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5 County of Santa Barbara

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

AUG 12 2004

GARY M. BLAIR, Executive Officer  
BY Carril L. Wagner  
CARRIL L. WAGNER, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA BARBARA  
10 (COOK DIVISION)

11 **PEOPLE OF THE STATE OF CALIFORNIA,**

12 Plaintiffs,

Case No: 1133603

**NOTICE OF MOTION AND  
MOTION OF JIM ANDERSON,  
SANTA BARBARA COUNTY  
SHERIFF, FOR AUTHORIZATION  
TO RELEASE ATTORNEY  
GENERAL'S CONCLUSIONS  
REGARDING ITS  
INVESTIGATION INTO  
DEFENDANT'S ALLEGATIONS  
OF MISTREATMENT AT THE  
SANTA BARBARA COUNTY JAIL**

**UNDER SEAL**

13 vs.

14 **MICHAEL JOE JACKSON,**

15 Defendant.

Date: August 19, 2004  
Time: 8:30 a.m.  
Dept: SM 2

Assigned Judge: Hon. Rodney S.  
Melville

16 **PLEASE TAKE NOTICE** that on August 19, 2004, at 8:30 a.m., or as soon  
17 thereafter as the matter can be heard, in Department SM-2 of this Court, located at  
18 312 E. Cook St., Santa Maria, Jim Anderson, Sheriff, County of Santa  
19


20 COUNTY COUNSEL  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101  
(805) 568-2950

*Under Seal per Court Order dated 8/12/04*

1 Barbara will request that this court authorize him to release the Attorney General's  
2 conclusions<sup>1</sup> on its investigation into allegations by Defendant Michael Jackson that  
3 he was mistreated at the Santa Barbara County Jail on November 20, 2003, and that  
4 the Sheriff be permitted to provide the media the attached press release.<sup>2</sup>

5 Dated: August 12, 2004

STEPHEN SHANE STARK  
COUNTY COUNSEL

6  
7 By   
8 Stephen D. Underwood  
9 Chief Assistant County Counsel  
10 Attorneys for Jim Anderson, Sheriff,  
11 COUNTY OF SANTA BARBARA

### 12 POINTS & AUTHORITIES

13 On December 25, 2003, CBS aired an interview with Defendant Michael  
14 Jackson on its "60 Minutes" television show. During the interview, Mr. Jackson  
15 claimed he was "manhandled" by sheriff's personnel during his November 20, 2003,  
16 arrest and booking at the Santa Barbara Jail. He claimed as a result his shoulder was  
17 "dislocated" and further that he was handcuffed in such a way by Sheriff's deputies,  
18 "knowing that it's going to hurt."

19 The following excerpt is taken directly from the "60 Minutes" interview  
20 conducted by CBS' Ed Bradley.

21 **ED BRADLEY:** What happened when they arrested you? What did they do to you?

22 **MICHAEL JACKSON:** They were supposed to go in, and just check fingerprints, and  
23 do the whole thing that they do when they take somebody in. **They manhandled**  
24 **me very roughly. My shoulder is dislocated, literally. It's hurting me very**  
25 **badly. I'm in pain all the time.** This is, see this arm? This is as far as I can reach  
26 it. Same with this side over here.

27 <sup>1</sup> A copy of the Attorney General's letter regarding the investigation is attached as Exhibit A.

28 <sup>2</sup> A copy of the Sheriff's proposed Press Release is attached as Exhibit B.

1 **ED BRADLEY:** Because of what happened at the police station?

2 **MICHAEL JACKSON:** Yeah. Yeah. At the police station. And what they did to me —  
3 if you — **if you saw what they did to my arms — It was very bad what they**  
4 **did. It's very swollen.** I don't wanna say. You'll see. You'll see.

5 *We were given a photograph said to be taken after Michael Jackson was released on*  
6 *ball. Jackson says the swelling above his wrist is where the police handcuffed him.*

7 **ED BRADLEY:** How did they do it? I mean, what, physically, what did they do?

8 **MICHAEL JACKSON:** With the handcuffs, the way they tied 'em too tight behind  
9 my back —

10 **ED BRADLEY:** Behind your back?

11 **MICHAEL JACKSON:** Yeah. **And putting it, they put it in a certain position,**  
12 **knowing that it's going to hurt, and affect my back. Now I can't move. I —**  
13 **I — It keeps me from sleeping at night. I can't sleep at night.**

14 The Sheriff's Department denied the allegations. However, because of the  
15 seriousness of the allegations and the possibility of a civil claim for damages against  
16 the Sheriff's Department, Sheriff Jim Anderson on January 8, 2004, requested that  
17 the California Bureau of Investigation [CBI], under the jurisdiction of the California  
18 Attorney General, conduct an investigation into those allegations.

19 That investigation is now complete. CBI conducted an extensive investigation  
20 over a number of months. Ten Special Agents and two Special Agent Supervisors  
21 were assigned to the investigation. Over 2500 hours were spent on the investigation.  
22 One hundred and sixty three [163] witnesses were interviewed, including jail  
23 inmates, sheriff's personnel, persons who observed Mr. Jackson immediately after his  
24 booking, during his flight to Las Vegas, and at his Las Vegas hotel, and Mr. Jackson's  
25 security staff, among others.

26 After its exhaustive investigation, CBI concluded, "... **this investigation did**  
27 **not uncover verifiable information that Mr. Jackson was injured at the**

1 **hands of the Santa Barbara County Sheriff's Department personnel and no**  
2 **criminal misconduct on the part of the Sheriff's personnel was identified."**

3 [emphasis added]

4 Mr. Jackson maligned the Sheriff's Department and falsely charged its  
5 personnel with mistreatment on national television. The charges were outrageous,  
6 offensive and unfounded. The exposure to a civil lawsuit with potentially significant  
7 civil damages was present and the Sheriff and the County took those claims very  
8 seriously. Given the favorable outcome of the CBI investigation, the Sheriff believes  
9 it is critically important that he be permitted to release the Attorney General's  
10 conclusions and to comment on the matter. However, there are concerns that such  
11 a release and comment may violate the existing protective order issued by this court  
12 in People v. Jackson.

13 Mr. Jackson made a claim of mistreatment and abuse by the Sheriff's  
14 Department and its employees. He questioned the integrity of the department. His  
15 claims were thoroughly investigated by the Attorney General's Office. The Sheriff's  
16 Department and its employees were exonerated. The public, through the media and  
17 by statements from the Attorney General, has been made aware of the investigation  
18 and are expecting some conclusion to that process. The Sheriff has a significant  
19 interest in letting the citizens of Santa Barbara County know the outcome of the  
20 investigation. He needs to be able to say – once again – "we did nothing wrong"  
21 and the Attorney General's investigation confirms that. The Sheriff believes it is  
22 necessary for the citizens of Santa Barbara County, and other interested citizens, to  
23 know neither his department, nor its employees, acted as Mr. Jackson falsely  
24 portrayed to a national audience on "60 Minutes." To allow a contrary impression is  
25 just not right.

26 Any comments about the Attorney General's investigation and Mr. Jackson's  
27 claims are at best tangentially related to the pending criminal matter, and they in no

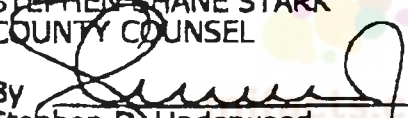


1 way relate to the criminal charges brought against Mr. Jackson. Mr. Jackson made  
2 these false claims, and he should not be permitted to hide behind the protective  
3 order to prevent the release of this critically important and exonerating information.

4 The Sheriff, of necessity, believes he must be cautious about any comments  
5 regarding Mr. Jackson and he does not want to violate the court's protective order.  
6 The Sheriff therefore makes this request in order to avoid any charge of violation of  
7 the court order and seeks the court's authorization to release the Attorney General's  
8 conclusions and that he be permitted to provide the media with the attached press  
9 release.

10 Dated: Aug. 12, 2004

STEPHEN SHANE STARK  
COUNTY COUNSEL

By   
Stephen D. Underwood  
Chief Assistant County Counsel  
Attorneys for Jim Anderson, Sheriff,  
COUNTY OF SANTA BARBARA



August 2, 2004

Jim Anderson, Sheriff  
Santa Barbara County Sheriff's Department  
4434 Calle Real  
Santa Barbara, CA 93160

RE: Michael Jackson Allegations

Dear Sheriff Anderson:

On January 8, 2004, you requested the California Bureau of Investigation (CBI) to conduct an investigation into allegations made against officers of your department by entertainer Michael Jackson. Specifically, Mr. Jackson alleged that during his arrest and booking process in Santa Barbara County on November 20, 2003, he was "manhandled" by sheriff's personnel which resulted in his shoulder being "dislocated." He also stated he was handcuffed by officers in such a way, "knowing that it's going to hurt." Mr. Jackson made these allegations during a television interview on the CBS television show "60 Minutes" which aired on December 25, 2003.

In response to your request I assigned CBI Special Agent resources from the Sacramento, Riverside, and Los Angeles Offices to conduct this investigation. A total of 10 Special Agents and two Special Agent Supervisors were assigned, with investigation oversight provided by the Special Agent in Charge of CBI's Los Angeles Regional Office. Together, the CBI investigative team interviewed 163 witnesses, both within and outside California. The size and scope of this investigation required in excess of 2,500 hours of investigation. Those interviewed consisted of members of the Santa Barbara County Sheriff's Department, inmates present at the Santa Barbara County Jail on November 20, 2003, Santa Barbara Airport Police, Santa Barbara Police, civilian Santa Barbara airport employees, Mr. Jackson's charter plane personnel, his security personnel, hotel personnel, his chiropractor, and others. Despite several attempts to obtain a statement from Mr. Jackson and/or names of potential witnesses through Mr. Jackson's attorneys, these efforts were not successful.

Statements from the officers transporting Mr. Jackson from the airport to the jail, and a review of audio recordings made in the transportation vehicle, show that Mr. Jackson initially complained of discomfort from his handcuffs after he was seated in the vehicle. In response, transporting officers had Mr. Jackson adjust his seating position which relieved his discomfort. During the transportation to the jail, Mr. Jackson was frequently asked about his comfort and he expressed no additional complaints. Driving time from the airport to the jail is approximately 10 minutes.

EXHIBIT A

Jim Anderson, Sheriff

August 2, 2004

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Members of Mr. Jackson's security staff who were present when he was handcuffed by Santa Barbara Sheriff's Department staff upon his surrender and arrest on November 20, did not observe any abuse or mistreatment by sheriff's personnel. In fact, they stated the process was handled professionally.

Upon arrival at the Santa Barbara County Jail, Mr. Jackson entered the receiving area where his handcuffs were removed. It was estimated by the transporting officers that Mr. Jackson's handcuffs were removed within minutes of his entering the jail.

Out of the 163 witnesses interviewed, 71 were inmates housed in the Santa Barbara County Jail at the time of Mr. Jackson's booking. Many of these inmates were no longer in custody and required extensive efforts to locate them for interview. Four inmates stated they observed physical contact take place between Mr. Jackson and jail staff. None of these inmates stated the contact was enough to cause injury nor did Mr. Jackson exhibit signs of injury after the observed contact. The majority of inmates interviewed saw no physical contact between Mr. Jackson and jail staff, and stated Mr. Jackson was in good spirits during the process, waved to them and gave them the peace sign. Other inmates commented that Mr. Jackson appeared to receive preferential treatment, due to the speed in which he was processed through booking.

The three Santa Barbara County correctional officers that had direct contact with Mr. Jackson during the booking process, stated to their knowledge, no one touched, grabbed, or pushed him during his time in the jail.

All witnesses who observed Mr. Jackson immediately after booking, during his return flight to the Las Vegas area, and at his Las Vegas hotel, did not report any complaints of pain or mistreatment from Mr. Jackson, nor did they note any outward displays of discomfort during their observations of him. There is no record of medical assistance being summoned to treat Mr. Jackson after his return to Las Vegas, following the booking process in Santa Barbara.

Mr. Jackson's first complaint of pain was reported to his personal makeup and hair stylist on December 7, 2003. He explained that the pain was a result of the handcuffing in Santa Barbara.

Mr. Jackson sought medical treatment on December 27, 2003. The attending chiropractor stated Mr. Jackson came to his office for evaluation and treatment of severe shoulder, chest, neck, and upper back pain that he alleged occurred after he was handcuffed by police when they lifted his arms up behind his back. The chiropractor stated that Mr. Jackson's injuries were consistent with the reported cause. He further commented that due to Mr. Jackson's frailness, the application of intermediate force could have caused the injuries he observed. Mr. Jackson was advised his shoulders were not dislocated as he thought, and after physical therapy and treatment

Jim Anderson, Sheriff  
August 2, 2004  
Page 3

his condition improved. Mr. Jackson's allegations made to his chiropractor as to the cause of his injuries are not supported by evidence received from eye witness observations, and audio/video recordings of the event. Witnesses reported that Mr. Jackson had normal use of his arms immediately after booking, as demonstrated by waving, and later in the day by lifting his children and shaking hands through his vehicle window with numerous fans in Las Vegas.

You had also requested a legal opinion from the Attorney General's Office concerning whether or not Mr. Jackson's allegations aired during his "60 Minutes" interview, constituted the filing of a false police report if they were determined to be unfounded. A Senior Assistant Attorney General from the Criminal Law Division has reviewed this investigation and met with the lead investigator. The opinion you requested will be forwarded to you from our legal division. The CBI will retain custody of our investigative reports in this matter, however, you or your designated representative will have the opportunity to review the reports at your convenience.

In summary, this investigation did not uncover verifiable information that Mr. Jackson was injured at the hands of Santa Barbara County Sheriff's Department personnel and no criminal misconduct on the part of Sheriff's personnel was identified. Should additional witnesses or viable information come forward in the future concerning these allegations, CBI will respond.

Please contact Special Agent in Charge Steve Utter of my Los Angeles Regional Office at (323) 869-3405, or me, at (916) 227-4045 if you have questions or to make a request to review the investigative file.

Sincerely,



MARTIN A. RYAN, Chief  
California Bureau of Investigation

For BILL LOCKYER  
Attorney General

mt

cc: Mary Jo Graves, Senior Assistant Attorney General  
Steve Utter, Special Agent in Charge



Proposed statement of Sheriff Anderson to be made at press conference:

In December of 2003, a network television program aired in which Michael Jackson made serious allegations of misconduct against members of the Santa Barbara Sheriff's Department. Mr. Jackson claimed the alleged misconduct occurred during his arrest and subsequent booking at the Santa Barbara County Jail.

Mr. Jackson made a number of claims, including a claim that he had been "manhandled very roughly" by members of the Sheriff's Department.

Shortly after the program aired, I held a press conference in which I produced information that clearly contradicted Mr. Jackson's claims and demonstrated the courteous and professional manner in which he was treated throughout the course of the arrest and booking process.

Because of the seriousness of the allegations made by Mr. Jackson, I requested that the Attorney General's Office conduct an independent investigation into those allegations.

On Monday, August 2<sup>nd</sup>, I received notification from the Attorney General's Office that the investigation had been completed. After interviewing 163 witnesses and expending an excess of 2500 investigative hours, the California Bureau of Investigation determined that Mr. Jackson was not injured at the hands of Santa Barbara Sheriff's Department personnel. The investigation also concluded there was no

**criminal conduct on the part of Sheriff's Department personnel during their contact with Mr. Jackson.**

**The Attorney General's Office is to be commended for their efforts in conducting this lengthy and very exhaustive investigation. The importance of this independent investigation cannot be underestimated. The reputation of the Santa Barbara Sheriff's Department and of our fine Corrections Officers and Deputies is not something to be taken lightly. The findings of the Attorney General's Investigation have provided a clear vindication of our personnel who were involved in the arrest and booking of Mr. Jackson.**

**We at the Santa Barbara Sheriff's Department pride ourselves in our professional service ethic. Clearly, Mr. Jackson was no exception to the exercise of this particular ethic on the part of those members of our Department who dealt with him during his arrest and booking.**

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**PROOF OF SERVICE  
(C.C.P. §§ 1013(a), 2015.5)**

**STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA**

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 105 East Anapamu Street # 201, Santa Barbara, California.

On August 12, 2004 I served a true copy of the **NOTICE OF MOTION AND MOTION OF JIM ANDERSON, SANTA BARBARA COUNTY SHERIFF, FOR AUTHORIZATION TO RELEASE ATTORNEY GENERAL'S CONCLUSIONS REGARDING ITS INVESTIGATION INTO DEFENDANT'S ALLEGATIONS OF MISTREATMENT AT THE SANTA BARBARA COUNTY JAIL** on the Interested Parties in said action by:

facsimile transmission to the person(s) indicated below:

Thomas A. Mesereau, Jr.  
Collins, Mesereau, Reddock & Yu, LLP  
(310) 861-1007

Steve Cochran, Esq.  
Katten, Muchin, Zavis & Rosenman, Lawyers  
(310) 712-8455

Robert Sanger, Esq.  
Sanger & Swysen, Lawyers  
(805) 963-7311

Thomas W. Sneddon, District Attorney  
Office of the District Attorney  
(805) 568-2398

depositing it in the United States Mail in a sealed envelope with postage thereon fully prepaid to the following:

Brian Oxman, Esq.  
Oxman & Jaroscak, Lawyers  
14126 E. Rosecrans Blvd.  
Santa Fe Springs, CA 90670

(State) I declare, under penalty of perjury, that the above is true and correct.

Executed on August 12, 2004 at Santa Barbara, California.



Estella Rios