**CIVIL RIGHTS COMPLAINT AGAINST WASHINGTON COUNTY SHERIFF'S OFFICE AND WASHINGTON COUNTY**

**Systematic Constitutional Violations, Evidence Fabrication, Racial Bias, and Prosecutorial Misconduct**

**EXECUTIVE SUMMARY**

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 Ash Le' Penn. What began as racially biased policing in violation of WCSO Policy 1-002 and the Fourteenth Amendment 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, and 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, and 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.

**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:** Deputy Rambin acquired security footage, decisive evidence identifying the September 17th suspect referred to as an "unknown Black female adult" that would have immediately, but would eventually be, the same evidence to exonerate Ms. Penn. Deputy Rambin elected not to review it prior to arresting Ms. Penn.

**September 18, 2024 - Time of Arrest:** Ms. Penn 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. Penn is not the perpetrator but buries this admission in a supplemental report while continuing prosecution.

**May 10, 2025 - The Constitutional Violations Compound:** 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 timeframes for all claims.

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

**Background: The Unenforceable "No Contact" Condition**

Following the racially motivated arrest, the court imposed a "no contact" condition between Complainant and her companion. This condition was legally unenforceable 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:**

**a) 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

**b) Article I, 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.

**c) 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:** Unenforceable "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.

**Denial of Due Process:** Complainant 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 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. Penn 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. Penn enters Target store
* **Time of Arrest:** Deputy Whipple reports that Rambin told him he "already had probable cause to arrest Ms. Penn 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 "pre-formed" 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. Penn 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. Penn 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. Penn regardless of her September 18th conduct

**The Constitutional Analysis Under Magnification**

**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. Penn 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. Penn 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. Penn 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 suspicions or hunches.

**Violation:** Deputies arrested Ms. Penn 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. Beam* (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
* *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. Penn 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 Fillis vs. Kinley Baker).

**2. ORS 162.295 - 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:**

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

* 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
* Rambin'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 Fillis Witness Statement:** Rambin's affidavit claims Sarah Fillis witnessed Complainant's male companion "remove a security wire from a vacuum." 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:** Rambin 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:** Rambin testified that Kinley Baker called him directly, contradicting his sworn affidavit stating Sarah Fillis 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.

**Violation:** 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. Penn to any criminal activity

**Aggravating Factor:** 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 used race as 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

**5. General Conduct Policy #207-R12 - Truthfulness**

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

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

**7. WCSO Policy #1201-R06 - Inducement of False Testimony**

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

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

* **Affidavit Statement:** Sarah Fillis 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

This represents both policy violation and potential suborning 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:** Deputy Rambin'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**

**Violation:** Deputy Rambin 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 investigative 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.

**1. 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 Rambin, 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.

**G. 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.

**Violation:** WCSO deputies entered Complainant's home without:

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

**2. Article I, Section 9 - Oregon Constitutional Privacy Violation**

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

**Violation:** 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.

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

**4. False Statements to Justify Entry - ORS 162.375**

**Violation:** 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**

**Violation:** Evidence gathered during unlawful home entry was used to:

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

**6. 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 OREGON 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 Rambin, Orozco, and Whipple conspired to deprive Complainant of Fourth and Fourteenth Amendment rights through coordinated unconstitutional conduct.

**J. 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**

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

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

**K. 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.

**Violation:** Deputies' racially based 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.

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

**2. ORS 133.635 - 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 systematic constitutional violation, not isolated misconduct.

**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.

**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 162.295):** 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-R01)

**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**

**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 citizen 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 discrimination 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 Dworkinian 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 Actions Required**

**1. Internal Affairs Investigation**

**Scope:** Full investigation of Deputies Rambin, 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)
* **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 deputies 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 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**

**VIII. CONCLUSION AND RELIEF**

This complaint presents not allegations, but documented facts. Not interpretations, but constitutional requirements. Not requests, but demands based on legal obligation.

The evidence establishes a pattern of misconduct so systematic and deliberate that it demands comprehensive remedial action. Deputies violated federal constitutional rights, state criminal laws, and county policies in a coordinated effort that transformed law enforcement from constitutional servant to constitutional violator.

**The remedy is clear:**

* **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' Penn** **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]