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March 29, 2007

The Honorable Russell D. Scott
2007 Presiding Judge of the Superior Court
County of Monterey
240 Church Street
Salinas, CA 93901

A handwritten signature in blue ink, enclosed in a blue oval. The signature appears to be "RS" followed by "4/19".

Subject: Response to the 2006 Grand Jury Final Report

Dear Judge Scott:

Please accept the following information as the City of Seaside's response to the 2006 Monterey County Civil Grand Jury Final Report. The responses were approved by the City Council at their meeting of March 1, 2007.

Section 7 – Elected Officeholders Residency Requirements

Findings

F7.1 Review of "Monterey County Petition In Lieu of Filing Fee" and "State of California, County of Monterey Voter Registration" forms showed that two members of the Board of Supervisors, one Mayor, and two City Council members listed a business address as their residence.

RESPONSE - The respondent takes no position on this finding.

F7.2 Visual surveys of residences of all Supervisors, Mayors, and City Council members who listed their business address as their address of residence indicated that all of one appeared to be a residence in addition to being a business. The one exception was a Pacific Grove City Council member who listed a business address that could not possibly be a residence.

RESPONSE - The respondent takes no position on this finding.

Recommendations

R7.1 The City Attorney of each city in conjunction with the Monterey County District Attorney should review and determine the residency of its Mayor and City Council members. If any Mayor or City Council member is found not to meet the residency requirements for elected public office as required by the city's charter or general law, the Mayor or Council member should be required to vacate his or her office.

RESPONSE: The City Attorney of the City of Seaside has reviewed the residency of each City Council member and determined that all were legal residents at the time of their election, and all are currently legal residents of the City of Seaside. The City Attorney's report, dated February 16, 2007, was submitted to the Grand Jury under separate cover.

Section 12 – Use of Tasers by Law Enforcement Agencies

Findings

F 12.1 The use of Taser weapons is an effective and reasonable non-lethal mechanism to facilitate the control of and to assure compliance of physically combative suspects.

RESPONSE - The respondent agrees with the finding.

F 12.2 Taser weapons are generally utilized to subdue suspects who are on illicit drugs or alcohol, have a mental illness, or through a combination of these factors are either oblivious to or highly resistant to pain. Pepper spray and other non-lethal weapons may not be effective in these cases.

RESPONSE - The respondent agrees with the finding.

F 12.3 In the case of a fatality allegedly caused by the employment of a Taser weapon, reported by the Police Department of Salinas, the use was justified under the circumstances described in the police report provided.

RESPONSE - The respondent takes no position on this finding.

F 12.4 All Monterey County law enforcement agencies that utilize the Taser have demonstrated compliance with their agencies' Taser policies and procedures.

RESPONSE - The respondent agrees with the finding as it relates to the Seaside Police Department.

F 12.5 Taser utilization has generally limited physical harm to law enforcement officers dealing with belligerent suspects.

RESPONSE - The respondent agrees with the finding.

F 12.6 The use of Taser weapons by Monterey County law enforcement agencies has reduced the need for officers to use deadly force in dealing with belligerent suspects.

RESPONSE - The respondent agrees with the finding.

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F 12.7 The use of Taser weapons by Monterey County law enforcement agencies has reduced physical harm to belligerent suspects.

RESPONSE - The respondent agrees with the finding.

Recommendations

R 12.3 All Taser-using agencies should evaluate the use of the "Taser-cam."

RESPONSE: Agree. The Seaside Police Department will evaluate the use of the Taser-cam.

During the public discussion regarding the City's response to the Grand Jury, members of the NAACP and LULAC expressed concern about the use of tasers. In addition, they offered to share information that they have gathered regarding the subject with the Grand Jury.

I would like to thank the Grand Jury for their work and the opportunity to respond.

Sincerely,



Ralph Rubio
Mayor