

## City prosecutions of minor crimes unlikely, county DA says

By Matthias Gafni  
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MARTINEZ -- To even think about transferring misdemeanor prosecutions from the county to city attorneys, all or nearly all of Contra Costa's 19 cities would have to participate, the district attorney said today.

And that's not likely, said District Attorney Robert Kochly at this morning's meeting of the county supervisors' public protection committee.

"My office is the most cost effective way for those services to be provided," he told the attendees in a spirited brainstorming discussion of ways for the county to keep prosecuting certain misdemeanor crimes.

The issue arose when Kochly announced that because of budget related staff cuts, his office would no longer be able to prosecute a number of misdemeanor crimes.

He and supervisors on April 29 averted an immediate change by saving six contract prosecutors for the remainder of the year. The pact maintained current misdemeanor prosecution procedures and the two sides vowed to find a permanent solution over the next four months.

On Tuesday, Kochly presented some options --

volunteer attorneys, diversion programs and city misdemeanor prosecutions. However, he warned most would provide little cost savings. In fact, Kochly said his office has few inefficiencies left to firm up.

The county already participates in the fixed-term employment program, which has saved the county millions of dollars in its 30-year history, Kochly said. Contra Costa deputy district attorneys are guaranteed employment only for three years. Then they take an exam and are ranked. Based on performance and funding, only a certain number enter the permanent ranks. Last year, the county hired three of eight candidates.

"We continually turn over attorneys before they start making a lot more money," Kochly said. "I think it has served this county tremendously over the years," he said.

Kochly's office reviewed about 21,000 misdemeanor cases last year, filing for prosecution of 11,000. The breakdown for a typical year: DUI cases, 40 percent, non-DUI traffic offenses, 17 percent; petty theft, 17 percent; drugs, 10 percent; and domestic violence, 5 percent.

Concord police chief Dave Livingston, representing the county's police chiefs, said he opposed moving prosecution duties to city attorneys.

Walnut Creek city attorney Paul Valle-Riestra said he did not have the training to conduct criminal prosecutions.

"This is a moral, if not legal obligation for the county to prosecute," he said.

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## Misdemeanor data

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Source: Contra Costa County District Attorney's Office

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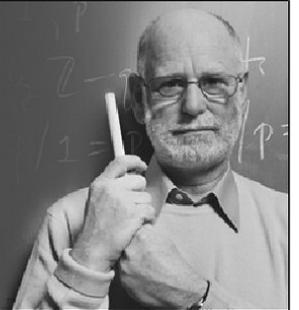
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