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23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 OAKLAND DIVISION

26 COALITION ON HOMELESSNESS, et al.,

27 Plaintiffs.

28 v.

CITY AND COUNTY OF SAN FRANCISCO,
et. al.,

Defendants.

CASE NO. 4:22-cv-05502-DMR

~~PROPOSED~~ ORDER REGARDING
ONGOING DISCOVERY TO ASSESS
COMPLIANCE WITH THE COURT'S
PRELIMINARY INJUNCTION

Judge: The Hon. Donna M. Ryu

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1 ~~PROPOSED~~ ORDER

2 WHEREAS the Parties have met and conferred regarding the ongoing disclosures
3 Plaintiffs seek to assess Defendants' compliance with the Court's Preliminary Injunction Order
4 (Dkt. 65);

5 WHEREAS the Parties have agreed and stipulated to the following disclosures for this
6 purpose to continue until the close of fact discovery,

7 WHEREAS this agreement is made without prejudice to Plaintiffs' seeking addition
8 discovery in the future,

9 THEREFORE, it is **ORDERED** as follows:

10 NOTICE OF ONGOING OPERATIONS

11 1. Defendants shall provide to Plaintiffs' counsel 72-hour advance notice of the date,
12 time, and cross street location of any homeless encampment operation that is planned at least 72
13 hours in advance, involving two or more HSOC-participating agencies (including the San
14 Francisco Police Department (SFPD), San Francisco Fire Department (SFFD), Department of
15 Public Works (DPW), Department of Emergency Management (DEM), and Department of
16 Homelessness and Supportive Housing (HSH)), and whenever Public Works posts a notice of
17 planned removal of property or is required to do so as described in Section 4 of Public Works'
18 current Bag and Tag policy. This notice requirement applies, without limitation, to HSOC
19 encampment operations and to JFO operations.

20 2. If such an interagency homeless encampment operation is planned between 24
21 and 72 hours in advance, Defendants shall ensure that the agencies that plan or participate in
22 these operations are made aware of this notice requirement, and that they will promptly notify
23 Defendants' counsel of any such operations. Defendants' counsel in turn shall promptly notify
24 Plaintiffs of any such operations.

25 3. Defendants shall provide to Plaintiffs' counsel 24-hour advance notice of the date,
26 time, and cross street location of any regular encampment cleanings conducted by Hot Spot
27 crews, as described in Section 4 of Public Works' current Bag and Tag policy.

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1 4. Updated notice shall be provided if the City’s schedule changes within the
2 designated notice period.

3 ONGOING PERIODIC DOCUMENT DISCLOSURES

4 5. **SFPD Data:** On a periodic basis, Defendants shall produce summary citation and
5 arrest data and individual incident reports pertaining to enforcement of Cal. Penal Code§ 148(a),
6 Cal. Penal Code§ 647(e), Cal. Penal Code§ 370, Cal. Penal Code§ 372, San Francisco Police
7 Code §168, and San Francisco Police Code § 169 against unhoused individuals.

8 6. In addition, Defendants will also produce a summary list of SFPD incident report
9 data, including the date, time, and location of each incident report, for incident descriptions that
10 meet the following Boolean search terms for the immediately prior period: “homeless” AND
11 “encampment”, “homeless” AND “tent”, or “homeless” AND “complaint.”

12 7. Defendants will also provide a random sampling of 40 individual incident reports
13 sampled from the SFPD Incident Report Titles selected by Plaintiffs for the relevant period, or
14 sampled from the summary list of SPFD incident report data described above. The Parties will
15 meet and confer and agree to adjust the randomization protocol if necessary. This stipulation
16 expressly does not prohibit Plaintiffs from requesting incident reports for additional incidents
17 beyond the random sampling set forth in this paragraph through ordinary fact discovery.

18 8. Defendants shall produce for each set of incident reports, upon request from
19 Plaintiffs, bodycam footage related to 5 incidents, collectively totaling not more than 5 hours in
20 length for each set. The Parties will meet and confer regarding Plaintiffs’ request for bodycam
21 footage as necessary to facilitate the request or if the total footage is longer than 5 hours in
22 length. Defendants will make their best efforts to provide the requested footage as soon as
23 practicable, but in any event no later than 14 days after the request. This stipulation expressly
24 does not prohibit Plaintiffs from requesting additional bodycam footage for additional incidents
25 or additional duration beyond the specific bodycam footage requests set forth in this paragraph
26 through ordinary fact discovery.

27 9. On the same periodic basis, Defendants shall produce ^{45 individual DEM CADs} ~~[Plaintiffs’ Position: 100~~
28 ~~individual DEM CADs]~~ ~~[Defendants’ Position: 10 individual DEM CADs]~~, including date,

1 time, location, and underlying circumstances, description, or information that is included in the
2 report, responsive to the following dispatch codes: Code 915 (homeless complaints), Code 919
3 (person sitting/lying on a sidewalk). The Parties will meet and confer and agree to adjust the
4 randomization protocol if necessary. This stipulation expressly does not prohibit Plaintiffs from
5 requesting dispatch reports for additional dispatches beyond the reports required under this
6 paragraph through ordinary fact discovery.

7 10. **DPW Data:** On a periodic basis, Defendants shall produce bag and tag logs of
8 unhousted individuals' personal property.

9 11. **HSH Data:** On a periodic basis, Defendants shall produce daily shelter bed
10 availability records maintained by HSH.

11 12. **HSOC Data:** On a periodic basis, Defendants shall produce HSOC post-
12 encampment resolution reports, and pre-encampment resolution schedules.

13 13. **Compliance/Training Documents:** Defendants shall produce promptly after they
14 are issued any department bulletins, training materials, or similar documents or memoranda
15 regarding compliance with the Court's Preliminary Injunction (Dkt. 65).

16 14. Unless otherwise provided for, all above document disclosures from the three prior
17 weeks shall be provided by Defendants to Plaintiffs every three weeks, until the close of fact
18 discovery. These periodic productions will be suspended if the injunction is stayed or overturned.
19 Additionally, Defendants shall provide all the above document disclosures (except for the
20 bodycam footage) from the date of entry of the Preliminary Injunction order to the present on an
21 expedited basis and no later than Defendants' first periodic production pursuant to this Order. With
22 respect to the bodycam footage from the date of entry of the Preliminary Injunction order to the
23 present, Plaintiffs can identify up to seven hours of bodycam footage from that period for
24 production under this order, and Defendants shall have 14 days from such request to produce such
25 footage. If Plaintiffs identify more than seven hours of bodycam footage, Defendants shall
26 promptly provide time estimates for each such footage requested, and time taken by Plaintiffs to
27 narrow its request shall not count against the 14 days for production.

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IT IS SO ORDERED.

Dated: May 25, 2023

HONORABLE DONNA M. RYU
CHIEF MAGISTRATE JUDGE

