**Civil Rights Complaint Against Washington County Sheriff’s Office and Washington County:**

**Racially Biased Policing, Fabrication of Evidence, and Constitutional Violations**

**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 race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity.**

**(i) 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’ Penn. Deputies Rambin, Orozco, and Whipple engaged in racially biased policing as evidenced by the misidentification of Complainant during her arrest. Deputies have fabricated and concealed evidence as evidenced by their failure to properly record exculpatory evidence in Complainant’s hand at the time of her arrest. Deputy Rambin’s report of alleged loss valuations increased by double counting 16 od 24 of the alleged stolen property months after Complainant’s arrest in what seems like an effort to achieve felony thresholds. 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 (hours 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 Fillis, 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 deprived 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 olicies 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. Penn 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. Deputies later inflated this amount to $479.79 by double-counting 16 of the 24 items allegedly taken—a calculation that conveniently exceeded the felony threshold. Throughout the prosecution, deputies failed to provide consistent or mathematically accurate alleged loss calculations, attributing discrepancies to "transposition errors." Most egregiously, deputies alleged that Ms. Penn took $479.79 worth of merchandise the day after her arrest, while she was in custody at Washington County jail—a mathematical and temporal impossibility that demonstrates the fabricated nature of these calculations.
* Contradictory Testimony / Perjury: Deputies gave inconsistent sworn statements in reports, affidavits, and grand jury testimony, in violation of ORS 162.065 and triggering Brady/Giglio impeachment consequences.
* Due Process Manipulation: After conceding misidentification, the State bypassed Ms. Penn’s request for a preliminary hearing and instead convened a grand jury, omitting material exculpatory facts.
* Racial Animus: The sole individualized link to Ms. Penn was her race and gender, in direct violation of equal protection and WCSO’s written prohibition on bias-based policing.

**Relief Requested:**

* Immediate internal affairs/DOJ review of officers’ misconduct.
* Brady/Giglio flagging of Rambin, Orozco, and Whipple to prevent future reliance on their testimony.
* Preservation and external audit of all digital and physical evidence, including Target communications.
* Disciplinary and decertification referral to DPSST for dishonesty, bias, and evidence fabrication.
* Review of prosecutorial use of post hoc, police-directed business records to elevate charges.

This case illustrates a pattern of law enforcement officers and corporate agents colluding to fabricate probable cause, conceal exculpatory material, and inflate charges through racial bias and evidentiary manipulation. It presents not merely individual misconduct but systemic failures warranting external intervention.

**Part I: Washington County Sheriff's Office – Racially Biased Policing, Constitutionally Insufficient Investigation, Wrongful Arrest, Dishonesty, Unlawful Imprisonment and Investigative Misconduct**

**I. Introduction**

“The Washington County Sheriff’s Office gives public notice of its’ policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, 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 nonfeasance by deputies of the Washington County Sheriff's Office ("WCSO"). Respectfully, a formal demand for an HR 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
* Be free from the illegal procurement 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 Oregon’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 enjoyment 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 viddeo 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. Devereauxv.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.at1076, can raise the inference that the investigator has an “unlawful motivation” to frame an innocent person. Costanich v. Dep’t of Soc. &Health Servs., 627F.3d 1101,1111 (9th Cir. 2010). Or deliberate fabrication can be shown by direct evidence, for example, when “an interviewer...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."

Violation: 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-R01 (07/28/20)**

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 unattainable evidence (identity, field-seized drug evidence, and subsequent surveillance linkage) 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 References:

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-R12 (07/31/23) [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.**

1. **Truthfulness**

**Absent legitimate safety or investigative 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.**

1. **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.**

1. **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.**

1. **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.**

1. **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.**

1. **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.**

1. **Competent Performance and Attendance**

**Staff must consistently display acceptable levels of performance and attendance.**

1. **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.**

1. **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.**

1. **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.**

1. **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.**

1. **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.**

1. **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**

**(21) 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.**

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