

# **Bag and Tag and Safe Sleeping Policy Recommendations**

## **Latino Task Force Committee- Mission District Street Needs Assessment**

### **Bag and Tag Policy**

#### **1. Circumstances in which personal items may be collected and stored**

##### **a. Unattended personal property**

Upon inspection by street cleaning staff, unattended personal items property where neither the owner nor anyone who states that they have been designated by the owner to watch the property is present—such as medication, tents, luggage, backpacks, personal papers, and operational wheelchairs – will be collected and stored for retrieval for up to 90 days for retrieval.

All unattended personal property that is collected for storage will be bagged and tagged immediately upon collection and taken to the DPW yard for storage.

**Distinguishing Between Attended and Unattended Property:** Where the owner or a person who says they have been authorized by the owner to watch the property is present, that property shall be treated as “attended.”

Only items listed below under "Items that will be discarded" will be discarded immediately. All other items will be removed and stored. Staff will place a post-removal notice in the area from which the items were removed stating how, where and when the items may be retrieved. (See Section D below regarding notices).

Under no circumstances may staff take or keep for themselves unattended personal items for their own use or allow non-City personnel to take unattended property for their own use.

**Distinguishing between unattended and abandoned property:** Temporarily unattended property is different from abandoned property, which may be immediately discarded. In determining if property is abandoned, staff should evaluate the facts and circumstances surrounding the items. Unattended property is not abandoned if it is accompanied by signs of ownership, for example, an unattended tent that is filled with personal belongings or items that are being stored in an orderly manner (i.e., packed up, wrapped or covered) are not abandoned. In addition, if there is a third party present who states s/he has been designated to watch or secure the items during the owner's temporary absence, the items are not considered abandoned and are attended property (see below).

By contrast, abandoned items are unaccompanied by objective indications of ownership, for example, an empty or broken tent sitting by itself on a sidewalk with no other belongings, a bag of clothes open and strewn across a sidewalk, or items that are broken, disheveled, surrounded by trash or showing other signs of neglect. This policy does not apply to abandoned property. Staff may discard abandoned property. However, staff must document abandoned property that is discarded, including a photograph of the property, the location, and the date. (log it and take a pic - accountability system)

## **Community Liaison Position for Accountability**

- Appointment and accountability
- Grievance procedure
- Report to DPW Street Cleaning New Commission
- Support education and understanding of policies and rights
- HSOC + DPW informs liaison in advance (24 to 48 hrs) when the sweeps are happening within legal restrictions

### b. Attended Property items

Where the property's owner or someone who states that they have been designated by the owner to watch the property is present, that property must be treated as "Attended Property."

In the case of routine regular encampment cleaning by the Hot Spots crews or routine cleaning operations (i.e., where individuals are allowed to return to a location following cleaning and there is no permanent removal), staff will provide the owner or the owner's designee with sufficient time at least 30 minutes to collect and move their belongings out of the public right of way, taking into account any special needs that individuals may have and the volume of belongings.

~~If the owner is unwilling to collect and move his/her belongings, staff may either: clean around the belongings, or call the Police Department for assistance. If police are called, under the direction of the San Francisco Police Department, staff will give oral notice that the items will be collected if they are not moved by the owner, and then bag and tag unremoved belongings in accordance with this policy.~~

If the owner or the owner's designee fails is unable to collect and move his/her belongings, staff may either clean around the belongings, or bag and tag personal items in accordance with this policy.

DPW staff should only request the presence of the San Francisco Police Department when moving or cleaning around personal property where there is a specific threat of violence or harm that may result from the cleaning or removal.

If attended items are bagged and tagged, staff shall provide the owner or individual designated to watch the items with specific information on how and where the items may be retrieved from Public Works' storage facility.

In the case of pre-planned special cleanup events, such as encampment resolutions removals, or when responding to 311 service requests, staff should provide the owner or guardian person who is watching the owner's property with sufficient time at least 30 minutes with sufficient time to collect and move their belongings, taking into account any special needs that individuals may have and the volume of belongings; bag and tag those personal items that the owner cannot or does not remove themselves; and provide information on how and where the items may be retrieved from Public Works' storage facility. Staff must provide the advisement concerning medications, medical devices and personal identification and documents discussed above.

San Francisco police officers encountering individuals who are, for example, being connected with social services, being asked to clear the public right of way, or are subject to arrest, may call on Public Works to collect and store personal belongings. Public Works employees should treat those individuals'

belongings as attended items and comply with the rules for attended items above. Officers also may collect personal items themselves and deliver to Public Works for storage.

Note: Staff may discard any attended items the owner affirmatively states that he or she does not want. Staff must document the items the owner has affirmatively stated may be discarded by taking a photo of the discarded items. Staff must request that the owner sign an acknowledgement indicating the individual requested that Public Works discard certain items and reviewed the photo Public Works took of the items the individual discarded, which accurately depicts the items.

#### Consistent and regular cleanup

(According to the Ninth Circuit Court of Appeals ruling Martin vs. City of Boise, cities can't arrest or punish people for sleeping on public property unless they provide adequate and relatively accessible indoor accommodations that are also accommodate disabilities. In addition, during COVID, the department of Public Health has issued guidelines that only allows removals of encampments in particular situations.)

### **2. Items that will be discarded and not stored**

#### a. Items that present an immediate health or safety risk, such as:

- toxic sharps: used needles, scissors, knives
- chemicals: bleach, paint, oils, etc.
- items (including bedding and clothing) soiled by infectious materials: human waste, body fluids, moldy, mildewed items
- Items infested by rodents and insects: rats, mice, fleas, lice, bed bugs

Note: If personal belongings are co-mingled or littered with used needles, human waste, or other health risks. staff may dispose of the entire pile of belongings and are not required to sort through and attempt to remove the health or safety risks.

b. Furniture, mattresses, sheds, rolling structures and bulky items. A "bulky item" is any single item that does not fit in a 60-gallon container with the lid closed, except for a tent, or: an operational walker, operational wheelchair, operational crutches or operational bicycle. Personal belongings located inside a bulky item bin shall be stored (according to policy) even if the bulky item itself is discarded.

c. Perishable items, perishable food.

d. Contraband, illegal items; refer to San Francisco Police Department.

e. Trash, garbage, and/or debris. This includes property that appears to have been discarded by its owner and broken appliances or broken furniture. If staff has a reasonable doubt as to whether an item constitutes trash, it should be collected and stored.

f. Abandoned property Abandoned property is property that does not have any signs of ownership or does not appear to have any value or use. Examples of abandoned property may include such things as a broken tent sitting by itself on a sidewalk with no other belongings, clothes that are strewn across a sidewalk or other area, broken items, and trash.(see definition above).

**NOTE:** Staff must document the items that are discarded and not stored under this provision by taking photographs of the property discarded, and stating the location and date.

Note: Shopping carts are governed by Public Works Procedure 16-05-05 and are not subject to this policy. However, personal property inside a shopping cart shall be bagged and tagged in accordance with this policy. There is no limit to the number or volume of personal items that Public Works will bag and tag for a particular individual so long as they are not bulky items, as defined above, or do not otherwise constitute "Items that will be discarded" under this section. However, the director of public works may, after determining that the storage facility at the Public Works Operations Yard is at or near full capacity and after clearing out property that is older than 90 days, issue a written directive imposing a temporary reasonable per-person limit on the volume of property (Each individual can have a min/max amount of items) to be stored that will remain in effect until additional capacity is identified and funded. The Director of Public Works shall ensure that information is posted in a manner and place that is available to be viewed by the general public at the DPW yard with a contact number to call for questions and on the DPW web site.

Material: There shall be a fund for informative material that is translated into Spanish, Mayan, Cantonese, Tagalog, Vietnamese (in accordance to Language access ordinance). That can be distributed by community liaison and other concerned organizations.

### 3. Notices

#### a. Pre-removal notice

- For pre-planned events in partnership with community liaison special cleanup events conducted with or without other City departments, for example permanent removals of encampments, the City will provide 72 hours advance written notice, so long as the site does not present any imminent health or safety hazards requiring immediate removal.
- A pre-removal notice shall be provided in writing to individuals who are present and posted conspicuously on or near the personal property that will be removed. The notice shall be in a form substantially similar to the "Pre-Removal Notice" attached to this policy. Staff shall photograph all postings and shall document that notice was provided to individuals, including the time, date, location, they provided notice.
- At the time of pre-removal notice, community liaisons and organizations will receive an email notification of the removal.
- For regular encampment cleaning conducted by the Hot Spot crews or routine cleaning operations (i.e., where Public Works is cleaning the encampment and individuals are allowed not required to return permanently move), Public Works will provide 24 hours advance written notice in various languages, including identified community based organizations, so long as the site does not present any imminent health or safety hazards.
- - A Notice of Sidewalk Cleaning shall be to the location following conspicuously posted in obvious locations in city mandated languages in the area of the cleaning and there is no permanent removal). The Notice shall be in a form substantially similar to the "Notice of Sidewalk Cleaning" attached to this policy. Staff shall photograph all postings and shall document that notice was provided including the time, date, location of the posting. For routine cleaning operations (i.e., where individuals are allowed to return to the location following cleaning and there is no permanent removal), or when responding to 311 service requests, advance written notice is not required; however, staff shall give persons

- ~~sufficient time to collect and move their items, taking into account that individuals may have special needs and the volume of belongings.~~
- When notices for Sidewalk Cleaning are posted, community liaisons and organizations will receive an email notification.

B. During Removal: Two rapid response community observers should be present during the entire removal to provide objective observation and oversight to ensure procedures, especially bag and tag, are followed.

b. Post-removal notice

After any removal of unattended property – ~~whether during a pre-planned special cleanup event or a routine cleaning operation~~ – Public Works staff shall place a post-removal notice, including the time, date, location and when they provided notice, in the area from which the items were removed. See attached sample "Post-Removal Notice."

#### **4. Procedure for collecting personal items**

Public Works staff is required to wear necessary safety gear and personal protective equipment and follow the department's code of safe practices for field and yard operations.

a. Public Works staff are required to follow these procedures when collecting personal items:

- Items are assessed for safety under the criteria for collection or for discarding.
- If items are found to be hazardous or unfit for collection, they are to be discarded.
- If items are deemed personal property, then they are to be collected following these procedures.

b. If the owner of the items is present or a person who says they have been authorized by the owner to watch the property, under the direction of the San Francisco Police Department, staff will give oral notice that the items will be collected if they are not moved by the owner. Staff will comply with the rules set forth above for Attended Items.

c. Public Works staff collects the personal items and while in the field documents the collection with a "Personal Property Collection Bag and Tag Intake Form." Forms are kept with Public Works cleaning staff and zone supervisors. Information collected includes:

- Pick-up date
- Pick-up time
- Intake date
- Number of items
- Description of items
- Indicate Police Department pick-up or field pick-up
- Indicate evidence or "bag and tag"
- SFPD Star number
- Location of police station and zone
- Street address
- Cross street
- What corner of intersection (if applicable)
- Public Works staff name
- Public Works staff radio number

- Tag number
- Tag color (corresponds to month)
- Service request number (if applicable)

d. If the owner of the items is present or a person who says they have been authorized by the owner to watch the property but is unable or unwilling fails to remove the belongings themselves, Public Works staff will provide written and oral information on how, where and when the items may be retrieved. If the the property is unattended owner is not present (i.e., the items are unattended), staff will place a post-removal notice in the area from which the items are removed. The notice will be posted for 24 hours.

1. Staff shall photograph the posted notice, including the time, date, and location of the notice.

e. Public Works staff deliver the items and the intake form to the Public Works Operations Yard at 2323 Cesar Chavez Street. Items are delivered to the lower yard at the locked "First 72 Hours" storage container.

- During working hours, Public Works "bag and tag" staff will intake the items for storage, place the items in the "First 72 Hours" storage container, fill out a colored "tag" for the items with the corresponding information from the intake form and place the tagged items in the 72-hour holding area.
- After working hours, Public Works cleaning staff delivering the items will place the items outside the "First 72 Hours" storage container, fill out a colored "tag" for the items with the corresponding information from the intake form and place the tagged items outside the 72-hour holding area.

f. When items are dropped off by anyone other than Public Works staff (by the San Francisco Police Department, for example), they must be logged following the same procedure with a completed form and corresponding colored tag.

## **5. Temporary storage**

Personal items are stored at the Public Works Operations Yard at 2323 Cesar Chavez Street for 90 days. After 90 days, unclaimed items are discarded.

For the first 72 hours after items are collected and stored, they can be claimed by their owners 24 hours a day.

Starting from the date and time of the collection of items for three days (72 hours), owners can come to the Public Works Operations Yard at 2323 Cesar Chavez Street any time of the day and retrieve their items.

Personal items will be stored in the 72-hour holding area.

After the first 72 hours and up to 90 days from the item collection, owners can come to the Public Works Operations Yard 2323 Cesar Chavez Street, Monday through Friday, 9 a.m. to 3 p.m. to retrieve their items.

## **6. Procedure for retrieval of personal items**

a. Owners of collected personal property may retrieve their items at the Public Works Operations Yard at 2323 Cesar Chavez Street.

- If collected within the previous 72 hours, owners can retrieve items anytime, day or night. If the items were collected more than 72 hours prior, the owner may retrieve items Monday through Friday, 9 a.m. to 3 p.m.
- Owners must provide satisfactory proof of ownership; i.e. describing the location of where the items were and when collected or describing the specific items that were collected.
- No government or photo identification is required.
- There is no fee charged for temporary storage of items.

b. Owners of the items should arrive at the Kansas Street entrance at Marin Street.

- Call for Public Works staff on radio or call the Radio Room at 415-695-2134.
- Owners of the items will wait at the gate for items to be delivered by Public Works staff and will not enter the Operations Yard.
- Public Works staff will meet with the prospective owners at the gate to coordinate the property retrieval.
- Owners must sign and date the intake form to designate that the items have been picked up.

b. If it is Monday through Friday, 9 a.m. to 3 p.m., the Radio Room will notify the Public Works "bag and tag" staff member to perform the procedures for the retrieval and documentation.

c. If during the first 72 hours and at a time not on a Monday through Friday, 9 a.m. to 3 p.m., the Radio Room will notify the Public Works supervisor on duty to perform the procedures for the retrieval and documentation.

d. Prospective owners must describe the items to be retrieved. Public Works staff will then do the following:

- Attempt to find the items in storage and the corresponding tag and intake form.
- Deliver the items to the owner at the Kansas Street/Marin Street gate upon confirmation that the items do belong to the owner.
- Compare the tag on the items to the intake form to confirm that all the items are accounted for.
- Request that the owner sign and date the intake form to designate that the items have been collected.
- File the intake form for documentation in triplicate: white page to logbook, yellow page to Radio Room, pink page given to the owner along with the property.

e. At no time are members of the public allowed to visit storage area to look for items in the storage area.

f. Public Works "bag and tag" staff will regularly itemize and organize the stored items.

g. After 90 days, unclaimed items are discarded. Staff will record the date of disposal and update the intake form to note that the items went unclaimed.

Pre - Training screening to assess any past issues of violence or disciplinary actions as well as compatibility for removal work with unsheltered neighbors.

- Departments including, but not limited to HSOC, Public Works, SFFD and SFPD will provide mandatory annual training to all employees responsible for carrying out this policy. Training must be co-developed, approved and presented by city agencies and community based organizations.

**SAN FRANCISCO PUBLIC WORKS**  
**NOTICE OF SIDEWALK CLEANING**

Location of Cleaning: \_\_\_\_\_

Date of Posting Notice: \_\_\_\_\_

Time of Posting Notice: \_\_\_\_\_

- Be advised that Public Works will clean the sidewalk in the location mentioned above between [TIME AND TIME] ON [DATE]. To facilitate the cleaning, please temporarily move your belongings from this area. During the cleaning, Public Works will accept for recycling or disposal all trash and any personal property no longer desired. Public Works will also accept personal property for storage, as explained below. Public Works may remove and store unattended personal property unlawfully stored in the public right of way, as explained below.

- **This sidewalk cleaning IS NOT an encampment removal under Section 169 of the San Francisco Police Code.**

- **Storage of Personal Property.** Personal property given to Public Works for storage or unattended personal property removed by Public Works will be taken to the **Public Works Operations Yard at 2323 Cesar Chavez Street.** Owners of the items should go to the Kansas Street entrance 24 hours after date and time of posting, at Marin Street, and call on the intercom or call 415-695-2134. For the first 72 hours after items are collected and stored, they can be claimed by their owners 24 hours a day. After the first 72 hours, owners can retrieve items Monday through Friday, 9 a.m. to 3 p.m. There is no fee for property storage or retrieval. Although you are not required to present official I.D., you must provide a reasonably specific and detailed description of the property in order to retrieve it. **Property not claimed within 90 days of the date of removal will be deemed abandoned and will be destroyed.**

- Please be advised that the following types of items will not be stored and may be discarded: (1) items that present an immediate threat to public health or safety (i.e., soiled, needles, infested with vermin), (2) items that are evidence of a crime or contraband, (3) trash, (4) perishable food, and (5) bulky items (i.e., furniture, mattresses, sheds, structures), except for tents and operational walkers, crutches, wheelchairs, and bicycles.

**SAN FRANCISCO PUBLIC WORKS**  
**NOTICE OF REMOVAL OF PROPERTY**

Be advised that unattended personal property has been removed from this area because it was stored on City or State property in violation of California Penal Code Sections 372 and/or 647(e), and/or San Francisco Police Code Section 22.

**Date and approximate time of removal:** \_\_\_\_\_

**Location of removal:** \_\_\_\_\_

**General description of items removed:** \_\_\_\_\_

**DPW STAFF IDENTIFIER:**

You may retrieve your belongings and property at the **Public Works Operations Yard located at 2323 Cesar Chavez Street.** Owners of the items should go to the Kansas Street entrance, at Marin Street, and call on the intercom or call 415-695-2134. Within the first 72 hours after items are collected and stored, they can be claimed by their owners 24 hours a day with a Public Works Supervisor available onsite. After the first 72 hours, owners can retrieve items Monday through Friday, 9 a.m. to 3 p.m. There is no fee for property storage or retrieval. Although you are not required to present official I.D., you must provide a reasonably specific and detailed description of the property in order to retrieve it. **Property not claimed within 90 days of the date of removal will be deemed abandoned and will be destroyed.** (use the Kansas Street entrance, at Marin Street), 415-695-2134. For the first 72 hours after items are collected, they can be claimed 24 hours a day. Afterwards, owners may retrieve their items Monday through Friday, 9 a.m. to 3 p.m. There is no fee for storage or retrieval. Although you are not required to present official I.D., you must provide a reasonably specific and detailed description of the property in order to retrieve it. **Property not claimed within 90 days of the date of removal will be deemed abandoned and will be destroyed.**

## **Safe Sleeping Guidelines Restrictions for Unsheltered Individuals**

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### **City and County of San Francisco Safe Sleeping Guidelines for Unsheltered Individuals During the COVID-19 Pandemic**

San Francisco has thousands more people experiencing homelessness than we have safe beds or housing units available for them.

When there is not adequate private housing for unhoused individuals, it is important not to displace tents. Tents provide protection against the spread of the virus and when they are displaced, it makes contact tracing very difficult. For these reasons the CDC recommends against moving tents if no individuals housing is available.

In order to protect the health and safety of everyone, unsheltered people sleeping in tents or improvised structures must adhere to the guidelines listed below.

1. Tents and structures cannot be within 6 feet of a doorway to a business or residence. [SF Health Code 581 \(nuisance\)](#); [Shelter In Place \(SIP\) Order](#); [DPH Guidance 5/19/2020 at p.3](#)
2. Tents and structures cannot be within 6 feet of a public restroom, transit stop or bike sharing station. [Shelter In Place \(SIP\) Order](#); [SF Health Code 581 \(nuisance\)](#)
3. Tents and structures cannot block a doorway or exit, even if a building is not in use. [SF Fire Code, Section 504.1 \(building and doorways and exits\)](#)
4. Tents and structures cannot be within 6 feet of a functioning window. [Shelter In Place \(SIP\) Order](#); [SF Health Code 581 \(nuisance\)](#)
5. Tents and structures cannot make sidewalks impassable; sidewalk must have a 4 feet wide path of travel free of obstacles such as street trees, parking meters, tents, etc. [SF Public Works Code 724\(a\)\(2\)](#); [SF Pub. Works Code 723](#); [DPH Guidance 5/19/2020 at p.3](#)
6. Tents and structures cannot be placed in the street or medians, impede traffic, or block driveways. [SF Pub. Works Code 723](#); [SF Pub. Works Code 568](#); [Cal. Streets & Highways Code 1480.5](#); [Cal. Streets & Highways Code 1483](#); [DPH Guidance 5/19/2020 at p.3](#)
7. Tents and structures cannot be closer than three feet on the side and six feet on the front (this does not apply if individuals consider themselves part of the same household). [SF Health Code 581 \(nuisance\)](#); [SIP Order](#); [DPH Guidance 5/19/2020 at p.3](#)
8. Unsanitary or excess items in an encampment cannot create safety or health hazards. [Public Works Code section 174](#); [SF Health Code 581 \(nuisance\)](#); [SF Fire Code, Sec. 304.1](#); [SF Fire Code, Sec 304.2](#)
9. Tents and structures cannot create fire hazards, which includes blocking a fire escape, coming within 5 feet of a fire hydrant, having open flames, or storing combustible materials. [California Code of Regulations, Title 19, Division 1, §321 \(general authority to eliminate hazards\)](#); [SF Fire Code 507.5.5 \(fire hydrants\)](#); [SF Fire Code, Sec. 504.1 \(building doorways and exits\)](#), [SF Fire Code, Sec. 1031 \(fire escapes\)](#); [SF Fire Code, Sec. 304.1](#); [SF Fire Code, Sec 304.2](#)
10. Tents cannot interfere with pedestrian traffic on commercial corridors or recreational areas; this includes locations such as promenades, trails, plazas, and business districts. [DPH Guidance 5/19/2020 at p.3](#)
11. Tents and structures are not allowed in San Francisco parks and people cannot be in parks outside of the posted hours of operation. [SF Parks Code 3.12](#); [SF Parks Code 3.13](#); [SF Parks Code 3.21](#)
12. Public Works will continue requiring individuals and groups to temporarily move tents and structures in order to clean sidewalks as outlined in [Public Works Code section 174](#) and [Admin Code section 80.4\(c\)](#), even if they meet these guidelines. In addition, Public Works will continue confiscating

abandoned property and tents used for storage (instead of habitation) as allowed in the [SFPW Bag and Tag Policies](#).

Any tent or improvised structure not meeting these guidelines must relocate to another area. If someone is asked to move, they have agency to decide for themselves within these guidelines what location is safe for them. Individuals will be given a reasonable amount of time to gather their belongings and move to a safe site. Note that these guidelines are based on City and State codes as well as guidance issued by the San Francisco Department of Public Health related to the COVID-19 pandemic and are subject to change.