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***** PRESS RELEASE *****

FROM: Thomas W. Sneddon, Jr., District Attorney
Santa Barbara County

DATE: February 6, 2003

RE: Michael Jackson BBC Broadcast

The purpose of this press release is to balance the widespread public interest in the position of the Santa Barbara County District Attorney's Office relative to the recent BBC program on Michael Jackson with the operational needs of this office to continue to function under the onslaught of media inquiries from around the world and nationally.

I believe the following information should answer the most obvious and pressing questions raised by the recent Michael Jackson BBC interview.

1. The Status of the Prior Investigation. A number of years ago at a press conference in Los Angeles with the then L.A. County District Attorney, Gil Garcetti, we described the investigation as "open, but inactive." It was stated that the case could be reactivated upon the discovery of new, credible evidence or victims willing to cooperate. Nothing has changed. The investigation remains "open, but inactive."
2. The Response of the District Attorney and Sheriff's Department to the BBC Video. After conversations with Sheriff Jim Anderson, it was agreed that the BBC broadcast would be taped by the Sheriff's Department. It is anticipated that it will be reviewed. Judging from the media inquiries received by this office and by press excerpts of the video, it appears that the major focus centers on Jackson's statements revealing he slept in the same bed with children.

The conduct of any adult under these circumstances sleeping with a child is certainly calculated to raise concerns and be considered by most reasonable people as unusual at best. For this reason all local departments having responsibility in this are taking the matter seriously. On the other hand, these same departments' authority are specifically defined by California's Penal Code and related statutes. These by necessity must define the scope and direction of any investigation. Many of the media inquiries suggest there has already been a mental leap of misbehavior suggested by this unusual conduct. Mental leaps of misbehavior are not acceptable as legal substitutes for credible, cooperative victims or percipient witnesses.

It is for that reason that we encourage anyone who may be a victim or has credible evidence that a crime may have been committed contact the Department of Social Services Hotline (800) 367-0166, or Santa Barbara County Sheriff's Department Sgt. Phil Willis at (805) 681-4053.

3. California Law Relative to Adults Sleeping with a Child. The relevant California Penal Code sections dealing with misconduct by an adult with a child are found in Penal Code sections 288, 647.6 and 314.1 and 803(g). A review of these sections reveals that the act of an adult sleeping with a child without more is insufficient to warrant a filing or support a conviction. I direct your attention to these sections. If you read them you will notice that in each instance they require affirmative, offensive conduct on the part of the perpetrator and a mental state that accompanies any touching that may occur. The mere act of sleeping in the same bed with a child alone without either a touching and the required mental state would not satisfy the statutory requirements. Furthermore, while Section 803(g) allows prosecution of offenses which occurred beyond the statute of limitations, it requires as a prerequisite that the victim initiate the request to investigate by reporting the allegations to law enforcement.
4. The Video and Welfare and Institutions Code 300 Investigations. Welfare and Institutions Code section 300 investigations are within the purview of the Child Protective Service Division of the Department of Social Services. By law those investigations are confidential and not subject to disclosure.
5. California Law and a Child/Victim's Right to Refuse to Testify and Cooperate in Investigations. Under California law a child/victim must voluntarily cooperate with law enforcement. Neither testimony nor an appearance in court can be mandated. Therefore, an investigation without a cooperative victim or a percipient witness to establish the corpus for a crime is not prosecutable. While it may seem strange that even if a person made an admission or a confession, under California law without a witness or other evidence to establish the corpus there is no case. See CALJIC Instruction 2.72.
6. Communications on Further Developments. As I indicated at the beginning of this press release, I am attempting to balance the public's interest in this situation with this office's ability to fulfill its other important responsibilities to this county. I am asking that you please not waste your time, your money and my staff's time calling. If it is deemed appropriate at some future date to hold a press conference, the notice like any other releases or further developments in this case, will be posted on our website. The website address is www.countyofsb.org/da.