

Fending off petty thieves

By Lisa Vorderbrueggen
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If last week's political theater over Contra Costa County's financial wherewithal to prosecute shoplifters and petty thieves is any indication, the cannibalization has begun.

County agencies have always competed for dollars, of course.

But as money dries up faster than spit on a Brentwood sidewalk in August, county agency chiefs are increasingly engaging in Darwinian budget maneuvers.

The most blatant survival strategy so far surfaced after news broke about District Attorney Bob Kochly's two-page memo, where he delineated to the county's police chiefs all the crimes his office could no longer afford to prosecute.

Don't bother, he told the chiefs, to submit cases where the perp has a measly gram of cocaine or a couple of "mama's little helpers." And he no longer had staff to prosecute shoplifters and traffic offenses, either.

Right on cue, angry people began calling the county Board of Supervisors, which controls Kochly's budget.

The supervisors say they had no idea Kochly intended such affronts to civilized society.

Yes, they remember when Kochly told them in

March that their budget cuts would result in a 45 percent reduction in misdemeanor prosecutions.

But they thought Kochly was talking about petty stuff like public urination, graffiti and spitting on the sidewalk.

And in a private meeting with Contra Costa County Board of Supervisors Chairwoman Susan Bonilla, Kochly reportedly assured her that the restoration of more than half of the proposed cut — which the board later approved — would be enough to keep the lights on at the misdemeanor desk.

Did Bonilla misunderstand or did Kochly fail to communicate? Only they know.

Either way, Kochly sent the hot-button memo on April 20 to the police chiefs and forwarded it to the supervisors the following day.

A furious Bonilla scheduled a public flogging of Kochly on Wednesday that drew newspaper, television and radio reporters from all over the Bay Area.

Prosecutors and sheriff's deputies tapped into the media swarm with a news conference of their own.

They called on the board to fully fund shortfalls in their departments using dollars from what they view as lower priority services such as the county hospital.

The pitting of public safety against public health is a long-standing source of philosophical tension in Contra Costa. Space precludes a lengthy exploration of its history here, but suffice to say the shrinking budget has exacerbated the rift.

During the heated testimony before a room full of uniformed police chiefs, Kochly offered — and the

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board accepted — a stopgap measure that will keep misdemeanors flowing until the fall while everyone looks for "creative solutions."

Kochly's plan extends the contracts of a handful of cheaper, temporary attorneys.

And he magnanimously gave up 10 percent of his paycheck. Kochly is presumably referring to his district attorney salary of \$193,538 a year. As a former deputy district attorney, Kochly also collects a \$165,000 annual pension.

Kochly's \$19,000 personal contribution is admirable but it will not fix his department's fiscal woes, let alone those of Contra Costa and the rest of California's struggling counties.

Finance experts predict local government revenues will lag for several years and even when they begin to rise, it will take years, if ever, to reach previous levels.

Couple the recession with the county's generous pension benefits and watch the county's fiscal health drop into the red zone, according to projections from County Administrator David Twa.

In other words, it's going to get worse. A lot worse.

Let's hope Darwin was right and the county adapts before it perishes.

SEE BOB RUN? Misdemeanor memo madness has some folks wondering whether Kochly will run for a third term in 2010 or retire.

"I am firmly on the fence," Kochly said of his candidacy. "I would hate to leave the office in this situation but on the other hand, it gets harder to get up the morning when you had days like I have had lately."

Critics say Kochly's memo was the equivalent of an engraved invitation to criminals: "Come shoplift and use drugs in Contra Costa County!"

But others describe his move as a rare example of honesty from an elected official who, instead of glossing over his problems, told people the truth.

Either way, controversy always fuels interest.

Aside from Kochly, possible district attorney candidates are Concord Councilman and deputy district attorney Mark Peterson, former Contra Costa judge Dan O'Malley, and attorney, contractor and Contra Costa Community College District Trustee John T. Nejedly.

Peterson is a 24-year prosecutor who ran unsuccessfully in 2002 and will try again, he says.

Nejedly and O'Malley say they are considering it. Interestingly, both of their fathers were Contra Costa district attorneys.

Of the two, Nejedly is the bigger longshot. He has been a lawyer only 18 months, has never been a prosecutor and has had some well-publicized difficulties in his personal life.

O'Malley, in contrast, spent more than a decade as a prosecutor before being elected as Contra Costa Superior Court judge. He is currently in private practice.

But O'Malley isn't keen to run against Kochly.

"I left the (judge position) with the intention to run for district attorney when Kochly was done," O'Malley said. "Bob is a friend and, ideally, I wouldn't run against him and violate a friendship."

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In the 10th Congressional District race, Lt. Governor John Garamendi receives labor endorsements in a move to counteract strong union support from rival state Sen. Mark DeSaulnier, D-Concord.

Contra Costa firefighters defer raises for two years.

Watch videos of the news conference with representatives of the Contra Costa District Attorneys Association and Deputy Sheriff's Association.

Reach Lisa Vorderbrueggen at 925-945-4773, lvorderbrueggen@bayareanewsgroup.com or www.ibabuzz.com/politics .

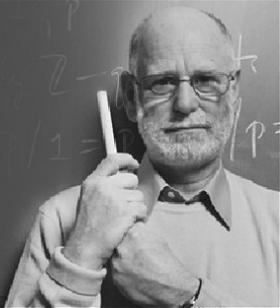
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