

YOUR RIGHTS DURING HOMELESS SWEEPS IN SAN FRANCISCO



2022 PRELIMINARY INJUNCTION



- **PORTION VACATED: ENFORCEMENT OF ANTI-HOMELESS LAWS**

After the Supreme Court's decision in *Grants Pass*, the Ninth Circuit modified the injunction on August 7, 2024, vacating the part of the injunction related to enforcement of anti-homeless laws.

- **PORTION STILL VALID: BAG AND TAG POLICY**

The injunction still requires San Francisco to follow its own written bag and tag policies that prohibit the city from illegally destroying the property of unhoused people.



PROTECTING YOUR PERSONAL ITEMS



● BEFORE A SWEEP

Photograph your belongings, keep receipts, tag belongings with contact information, ideally keep items neat/orderly (particularly if items will be unattended)

● DURING A SWEEP

Tell the City workers if you have any disabilities or need extra time or assistance gathering belongings. Make sure you receive a bag and tag form that is filled out. Separate any medications, medical devices, personal ID or legal documents from belongings being bagged and tagged.

If anything is improperly being thrown away, take pictures/video if safe to do so, write down what is happening while it's fresh, and get information from other witnesses who are present.



CITY'S BAG AND TAG POLICY



- All items, *including* bulky items, seized by DPW must be bagged and tagged, except for abandoned property (separate from unattended property), “trash,” perishables, and items causing a safety risk
- Staff must provide owners with reasonable time to move their belongings (“**approximately 30 minutes**”), taking into account special needs and the number of items.
- Bag and tag forms must be given to the owner or left at the place where the items were taken, including date, time, a description of the items, and staff name

RETRIEVING BAGGED AND TAGGED ITEMS

You can retrieve your items up to 90 days after they were bagged and tagged (14 days for bulky items) from the DPW storage yard.


➤ **Address: 2323 Cesar Chavez St. (intersection of Kansas and Marin)**

➤ **For the first 72 hours after items are collected, they can be claimed 24 hours a day. Afterwards, the Yard is open Monday to Friday 9am to 3pm. Ask the guard at the gate for assistance.**

➤ **Before going to the yard, be prepared to provide the following info. Without this info, DPW employees may not be able to help you:**
1) Date and time of the pickup 2) Location of the pickup 3) Description of the items 4) SFPD badge number (if one was provided)



IF THE CITY IMPROPERLY DESTROYS YOUR PROPERTY

- If your belongings aren't at the DPW yard or have been destroyed by City workers and you believe they were improperly destroyed, your next option is to file an administrative claim with the city. You must do so within 6 months.
 - If administrative claim is denied, you can proceed with a small claims court case and seek up to \$10,000
 - You can get a claim form at www.sfcityattorney.org/claims/, and LCCRSF can provide a self-help guide on how to file.
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YOUR RIGHT TO ADVANCE NOTICE



- For pre-planned encampment resolutions/removals, the city's policy is to provide 72 hours written notice near the encampment.
- For regular encampment cleanings (involving only temporary moving), the city's policy is to provide 24 hour written notice.
- The city's policy does not require written notices for routine cleanings or 311 service requests.



WHEN YOU ENCOUNTER LAW ENFORCEMENT



● RIGHT TO REMAIN SILENT

Remain calm and cool. Ask for their badge number. Exercise your right to remain silent.

- ↳ If cops try to question you, ask, "Am I being detained or am I free to go?"
- ↳ If you are free to go, you may walk away. If you are being detained, you still do not have to answer any questions.
- ↳ If you want to be released after an arrest, you may need to provide your name, address, and birthday to the officer.



WHEN YOU ENCOUNTER LAW ENFORCEMENT

● RIGHT TO AN ATTORNEY AND RIGHT TO BE FREE OF UNREASONABLE SEARCHES

→ You have the right to an attorney. If you ask for an attorney to be present, cops must stop questioning you.

→ If cops are detaining you, they may pat you down for weapons. But they are not allowed to look through your pockets or your things.

→ If cops want to search you, you should tell them, **"I do not consent to this search."** It may not stop the search but it may stop them from using things they find against you.