



Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue #2000 • Seattle WA 98104-3188

November 18, 2009

Honorable Michael Golden
Lewis County Prosecuting Attorney
345 W. Main St.
Chehalis, WA 98532

**Re: Investigation of Steven Mansfield
Washington State Patrol #09-010446**

Dear Mr. Golden:

On July 2, 2009, the Attorney General's Office (AGO) received the above-referenced referral for consideration of criminal charges pursuant to RCW 43.10.232. The referral arises from a letter the Lewis County Sheriff's Guild sent to you wherein the Guild expressed concern about potential misconduct by the Lewis County Sheriff, Steven Mansfield. Your office recognized a potential conflict of interest and asked the AGO to accept criminal jurisdiction. The AGO accepted criminal jurisdiction and requested that the Washington State Patrol (WSP) conduct an investigation. WSP Chief Batiste agreed that WSP would investigate the matter.

The Washington State Patrol completed its investigation and forwarded it to the AGO on September 29, 2009. The investigation centered around complaints that Sheriff Mansfield unlawfully harbored a runaway and may have committed official misconduct by obstructing attempts to return the runaway to her parents. There was also a concern that LCSO did not properly investigate an alleged report of domestic violence between the Sheriff and his son.

I have reviewed the WSP investigation and the evidence gathered. For the reasons set forth below, the AGO declines to file any criminal charges. The facts as established by the investigation are summarized below.

Sheriff Mansfield has a son named Johnny Mansfield. Sometime in 2008, Johnny began dating a 15-year-old high school student named K.L. K.L. resided at home with her parents. During the summer of 2008, K.L. became pregnant by Johnny. K.L. and Johnny determined that K.L. would move out of her parents' home and onto the Mansfield property after the baby was born. K.L. made general comments to her parents that she desired to live with Johnny after the baby

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was born, but she did not disclose to her parents the more detailed plan of moving in with the Mansfields.

K.L. turned 16 in February 2009.

On Saturday, March 14, 2009, K.L. was still living at home with her parents. K.L. babysat that day for a relative of the Mansfields. K.L. went into labor while she was babysitting. Johnny brought K.L. to the hospital and asked his parents to notify K.L.'s parents. Johnny's mother, Jill Mansfield, called K.L.'s parents and notified them that K.L. was in labor and on her way to the hospital.

K.L. gave birth to a son. On Sunday, March 15, K.L.'s parents went to the hospital. K.L. had argued with her mother throughout the pregnancy and the two were on difficult terms at the time of the birth. K.L.'s parents were allowed to hold the baby briefly before leaving the hospital sometime after 2:00 p.m. K.L.'s parents assumed that K.L. would be released the next day and she would come home with the baby.

K.L. later called her mother and asked her to bring her a bag of her belongings. K.L.'s mother brought the bag of items to the hospital, but K.L. refused to see her. K.L.'s mother left the bag and left the hospital.

On March 16, 2009, K.L. and her newborn son were released from the hospital. K.L. did not return home. Johnny Mansfield brought K.L. to a farmhouse on his parents' property and the two began residing there with their child. K.L. telephoned her mother and told her that she was not coming home; rather, she was going to live with Johnny on his parents' property. K.L.'s parents were aware that Johnny's father was the Lewis County Sheriff. K.L.'s mother told K.L. that she would not allow K.L. to live away from home. K.L. hung up on her mother.

K.L. later sent a text message to her father which read, "I love you and mom. Sorry all this is going on. I want you to come see the baby but me and John aren't a couple, we're a family."

K.L.'s parents wanted their daughter home. K.L.'s parents called Child Protective Services (CPS) on the evening of March 16, 2009. CPS advised K.L.'s parents that if K.L. was gone without their consent they should call police and report her as a runaway.

K.L.'s parents called 911 that evening and reported to the Lewis County Sheriff's Office (LCSO) that their daughter was a runaway. Deputy Hal Sprouse responded to the residence of K.L.'s parents at 8:10 p.m.

K.L.'s parents reported to Deputy Sprouse that their daughter ran away and was living on Sheriff Mansfield's property with the Sheriff's son. Deputy Sprouse advised that he could go to the Mansfield property and retrieve their daughter if they wished. K.L.'s mother told Deputy Sprouse that she did not want to separate her daughter and Johnny. K.L.'s mother further

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expressed that she did not want to cause her daughter, a 16-year-old mother of one day, any further stress that night. K.L.'s parents told Deputy Sprouse that they did not want K.L. picked up or listed as a runaway at that point in time, but requested that Deputy Sprouse verify K.L.'s whereabouts and safety.

Deputy Sprouse contacted LCSO Chief Criminal Deputy Gene Seiber. Seiber advised Sprouse that he knew from the Sheriff himself that K.L. was staying on the Mansfield's property and was safe.

Deputy Sprouse did not enter K.L.'s name into either national¹ or state² computer databases for runaways as K.L.'s parents knew her whereabouts and were not yet officially reporting her as a runaway.

Chief Seiber communicated with Sheriff Mansfield that day. Mansfield ordered Seiber to handle any dealings related to "his grandchild." Mansfield ordered Seiber not to involve or notify Mansfield with respect to the report that K.L. was a runaway. Mansfield directed Seiber to handle the case as he saw fit.

Chief Seiber notified LCSO deputies and supervisors that they were to notify Seiber directly before contacting any parties involved in the case.

From March 17-19, K.L.'s parents were in daily contact with CPS trying to determine what they should do to return their daughter home. K.L.'s parents were aware they could report K.L. as a runaway; they were further aware that they could file an At-Risk Youth (ARY) petition in juvenile court that would allow the court to intervene. K.L.'s parents tentatively determined not to report K.L. as a runaway and have her immediately returned home. K.L.'s parents instead determined to seek court intervention. On March 19, 2009, an ARY petition was filed in Lewis County Juvenile Court. The Juvenile Court attempted to serve K.L. with paperwork requiring her to appear before a judge to address the situation, but the Juvenile Court was unable to do so.

On March 20, 2009, K.L.'s parents called 911 again and formally reported K.L. as a runaway. The runaway report was forwarded to LCSO Chief Seiber. At 12:15 p.m. on March 20, 2009, Seiber assigned the case to the on-duty sergeant, Dusty Breen. Seiber informed Sgt. Breen that K.L. was the reported runaway and she was reported to be living on the property of Sheriff Mansfield. Seiber directed Sgt. Breen to investigate and to keep him informed on the status of the case.

Sgt. Breen reviewed Deputy Sprouse's report of March 16. Sgt. Breen contacted CPS and verified that there were no concerns for abuse or neglect of K.L. at her parents' home.

¹ National Crime Information Center (NCIC)

² Washington State Information Section (WASIS)

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Sgt. Breen contacted K.L.'s mother by phone and verified that K.L.'s parents wanted K.L. identified as a runaway and returned home.

Sgt. Breen went to K.L.'s mother's workplace at 2:30 p.m. and contacted her personally. K.L.'s mother reiterated that K.L. was absent without consent and she wanted her home. K.L.'s mother told Sgt. Breen that the information they had was that K.L. was residing in a farmhouse on the Sheriff's property. K.L.'s mother related that she and her husband did not go to the Mansfield property to attempt retrieval of their daughter because they feared that they might be arrested for trespass due to Mansfield's position as Sheriff.

Sgt. Breen explained that he could pick up K.L., but if she refused to go back to her parents' home, there was a possibility she could be placed in foster care. Sgt. Breen also explained to K.L.'s mother that he could not pick up the baby unless K.L. wanted him to because Johnny Mansfield was the biological father and there were no concerns of abuse or neglect at the Mansfields. K.L.'s mother informed Sgt. Breen that she understood the possible consequences, but she wanted her daughter listed as a runaway, picked up, and returned home. K.L.'s mother signed an official report that her daughter was absent without parental consent.

Washington law requires that reports of runaway children be entered into relevant computer databases, which in Washington is commonly NCIC and WASIS. RCW 13.32A.086; 43.43.510. Washington law requires that this data entry occur "as soon as practical or feasible." RCW 43.43.510. LCSO did not enter K.L. into NCIC or WASIS on March 20, 2009.

Sgt. Breen determined to drive to the Mansfield property, pick up K.L., and return her to her parents. Sgt. Breen telephoned Seiber on his way to the Mansfields and advised Seiber of his plan. Sgt. Breen arrived at the Mansfield's property and drove up the long driveway towards the farmhouse. Sgt. Breen found that the driveway to the farmhouse was blocked by a closed gate. There were no lights on in the farmhouse and it did not appear that anyone was home. Sgt. Breen walked to the farmhouse and knocked on the door. Sgt. Breen heard a dog inside, but no one answered the door.

Sgt. Breen left the farmhouse and went to the main residence on the property, the home of Sheriff Steve Mansfield and his wife Jill. Sgt. Breen explained that K.L. was reported as a runaway and he was there to retrieve her. The Mansfields were both home and expressed to Sgt. Breen their belief that it was not in K.L.'s best interests to return to her home because she would argue with her parents. Sheriff Mansfield told Sgt. Breen that K.L. was not home because the gate to the farmhouse was closed and Johnny's car was gone.

Sheriff Mansfield later told WSP investigators that Sgt. Breen never went to the farmhouse; rather, he went first to the Mansfield residence and simply accepted Mansfield's statement that the child was not home. Sheriff Mansfield's statement conflicts with Sgt. Breen's report on this fact.

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K.L.'s father later told police that K.L. told him that Sheriff Mansfield called and told her that a sheriff's deputy was coming to the farmhouse and she should not answer the door. K.L. denies making this statement to her father.

K.L. later told police that she was in fact inside the farmhouse the night that Sgt. Breen arrived, but she never heard a knock on the door and never saw a patrol car approach the farmhouse. K.L. denied that Sheriff Mansfield ever called her and told her to hide. Sheriff Mansfield also denied this accusation.

Sgt. Breen departed without making contact with K.L. Sgt. Breen told Seiber what had happened. The two talked and it was determined that Sgt. Wetzel, the night sergeant, would return to the farmhouse later that night to attempt retrieval of the runaway child. Sgt. Breen ended his shift at 5:00 p.m. as Sgt. Wetzel was arriving. Sgt. Breen briefed Sgt. Wetzel about the events of the day.

Sgt. Wetzel telephoned Chief Seiber. Seiber advised Wetzel that Sheriff Mansfield would be away from his home between 6:00 p.m. and 8:00 p.m. that night. Seiber ordered Wetzel to go to the Mansfield property while the Sheriff was away and retrieve K.L. during that time.

Sgt. Wetzel was concerned by these briefings and felt the case was not handled properly. Wetzel believed that CPS should be more involved and should assist LCSO in retrieving K.L. Wetzel was "extremely uncomfortable" with Seiber's orders and did not wish to carry them out. Wetzel felt he was asked to covertly go onto the Sheriff's property and detain the mother of the Sheriff's grandchild. Wetzel noted that K.L. was still not listed in NCIC or WASIS as a runaway and the case was being handled differently than other runaway cases.

After talking to Wetzel, Seiber determined not to take any action until the following Monday, March 23. Seiber and LCSO again determined not to enter K.L. into the required runaway databases. Seiber wrote out a list of reasons justifying his decision, which included: K.L.'s parents "allowed" K.L. to live at the Mansfields; K.L.'s parents didn't make any attempts to retrieve the child on their own; on-call CPS rather than regular weekday CPS personnel would work the case if action were taken over the weekend; and LCSO did not want to split up the baby and his mother.

Seiber called K.L.'s mother at 6:23 p.m. and advised her that LCSO would take no action on the runaway report until Monday. K.L.'s mother was upset at this response and told Seiber she would go to another law enforcement agency if LCSO was not going to do something.

Seiber contacted LCSO Chief of Staff Steve Walton and updated Walton on the decisions that were made and the reasons for them. Walton attended a dinner function that night with the Sheriff and sat next to him. Walton told Sheriff Mansfield that LCSO was not going to take any action on the runaway case over the weekend and he explained Seiber's reasoning. LCSO did

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not enter K.L. into NCIC or WASIS over the weekend despite the official report signed by K.L.'s mother that K.L. was absent without parental consent.

K.L.'s parents were desperate for some action by law enforcement and so contacted the Cowlitz County Sheriff's Office. Cowlitz County declined to be involved.

On Monday, March 23, 2009, CPS attempted to broker a meeting between K.L. and her parents. Sgt. Breen was on-duty and he entered K.L.'s name into the runaway databases. Sgt. Breen, LCSO Commander Steve Aust, and two CPS social workers went to the Mansfield residence and contacted K.L. and the Mansfields. K.L. verified for Sgt. Breen that there were no concerns of neglect or abuse at her parents' home; she just didn't want to go home. K.L.'s parents had formally reported her as a runaway three days prior and K.L. was officially listed as absent without her parents consent, but K.L. was not taken into custody and returned to her parents at that time. Instead, it was agreed that K.L. would meet with her parents at CPS that afternoon. The Mansfields agreed to transport K.L. to CPS to meet with her parents.

K.L.'s parents went to CPS that afternoon to meet with their daughter and a CPS social worker. The Mansfields transported K.L. to the meeting. The meeting lasted several hours. It was agreed at the meeting that K.L. would return home to her parents and would at least begin spending nights there. K.L. declined to bring the baby home. Sheriff Mansfield confronted K.L.'s father after the meeting and angrily criticized K.L.'s mother's and blamed K.L.'s parents for creating a situation where K.L. and Johnny might decide to run away.

Following the meeting, Sgt. Breen removed K.L. from the runaway databases. K.L.'s parents decided not to pursue the ARY petition and had it dismissed by the court in April 2009.

K.L. began going home, but she did so late at night and left early in the morning to return to the Mansfield property. K.L. did not bring the baby when she came home. K.L.'s stays at home decreased over time to twice a week.

Unknown to K.L.'s parents, the Mansfields hired an attorney who petitioned to represent K.L. as her guardian ad litem. The attorney further petitioned the court for a parenting plan. The petition was originally drafted to grant sole custody to Johnny Mansfield and included an allegation that K.L.'s parents were threatening to take K.L. and her baby out of state. K.L.'s parents flatly deny ever making such a statement. The petition was later amended to request joint-custody of the baby to K.L. and Johnny Mansfield. K.L.'s parents were upset and believed that the Mansfields' act of hiring an attorney for K.L. to advocate positions beneficial to the Mansfields was evidence that the Mansfields were unduly influencing K.L.'s decision-making. The Mansfields deny this.

On April 15, 2009, the court held a hearing. The attorney hired by the Mansfields was appointed as K.L.'s guardian ad litem. A parenting plan was entered identifying K.L. and Johnny as joint custodians of the baby.

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By June of 2009, some LCSO deputies were concerned about the manner in which LCSO handled the reported runaway of K.L. The Sheriff's Deputies Guild requested an independent investigation of the matter. The Guild's counsel submitted this request to the Lewis County Prosecuting Attorney.

By letter dated June 29, 2009, the Prosecutor, Michael Golden, requested that the AGO assume jurisdiction over any investigation or prosecution arising from the complaint. On June 30, 2009, the AGO requested that the Washington State Patrol investigate the complaint. On July 7, 2009, WSP agreed to investigate and a detective was assigned to the case the next day.

Sometime in July 2009 the Guild letter to Michael Golden was leaked to the local media. On July 18, 2009, the Centralia Chronicle published a story that Sheriff Mansfield was under investigation by WSP. WSP was notified by the Mansfield's lawyer that any contact with K.L. must occur through him.

As Fall approached and K.L. was still not home and not going to school, K.L.'s parents determined to pursue an At-Risk Youth Petition in an effort to have the court compel K.L. to come home. A hearing in juvenile court was scheduled for August 7, 2009. K.L.'s parents did not or were unable to contact K.L. to serve her with a summons for the court hearing. K.L. continued to reside on the Mansfield property. K.L. had turned off her cell phone to avoid talking to her parents.

By the evening of August 6, 2009, K.L.'s parents were desperate to serve K.L. with the papers that would require K.L. to appear before the juvenile court and allow a judge to decide where she should live and under what restrictions. K.L.'s father determined to go onto the Mansfield property that night and contact his daughter.

K.L.'s father and a friend drove to the farmhouse on the Mansfield's property. K.L.'s father knocked on the door and announced himself. K.L. was inside but did not answer the door. K.L. later told police that she did not recognize her father's voice or notice that his truck was parked outside. K.L. called the Mansfield residence and told Jill Mansfield that she was scared because an unknown person was banging on her door. Sheriff Mansfield got into his patrol car and drove from his house towards the farmhouse. K.L.'s father and his friend saw the Sheriff approaching and they determined to leave to avoid any confrontation. They got into the truck and headed back down the driveway towards the main county road. They passed the Sheriff coming up the driveway.

K.L.'s father and his passenger both reported that the Sheriff illuminated their vehicle with his spotlight. Sheriff Mansfield denies this and states he only had his headlights on. K.L.'s father reported that the Sheriff is familiar with his vehicle and should have known it was him. Sheriff Mansfield denies that he recognized the vehicle or saw who was inside the vehicle.

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Once K.L.'s father turned onto the county road, Sheriff Mansfield activated his emergency equipment and initiated a traffic stop. K.L.'s father pulled over. Sheriff Mansfield asked dispatch to run the license plate number. Dispatch quickly advised that the truck was registered to K.L.'s parents. Sheriff Mansfield told dispatch to "gimme a backup here ASAP." The closest units were two Winlock PD units who responded to the scene.

The Winlock units arrived and reported that the spotlight on Sheriff Mansfield's vehicle was activated. Once the Winlock units were present, Sheriff Mansfield contacted K.L.'s father and asked him what he was doing. K.L.'s father responded that he just wanted to talk to his daughter. Sheriff Mansfield verified that K.L. was willing to see her father and told K.L.'s father that he was welcome to go up to the farmhouse to visit his daughter. K.L.'s father proceeded back to the farmhouse and served K.L. with the summons to appear in juvenile court.

On September 9, 2009, WSP Detectives interviewed Sheriff Mansfield. The Sheriff had his attorney present but consented to a tape-recorded interview. Sheriff Mansfield acknowledged being made aware of the initial report from K.L.'s parents on March 16, 2009. Sheriff Mansfield stated that at that point he delegated all responsibility for the investigation to Chief Deputy Seiber. Sheriff Mansfield recalled Sgt. Breen's visit on March 20, 2009, but stated that Breen did not actually go to the farmhouse. Sheriff Mansfield denied telling K.L. to hide that evening. Sheriff Mansfield acknowledged that after Sgt. Breen left he contacted Seiber and asked when LCSO would be returning. Sheriff Mansfield said that he told K.L. over the weekend of March 21-22 that she would be returning home on Monday. Sheriff Mansfield acknowledged that Seiber and Walton updated him on the status of the investigation and when certain events were to transpire. Sheriff Mansfield acknowledged confronting K.L.'s father after the March 23 meeting at CPS and blaming K.L.'s parents for creating a situation where K.L. and Johnny might run away.

Sheriff Mansfield denied recognizing K.L.'s father's pickup truck on August 9, 2009, and denied spotlighting the truck. Sheriff Mansfield reported that he did not know it was K.L.'s father until dispatch advised him of the registered owners' names. Sheriff Mansfield stated that he called for backup to have witnesses to his interactions with K.L.'s father and to diffuse any potential confrontation.

Mansfield's attorney directed WSP detectives not to ask certain questions of the Sheriff. Sheriff Mansfield also refused to answer some questions, including whether he was responsible for hiring K.L.'s attorney; and whether he had hired an attorney to draft a petition to emancipate K.L.

The State Patrol's investigation was forwarded to the AGO for review for criminal charges.

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CHARGING REVIEW

Under the filing standards enumerated in RCW 9.94A.411, the applicable charging standard is:

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

RCW 9.94A.411(2). The legal standard by which the State must prove a criminal case is proof beyond a reasonable doubt.

Here, there are a number of potential criminal charges identified in the WSP investigation, to include Unlawful Harboring of a Minor (RCW 13.32A.080), Official Misconduct (RCW 9A.80.110), and Failure of Duty of Public Officer (RCW 42.20.100). Each is discussed below.

Unlawful Harboring of a Minor

A person commits unlawful harboring of a minor, a gross misdemeanor, if:

- (1) The person provides shelter to a minor;
- (2) Without the consent of a parent of the minor;
- (3) The person knows that the minor is away from the home of the parent without the parent's permission; and
- (4) The person intentionally:
 - (a) Fails to release the location of the minor to a law enforcement officer after being requested to do so; or
 - (b) Obstructs a law enforcement officer from taking the minor into custody; or
 - (c) Assists the minor in avoiding or attempting to avoid the custody of the law enforcement officer.

RCW 13.32A.080.

In the present case it is undisputed that Sheriff Mansfield provided shelter to K.L. without the consent of her parents and that he knew K.L. was away from home without her parents' consent. However, there is no persuasive evidence in this case that Sheriff Mansfield obstructed law enforcement, assisted K.L. in avoiding law enforcement, or failed to disclose K.L.'s location to law enforcement.

The only evidence that Sheriff Mansfield assisted K.L. in avoiding law enforcement, or that he may have obstructed law enforcement, is a statement from K.L.'s father. K.L.'s father told WSP

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that K.L. disclosed to him that Sheriff Mansfield called and told her to hide when Sgt. Breen went to the farmhouse on March 16, 2009.

K.L.'s father's statement alone is hearsay and insufficient by itself to establish that Sheriff Mansfield obstructed Sgt. Breen's attempt to take K.L. into custody. Both K.L. and Sheriff Mansfield deny that Mansfield ever made such a statement to K.L. The evidence is insufficient to support a charge of unlawful harboring of a minor. The AGO accordingly declines to charge that crime.

Official Misconduct

A public servant is guilty of official misconduct, a misdemeanor, if he:

(1) Intentionally

- (a) Commits an unauthorized act under color of law; or
- (b) Refrains from performing a duty imposed upon him by law; and

(2) Does so with intent to obtain a benefit or deprive another person of a lawful privilege or right.

RCW 9A.80.010.

The only potential "unauthorized act under color of law" was Sheriff Mansfield's detention of K.L.'s father on August 6, 2009. Sheriff Mansfield clearly acted under color of law when he initiated a traffic stop in an LCSO patrol vehicle. The question is whether the stop was "an unauthorized act." There is no conclusive evidence that Sheriff Mansfield's actions were "unauthorized." According to Sheriff Mansfield, his wife received a distressed phone call from K.L. that an unknown person was at K.L.'s door. Sheriff Mansfield got into his patrol car to go to K.L.'s aid and passed an unknown vehicle leaving the area of the farm house. Sheriff Mansfield told WSP that K.L.'s complaint was of a suspicious man banging on her door. The Sheriff told WSP that he wanted to know what the occupants of the vehicle were doing on his property. If Sheriff Mansfield's version of events is true, it was not an unauthorized act for him to stop the vehicle and investigate K.L.'s complaint and find out what the occupants were doing on the property and why they frightened K.L. There is no direct evidence to contradict Sheriff Mansfield's version of events.

K.L. told WSP that she did not recognize her father's voice when he knocked on the door; nor did she look outside to see her father's vehicle. K.L. told WSP that she was afraid and called Jill Mansfield, which corroborates the Sheriff's statement. The other occupant of K.L.'s father's vehicle told WSP that the Sheriff "appeared confused" when he came to the vehicle after being advised that K.L.'s father was the registered owner.

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K.L.'s statement that she did not realize that her father was outside is somewhat suspicious as she knows her father's voice and would have recognized his vehicle. But both K.L. and her father told WSP that there was loud music playing in the house when K.L.'s father knocked. K.L. says she did not look outside and there is no evidence to dispute her statement. There is no evidence disputing K.L.'s statement that she did not know her father was at the door. Following this incident, K.L.'s father proceeded to K.L.'s residence and contacted her and ultimately accomplished what he set out to do.

K.L.'s father reports that Sheriff Mansfield should have recognized his truck. Sheriff Mansfield told WSP that it was dark, the truck had its headlights on when it passed the Sheriff going the opposite direction, and he did not realize the truck was K.L.'s father's until dispatch returned with the registration information. There is no direct evidence to contradict Sheriff Mansfield's statements.

There is insufficient evidence of official misconduct. The AGO declines to charge that crime.

Failure of Duty by Public Officer

A public officer commits the crime of failure of duty, a misdemeanor, if he:

- (1) Is a public officer;
- (2) Is enjoined by law to perform a duty; and
- (3) Willfully neglects to perform the duty.

RCW 42.20.100

The Revised Code of Washington imposes upon all law enforcement agencies in Washington a duty to take a child into custody if a parent of that child reports that the child is absent from parental custody without parental consent. RCW 13.32A.050. The RCW does not include an exception for runaway children where the child is living on a law enforcement officer's property. LCSO, including Sheriff Mansfield, was aware that K.L. was absent without parental consent and was located on Mansfield's property. The Sheriff never attempted to take K.L. into custody and return her to her parents as was required of him by law. To the contrary, the Sheriff willfully neglected to perform this duty, albeit after trying to delegate that duty to others in his office.

The Revised Code of Washington further provides that "whenever a law enforcement agency receives a report from a parent that his or her child . . . has without permission of the parent left the home . . . the agency *shall* provide for placing information identifying the child in files under RCW 43.43.510." RCW 13.32A.086 (emphasis added). In Washington, these databases are NCIC and WASIS. RCW 43.43.510 provides that information regarding runaway children shall be entered into these databases "as soon as is practical and feasible."

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In the present case, K.L.'s parents formally reported K.L. as absent without parental consent on March 20, 2009. K.L.'s mother signed an official report to that effect. Entering K.L.'s name into the relevant computer databases was as simple as sitting down at a computer terminal and entering the required information. Accomplishing this task became "practical and feasible" as soon as LCSO received the phone call from K.L.'s parents on March 20, 2009. Nobody from LCSO bothered to enter K.L.'s name as required on March 20, March 21, or March 22. The excuses given by LCSO for not entering this information had no bearing on whether K.L. was listed as a runaway. Sgt. Wetzel put it aptly when he lamented that "the decisions made throughout the incident were improper." A review of the WSP investigation in this case makes clear that this case of a reported runaway child was not handled by LCSO as it would have been were the Sheriff not involved.

The failure to enter K.L. into NCIC and WASIS was a failure by LCSO as a whole. It is fortunate that K.L. did not run away from the Mansfield property, as Sheriff Mansfield himself worried she might, because if she had, law enforcement in other jurisdictions who may have contacted her and run her name through NCIC would not know that K.L. was a runaway. K.L.'s parents deserved better.

The failure of LCSO to either enter K.L. as a runaway as required, or to actually take her into custody during the weekend of March 21-22, is attributable first to Sheriff Mansfield's personal decision not to immediately return K.L. to her parents when he was advised that the parents wanted her home; and secondly to Sheriff Mansfield's decision to allow his own law enforcement agency to investigate the case. There are many cases where law enforcement is capable of investigating its own or investigating cases where a department member may be a witness or an interested party. This was not one of those cases. Mansfield was the elected Sheriff of Lewis County, the person who had direct supervisory power over all LCSO personnel involved and the person who could control employment, assignments, promotions, etc. The case itself required Mansfield's cooperation in getting K.L. home (which ultimately took place); and required LCSO deputies to go on to the Sheriff's property to take a child into custody, an action the deputies knew was against the Sheriff's personal desires. LCSO personnel were placed in an awkward and untenable position that they should not have been. The decisions not to enter K.L. as a runaway and not to return her to her family over the weekend likely had no affect on the ultimate outcome of the case, but they are representative of the tentativeness that some LCSO personnel displayed in responding to the case.

The excuses given by LCSO for not entering K.L. as a runaway or taking her into custody during the weekend of March 21-22 were irrelevant to LCSO's statutory duties to list K.L. as a runaway and return her to her parents. Thereafter it was up to K.L.'s family, CPS, and/or the courts to determine what would happen. It is understandable that Sheriff Mansfield and his administrators may have desired to take a course of action designed to lessen the stress on the child. However, the manner and time frame in which family reconciliation might take place were not LCSO's decisions to make. LCSO administrators at times relied solely on one-sided information provided by the Mansfields as opposed to input from the child's parents, who had the right to

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have their daughter returned home. A review of WSP's investigation reflects that LCSO would have responded differently to this case were the Sheriff not involved. By failing to personally cause the child's return home and by keeping the investigation within LCSO, Sheriff Mansfield put his employees in an untenable situation that led to the awkward and delayed child recovery that took place.

Commissioned law enforcement officers unfortunately (for them) remain law enforcement officers 24/7. Sheriff Mansfield knew that there was an obligation to return the child to her parents immediately after she was reported as a runaway. Sheriff Mansfield tried to separate his obligations as father and Sheriff. Sheriff Mansfield told his subordinates that he was taking off his Sheriff's hat and putting on his Father's hat and directed them to handle the investigation as they saw fit. Despite the stated order to his subordinates to keep him out of the investigation, both Chief of Staff Walton and Chief Deputy Seiber were updating the Sheriff on the status of the investigation, to include most of the decision-making that took place. All of the above resulted in a failure by LCSO administrators to complete a properly investigation of a reported runaway. It also resulted in a failure to return the child to her parents for several days despite a known location. Were the shoe on the other foot, it is hard to imagine that Sheriff Mansfield would not have demanded that law enforcement return his child to him immediately, just as K.L.'s parents requested.

The entirety of this situation could have been avoided had K.L. been returned immediately to her family, or had the Sheriff and LCSO brought in an outside agency to respond to the report of a runaway child living on the Sheriff's property. LCSO personnel were placed in an awkward position. As a result, their decision-making was at times poor. The sometimes poor decision-making that resulted is directly attributable to the Sheriff's decision first to allow K.L. to reside on his property without her parents' consent, and second his decision to keep the investigation within LCSO.

The failure of duty in this case relative to entering K.L. as a runaway and returning her home was a failure by LCSO as a whole. A number of LCSO employees willfully neglected to perform these duties, not just Sheriff Mansfield, though ultimately he was responsible. In the end, the WSP investigation does not reveal any real criminal intent on the part of Sheriff Mansfield; rather, it reveals a father and grandfather who was embroiled in a tense family situation. The Sheriff made poor law enforcement decisions as a result of his relationship with his son and K.L.. Given the circumstances and the charging discretion the State has, the AGO declines to file a charge of failure of duty against Sheriff Mansfield.

Domestic Violence Report

The Sheriff's Deputies Guild also expressed concern that an alleged report of domestic violence was not properly investigated by LCSO. K.L.'s mother reported to Sgt. Breen on March 20, 2009, that she "believed" that K.L. told her that Johnny and Sheriff Mansfield had a dispute that "was physical in nature." Sgt. Breen wrote that K.L.'s mother "could not recall exactly what was

ATTORNEY GENERAL OF WASHINGTON

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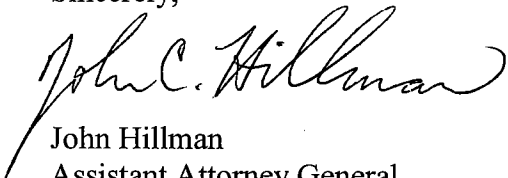
[told to her by K.L.].” The initial report was extremely vague and unsubstantiated. Sgt. Breen advised Chief Seiber of this information. Chief Seiber contacted both Sheriff Mansfield and Johnny Mansfield and asked them about the reported physical dispute. Both denied that any assault ever occurred. Chief Seiber determined that there was no evidence of a crime and it was unnecessary to refer the case to an outside agency for investigation.

The WSP investigation revealed that there was no evidence of any domestic violence and, by all accounts, the Sheriff and his son have a loving relationship devoid of any abuse or violence.

It is hard to quibble with the LCSO investigation of the reported incident of domestic violence as there was no real substance to it; but given that the Sheriff was a potential suspect and victims of domestic violence are often reluctant to disclose instances of abuse, especially when the potential abuser is the superior of the investigating officers, it would have been better practice to refer the investigation to an outside agency. However, there is no basis for any criminal charge related to the report of potential domestic violence.

If you have any questions or concerns, please do not hesitate to contact me at (206) 389-2026.

Sincerely,

A handwritten signature in cursive script that reads "John C. Hillman". The signature is written in black ink and is positioned above the printed name and title.

John Hillman
Assistant Attorney General

JCH:vlr

cc: Don Blair, counsel for Sheriff Mansfield
Matt Hughes, Detective, Washington State Patrol