

File No. 220483

Committee Item No. 8

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: July 7, 2022

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 type="checkbox"/> | <input type="checkbox"/> | Department Report |
| <input 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"/> | Gift Resolution 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 type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Office of the District Attorney Letter 03/25/22</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>University of San Francisco Letter 03/25/22</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>University of San Francisco Letter 03/25/22</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Presidential Action Memo 062922</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: Jessica Perkinson

Date: June 30, 2022

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

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

3 **Resolution retroactively authorizing the Office of the District Attorney to accept and**
4 **expend an in-kind gift of pro bono legal services, with a value estimated at \$250,000**
5 **provided by the University of San Francisco School of Law’s Racial Justice Clinic**
6 **(RJC), and funded by the Vital Projects Fund and Elizabeth Zitrin, to support the RJC’s**
7 **work assisting the Office of the District Attorney’s Sentencing Review Unit and**
8 **Wrongful Conviction Unit and Innocence Commission, for a grant term of November**
9 **2021, through November 2022.**

10
11 WHEREAS, The District Attorney has partnered with the University of San
12 Francisco School of Law’s Racial Justice Clinic to (1) reexamine cases involving
13 excessive sentences under Penal Code, Section 1170.03; and (2) evaluate claims of
14 wrongful conviction; and

15 WHEREAS, Under Penal Code, Section 1170.03, the District Attorney is
16 empowered to petition the Court to vacate the sentences of incarcerated people if it is in
17 the interests of justice to do so; and

18 WHEREAS, Section 1170.03 is a powerful tool for reversing some of the harm done
19 by the criminal justice system, but to wield its power effectively will require more staff and
20 resources than the District Attorney’s Office currently has available or can provide in the
21 immediate future; and

22 WHEREAS, Similarly, San Francisco’s Innocence Commission requires additional
23 support to effectively evaluate claims of wrongful conviction; and

24 WHEREAS, In order to provide relief to any significant number of eligible
25 incarcerated people, the District Attorney needs additional personnel and resources; and

1 WHEREAS, University of San Francisco School of Law’s Racial Justice Clinic
2 received a donation from the Vital Projects Fund totaling \$125,000, to fund one Racial
3 Justice Clinic staff attorney and a donation from Elizabeth Zitrin totaling \$125,000 to fund
4 one Racial Justice Clinic staff attorney to provide pro bono legal services to support the
5 District Attorney’s reexamination of cases to identify cases involving excessive sentences
6 and wrongful convictions; and

7 WHEREAS, One staff attorney has worked with the District Attorney to: (1) screen,
8 review, and evaluate cases eligible for relief under Penal Code, Section 1170.03; (2) train
9 and supervise clinic students to screen and review an even greater volume of eligible
10 cases; and (3) appear in court as a deputized assistant district attorney to litigate Penal
11 Code, Section 1170.03 cases; and

12 WHEREAS, A second staff attorney has supported the work of the Innocence
13 Commission to evaluate cases in which an incarcerated person claims to have been
14 wrongfully convicted by: (1) training clinic students to assist the Innocence Commission
15 members in evaluating wrongful conviction claims, including any necessary follow up
16 investigation; (2) ensuring that the Innocence Commission members can efficiently and
17 fairly evaluate as many claims as possible; and (3) serving as the primary drafter of the
18 Findings of Fact Memorandum as well as any other documents authored by the Innocence
19 Commission; and

20 WHEREAS, The Office of the District Attorney received and began using these pro
21 bono legal services in November 2021; and

22 WHEREAS, No indirect costs are included by the Office of the District Attorney in
23 order to maximize the value of the pro bono legal services; now, therefore, be it

24 RESOLVED, That the Board of Supervisors retroactively approves the acceptance
25

1 and use of in-kind gift of pro bono legal services, with a value estimated at \$250,000
2 provided by the University of San Francisco School of Law's Racial Justice Clinic, and
3 funded by the Vital Projects Fund and Elizabeth Zitrin, to fund two staff attorney positions,
4 to support the Racial Justice Clinic's work assisting the Office of the District Attorney's
5 Sentencing Review Conviction Unit and Wrongful Conviction Unit Innocence Commission.

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1 Recommended: Approved: /s/

2 London N. Breed

3 Mayor

4 /s/

5 Chesa Boudin Approved: /s/

6 District Attorney Ben Rosenfield

7 Controller

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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 continue to fund two staff attorney positions to support the University of San Francisco School of Law's Racial Justice Clinic's work assisting the Office of the District Attorney's Sentencing Review Conviction Unit and Wrongful Conviction Unit, which is supported by an all-volunteer Innocence Commission.**
9. Gift Project Schedule, as allowed in approval documents, or as proposed:
Start-Date: **November 2021** End-Date: **November 2022**
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: 03/22/2022

Jessica Geiger
(Signature Required)
Digitally signed by Jessica Geiger
Date: 2022.03.22 12:30:16 -07'00'

Department Head or Designee Approval of Grant Information Form:

Eugene Clendinen
(Name)

Chief Administrative & Financial Officer
(Title)

Date Reviewed: 03/22/2022

Eugene Clendinen
(Signature Required)
Digitally signed by Eugene Clendinen
Date: 2022.03.22 13:09:27 -07'00'



Chesa Boudin
District Attorney

March 25, 2022

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear Ms. Calvillo,

Attached please find a copy of the proposed Resolution for the Board of Supervisors approval, which retroactively authorizes 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 (RJC) to continue to fund two staff attorney positions to support the RJC's work assisting the Office of the District Attorney's Sentencing Review Conviction Unit and Wrongful Conviction Unit, which is supported by an all-volunteer Innocence Commission from November 2021 through November 2022.

The retroactive request is due to the receipt of the in-kind gift letters in 2022 which is after the funding start date of November 2021.

The purpose of the gift is to continue to fund two staff attorneys by the University of San Francisco School of Law's Racial Justice Clinic to support the District Attorney's reexamination of cases to identify cases involving excessive sentences and wrongful convictions.

The following is a list of accompanying documents

- Gift information form
- Gift letter

If you have any questions, please contact Tara Anderson at Tara.Anderson@sfgov.org.

Sincerely,

Chesa Boudin
San Francisco District Attorney



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

Eugene Clendinen
Chief of Administration and Finance
Office of the District Attorney Chesa Boudin
350 Rhode Island Street
North Building, Suite 400N
San Francisco, California 94103

March 25, 2022

In re: *Donor Gifts for USF School of Law Racial Justice Clinic Staff Attorney to Assist the SFDA Innocence Commission*

Dear Mr. Clendinen,

In July 2021, the University of San Francisco Racial Justice Clinic secured a gift of \$125,000 for from Elizabeth Zitrin for a staff attorney to work on cases under consideration by the SFDA's Innocence Commission. The staff attorney is employed by USF School of Law.

The gift was transmitted to USF School of Law in the fall of 2021 and put into use in November 2021. The gift funds one year of full-time work by the RJC staff attorney and expires in November 2022. The funding is for a staff attorney who will: (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.

Sincerely,

A handwritten signature in black ink that reads "Lara H. Bazelon". The signature is written in a cursive, flowing style.

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



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

Eugene Clendinen
Chief of Administration and Finance
Office of the District Attorney Chesa Boudin
350 Rhode Island Street
North Building, Suite 400N
San Francisco, California 94103

March 25, 2022

In re: *Donor Gifts for USF School of Law Racial Justice Clinic Staff Attorney to Assist the Post Conviction Unit Work in Section 1170 cases*

Dear Mr. Clendinen,

In July 2021, the University of San Francisco Racial Justice Clinic secured a gift of \$125,000 for from the Vital Projects Fund for a staff attorney to work on section 1170 cases in cooperation with the SFDA Postconviction Unit. The staff attorney is employed by USF School of Law.

The gift was transmitted to USF School of Law in the fall of 2021 and put into use in November 2021. The gift funds one year of full-time work by the RJC staff attorney and expires in November 2022. The funding is for a staff attorney who will: (1) screen, review, and evaluate cases eligible for relief under PC 1170; (2) train and supervise clinic students to screen and review an even greater volume of eligible cases; and (3) appear in court as a deputized assistant district attorney to litigate section 1170 cases.

Sincerely,

A handwritten signature in black ink that reads "Lara H. Bazelon". The signature is written in a cursive style.

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



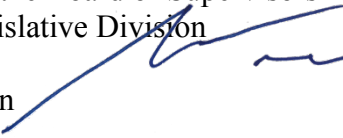
President, Board of Supervisors
District 10

City and County of San
Francisco

SHAMANN WALTON
MEMORANDUM

DATE: June 29, 2022

TO: Angela Calvillo, Clerk of the Board of Supervisors
Board of Supervisors Legislative Division

FROM: President Shamann Walton 

CC: Chair Dean Preston, Government Audit & Oversight
Anne Pearson, Deputy City Attorney
Tom Paulino, Mayor's Office

SUBJECT: **Transferring File No. 220350 & 220483 from B&F to GAO**

Dear Madam Clerk and Legislative Division Staff,

I am hereby granting the request to transfer the following matters from the Budget & Finance Committee to the Government Audit & Oversight Committee due to the impacted schedule of the Budget & Finance Committee:

- 220350 [Accept and Expend In-Kind Gift - Retroactive - Internet Access Services - Monkeybrains.net- Valued at \$173,400]
- 220483 [Accept and Expend In-Kind Gift - Retroactive - University of San Francisco School of Law - Racial Justice Clinic Work - Estimated at \$250,000]

Thank you.