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DA Candidate: Marin County

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Mass Incarceration

1. Do you agree that prosecutors' practices have contributed significantly to mass incarceration? Please select "Yes" or "No" and provide an explanation.

Yes

Here's Why

Yes - Assuming that "prosecutor's practices" means following the laws which prosecutors are required to consider and apply. Mass incarceration is the result of the sentences imposed by judges and juries, by municipal and county governments which allocate funds for law enforcement and oversee the hiring and training of law enforcement officers, by defense attorneys who represent the accused and who often settle pre-trial, by legislators who make the laws, by the individual actions of convicted offenders, and by the overall quality of life of a community in terms of educational and professional opportunities. Because high incarceration rates are due to many causes, lowering incarceration rates is a collaborative effort.

2. Will you commit to implementing practices that will reduce the jail population and reduce state prison commitments by a specific percentage by the end of your first term? Please select "Yes" or "No" and provide explanation. If "Yes", please identify your goal and what specific combination of reforms you anticipate will achieve this goal.

No

Here's Why

No - I am committed to implementing practices that would reduce the prison population. But I cannot commitment to a specific percentage prior to knowing what that percentage is. Further, the nature of the crimes involved may not allow for a requested reduction. Prosecutorial discretion is always a factor in the equation of how to handle each and every case that crosses our desk. Are we including cases involving Murder, Sexual Assault, Domestic Violence and Human Trafficking? To promise a reduction of persons incarcerated for those crimes would be difficult without specific and factual information. The safety of the community and the persons incarcerated are paramount in the equation. Locally, Marin County has a robust pre-trial diversion program as well as a

Youth Court program that diverts youth and adults from our jail. We currently offer a very successful 12-week program called "Thinking for Change" to our jail population. Many who graduate from the program don't return to jail, thanks to the program. Housing and treatment for those who go through the revolving door of justice will greatly reduce the jail population. We need to follow the lead of counties such as Sonoma County, who have provided wrap-around housing and treatment with great success. For example I would model a Marin County Program after the "Palms" project in Sonoma County. For the current jail and prison populations, I would encourage and expand programs such Guiding Rage Into Power (GRIP) program.

3. In the last ten years, the California District Attorneys Association has opposed all criminal justice reform measures at the ballot and most in the legislature. Will you commit to breaking with the CDAA and supporting reforms to reduce reliance on incarceration in the Legislature and the ballot box? Please select "Yes" or "No" and provide an explanation.

No

Here's Why

No - I would support reasonable criminal justice reform measures even if the CDAA opposed it. However, I cannot issue a blanket opposition or support to all unknown future, and yet to be drafted or submitted, measures. I would consider each measure on a case by case evaluation and submit my independent opinion on each proposed measure

Standing Up to Police Misconduct

1. Will you swiftly, thoroughly and transparently investigate officer-involved shootings and police brutality and make your findings publicly available? Please select "Yes" or "No" and provide an explanation.

Yes

Here's Why

Yes - Not only would I promptly and openly investigate these cases; I believe delays in investigating and making public determinations on these cases erodes public confidence in both Law Enforcement and District Attorney's Offices. I have experience prosecuting high-profile cases. I was specifically chosen to prosecute a Deputy Sheriff in Sonoma County for a felony perjury offense because of my background as a police officer and extensive legal experience. The high-profile case took place during a contested election for District Attorney in Sonoma County. Despite this distraction I was successful in the prosecution. The defense attorney in that case has endorsed my candidacy for District Attorney.

2. If you believe there is a conflict of interest in an investigation (as described above), will you recuse your office and call for an independent investigation by the Attorney General of California? Please select "Yes" or "No" and provide an explanation.

Yes**Here's Why**

Yes - This assumes that the Attorney General's Office has committed the resources to conduct such investigations.

3. As a critical police accountability tool, will you commit to keeping a thorough Brady database that includes all incidents of officer misconduct fully available to defense? Please select "Yes" or "No" and provide an explanation.

Yes**Here's Why**

Yes - My office was at the forefront of making such disclosures and maintaining a database. This answer assumes there has been a determination of Police Misconduct or that there is evidence or information that falls under Brady and criteria (ie: not Police Misconduct but incidents or conduct of moral turpitude). The entire database is not discovered to the defense however, the information as to witnesses on a case by case basis is disclosed.

4. Unlike most other states, California makes police misconduct records confidential by statute, preventing even prosecutors from looking into the files without first getting a court order. Do you think California should allow public access to records relating to police misconduct? Please select “Yes” or “No” and provide an explanation.

No

Here’s Why

No - My answer to this question relates not just to law enforcement personnel records, but all employees’ personnel records. I believe access to all employees personnel records should only be accessed through some level of judicial or other review for the protections of all employees, whether they are teachers, nurses, doctors, or law enforcement officers.

Combating Racial Disparities

1. Will you commit to implement policies and practices to combat bias in decision-making within your Office, including in charging decisions, bail recommendations, diversionary program placements, and plea bargains – as well as in internal Office practices (i.e. regularly bringing in experts to train staff and prosecutors on implicit and explicit bias, prioritizing inclusive hiring and promotion, and ensuring the office not only has racial and ethnic diversity, but also diversity in gender, ability, health)? Please select “Yes” or “No” and provide an explanation.

Yes

Here’s Why

Yes - I would welcome the implementation of these suggested practices. However, this assumes sufficient access to the funds to implement the practices and a 100 percent buy-in by our County Administration.

2. Will you pledge to collect and post online quarterly statistical information disaggregated by race and gender on felony and misdemeanor charging decisions, convictions, declinations (to charge), and diversion program placements? Please select “Yes” or “No” and provide an explanation.

Yes

Here’s Why

Yes - This "dashboard" data transparency accessibility tool is already included in my platform as District Attorney.

3. Will you decline to file charges where an arrest evidence that the officer engaged in racial profiling or other racial bias? Please answer “Yes” or “No” and provide an explanation.

Yes

Here’s Why

Yes - However, all decisions will and must factually driven. In the case of a serious or violent provable offense, charges may be filed. At the same time, the Officer may be disciplined, or other action taken for the conduct by their employing agency. A jury, of course would be advised of the conduct. .

Reducing Gun Violence

1. Do you pledge to be a champion and supporter of gun violence reduction strategies proven to reduce shootings, rather than over-relying on prosecution that is both generally ineffective at preventing future violence and is likely to send disproportionately more black and brown young people to jail? Please select “Yes” or “No” and provide an explanation.

Yes

Here's Why

Yes - I support any and all efforts to reduce gun violence, however I would want to know what specific strategies are at issue before publicly committing to support a specific program.

Ending Poverty Penalties and Money Bail

1. Do you commit to ending the use of money bail in this County?
Please select "Yes" or "No" and provide an explanation.

Yes

Here's Why

Yes - But not without specific and funded options for alternatives. The reform must include the criteria set forth in the report to the Chief Justice and focus on Marsy's law as well as the safety of the victim and defendants.

2. Do you support eliminating money bail in California at the state level?
Please select "Yes" or "No" and provide an explanation.

Yes

Here's Why

Yes - Again provided specific and funded options which focus on Marsy's law and the safety of the victim and defendants.

3. Will you commit to develop and implement a plan to personally, regularly and meaningfully engage and communicate with all constituencies in your county, especially communities of color, the immigrant community, community-based organizations and criminal justice reform advocates, and to involve them in determining the priorities of your office within the first 100 days of your term? Please select “Yes” or “No” and provide an explanation.

Yes

Here’s Why

Yes - The core message of my campaign is connecting the community to the courthouse. This was inspired by the need to reduce crime and increase public safety through community outreach and participation. Crime rates do not tell the entire story. We cannot be misled by a false sense of security when our fearful immigrant community is not reporting crimes and when our Senior Citizens are unaware they are being victimized. Without community trust, this problem will continue. The community needs to constructively interact with the District Attorney. This starts with a District Attorney who is present on a regular basis in the community. In addition, my office will have a designated liaison Deputy District Attorney (DDA) for each law enforcement jurisdiction. That DDA will also be partnered with a member of the District Attorney's Professional Support Staff. This team will be responsible for attending law enforcement briefings, social justice meetings, community forums, immigrant rights events, school forums, cultural events, “Not in our Town” Forums, Students against Gun Violence forums, Association meetings, and other community events. Further, I will have an open door policy and make myself available to meet with community members.

Ensuring Accessibility Transparency & Accountability

1. Will you pledge to publish on the Office website all policies, protocols, and MOUs regarding prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture, immigration considerations, and indigency determinations? Please select “Yes” or “No” and provide an explanation.

Yes

Here's Why

Yes - I believe wholeheartedly in transparency. However, some of these terms are over-broad and already published or will be published by my County. For example, bail policies and fines and fees are set by the Court. Also, the term "police-involved incidents" would include every case in our office.

Protecting Workers and Consumers

1. Will you pledge to create/expand a Conviction Integrity Unit and, as part of that process, compare current operations against the guidelines published by the Innocence Project in October 2015? Please select “Yes” or “No” and provide an explanation.

Yes

Here's Why

Yes - This assumes that staffing and funding is available for the Unit.

Protecting Immigrant Communities

1. Will you pledge to adopt a written policy and training which encourages prosecutors to consider the unintended immigration-related consequences of prosecutorial decisions at all stages of a case and to use their discretion to reach immigration-safe dispositions for noncitizens whenever it is possible and appropriate? Please select “Yes” or “No” and provide an explanation.

Yes

Here's Why

Yes – I will follow California’s sanctuary law. I have devoted a considerable amount of time working with the Immigrant Community and explaining the role of the District Attorney’s Office in keeping our Community safe. This has occurred on a personal and professional level where I have served as a presenter, as well as a supporter at Immigrant Rights Forums and Community meetings. My office has adopted progressive policies that do consider immigration consequences in dispositions of cases. My office will continue this commitment to the safety of everyone in our community

2. To protect immigrant crime victims, will you pledge to adopt and promote a written U Visa policy within your Office that includes a rebuttable presumption of helpfulness and the direction that U Visa certifications be completed regardless of whether charges were brought, a conviction was achieved, or the case has concluded? Please select “Yes” or “No” and provide an explanation.

Yes

Here's Why

Yes – The intent of U Visa is to strengthen the ability to investigate and prosecute crimes, like Human Trafficking and domestic abuse, committed against undocumented victims.

3. Will you refuse to cooperate and liaise with ICE? Please select “Yes” or “No” and provide an explanation.

Yes

Here's Why

Yes - But, the safety of everyone in the community is a priority. State law limits cooperation but includes exemptions for persons who have prior convictions for certain crimes, or who are arrested for certain violent crimes. In those cases I may not refuse to cooperate with ICE. The issue would be determined on a case by case basis under the confines of the statute.

Advancing Youth Justice

1. Will you commit to keeping all children out of adult court by pledging not to prosecute any minors as adults and by expanding the use of informal diversion and pre-filing diversion in juvenile cases? Please select “Yes” or “No” and provide an explanation.

No

Here's Why

No - The term "all" children is problematic. In general, I would be reluctant to seek prosecution of a juvenile in adult court. If I were to consider such a prosecution, I would not do so without speaking to the victim and or their family and fully exploring the specifics of the case, the nature of the charges and the juvenile offender. At first blush, a murder case could be considered for adult court, however, if the murder case involved self-defense, or a juvenile who suffered from mental health issues or drug addiction, that would likely result in a juvenile proceeding versus an adult proceeding. A pivotal factor would be the treatment and rehabilitation options available in each track. At the moment, both the juvenile and adult tracks are lacking in resources and programs. Recent law (Proposition 57) dictates that a Judge ultimately decides whether a juvenile may be prosecuted in adult court.

2. Recognizing that children and youth are categorically less culpable than adults, that they have less impulse control and that they possess profound capacity for transformation, will you decline to seek life without the possibility of parole for any person under 25 at the time of offense? Please select “Yes” or “No” and provide an explanation.

No

Here’s Why

No – Please refer to above answer. Further, there is a substantive difference between a 15 year old and a 24 year old defendant. Ultimately, each case needs to be judged on their individual merits.

3. Will you create or expand a Consumer Protection Unit in the Office to address labor violations – whether related to occupational safety and health or violations of basic laws, regulations or policies related to wages, hours or conditions of employment?

Yes

Here’s Why

Yes - I will defend worker rights and safety. As District Attorney I will improve cooperation between the DA’s Office, local police departments, other county departments, and outside entities to ensure that safety violations, wage theft, and similar cases are referred to the District Attorney for criminal and/or civil prosecution.

Death Penalty

1. Will you pledge to exercising your discretion never seek the death penalty? Please select “Yes” or “No” and provide an explanation.

No

Here's Why

No - I welcome the day when the death penalty is no longer the law in California. The death penalty is exceedingly rare in California, it has not been administered in over a decade. Additionally, no one convicted of a capital crime in Marin County has been executed since 1958. This is appropriate because the death penalty is the ultimate form of punishment and every effort must be made to ensure it is applied justly. That being said, the death penalty remains the law in California and this was reaffirmed by California voters in 2016 when Proposition 62 failed to pass statewide. I am running for DA to adhere to the law and apply it fairly. This means I cannot issue a blanket pledge to never seek the death penalty or ignore existing laws. Every case must be judged individually and it is just as misguided to guarantee to never pursue a currently legal punishment, as it would be to promise more death penalty prosecutions if elected DA. The legislature and the governor, or the voters of California, or the California Supreme Court can all end the death penalty by legislative action, ballot initiatives or court rulings respectively. A County DA cannot.