all reasonable modifications to policies and programs so that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Washington County will generally, upon request, provide reasonable accommodation and appropriate auxiliary assistance to support accessibility and effective communication for qualified persons with disabilities so they can participate equally in County programs, services, and activities. Washington County may refuse to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Washington County's Office of Equity, Inclusion and Community Engagement is responsible for supporting and monitoring ADA compliance activities, preparing required reports and updates, coordinating a complaint process, and other responsibilities as required by 28 CFR Part 35.