[Development of Public Defender Documentary Media Project - Authorization to Enter Agreement - Even/Odd Films and Compound]

Resolution authorizing the Public Defender to develop and implement a documentary media project to create short films, photography, and other media documenting the work of the Public Defender’s Office (Office) and the experiences of its clients; to use that media to enhance the Office’s representation of clients and to distribute that media to educate the public about the operations and impacts of the criminal justice system; and to enter into an agreement with Even/Odd Films and Compound to set responsibilities for creation, distribution, licensing and ownership of the media, with an agreement term of five years to commence upon execution of the agreement.

WHEREAS, The Public Defender’s Office provides legal representation to any person accused of a crime in San Francisco who cannot afford to hire an attorney; and

WHEREAS, The mission of the Public Defender’s Office is to protect and defend the rights of its indigent clients through effective, vigorous, compassionate, and creative legal advocacy; and

WHEREAS, The Public Defender’s Office strives to provide the highest level of legal advocacy for over 20,000 clients each year and to be a nationwide model for the delivery of indigent defense services; and

WHEREAS, The Public Defender’s Office was established in 1921 by the Board of Supervisors, and, in its nearly 100-year history, has developed into one of the top public defender offices in the country; and Section 6.104 of the Charter now prescribes the Public Defender’s duties; and
WHEREAS, The Public Defender hired Jeff Adachi in 1987, as a Deputy Public Defender; Jeff Adachi became the elected Public Defender in January 2003 when he took office; and he was elected Public Defender four more times; and

WHEREAS, During his 16-year tenure as Public Defender, Jeff Adachi transformed the Public Defender’s Office into the national model for public defender work; and

WHEREAS, In addition to being a leader in the fight for racial and social equality, Jeff Adachi was also an acclaimed and award-winning filmmaker; and

WHEREAS, In 2018, Jeff Adachi envisioned a documentary film series documenting the work of the Public Defender’s Office to support the Office’s clients and to educate the public about its work and the impacts of the criminal justice system; and

WHEREAS, In November 2018, three months before Jeff Adachi’s tragic death, this Board unanimously adopted Resolution No. 399-18, authorizing the Public Defender’s Office to enter an agreement to create a documentary series about the work of the Office and its clients; and

WHEREAS, Although the Public Defender’s Office did not move forward with the documentary series that Jeff Adachi proposed in 2018 and did not execute the shopping agreement authorized in Resolution No. 399-18, the staff of the Office has continued to take strides to implement his vision of a documentary project regarding the work of the Office and the lives of its clients; and

WHEREAS, The Public Defender's Office, in collaboration with Even/Odd Films and the creative collective Compound, has developed a plan for a documentary media project that the Office intends to call the Adachi Fund (the “Project”) in memory and tribute to the legacy of Jeff Adachi; and

WHEREAS, The Project would produce short films with proposed visions for reform of the criminal legal system, and media documenting the lives and experiences of the Office’s
clients to be used by the Office during sentencing and disseminated to the public to inform a
greater understanding of the legal system; and

WHEREAS, The goal of the Project is to illuminate timely stories and unseen
perspectives of the United States criminal legal system through seminal documentary film,
videos and photojournalism that inform understanding of the human impact of “justice” on
communities, and influence our communal vision for an equal and just society; and

WHEREAS, Even/Odd and Compound have begun to raise funds for the Project in
consultation with the Public Defender’s Office, and Even/Odd has engaged a fiscal sponsor to
receive tax-exempt funds from private and foundation sources; and

WHEREAS, The Public Defender’s Office has not received any funding for the project,
but may in the future apply for and expend grant funds to support the Project, following the
requirements of the Administrative Code, and may seek to spend funds to advance the
Project, subject to the budgetary and fiscal provisions of the Charter; and

WHEREAS, Even/Odd intends to use any funds it receives from foundations or other
funders to contract and compensate filmmakers to produce this media, following open call
solicitations, and paying standard market rates; Compound intends to use any funds it
receives from foundations or other funders to contract and compensate communications
talent, as deemed necessary by the Public Defender’s Office; otherwise Even/Odd and
Compound intend to provide assistance to the Project without financial profit to either entity;
and

WHEREAS, Even/Odd and Compound will provide creative oversight for the Project,
consulting with the Public Defender’s Office; Even/Odd will manage filmmakers, provide at-
cost administrative services for the Project, including contracts, payroll, production insurance,
distribution licensing; and Compound will provide at-cost (i.e. reimbursement of costs incurred
at standard market-rate and without profit) communications assistance for the Project; and
WHEREAS, In addition to the use of media to assist the Public Defender’s Office in
sentencing and other client advocacy, the Office anticipates that media produced through the
Project will be distributed through various channels that could include film festivals,
community screenings, online and digital streaming, broadcast television, airlines, or other
transportation; and any gross revenues received by Even/Odd or Compound will be
reinvested in the Project to support additional media productions, such that neither entity will
receive profit from the distribution; and

WHEREAS, The Public Defender’s Office intends to enter an agreement with
Even/Odd and Compound (the “Agreement”) to memorialize the terms of the parties’
respective responsibilities in carrying out the Project; and

WHEREAS, The Agreement will include terms necessary to implement the Project as
described in this Resolution, and will have a term of five years; and

WHEREAS, The Agreement will provide that the Public Defender’s Office will retain
intellectual property rights to all media created through the Project, and Even/Odd and
Compound will receive a perpetual license for use of all media, as well as well as crediting as
sole founding partners of the Project and executive producers of the media with the Public
Defender’s Office; and

WHEREAS, The Agreement will provide that the Public Defender’s Office will have
ultimate approval authority over the content and use of the media; and

WHEREAS, A draft of the Agreement, in substantially final form, is available in Board
File No. 201224; and

WHEREAS, The Project will help San Franciscans and the members of the public
everywhere better understand the critical role that public defenders play in protecting the civil
liberties of all Americans and providing legal representation to those who need it; and
WHEREAS, The continuing crisis of excessive police violence across the country, and the national outcry about this violence, underscores the need for stories to be widely disseminated that humanize Public Defender clients; and

WHEREAS, Charter, Section 1.101 provides that all rights and powers of the City and County that are not vested in another officer or entity by the Charter shall be exercised by the Board of Supervisors; and

WHEREAS, The Charter does not vest in the Public Defender the right to develop and distribute a documentary media project or to enter agreements for that purpose; now, therefore be it,

RESOLVED, That the Board of Supervisors hereby authorizes the Public Defender to develop and authorize the distribution of a documentary media project regarding the work of the Public Defender’s Office and the lives and experiences of its clients, as described herein; and, be it

FURTHER RESOLVED, That the Board hereby authorizes the Public Defender, acting on behalf of the City and County of San Francisco, enter into an Agreement with Even/Odd and Compound subject to the terms set forth in this Resolution; and, be it

FURTHER RESOLVED, That within 30 days of the Agreement being fully executed by all parties, the Public Defender’s Office shall submit to the Clerk of the Board of Supervisors a completely executed copy of the Agreement for inclusion in File No. 201224.
Resolution authorizing the Public Defender to develop and implement a documentary media project to create short films, photography, and other media documenting the work of the Public Defender’s Office (Office) and the experiences of its clients; to use that media to enhance the Office’s representation of clients and to distribute that media to educate the public about the operations and impacts of the criminal justice system; and to enter into an agreement with Even/Odd Films and Compound to set responsibilities for creation, distribution, licensing and ownership of the media, with an agreement term of five years to commence upon execution of the agreement.

November 18, 2020 Budget and Finance Committee - RECOMMENDED

December 01, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 12/1/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved