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Lamorinda Officials Weigh in on Unbalancing the Scales of Justice

By Cathy Tyson

What a difference seventeen district attorneys make. Starting May fourth, possession of drugs, shoplifting, and vandalizing won't be prosecuted, unless funding can be found by the County Board of Supervisors to continue salaries for these civil servants. Due to budget cuts, six district attorneys that currently prosecute criminals in Contra Costa County will be let go at the end of April and eleven more will leave at the end of the year.

"We can no longer continue to prosecute all crimes as we have in the past," said District Attorney Robert Kochly in a statement. He notes that the prosecution unit handling felonies will be downsized and reorganized, but the changes only involve drug cases. "We will no longer accept for review nor will we file, any simple possession cases that fall below certain thresholds," that translates to less than a gram of methamphetamine or cocaine, less than half a gram of heroin.

Even more drastic changes will affect misdemeanor cases. While crimes like D. U.I., domestic violence restraining orders, firearm weapon cases, vehicular manslaughter and sex crimes will continue to be prosecuted, misdemeanor drug offenses, non-D.U.I driving or traffic offences, simple assault or battery cases and more will not be reviewed.

Moraga Chief of Police Bob Priebe was taken aback by the District Attorney's decision, "I didn't think I would see something like this in my lifetime," said Priebe on April 22.

Moraga Town Manager Mike Segrest shared in the Chief's worry, "I'm very concerned by this decision," he said, "it puts us in an awkward position because we have to enforce the law and arrest people, but the consequences are changed." Segrest believes that the decision sends the wrong message to the community as it removes a deterrent to crime, but he didn't know as of April 22 what could be done to mitigate the impact. "I have been talking to other communities and there is a lot of discussion and a lot of concern out there," he added. He expects that the Council will discuss the issue at a future meeting in May.

In the meantime, Priebe wanted to reassure the community that he and his team would continue "business as usual." "From a law enforcement standpoint there will be no difference whatsoever in the way we conduct ourselves," firmly stated the Chief, "people will be arrested, we will take evidence and the cases will be prepared for prosecution." Priebe explained that the District Attorney has up to a year to prosecute the misdemeanor cases that are sent its way, "my hope is that this situation will be turned around and cases will ultimately be prosecuted." The Moraga Police Department will monitor and document the impact of the change.

In Lafayette, Mayor Don Tatzin was equally incensed, "We view this policy as a significant breakdown of our criminal justice system. If lawbreakers will not be charged, it creates perverse incentives, none of which is likely to be positive for the community," stated an April 21 letter to Susan Bonilla, Chair of the Contra Costa Board of Supervisors. "In short, Mr. Kochly's instructions are unacceptable. However, we believe they emanate from budget decisions made by the Board of Supervisors. We urge the Supervisors to take the steps necessary to ensure that laws necessary for a civil society are enforced in Contra Costa County."

Chief Mike Hubbard of Lafayette wanted to reassure residents, "This will not affect the citizens of Lafayette. We still have a responsibility to enforce the laws of

the State of California and we will do that with the same fervor that we always have."

Orinda Chief of Police, Bill French agreed, "We have an obligation to answer calls for service and do pro-active police work - that's what citizens expect. People will still go to jail. We arrest and the District Attorney prosecutes."

Having just learned about this, Orinda Mayor Sue Severson commented, "The proposed cuts will have significant negative implications for Orinda police and public safety services."

Sophie Braccini contributed to this article

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