

File No. 201195

Committee Item No. 7

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date November 4, 2020

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Behested Payment Report, California Form 803</u> |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____   |
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Completed by: Linda Wong

Date October 30, 2020

Completed by: Linda Wong

Date \_\_\_\_\_

1 [Accept and Expend In-Kind Gift - University of San Francisco School of Law - Racial Justice  
2 Clinic Work - Estimated at \$250,000]

3 **Resolution authorizing the Office of the District Attorney to accept and expend an in-**  
4 **kind gift estimated at \$250,000 from the University of San Francisco School of Law's**  
5 **Racial Justice Clinic to hire two staff attorneys to support the District Attorney's efforts**  
6 **to evaluate and remedy cases involving a claim or excessive sentence or wrongful**  
7 **conviction.**

8  
9 WHEREAS, The San Francisco District Attorney will partner with University of San  
10 Francisco School of Law's Racial Justice Clinic to (1) reexamine cases involving  
11 excessive sentences under Penal Code, Section 1170(d); and (2) evaluate claims of  
12 wrongful conviction; and

13 WHEREAS, Under Penal Code, Section 1170(d), the District Attorney is  
14 empowered to vacate excessive sentences upon a showing of good cause; and

15 WHEREAS, Section 1170(d) is a powerful tool for reversing some of the harm done  
16 by the criminal justice system, but to wield its power effectively will require more staff and  
17 resources than the District Attorney's Office currently has available or can provide in the  
18 immediate future; and

19 WHEREAS, Similarly, San Francisco's all-volunteer Innocence Commission requires  
20 additional support to effectively evaluate of claims of claims of wrongful conviction; and

21 WHEREAS, In order to provide relief to any significant number of eligible  
22 incarcerated people, the District Attorney will need additional personnel and resources; and

23 WHEREAS, University of San Francisco School of Law's Racial Justice Clinic  
24 received gifts totaling \$250,000 intended by the donors to fund the hiring of two staff  
25

1 attorneys by the Racial Justice Clinic to support the District Attorney’s reexamination of  
2 cases to identify cases involving excessive sentences and wrongful convictions; and

3 WHEREAS, One attorney funded through this gift will work with the District Attorney  
4 to identify cases in which an excessive sentence has been imposed, and for which relief is  
5 therefore available under Penal Code, Section 1170(d); this attorney will: (1) screen,  
6 review, and evaluate cases eligible for relief under PC 1170(d)(1); (2) position qualifying  
7 cases for rapid review by the District Attorney’s Post-Conviction Unit; and (3) train and  
8 supervise clinic students to screen and review an even greater volume of eligible cases;  
9 and

10 WHEREAS, A second attorney funded through this gift will support the work of the  
11 Innocence Commission to evaluate cases in which an incarcerated person claims to have  
12 been wrongfully convicted; this staff attorney will allow the Racial Justice clinic to do three  
13 things: (1) train the students to help the Innocence Commission members in evaluating  
14 wrongful conviction claims—including any necessary follow up investigation; (2) ensure that  
15 the Commission members can efficiently and fairly evaluate as many claims as possible;  
16 and (3) serve as the primary drafter of the Findings of Fact Memorandum as well as any  
17 other documents authored by the Commission; now, therefore, be it

18 WHEREAS, No indirect costs are included by the Department to maximize the value  
19 of the service; now, therefore, be it

20 RESOLVED, That the Board of Supervisors approves the in-kind gift estimated at  
21 \$250,000 and authorizes the Office of the District Attorney to accept the support for the  
22 Racial Justice Clinic work from the University of San Francisco.

23  
24  
25

1 Recommended: Approved: /s/  
2 London N. Breed  
3 Mayor  
4 /s/  
5 Eugene Clendinen Approved: /s/  
6 Chief, Administration & Finance Ben Rosenfield  
7 for District Attorney Controller  
8 Chesa Boudin  
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**File Number:** \_\_\_\_\_  
(Provided by Clerk of Board of Supervisors)

**Gift Resolution Information Form**  
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend gift funds.

The following describes the grant referred to in the accompanying resolution:

1. Gift Title: **In-kind support for Racial Justice Clinic work**
2. Department: **Office of the District Attorney**
3. Contact Person: **Lorna Garrido** Telephone: **(628) 652-4035**
4. Gift Approval Status (check one):  
 Approved by funding agency                       Not yet approved
5. Amount of Gift Funding Approved or Applied for: **\$250,000 (in-kind support)**
6. a. Matching Funds Required: **n/a**  
b. Source(s) of matching funds (if applicable): **n/a**
7. a. Gift Source Agency: **University of San Francisco School of Law**  
b. Gift Pass-Through Agency (if applicable): **n/a**
8. Proposed Gift Project Summary: **To support the University of San Francisco School of Law's Racial Justice Clinic (RJC) to hire two staff attorneys to support the District Attorney's efforts to evaluate and remedy cases involving a claim or excessive sentence or wrongful conviction.**
9. Gift Project Schedule, as allowed in approval documents, or as proposed:  
Start-Date: **n/a**    End-Date: **n/a**
10. a. Amount budgeted for contractual services: **n/a**  
b. Will contractual services be put out to bid? **n/a**  
c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements? **n/a**  
d. Is this likely to be a one-time or ongoing request for contracting out? **n/a**
11. a. Does the budget include indirect costs?  
 Yes                       No  
b. 1. If yes, how much? **n/a**  
b. 2. How was the amount calculated? **n/a**  
c. 1. If no, why are indirect costs not included? **n/a**  
 Not allowed by granting agency                       To maximize use of grant funds on direct services  
 Other (please explain): **This is an in-kind support.**

c. 2. If no indirect costs are included, what would have been the indirect costs? **If calculated at 10% of the estimated in-kind gift amount, the indirect cost for this program would have been \$25,000.**

12. Any other significant grant requirements or comments: **None**

**\*\*Disability Access Checklist\*\*\*(Department must forward a copy of all completed Grant Information Forms to the Mayor's Office of Disability)**

13. This Grant is intended for activities at (check all that apply):

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Existing Site(s) | <input type="checkbox"/> Existing Structure(s)      | <input checked="" type="checkbox"/> Existing Program(s) or Service(s) |
| <input type="checkbox"/> Rehabilitated Site(s)       | <input type="checkbox"/> Rehabilitated Structure(s) | <input type="checkbox"/> New Program(s) or Service(s)                 |
| <input type="checkbox"/> New Site(s)                 | <input type="checkbox"/> New Structure(s)           |   |

14. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local disability rights laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Jessica Geiger  
(Name)

Facilities Manager  
(Title)

Date Reviewed: \_\_\_\_\_  
(Signature Required)

**Department Head or Designee Approval of Grant Information Form:**

Eugene Clendinen  
(Name)

Chief Administrative & Financial Officer  
(Title)

Date Reviewed: \_\_\_\_\_  
(Signature Required)



CHANGE THE WORLD FROM HERE

Professor Lara Bazelon  
USF School of Law  
Criminal and Juvenile Justice Clinic  
Racial Justice Clinic  
2130 Fulton Street, Kendrick Hall 211  
San Francisco, CA 94117  
Tel 415.422.6752  
Fax 415.422.2750

September 14, 2020

In re: *Donor Gifts for Staff Attorneys at the USF School of Law Racial Justice Clinic*

Dear District Attorney Boudin,

I am writing this letter to set forth the parameters of two \$125,000 gifts (a total of \$250,000) received by the USF School of Law's Racial Justice Clinic (RJC) from three donors to hire two staff attorneys to support my work and the work of the RJC students who will be assisting the SF DA Office's Sentencing Review Conviction Unit and Wrongful Conviction Unit, which is supported by an all-volunteer Innocence Commission.

1. RJC Staff Attorney for section 1170(d) cases

The SF DA's office has committed to reexamine cases involving excessive sentences under Penal Code section 1170(d). Under this law, the District Attorney is empowered to vacate excessive sentences upon a showing of good cause. Section 1170(d) is a powerful tool for reversing some of the harm done by the criminal justice system, but to wield its power effectively will require more manpower and resources than the District Attorney's Office currently has available or can provide in the immediate future. In order to provide relief to any significant number of eligible incarcerated people, the SRU will need additional personnel and resources.

For that reason, the RJC secured a gift of \$125,000 for a staff attorney to work on section 1170(d) cases at the USF Racial Justice Clinic. The funding is for a staff attorney who will: (1) screen, review, and evaluate cases eligible for relief under PC 1170(d)(1); (2) position qualifying cases for rapid review by the SRU; and, (3) train and supervise clinic students to screen and review an even greater volume of eligible cases.

The Vital Projects Fund has generously donated \$125,000 to fully fund this position. Here is the breakdown of the \$125,000 gift: The staff attorney's salary will be roughly \$85,000 and the benefits (medical, etc) are \$33,750. The remaining money, \$6,250 will be used for expenses. The salary is one hundred percent donor funded and the donors made their gifts to USF School of Law.

2. RJC Staff Attorney to support the work of the Innocence Commission

The Innocence Commission is tasked with evaluating cases where an incarcerated person alleges that he or she has been wrongfully convicted. The Commission members, all of whom have full-time demanding jobs, are committing their services *pro bono* because they understand the

importance of the work. IC will include an academic, a retired judge, a prosecutor from the SF DA's Office, a PD from the SF Public Defender's Office, an attorney with the Northern California Innocence Project, and a medical expert. If the Commission, after evaluating all of the available evidence and conducting any necessary re-investigation, votes by a majority to vacate the conviction, the Commission will write a detailed Findings of Fact and Conclusions of Law Memorandum that will serve as the basis for the DA to return to court to seek to vacate the conviction. While the DA will make the final decision, the DA will afford great weight to the determination of the Commission.

The Commission's work will require additional resources, including the hiring of a full-time staff attorney. As you well know, your office is bracing for severe budget cuts and has no resources to allocate to the Commission other than the part time service of an existing prosecutor who will take on the Commission's work as part of his or her existing responsibilities. The Wrongful Conviction Unit itself has only one attorney, again due to budget cuts and staffing shortages, and she has other responsibilities as well, including reviewing approximately 900 cases where prisoners may be eligible for resentencing and release.

In short, the Innocence Commission will be the laboring oar and will be empowered to make life altering decisions. Reinvestigating post-conviction cases involving credible claims of innocence requires hundreds if not thousands of hours.

Two generous donors have stepped forward to fund the staff attorney position that will allow the IC to do its work. The staff attorney, a junior attorney with experience in wrongful conviction work, will allow the RJC to do three things: (1) train the students to help the IC members in evaluating wrongful conviction claims—including any necessary follow up investigation; (2) ensure that the Commission members can efficiently and fairly evaluate as many claims as possible.; and (3) serve as the primary drafter of the Findings of Fact Memorandum as well as any other documents authored by the IC.

The first donor's gift of \$50,000, was received on September 3, 2020.

The second donor's gift of \$75,000 will be received within a week of the date of this letter. Her donor letter was signed on September 11, 2020.

The third donor's gift of \$125,000 for the section 1170(d) staff attorney position will be received by the end of September 2020.





UNIVERSITY OF  
SAN FRANCISCO

CHANGE THE WORLD FROM HERE

Professor Lara Bazelon  
USF School of Law  
Criminal and Juvenile Justice Clinic  
Racial Justice Clinic  
2130 Fulton Street, Kendrick Hall 211  
San Francisco, CA 94117  
Tel 415.422.6752  
Fax 415.422.2750

Here is the breakdown of the \$125,000 gifts: Each staff attorney's salary will be roughly \$85,000 and the benefits (medical, etc) are \$33,750. The remaining money, \$6,250 will be used for expenses. The salary is one hundred percent donor funded and the donors made their gifts to USF School of Law.

Sincerely,

A handwritten signature in brown ink that reads "Lara H. Bazelon".

Lara Bazelon  
Professor of Law  
University of San Francisco School of Law  
Director of the Racial Justice Clinic  
Phillip and Muriel Collins Barnett Chair in Trial Advocacy

**DRAFT**

**Behested Payment Report**

**A Public Document**

Behested Payment Report

<b>1. Elected Officer or CPUC Member</b> <i>(Last name, First name)</i>		Date Stamp	<b>California Form 803</b> For Official Use Only
Boudin, Chesa			
<b>Agency Name</b>	San Francisco District Attorney's Office		
<b>Agency Street Address</b>			
350 Rhode Island Street, San Francisco, CA, 94132			
<b>Designated Contact Person</b> <i>(Name and title, if different)</i>		<input type="checkbox"/> <b>Amendment</b> <i>(See Part 5)</i>	
Kelsey Russom, Confidential Executive Assistant		<b>Date of Original Filing:</b> _____ <i>(month, day, year)</i>	
<b>Area Code/Phone Number</b>	<b>E-mail</b> <i>(Optional)</i>		
(415) 948-1618	kelsey.russom@sfgov.org		

**2. Payor Information** *(For additional payors, include an attachment with the names and addresses.)*

Elizabeth Zitrin, Zitrin Foundation

Address	City	State	Zip Code
---------	------	-------	----------

**3. Payee Information** *(For additional payees, include an attachment with the names and addresses.)*

University of San Francisco School of Law's Racial Justice Clinic (RJC)

Name	2130 Fulton Street, Kendrick Hall 211		San Francisco	CA	94117
Address		City	State	Zip Code	

**4. Payment Information** *(Complete all information.)*

**Date of Payment:** September 11 2020 **Amount of Payment:** *(In-Kind FMV)* \$ \$75,000  
*(month, day, year)* *(Round to whole dollars.)*

**Payment Type:**  Monetary Donation **or**  In-Kind Goods or Services *(Provide description below.)*

**Brief Description of In-Kind Payment:** \_\_\_\_\_

**Purpose:** *(Check one and provide description below.)*  Legislative  Governmental  Charitable

**Describe the legislative, governmental, charitable purpose, or event:** RJC Staff Attorney to support the work of the Innocence commission

**5. Amendment Description and/or Comments**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**6. Verification**

I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete.

Executed on 09/14/20  
DATE

By   
SIGNATURE OF ELECTED OFFICER OR CPUC MEMBER

# Behested Payment Report

Form 803 is used by elected officers and members of the California Public Utilities Commission (CPUC) to disclose payments made at their behest, principally for legislative, governmental, or charitable purposes. This form was prepared by the Fair Political Practices Commission (FPPC) and is available at [www.fppc.ca.gov](http://www.fppc.ca.gov).

## When to File

File Form 803 within 30 days following the date on which the payment(s) meets or exceeds \$5,000 in the aggregate from a single source in a calendar year. (Section 84224.) Once a single source has made a behested payment of \$5,000 or more during the calendar year, subsequent payments of any amount from that source must be reported.

## Where to File

**State Officials:** The official's state agency must receive Form 803 within 30 days of the date the behested payment is made. Within 30 days after receipt of the report, the state agency must forward a copy to the FPPC at:

1102 Q Street, Suite 3000, Sacramento, CA 95811  
Fax: 916-322-0883 E-mail: [Form803@fppc.ca.gov](mailto:Form803@fppc.ca.gov)

**Local Officials:** The official's local agency must receive Form 803 within 30 days of the date the behested payment is made. Within 30 days after receipt of the report, the agency must forward a copy to the filing officer who receives the official's original campaign statements.

**General Information:** Behested payments are payments made principally for legislative, governmental, or charitable purposes under Government Code Section 82004.5. These payments are not for personal or campaign purposes. Generally, a donation is made at the behest if it is requested, solicited, or suggested by the official, or otherwise made to a person in cooperation, consultation, coordination with, or at the consent of, the elected officer or CPUC member. This also includes payments behested by the official's agent or employee on the official's behalf.

**Exception:** If the behested payment is made by a state, local, or federal government agency and is principally for legislative or governmental purposes, the payment does not have to be reported.

**Privacy Information Notice:** Information requested by the FPPC is required by and used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports and statements are public records available for inspection and reproduction. If you have any questions, please contact the FPPC's General Counsel at 1102 Q Street, Suite 3000, Sacramento, CA 95811 or (916) 322-5660.

## Instructions

**Part 1 - Identification:** Identify the official's name, agency, address, and contact information. Mark the amendment box if changing information on a previously filed Form 803 and include the date of the original filing.

**Part 2 - Payor Information:** Disclose the name and address of the person making the payment. A business address is acceptable.

**Part 3 - Payee Information:** Identify the name and address of the person receiving the payment. A business address is acceptable.

**Part 4 - Payment Information:** Disclose the payment date and amount using the fair market value (FMV) for donated in-kind goods or services. Check one box to identify the type of payment and provide a description if the payment is an in-kind good or service. Check one box to identify the purpose and provide a description.

**Part 5 - Amendment Description or Comments:** Complete this section if amending a previously filed Form 803 or to provide additional or clarifying information.

**Part 6 - Verification:** Date and sign the form under penalty of perjury.

## Example

On April 24, 20XX, at CPUC Member Tully's request, the ABC Corporation made a monetary donation of \$5,000 to the Boys and Girls Club.

<b>2. Payor Information</b> (For additional payors, include an attachment with the names and addresses.)			
ABC Corporation			
Name			
1234 Alpha Ave.	Sacramento	CA	95814
Address	City	State	Zip Code
<b>3. Payee Information</b> (For additional payees, include an attachment with the names and addresses.)			
The Boys and Girls Club			
Name			
5678 Bravo Blvd.	Sacramento	CA	95814
Address	City	State	Zip Code
<b>4. Payment Information</b> (Complete all information.)			
Date of Payment:	April 24, 20XX <small>(month, day, year)</small>	Amount of Payment: (In-Kind FMV) \$	5,000 <small>(Round to whole dollars.)</small>
Payment Type:	<input checked="" type="checkbox"/> Monetary Donation or <input type="checkbox"/> In-Kind Goods or Services (Provide description below.)		
Brief Description of In-Kind Payment: _____			
Purpose: (Check one and provide description below.) <input type="checkbox"/> Legislative <input type="checkbox"/> Governmental <input checked="" type="checkbox"/> Charitable			
Describe the legislative, governmental, charitable purpose, or event: Donation to children's community service organization			

Behested Payment Report

A Public Document

Behested Payment Report

<b>1. Elected Officer or CPUC Member</b> <i>(Last name, First name)</i>		Date Stamp	<b>California Form 803</b> For Official Use Only
Boudin, Chesa			
<b>Agency Name</b> San Francisco District Attorney's Office			
<b>Agency Street Address</b> 350 Rhode Island Street, San Francisco, CA, 94132			
<b>Designated Contact Person</b> <i>(Name and title, if different)</i> Kelsey Russom, Confidential Executive Assistant		<input type="checkbox"/> <b>Amendment</b> <i>(See Part 5)</i>	
<b>Area Code/Phone Number</b> (415) 948-1618	<b>E-mail</b> <i>(Optional)</i> kelsey.russom@sfgov.org	<b>Date of Original Filing:</b> _____ <i>(month, day, year)</i>	

**2. Payor Information** *(For additional payors, include an attachment with the names and addresses.)*

Wendy Holcombe

Name

Address

City

State

Zip Code

**3. Payee Information** *(For additional payees, include an attachment with the names and addresses.)*

University of San Francisco School of Law's Racial Justice Clinic (RJC)

Name

2130 Fulton Street, Kendrick Hall 211

San Francisco

CA

94117

Address

City

State

Zip Code

**4. Payment Information** *(Complete all information.)*

**Date of Payment:** August 28 2020  
*(month, day, year)*

**Amount of Payment:** *(In-Kind FMV)* \$ 50,000  
*(Round to whole dollars.)*

**Payment Type:**  Monetary Donation or  In-Kind Goods or Services *(Provide description below.)*

**Brief Description of In-Kind Payment:** \_\_\_\_\_

**Purpose:** *(Check one and provide description below.)*  Legislative  Governmental  Charitable

**Describe the legislative, governmental, charitable purpose, or event:** RJC Staff Attorney to support the work of the Innocence commission

**5. Amendment Description and/or Comments**

**6. Verification**

I certify, under penalty of perjury under the laws of the State of California, that to the best of my knowledge, the information contained herein is true and complete.

Executed on 09/14/20  
DATE

By   
SIGNATURE OF ELECTED OFFICER OR CPUC MEMBER

# Behested Payment Report

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## When to File

File Form 803 within 30 days following the date on which the payment(s) meets or exceeds \$5,000 in the aggregate from a single source in a calendar year. (Section 84224.) Once a single source has made a behested payment of \$5,000 or more during the calendar year, subsequent payments of any amount from that source must be reported.

## Where to File

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1102 Q Street, Suite 3000, Sacramento, CA 95811  
Fax: 916-322-0883 E-mail: [Form803@fppc.ca.gov](mailto:Form803@fppc.ca.gov)

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**General Information:** Behested payments are payments made principally for legislative, governmental, or charitable purposes under Government Code Section 82004.5. These payments are not for personal or campaign purposes. Generally, a donation is made at the behest if it is requested, solicited, or suggested by the official, or otherwise made to a person in cooperation, consultation, coordination with, or at the consent of, the elected officer or CPUC member. This also includes payments behested by the official's agent or employee on the official's behalf.

**Exception:** If the behested payment is made by a state, local, or federal government agency and is principally for legislative or governmental purposes, the payment does not have to be reported.

**Privacy Information Notice:** Information requested by the FPPC is required by and used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to administrative, criminal, or civil penalties. All reports and statements are public records available for inspection and reproduction. If you have any questions, please contact the FPPC's General Counsel at 1102 Q Street, Suite 3000, Sacramento, CA 95811 or (916) 322-5660.

## Instructions

**Part 1 - Identification:** Identify the official's name, agency, address, and contact information. Mark the amendment box if changing information on a previously filed Form 803 and include the date of the original filing.

**Part 2 - Payor Information:** Disclose the name and address of the person making the payment. A business address is acceptable.

**Part 3 - Payee Information:** Identify the name and address of the person receiving the payment. A business address is acceptable.

**Part 4 - Payment Information:** Disclose the payment date and amount using the fair market value (FMV) for donated in-kind goods or services. Check one box to identify the type of payment and provide a description if the payment is an in-kind good or service. Check one box to identify the purpose and provide a description.

**Part 5 - Amendment Description or Comments:** Complete this section if amending a previously filed Form 803 or to provide additional or clarifying information.

**Part 6 - Verification:** Date and sign the form under penalty of perjury.

## Example

On April 24, 20XX, at CPUC Member Tully's request, the ABC Corporation made a monetary donation of \$5,000 to the Boys and Girls Club.

<b>2. Payor Information</b> (For additional payors, include an attachment with the names and addresses.)			
ABC Corporation			
Name			
1234 Alpha Ave.	Sacramento	CA	95814
Address	City	State	Zip Code
<b>3. Payee Information</b> (For additional payees, include an attachment with the names and addresses.)			
The Boys and Girls Club			
Name			
5678 Bravo Blvd.	Sacramento	CA	95814
Address	City	State	Zip Code
<b>4. Payment Information</b> (Complete all information.)			
Date of Payment:	April 24, 20XX <small>(month, day, year)</small>	Amount of Payment: (In-Kind FMV) \$	5,000 <small>(Round to whole dollars.)</small>
Payment Type:	<input checked="" type="checkbox"/> Monetary Donation	or	<input type="checkbox"/> In-Kind Goods or Services (Provide description below.)
Brief Description of In-Kind Payment: _____			
Purpose: (Check one and provide description below.) <input type="checkbox"/> Legislative <input type="checkbox"/> Governmental <input checked="" type="checkbox"/> Charitable			
Describe the legislative, governmental, charitable purpose, or event: Donation to children's community service organization			

**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lorna Garrido, Grants and Contracts Manager  
**DATE:** September 22, 2020  
**SUBJECT:** Accept and Expend Resolution for In-kind Gift  
**GIFT TITLE:** In-kind Support for Racial Justice Clinic work

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Attached please find the original\* and 1 copy of each of the following:

X Proposed gift resolution; original\* signed by Department, Mayor, Controller

X Gift information form, including disability checklist

n/a Grant budget – This in-kind gift does not have a budget portion

n/a Grant application

X Gift award letter from funding agency

n/a Ethics Form 126 (if applicable)

n/a Contracts, Leases/Agreements (if applicable)

X Other (Explain): California Form 803 Behested Payment Report

**Special Timeline Requirements:**

Please schedule at the earliest available date.

**Departmental representative to receive a copy of the adopted resolution:**

Name: Lorna Garrido

Phone: (628) 652-4035

Interoffice Mail Address: DAT, 350 Rhode Island Street, North Building, Suite 400N

Certified copy required Yes

No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Fewer

Subject:

Accept and Expend In-Kind Gift – Racial Justice Clinic work – Office of the District Attorney - \$250,000

The text is listed:

Resolution authorizing the Office of the District Attorney to accept and expend an in-kind gift estimated at \$250,000 from the University of San Francisco School of Law’s Racial Justice Clinic to hire two staff attorneys to support the District Attorney’s efforts to evaluate and remedy cases involving a claim or excessive sentence or wrongful conviction.

Signature of Sponsoring Supervisor: Sandra Lee Fewer

For Clerk's Use Only

**From:** [Boilard, Chelsea \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Fewer, Sandra \(BOS\)](#)  
**Subject:** Fewer Introductions  
**Date:** Tuesday, October 20, 2020 4:13:00 PM  
**Attachments:** [Coverletter for USF School of Law 09.22.2020.pdf](#)  
[USF School of Law Gift Resolution 09.25.2020 redlined paper.doc](#)  
[USF School of Law Gift Resolution 09.25.2020 redlined paper.pdf](#)  
[USF School of Law Gift Information Form 09.22.2020.doc](#)  
[USF School of Law Gift Information Form 09.22.2020.pdf](#)  
[2020-14-09 Bazon Letter for DA disclosure re staff attorneys.pdf](#)  
[Form 803 Holcombe.pdf](#)  
[DRAFT Form 803 Zitrin.pdf](#)  
[RE AE documents for in-kind gift from University of San Francisco.msg](#)  
[Intro Form - EM Hearing.pdf](#)  
[Intro Form - DA Accept & Expend.pdf](#)

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Hello,

Please see the attached for introduction today. Supervisor Fewer, can you please respond confirming approval of these submissions?

[Hearing – Electronic Monitoring]

**Hearing on the use and efficacy of Electronic Monitoring as a practice employed by City departments in the interest of public safety; and asking the Sheriff's Office, the Adult Probation Department, the Juvenile Probation Department, the Public Defender's Office and the Superior Court to report.**

[Accept and Expend In-Kind Gift – Racial Justice Clinic work – Office of the District Attorney - \$250,000]

**Resolution authorizing the Office of the District Attorney to accept and expend an in-kind gift estimated at \$250,000 from the University of San Francisco School of Law's Racial Justice Clinic to hire two staff attorneys to support the District Attorney's efforts to evaluate and remedy cases involving a claim or excessive sentence or wrongful conviction.**



FILE NO. 201195

RESOLUTION NO.

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1 [Accept and Expend In-Kind Gift — ~~University of San Francisco School of Law - Racial~~  
2 Justice Clinic ~~Work~~ — ~~Office of the District Attorney -~~ Estimated at \$250,000]

3 **Resolution authorizing the Office of the District Attorney to accept and expend an in-**  
4 **kind gift estimated at \$250,000 from the University of San Francisco School of Law's**  
5 **Racial Justice Clinic to hire two staff attorneys to support the District Attorney's efforts**  
6 **to evaluate and remedy cases involving a claim or excessive sentence or wrongful**  
7 **conviction.**

8  
9 WHEREAS, The San Francisco District Attorney will partner with University of San  
10 Francisco School of Law's Racial Justice Clinic to (1) reexamine cases involving  
11 excessive sentences under Penal Code, ~~s~~Section 1170(d); and (2) evaluate claims of  
12 wrongful conviction; and

13 WHEREAS, Under Penal Code, ~~s~~Section 1170(d), the District Attorney is  
14 empowered to vacate excessive sentences upon a showing of good cause; and

15 WHEREAS, Section 1170(d) is a powerful tool for reversing some of the harm done  
16 by the criminal justice system, but to wield its power effectively will require more staff and  
17 resources than the District Attorney's Office currently has available or can provide in the  
18 immediate future; and

19 WHEREAS, Similarly, San Francisco's all-volunteer Innocence Commission requires  
20 additional support to effectively evaluate of claims of claims of wrongful conviction; and

21 WHEREAS, In order to provide relief to any significant number of eligible  
22 incarcerated people, the District Attorney will need additional personnel and resources; and

23 WHEREAS, University of San Francisco School of Law's Racial Justice Clinic  
24 received gifts totaling \$250,000 intended by the donors to fund the hiring of two staff  
25

1 attorneys by the Racial Justice Clinic to support the District Attorney's reexamination of  
2 cases to identify cases involving excessive sentences and wrongful convictions; and

3 WHEREAS, One attorney funded through this gift will work with the District Attorney  
4 to identify cases in which an excessive sentence has been imposed, and for which relief is  
5 therefore available under Penal Code, ~~s~~Section 1170(d); this attorney will: (1) screen,  
6 review, and evaluate cases eligible for relief under PC 1170(d)(1); (2) position qualifying  
7 cases for rapid review by the District Attorney's Post-Conviction Unit; and (3) train and  
8 supervise clinic students to screen and review an even greater volume of eligible cases;  
9 and

10 WHEREAS, A second attorney funded through this gift will support the work of the  
11 Innocence Commission to evaluate cases in which an incarcerated person claims to have  
12 been wrongfully convicted; this staff attorney will allow the Racial Justice clinic to do three  
13 things: (1) train the students to help the Innocence Commission members in evaluating  
14 wrongful conviction claims—including any necessary follow up investigation; (2) ensure that  
15 the Commission members can efficiently and fairly evaluate as many claims as possible;  
16 and (3) serve as the primary drafter of the Findings of Fact Memorandum as well as any  
17 other documents authored by the Commission; now, therefore, be it

18 WHEREAS, No indirect costs are included by the Department to maximize the value  
19 of the service; now, therefore, be it

20 RESOLVED, That the Board of Supervisors approves the in-kind gift estimated at  
21 \$250,000 and authorizes the Office of the District Attorney to accept the support for the  
22 Racial Justice Clinic work from the University of San Francisco.

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Recommended:

Approved:       /s/      

London N. Breed

Mayor

      /s/      

Approved:       /s/      

Eugene Clendinen

Ben Rosenfield

Chief, Administration & Finance

Controller

for District Attorney

Chesa Boudin