



DEPARTMENT NOTICE

20-167
12/15/20

Protocol for Processing Homeless Property consistent with DPW's "Bag & Tag" Policy

The purpose of this Department Notice is to outline policy and procedure for processing the unattended personal property, abandoned property, or property subject to an incident of arrest of a homeless subject.

While enforcing the law, officers routinely encounter situations that require removal of unattended or abandoned personal property from public property. Officers may locate abandoned property that a member may reasonably believe belongs to a homeless individual.

Unattended Property vs. Abandoned Property

Temporarily unattended property is different from abandoned property, which may be immediately discarded. In determining if property is abandoned, officers 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). 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. 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.

Property of Arrested Person

Officers may determine that an individual who is arrested has personal property that is infectious, hazardous, or present an immediate health or safety risk due to the presence of potential biohazards such as fecal matter, needles, etc. As such, items that present potentially infectious, hazardous, or immediate health or safety risk shall not be placed in a police vehicle nor brought into a station to avoid unnecessary exposure to other officers. Rather, officers shall contact DPW for disposal of the property. Officers shall photograph and document in their report why the items were discarded.

If officers arrest an individual in possession of an excessive amount of personal property, the officers shall contact DPW for removal and follow the procedures for unattended property.

In those cases where the personal property is evidence of a crime and the personal property presents a hazardous, infectious, health or safety risk:

- Contact DPW
- DPW is to *confiscate* the property. (Take custody of what the arresting officer(s) deems as

evidence supporting the arrest. Property shall be listed in the arrest report as evidence.)

- Photograph and document the property in the report.
- Note: DPW will not bag and tag evidence that present an *immediate* health or safety risk due to presence of potential biohazards such as fecal matter, needles, etc. (See DPW Procedures 16.05.08. below). If DPW disposes of the property officers document in their report why the items were discarded.
- DPW will contact SFPD to request when to release the personal property based on disposition of the case.

Officers seizing personal property that is evidence of a crime from an individual who is arrested shall refer to DGO 6.15 (Section III. A. 1.) and issue the individual a property receipt (SFPD 315) in duplicate. Describe the property in the incident report. If no one claims ownership of the property, then officers do not have to issue a property receipt.

Procedures for Processing Unattended or Abandoned Property

Contact the Department of Public Works Radio Room at **Official Information** or HSOC (415) 558-2706.

- Officers are to provide DPW the location, member's name and star number. Get an ETA (see below).
- DPW will respond and assess the material for health and safety risks.
- DPW will then take charge of the property.

If the items are determined to be unattended property:

- DPW will tag items to log the property as follows:
 - a. Date
 - b. Time
 - c. Location
 - d. Name of DPW employee and officer(s)
 - e. Name of arrestee if applicable
- Sometimes DPW cannot respond right away so the officer might have to bring the unattended property to the station. With a supervisor's approval officers may bring non-hazardous property to a holding area at the station where it can be picked up by DPW. Officers must provide the station keeper with an ETA from DPW. The officer shall generate a police report.
- "Bag and Tag" on Rec and Park property. Contact Rec and Park 24- hour dispatch at **Official Information** For further assistance and questions contact Maja.Follin@sfgov.org.
- "Bag and Tag" on Port Property. Contact the 24-hour main number at **Official Information**

Department of Public Works Policy

Only personal property, except for those items listed below, and evidence of a crime will be collected for storage at the DPW Maintenance Yard which is located at 2323 Cesar Chavez Street. Property may be retrieved consistent with DPW's bag and tag policy unless it is evidence of a crime.

Items that will be discarded and not stored consistent with DPW's Procedure 16.05.08:

- a. Items that present an *immediate health* or safety risk such as:
 - toxic sharps: 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
 - any personal belongings that are co-mingled or littered with needles, human waste, or other health
- b. Items soiled with urine, fecal matter, or mold are destroyed.
- c. Furniture, mattresses, sheds, rolling structures, and bulky items.
- d. Perishable items, perishable food.
- e. Trash, garbage, and/or debris.
- f. Abandoned property.

Airport Bureau members shall follow the Airport Bureau Order for the Processing of Property.

References:

Department of Public Health – Homeless Outreach Team (H.O.T.) phone number: 415-355-7445



WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn and non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information.