

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

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

11  
12 WHEREAS, The Public Defender’s Office provides legal representation to any person  
13 accused of a crime in San Francisco who cannot afford to hire an attorney; and

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

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

20 WHEREAS, The Public Defender’s Office was established in 1921 by the Board of  
21 Supervisors, and, in its nearly 100-year history, has developed into one of the top public  
22 defender offices in the country; and Section 6.104 of the Charter now prescribes the Public  
23 Defender’s duties; and

1           WHEREAS, The Public Defender hired Jeff Adachi in 1987, as a Deputy Public  
2 Defender; Jeff Adachi became the elected Public Defender in January 2003 when he took  
3 office; and he was elected Public Defender four more times; and

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

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

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

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

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

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

24           WHEREAS, The Project would produce short films with proposed visions for reform of  
25 the criminal legal system, and media documenting the lives and experiences of the Office’s

1 clients to be used by the Office during sentencing and disseminated to the public to inform a  
2 greater understanding of the legal system; and

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

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

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

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

21 WHEREAS, Even/Odd and Compound will provide creative oversight for the Project,  
22 consulting with the Public Defender’s Office; Even/Odd will manage filmmakers, provide at-  
23 cost administrative services for the Project, including contracts, payroll, production insurance,  
24 distribution licensing; and Compound will provide at-cost (i.e. reimbursement of costs incurred  
25 at standard market-rate and without profit) communications assistance for the Project; and

1           WHEREAS, In addition to the use of media to assist the Public Defender’s Office in  
2 sentencing and other client advocacy, the Office anticipates that media produced through the  
3 Project will be distributed through various channels that could include film festivals,  
4 community screenings, online and digital streaming, broadcast television, airlines, or other  
5 transportation; and any gross revenues received by Even/Odd or Compound will be  
6 reinvested in the Project to support additional media productions, such that neither entity will  
7 receive profit from the distribution; and

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

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

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

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

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

22           WHEREAS, The Project will help San Franciscans and the members of the public  
23 everywhere better understand the critical role that public defenders play in protecting the civil  
24 liberties of all Americans and providing legal representation to those who need it; and

1           WHEREAS, The continuing crisis of excessive police violence across the country, and  
2 the national outcry about this violence, underscores the need for stories to be widely  
3 disseminated that humanize Public Defender clients; and

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

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

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

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

17          FURTHER RESOLVED, That within 30 days of the Agreement being fully executed by  
18 all parties, the Public Defender’s Office shall submit to the Clerk of the Board of Supervisors a  
19 completely executed copy of the Agreement for inclusion in File No. 201224.

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City and County of San Francisco

Tails  
Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 201224

Date Passed: December 01, 2020

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

File No. 201224

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

12.11.20

Date Approved