

1 STEPHEN SHANE STARK, COUNTY COUNSEL
2 STEPHEN D. UNDERWOOD, CHIEF ASSISTANT (sbn 063057)
3 COUNTY OF SANTA BARBARA
4 105 E. Anapamu St., Suite 201
5 Santa Barbara, CA 93101
6 (805) 568-2950 / FAX: (805) 568-2982

7 Attorneys for Jim Anderson, Sheriff,
8 County of Santa Barbara

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

AUG 17 2004

GARY M. BLAIR, Executive Officer
By *Carrie K. [Signature]*
CARRIE L. WAGNER, County Clerk

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

12 **PEOPLE OF THE STATE OF**
13 **CALIFORNIA,**

14 Plaintiffs,

Case No: 1133603

**REPLY OF JIM ANDERSON,
SANTA BARBARA COUNTY
SHERIFF TO DEFENDANTS
OBJECTIONS TO
AUTHORIZATION TO RELEASE
ATTORNEY GENERAL'S
CONCLUSIONS REGARDING ITS
INVESTIGATION INTO
DEFENDANT'S ALLEGATIONS
OF MISTREATMENT AT THE
SANTA BARBARA COUNTY JAIL**

FILED UNDER SEAL

15 vs.

16 **MICHAEL JOE JACKSON,**

17 Defendant.

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

Assigned Judge: Hon. Rodney S.
Melville

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23 Jim Anderson, Sheriff, Santa Barbara County, submits the following in Reply to
24 the Defendant's Objection and Response to the Sheriff's Request for Authorization to
25 Release the Attorney General's Conclusions Regarding its Investigation into
26 Defendant's Allegations of Mistreatment at the Santa Barbara County Jail.

27 COUNTY COUNSEL
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101
28 (805) 568-2950

Unsealed per Order dated 9/28/04

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2 **THE DEFENDANT SHOULD NOT BE PERMITTED TO HIDE BEHIND THE**
3 **PROTECTIVE ORDER TO PREVENT THE ATTORNEY GENERAL'S REPORT**
4 **FROM RELEASE**

5 The defendant has the facts all wrong here. First, the prosecution had
6 nothing to do with the Sheriff's request for release of the Attorney General's
7 investigation, it was filed by the Sheriff through his legal counsel, County Counsel.
8 Second, the investigation by the Attorney General is independent of the prosecution
9 of Michael Jackson and relates solely to his claim of mistreatment while in the Santa
10 Barbara County Jail. Third, the manner in which persons who are taken into custody
11 by the Sheriff, and the treatment of persons while in jail are clearly matters of public
12 concern. Finally, the Attorney General is independent of the local prosecutor and
13 local law enforcement.¹

14 Mr. Jackson went on national television on one of the most widely viewed
15 television programs, 60 Minutes, and proclaimed to millions of viewers that he was
16 manhandled and mistreated while in the Santa Barbara County Jail. These were
17 serious charges. The Sheriff took them seriously. They could lead to the filing of a
18 civil action. They needed to be investigated. The Sheriff does not need a formal
19 citizens complaint to initiate an investigation, and when, as here, his department and
20 its employees are so maligned, he proceeded to have the claims investigated.

21 What were his alternatives? He could have ignored the claims, but what does
22 that say to his staff and the citizens of Santa Barbara County. He did respond and
23 say the charges were false, but that still would not have placated many in the
24 community. He could have conducted his own internal investigation. And if his staff
25 were exonerated, many would claim that was simply a "whitewash." He could have
26 asked the District Attorney to conduct the investigation, but of course, in this case

27 ¹ The Attorney General supervises the local District Attorney's Offices [Cal. Const. Art. 5 § 13].
28 However, prosecutorial decisions are made at the local level and the state's District Attorneys have
significant autonomy in the manner in which they conduct their business.

1 any exoneration would have been ridiculed, like the "stacked deck" comment made
2 by the defense in their objection. He could ask the highest law enforcement official
3 in the state, the Attorney General, to do it. That is what they do and that is exactly
4 what the Sheriff did.

5 The investigation is complete. The Sheriff wants the public to know his
6 officers conducted themselves appropriately. Whether favorable or unfavorable, the
7 Sheriff would still be asking for the report's release. The public would demand it.

8 While the defense can characterize the Attorney General's investigation as
9 "flawed" from the outset, that has nothing to do with whether or not the public has a
10 right to know the outcome, or whether it falls within the scope of the protective
11 order. The citizens of this County have a right to know the Sheriff was cleared of
12 having mistreated or abused Mr. Jackson. The Attorney General did his job – he
13 conducted the investigation, his office interviewed over 163 persons and the
14 investigation totaled over 2500 hours. The people of this County should be able to
15 know what the Attorney General concluded.²

16 Mr. Jackson asserts he was "unable to participate in the investigation." That
17 of course is ludicrous. Whenever anyone makes a complaint against the Sheriff's
18 Department, the first thing investigators do is attempt to interview the complaining
19 party. If that person, for whatever reason, declines to be interviewed, the
20 investigators proceed with interviewing those who will speak to them. It is the
21 complaining person's choice – however, they should not be able to hide behind their
22 non-participation to prevent the investigation from seeing the light of day. Mr.
23 Jackson could have provided his side of the story to investigators, and could have
24 done so with legal counsel present. He chose not to.³

25 _____
26 ² It appears the media is already aware of the Attorney General's conclusions. The Attorney General's
27 letter was posted on CBS at http://www.cbsnews.com/htdocs/pdf/michael_jackson_cbs.pdf over the
28 weekend.

³ Interestingly, the defense claims to have conducted its own investigation into the matter. Why
would they refuse to share that information with the Attorney General? If they have evidence of
mistreatment, they should have provided it.

1 Rather, Mr. Jackson made a claim – before millions of people, that he was
2 abused. He showed the world his bruises, and attributed them to the brutal tactics
3 of Santa Barbara County Sheriff's personnel. He should not now be able to assert his
4 lack of participation in the process as a reason to prevent release of the report.

5 He also claims the investigations and conclusions of the Attorney General are
6 witness statements that the Court has ordered not released. The statements made
7 have nothing to do with the charges against Mr. Jackson. The witnesses purportedly
8 made statements about whether or not they saw any mistreatment, or whether there
9 were signs of mistreatment. That is not connected with the pending child
10 molestation charges.

11 The Sheriff made the within motion because he did not want to violate this
12 Court's protective order.⁴ Arguably it does not.

13 The Sheriff is not seeking to release any purported extrajudicial statement of
14 either the defendant or witnesses "relating to this case." [Protective Order ¶ 1] He is
15 not seeking to release any document, exhibit, photograph or evidence the
16 admissibility of which may have to be determined by the Court. [¶ 2] He is not
17 making any statement as to the existence or possible existence of any document,
18 exhibit, photograph or evidence the admissibility of which may have to be
19 determined by the Court. [¶ 3] He is not seeking to be able to express outside of
20 court an opinion as to the weight, value, or effect of any evidence as tending to
21 establish guilt or innocence. [¶ 4] He is not seeking to make any statement outside
22 of court as to the content, nature, substance, or effect of any statements or
23 testimony that have been given or is expected to be given in any proceeding in or
24 relating to this matter. [¶ 5] He is not issuing a statement as to the identity of any
25 prospective witness or a witnesses probably testimony, or the effect thereof. [¶ 6]
26 Finally, he is not seeking to make any out of court statement as to the nature,

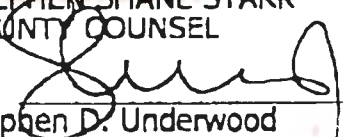
27 ⁴ The Sheriff is being cautious and seeking this Court's permission to release the report – he did not
28 want to release the report and have there be the claim his ulterior purpose was to taint the jury pool,
or to aid the prosecution.

1 source, or effect of any purported evidence alleged to have been accumulated as a
2 result of the investigation of this matter. [¶ 7]

3 **CONCLUSION**

4 The Sheriff simply wants to release the Attorney General's conclusions that,
5 after an exhaustive investigation, his personnel did not mistreat Mr. Jackson while he
6 was in the custody of the Sheriff's Department on November 20, 2003.

7 Dated: Aug 17, 2004

8 STEPHEN SHANE STARK
COUNTY COUNSEL
9 
By _____
10 Stephen D. Underwood
11 Chief Assistant County Counsel
12 Attorneys for Jim Anderson, Sheriff,
13 COUNTY OF SANTA BARBARA

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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 17, 2004 I served a true copy of the **REPLY OF JIM ANDERSON, SANTA BARBARA COUNTY SHERIFF TO DEFENDANTS OBJECTIONS TO 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 17, 2004 at Santa Barbara, California.



Estrella Rios