
Demand Letter Challenging the Seizure and Destruction of Homeless Individuals' Personal Property Delivered to San Francisco Mayor

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In response to recent sweeps, in which the City and its agents have taken, discarded and/or destroyed property belonging to homeless individuals without proper notice or the opportunity for them to reclaim their belongings, a coalition of three legal groups—the [Lawyers' Committee for Civil Rights](#), the [ACLU of Northern California](#) and WilmerHale—delivered a demand letter to San Francisco Mayor Ed Lee charging that these practices are unlawful. The group is requesting that the City put an immediate moratorium on the practice of confiscating and destroying homeless individuals' belongings, to allow time for the City to develop and implement a new policy that conforms with well-established law.

"In preparation for the Super Bowl in February, the City displaced homeless people and their belongings, apparently so they would be out-of-sight during the festivities," says Elisa Della-Piana, LCCR Legal Director. "Many homeless people moved to Division Street, where the City violated its own policies, and the law."

Two weeks later, on February 23, in an unannounced move, City workers from the Department of Public Works, accompanied by California Highway Patrol officers, went to Division Street—the location where homeless individuals had taken refuge from downtown sweeps—and disposed of their belongings in a dump truck. Individuals who happened to be present were given ten minutes to gather whatever personal items they could. Officials were captured on video throwing entire tents into a garbage truck. Encampment residents were not notified of where, how, or if they could retrieve property that may have survived the sweep. Among many personal items destroyed, workers threw a disabled veteran's walker into the back of a trash compactor and then crushed it. It was only after the sweep was conducted that the Department of Public Health issued an "Abatement Order To Vacate."

Similar sweeps were conducted on March 1, the weekend of April 10, and April 21. Tents and personal items belonging to hundreds of homeless individuals were seized during this period. Even though the City is legally required to store property it takes from its residents, between February 23 and April 23, the Department of Public Works could account for only nineteen "bagged and tagged" items taken to storage. *The demand letter includes first person accounts of loss of*

property needed for what amounts to subsistence living, including medication for life threatening illnesses. Some of these stories are also included below.

“Seizing and destroying people's property causes irreparable damage to an already vulnerable population, particularly when it means that they lose the clothing, shelter and medication they need to remain healthy or the tools they may use to make a living,” says Michael T. Risher, Senior Staff Attorney, ACLU-NC. “If anything, these sweeps are worsening, not solving, homelessness.”

“These sweeps are unconstitutional,” explained [Keith Slenkovich](#), Partner with the WilmerHale law firm. “The United States and California Constitutions protect all persons, including persons who may not have a permanent address, from the seizure and destruction of their property by the government. We issued this demand letter to request that the City suspend these sweeps and engage with us in a meaningful dialogue about protecting the rights and personal property of the City's homeless population.”

[Read the demand letter.](#)

Client Stories

Pastor Elaine

“Pastor Elaine,” as encampment residents call her, is a disabled woman living in a tent at Division Street. In mid-February, she and her partner left their tent to participate in a housing workshop on 22nd and Mission Streets through the Mayor's Office. She asked friends to watch her locked tent, posting a sign to indicate that the two would return soon. When she returned, the City had taken all of her belongings, including her tent, sleeping bags, clothes, her treasured King James Bible, and more than a dozen bottles of medication prescribed to treat her several ailments, including epilepsy, heart disease, edema, arthritis, chronic neuropathy, and diabetes. Deprived of her medication, she experienced several minor strokes and had to be rushed to the hospital—she now suffers from recurring post-traumatic nightmares of people reaching into her tent.

Travis and Stacy

Travis and Stacy are a young couple who both ended up homeless after moving from their respective hometowns. To help survive their homeless condition, they built a tiny movable wooden shelter structure that they located next to the freeway near 7th and Hooper streets. On March 4, 2016, DPW workers and San Francisco Police Department officers arrived without warning, dismantled the couple's temporary home, and threw all of their belongings into a dump truck, including their pet baby snake. Shocked at what she was seeing, one conscientious DPW worker refused to participate, as other workers discarded and destroyed the couple's belongings including electronics and medication (HIV, depression), as well as their tiny “house” itself. Losing the one place they could call home has significantly damaged the couple's physical and mental health.