



NEWS RELEASE

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No Charges in San Anselmo Hate Incident

Racist voicemails to town administrator didn't meet criteria to label it a crime

San Rafael, CA – Racist voicemails left on a town administration phone number in Marin County did not break the law and no charges will be filed, [Marin County District Attorney](#) Lori E. Frugoli said November 2.

The incident took place May 2021 and involved San Anselmo Mayor Brian Colbert, who is African American and has served on the Town Council since 2017. Three voicemails were left on a town phone line on a date when Town Hall was closed. In an angry voice, the caller used obscene racist language indicating displeasure with Colbert and the police department.

“The use of racist language is offensive and disgusting,” Frugoli said in a [video posted on the DA's website](#). “That kind of hate has no place in our society, and it has no place in Marin County. That is my personal opinion.

“As your District Attorney, I also have a professional responsibility to oversee legal opinions on thousands of cases every year following the strict guidelines of California law. My office has found that no laws were broken in this case.”

When they were discovered by town staff, the voicemails were reported to the Central Marin Police Authority, then the DA. The caller, who had left identifying information on the messages, was arrested on suspicion of making criminal threats. The caller spent two days at Marin County Jail as an incident investigation got underway and then was released from custody.

DA prosecutors [thoroughly vetted the evidence](#) as did members of an ad hoc committee on hate crimes, Frugoli said. Underlying crimes must be identified in order to qualify the incident as a hate crime, and the incident did not qualify based on state law; see [criteria on the California Attorney General's webpage](#).

The DA webpage [has more information](#) about the differences between a hate crime and a hate incident. The U.S. Constitution allows hate speech as long as it does not interfere with the civil rights of others. Acts such as insults, name-calling, display of hate materials on private property,



Contact:
Lori E. Frugoli
DISTRICT ATTORNEY

Marin County Civic Center
3501 Civic Center Drive
Suite 145
San Rafael, CA 94903
415 473 6450 T
CRS Dial 711

DA_Media@marincounty.org
[DA webpage](#)

display of hate material that don't result in property damage, and distribution of hate messages in public places are considered hate incidents.

Prosecutors will continue to evaluate reported incidents to see if underlying criminal behavior was motivated by hate. DA staff is obligated to follow strict guidelines to determine whether laws were broken before pursuing charges toward an accused person. For a criminal charge to be filed, the evidence must match the criteria for the crime at a legal standard of proof that is beyond a reasonable doubt.

"I want to make it clear that the Marin County District Attorney's Office encourages people to report possible hate crimes to their local law enforcement agencies," Frugoli said. "I assure you we take them seriously, and when they fit the criteria of a hate crime, we will vigorously prosecute them to the fullest extent of the law."

Anyone who might be a victim or a witness to a potential hate crime or incident should report the conduct to a local law enforcement agency.

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