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Orinda Supports Creation of Lamorinda Community Court

By Victor Ryerson

Responding to an inquiry from the Contra Costa County Grand Jury, the Orinda City Council has voted to support the creation of a new Community Court to resolve low-level criminal matters such as petty theft, vandalism and alcohol-related offenses, as well as juvenile cases. The program, which is already in place in Walnut Creek, Concord, Pittsburg and San Ramon, is designed to relieve the burden on the Superior Court and District Attorney by reducing the number of formally filed cases. It is also a way to "bring the power of the justice system to the local level," according to the Grand Jury's report on the program.

Participation is voluntary, but offers a person arrested for a qualifying offense the opportunity to avoid the risk of having a criminal conviction on his or her record. The way it works, as explained to the council by Orinda Police Chief Mark Nagel, is that after the arrest, the police department determines whether to offer participation in Community Court as an alternative to sending the case to the District Attorney for possible prosecution. If the offer is made and the arrestee accepts, no formal charges are filed with the District Attorney at that time, and the matter goes to an informal hearing before a Community Court hearing officer (one of two specially trained attorneys who work for private contractor Community Court Service Co.), who issues a directive that may include a fine, restitution, community service, and/or counseling. If the participant agrees to the terms, criminal charges are not filed. Upon completing the program, no record of conviction is placed on the participant's criminal history, although the arrest record remains in some cases.

The participant pays a relatively modest administrative fee (\$100) for participation, but this fee might be waived in certain instances, according to Nagel. The participant may also terminate the process at any time and opt to have the case handled in court, in which event formal charges could be filed. Nagel cites as one significant benefit the fact that Community Court can "absolutely" substitute for a juvenile diversion program, which Orinda needs.

All three Lamorinda cities were polled by the Grand Jury about creating a Community Court program. There was concern that the qualifying caseload was insufficient in each city - about 8 to 10 per month - to justify the program. As a result, the three cities decided to join forces and consider the creation of a Lamorinda Community Court, rather than a separate court for each, and the Moraga and Lafayette city councils are also considering the program. The hearings, requiring about one to two hours per month, would be rotated among the three communities. Nagel stated that the Orinda Police Department could absorb the program requirements with existing police staff, and that there would be no cost to the city, because the program is self-supporting.

"This is a fabulous idea," said Council Member Amy Worth enthusiastically, an "opportunity to bring [the justice system] home." Other council members agreed, one emphasizing that it would provide a better alternative than Superior Court for youthful offenders, who "do stupid things."

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