

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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