

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.**

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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
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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.

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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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