

Guide to Collecting Testimony on Destroying Property of the Unhoused

The San Francisco Coalition on Homelessness is working with legal aid groups to sue and pressure the city to follow their policies handling property of homeless people.

You can help us collect evidence to build this case. If you come across someone who has had property destroyed or taken in the past 6 months by city agencies against their will please use the attached declaration form to record signed testimony.

If the person is willing to be filmed or audio recorded please do so. The coalition would like to create video and audio for our advocacy work in order to bring the voices of those experiencing homelessness to city hall hearings, the local coordinating board, and to be shared on social media. If you record any audio or film please also have participants sign the video release form.

If folks don't want to fill it out and do audio/video that's fine too, but it can't be used for the legal case, but can be useful for gaining testimony.

Please read the guidelines (below) for recording testimony of those who have witnessed city officials such as the DPW, SFPD, Park Rangers, and others who improperly handle theirs or others personal property.

Please scan and send all completed testimony to kcutler@cohsf.org

Background

San Francisco has a new policy for what happens when it takes homeless people's personal property. The new policy says that tents, sleeping bags, clothes, medicines and other personal property will not be thrown away if it looks like the person still wants the property. This policy applies when SFPD or DPW find personal property such as in a homeless camp site. The policy is explained in SFPD Department Bulletin 18-089 (May 2, 2018) and DPW Departmental Procedures Manual Vol. 16, Procedure 16.05.08.

How is San Francisco supposed to decide if the homeless person still wants his or her personal property?

According to SFPD and DPW policy “temporarily unattended property is different from abandoned property, which may be immediately discarded.” Unattended property is not abandoned if:

- the owner is there and says it is his or her property
- the owner returns while the property is being collected and says it is his or her property.
- The property is stored in a way that looks like the owner intends to come back for it (ie “personal belongings stored in an orderly manner”).
- another person is present and states they have been designated to watch or take care of the items during the owner’s absence.

Unattended personal property that may be thrown away includes items that:

- present an immediate health or safety risk, including toxic sharps, chemicals
- are soiled with urine, fecal matter, or mold (including bedding and clothing)
- perishable items, perishable food.
- Infested by rodents and insects
- furniture, or bulky items.
- trash, garbage, or debris
- illegal items.
- NOTE: If personal belongings are co-mingled or littered with needles human waste, or other health risks staff may dispose of entire pile of belongings and are not required to sort through and attempt to remove the health and safety risks.

What are DPW and SFPD supposed to do with the property after they take it? How do I get my property back?

Personal items are stored at the Public Works Operations Yard at 2323 Cesar Chavez Street

- Starting from date and time of collection of items for three days (72 hours), owners can come to the Operations Yard any time of the day and retrieve their items from the 72-hour holding area.
- After 72 hours people can come to the Operations Yard Monday – Friday 9am to 3 pm to retrieve items.
- Items are stored for 90 days. After 90 days, unclaimed items are discarded.