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[Counsel Identified on Signature Page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

COALITION ON HOMELESSNESS, et al.,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,  
et al.,

Defendants.

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

~~[PROPOSED]~~ **ORDER RE: JOINT BAG  
AND TAG POLICY TRAINING IN  
RESPONSE TO ORDER ON MOTION TO  
ENFORCE THE PRELIMINARY  
INJUNCTION RE: FOURTH  
AMENDMENT CLAIM (DKT. 231)**

**Judge:** The Hon. Donna M. Ryu

~~[PROPOSED]~~ ORDER

WHEREAS, pursuant to the Court’s Order on Plaintiffs’ Motion to Enforce the Preliminary Injunction (Dkt. No. 231), Plaintiffs and Defendants submitted a proposed order regarding future training on the bag and tag policy;

WHEREAS, on a number of issues, the parties reached agreement. Where the parties were unable to reach agreement, they set forth their separate proposals;

WHEREAS, the Court ruled on the parties’ separate proposals and ordered the parties to submit a revised proposed order on their joint training proposal in accordance with the Court’s order (Dkt. No. 239);

WHEREAS, Plaintiffs maintain the right to object or otherwise seek further relief regarding the bag and tag policy, the training and how Defendants implement the policy, including if Defendants’ revised training does not comply with the proposals set forth herein, or otherwise violates the law or Constitution;

WHEREAS, Defendants preserve any appeal rights related to the Court’s Order (Dkt. No. 231); and their agreement to include certain terms in future trainings in response to the Court is not an admission by Defendants that these terms were not already part of the bag and tag training prior to the Order or that the Court’s Order was correctly decided.

THEREFORE, it is ORDERED as follows:

**A. Contents of Training**

Future formal bag and tag training should include details on the following:

(i) Information about the definitions of “pre-planned encampment resolutions,” “regular encampment cleaning,” and “routine cleaning operations” as those terms are used in the policy;

(ii) the bag and tag policy’s notice requirements, including what appropriate pre-removal notice is, the process by which DPW may be notified if appropriate pre-removal notice has been provided, and what steps to take if DPW is not notified that appropriate pre-removal notice has been provided;

- 1 (iii) That there is no set limit on the amount of property that can be bagged and tagged
- 2 under the policy;
- 3 (iv) When and how to comply with the requirement to provide the owner or the owner's
- 4 designee with a reasonable amount of time to collect and move their belongings out of the
- 5 public right of way, taking into account any special needs that individuals may have and
- 6 the volume of belongings;
- 7 (v) 2-3 hypothetical examples of how to distinguish between unattended personal
- 8 property and abandoned property. The hypotheticals must be designed to assess
- 9 comprehension of this part of the policy. Defendants will choose the hypothetical examples
- 10 used, but will consider any proposed by Plaintiffs;
- 11 (vi) 2-3 hypothetical examples of how to determine whether personal property is co-
- 12 mingled with items that are an immediate health or safety risk. The hypotheticals must be
- 13 designed to assess comprehension of this part of the policy. Defendants will choose the
- 14 hypothetical examples used, but will consider any proposed by Plaintiffs;
- 15 (vii) The rules for storing bulky items, including that bulky items should be considered
- 16 for bag and tag just as any other item, although they are only stored for 14 days, and
- 17 examples of common bulky items, such as mattresses, personal carts, and folding tables;
- 18 (viii) The requirement to advise the owner or owner's designee to separate any
- 19 medications, medical devices, personal identification and legal documents, and the
- 20 requirement to document this advisement via a signed written acknowledgement from the
- 21 owner or owner's designee, including an example or sample written acknowledgment in
- 22 the training;
- 23 (ix) The requirement to photograph property when there is a dispute between the owner
- 24 and staff concerning whether an item of property should be discarded, including the
- 25 circumstances under which a photograph should be taken. The training need not include
- 26 training on how to take a photograph;
- 27 (x) Sections 2(b) and 5(B) of the bag and tag policy on involvement of SFPD;
- 28 (xi) Post-removal notice requirements;

1 (xii) An explanation of the Court’s Preliminary Injunction and the importance of strict  
2 compliance with the policy.

3 **B. Attendance at Training**

4 Defendants will require bag and tag training for all DPW Bureau of Street and  
5 Environmental Services (BSES) employees on the Zone, Hot Spot, Special Projects, and  
6 Reactionary teams, as well as the immediate supervisors of those teams.

7 **C. Frequency of Training**

8 Within thirty days of a court ruling on the parties’ training proposals, Defendants will  
9 make the required modifications to the formal PowerPoint training described above in Section A.  
10 Once such modifications are made, but no later than thirty (30) days after a court ruling on the  
11 parties’ training proposals, Defendants agree to begin informal training on the modified content  
12 at no fewer than two Sup II and two Tailgate meetings per month. In addition, within sixty (60)  
13 days of making the modifications to the formal training, Defendants will train all employees  
14 identified under Section B. Attendance on the revised formal training. Following the initial  
15 training ninety (90) days after the court’s ruling on the parties’ training proposals, Defendants  
16 will require all employees identified under Section B. Attendance to attend a formal training  
17 quarterly.

18 **D. Documentation of Training**

19 Defendants will produce to Plaintiffs in the normal course of discovery meeting minutes,  
20 training materials, and sign-in sheets for Sup II and Tailgate meetings. These documents will  
21 include the date and topic of training.

22 Defendants will provide the Court with a declaration twenty-one (21) days after the  
23 deadline to train all employees on the revised PowerPoint training, and thereafter periodic  
24 declarations every six months through trial. The declarations will include an updated copy of the  
25 PowerPoint training, any sign-in sheets, and any meeting minutes, and will identify the number of  
26 employees on each of the teams that DPW has agreed to train as described in “Attendance.” The  
27 declaration also will include the average length of the PowerPoint trainings. Defendants reserve  
28 the right to object to the use of training documents produced after the close of fact discovery at

1 trial.

2 These requirements shall not affect the parties' rights to discovery in the normal course.

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4 Dated: September 3, 2024

Respectfully submitted,

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By: /s/ Nisha Kashyap

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LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS OF THE SAN FRANCISCO BAY  
AREA

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15 Dated: September 3, 2024

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*Homelessness and Supportive Housing; San*

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*Francisco Fire Department; San Francisco*

*Department of Emergency Management; Mayor*

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*London Breed; Sam Dodge*

1 **IT IS SO ORDERED.**

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3 Date: Sept. 4, 2024

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HONORABLE DONNA M. RYU  
Chief Magistrate Judge  
*Donna M. Ryu*  
Judge Donna M. Ryu

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