

Understanding the Impact of Prop 36 on Los Angeles County

Quarterly Digest: Quarter 2, April to June 2026

California voters passed Proposition 36 in 2024 in response to concerns about homelessness, public substance use, and retail theft. However, when pushing for Proposition 36, proponents [promised](#): “Proposition 36 is NOT about going back to an era of mass incarceration. This is about creating a new era of mass treatment for the underlying conditions fueling so many thefts and driving so many people into homelessness.” Thus far, it appears that they misled voters. In Los Angeles County, Prop 36 has [inflated](#) the jail population while connecting relatively few people to treatment. This is particularly concerning in Los Angeles, given the county’s overcrowded jails and acute need to address issues of homelessness and substance use through [evidence-based programs](#).

Many criminal justice advocates and [experts warned](#) this would happen. Prop 36 extends harsh “three-strikes”-style sentencing to low-level nonviolent drug and theft charges, [creating](#) Penal Code (PC) 666.1 (petty theft with priors) and Health and Safety Code (HS) 11395 (treatment-mandated felony, or TMF). Under Prop 36, Los Angeles County is spending money putting people in jail instead of into the [evidence-backed](#) programs that help reduce the number of people experiencing homelessness and substance use issues.

The Vera Institute of Justice (Vera) is tracking the implementation of Prop 36 in Los Angeles, drawing on jail booking and population data from county government and police agencies. (For details, see “About the data.”¹) Vera’s analysis shows trends in jail bookings and jail stays in Los Angeles County due to the repeat theft and TMF charges created by Prop 36. All findings in this report come from Vera’s analysis of Los Angeles County booking data unless otherwise noted. For more information on Prop 36, see Vera’s “[Prop 36: A Step Backward for Community Safety and Stability in California](#)” explainer.

Implementation in Los Angeles at a glance:

- Since implementation began in January 2025, more than 11,000 people have been booked into jail on Prop 36 charges in Los Angeles County.
- Without people in jail on Prop 36-related charges, Los Angeles would have about 1,200 fewer people in its jails, and the jail population would be at a historic low. (See Figure 2.)
- As revealed [last quarter](#), Prop 36 still disproportionately affects older people and Black people. Twenty-three percent of all Prop 36 bookings involve people older than 50 years old, and 31 percent involve Black people (of all ages).

Key takeaways for April–June 2026:

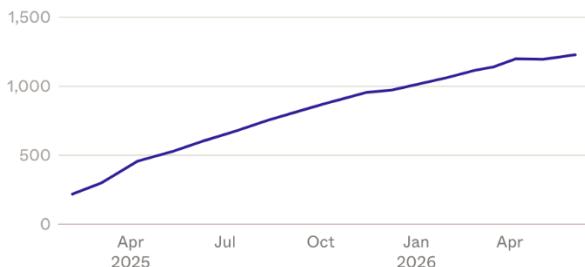
1. On average, 743 people per month were booked on Prop 36 charges, representing 4.6 percent of all bookings.
2. Prop 36 bookings have increased every quarter since it was enacted. There were 2,229 Prop 36 bookings this quarter, up from 1,362 in the first quarter of 2025.
3. The increase in Prop 36 bookings this quarter is driven by treatment-mandated felony (TMF) bookings, which increased 6 percent. While the TMF charge offers a pathway to treatment, people accused of HS 11395 charges still spend time in jail waiting for their cases to be processed or for program slots to open, and some decline treatment due to onerous requirements. Repeat theft charges increased 1.4 percent.

While the number of people booked into jail on non-Prop 36 charges is decreasing, the number booked for Prop 36 charges continues to increase.

Figure 1

Los Angeles County Prop 36 jail population February 2025–June 2026

The population of people in Los Angeles jails who are booked on Prop 36 charges has increased



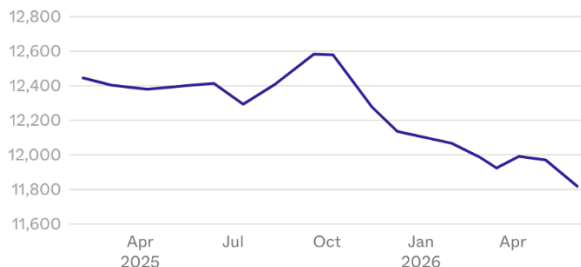
Source: Los Angeles County Chief Executive Office's Jail Custody Dashboard



Figure 2

Los Angeles County non-Prop 36 jail population February 2025–June 2026

The population of people in Los Angeles jails who are booked on non-Prop 36 charges has decreased



Source: Los Angeles County Chief Executive Office's Jail Custody Dashboard

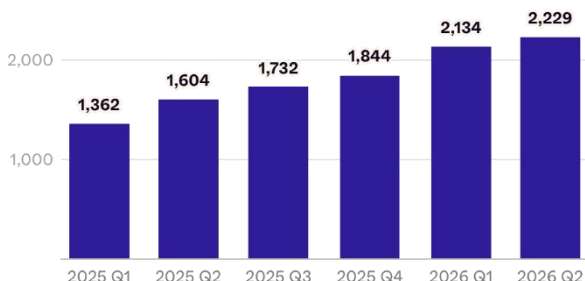


In the second quarter of 2026, on average there were 1,207 people in the LA County jail system whose primary charge was a Prop 36 statute.² This represents an increase of 100 people (9 percent) from the previous quarter (1,107, Figure 1).³ Meanwhile, the average number of people in the jail system whose primary charge is *not* a Prop 36 statute decreased by 65 people (Figure 2).

Figure 3

Bookings in Los Angeles County with at least one Prop 36 charge: Q1 2025–Q2 2026

Prop 36 bookings have increased every single quarter since Prop 36 was enacted



Source: Los Angeles county booking data for all law enforcement agencies



Prop 36 bookings increased 4.5 percent since Q1.

The second quarter of 2026 saw yet another increase in Prop 36 bookings: 743 people booked per month on average (Figure 3). This represents 4.6 percent of all Q2 bookings and a 4.5 percent increase from the previous quarter (711 per month on average). Non-Prop 36 bookings have only increased 2 percent since last quarter.

As was the case [last quarter](#), three out of five people booked for Prop 36 charges were detained for more than four days.⁴

[Research](#) shows that even one day in pretrial detention makes a person more likely to be arrested again and/or to miss a court appearance, and it also has [destabilizing effects](#) on employment, housing, and health. Proponents of Prop 36 promised it would result in treatment, not jail, but Los Angeles's jails are filling with people accused of Prop 36 charges.

Unaffordable bail amounts [continue](#) to keep people with Prop 36 charges in jail.

Although median bail amounts for both Prop 36 charges have fallen slightly since last quarter to \$85,000 for repeat theft and \$80,000 for TMF, these amounts are still unaffordable for [most Angelenos](#), and even the 10 percent that a bail bond company would charge is out of reach for people living in poverty.

TMFs are driving the increase in Prop 36 bookings this quarter, result in longer jail stays than last quarter, and are increasingly affecting Black people and older people.

Based on [data reported](#) to the Judicial Council of California, 1,660 people were charged with TMFs in 2025 in Los Angeles County, [as noted in Vera's Q1 digest](#). Only 22 percent received any amount of mandated treatment. Only six people (0.4 percent of those charged) had completed treatment as of the time of the report.⁵ (Jail and police data do not indicate treatment status.)

- TMF bookings are up 6 percent since last quarter.
- The share of HS 11395 bookings that involve Black people has increased: Black people represent 9 percent of the LA County population, 13 percent of TMF bookings last quarter, and 16 percent of TMF bookings this quarter.
- TMF bookings this quarter are impacting fewer younger people (18 percent are for people younger than 36 years old compared to 22 percent last quarter and 23 percent the quarter before), and more older people (27 percent are for people ages 51–64 compared to 25 percent in the previous two quarters).
- Lengths of stay for HS 11395 charges are increasing: more people this quarter have stays of four or more days (52 percent, compared to 51 percent in Q1 2026 and 47 percent in Q4 2025), and fewer are released within 24 hours (21 percent, compared to 23 percent in Q1 2026 and 22 percent in Q4 2025).

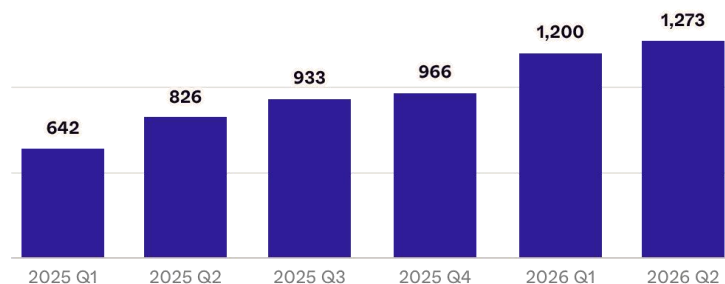
While the reasons for these trends are unknown, it is clear that **Los Angeles does not have sufficient drug treatment capacity and needs more funding for drug treatment for everyone, not just those accused of Prop 36 charges.**

- Only 3 percent of Los Angeles's residential drug treatment capacity is available at any given time for anyone (not just those with Prop 36 charges), and those openings typically [disappear within hours](#).⁶ Court mandates do not resolve the shortage of treatment availability.
- Fifty-nine percent of California voters said [the state should prioritize drug treatment and rehabilitation](#) to support Prop 36's goals, and 56 percent identified transitional housing and job training.
- The promise of an "[era of mass treatment](#)" has been broken, as Los Angeles fills its jails with people booked on Prop 36 charges without additional access to treatment. **Los Angeles needs to focus on [real solutions](#) to homelessness and addiction that do not involve incarceration.** Los Angeles should do everything in its power to decrease the number of people in jail on any given day on Prop 36 charges, including making drug treatment more readily available to anyone who wants it.

Figure 4

Bookings in Los Angeles County with at least one treatment-mandated felony charge: Q1 2025–Q2 2026

Treatment-mandated felony bookings have increased every single quarter since Prop 36 was enacted



Source: Los Angeles county booking data for all law enforcement agencies

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Notes

¹ **About Prop 36 charges:** For a summary of Prop 36 charges, see the Committee on Revision of the Penal Code, “Criminal Laws Created or Amended by Prop 36,” <https://perma.cc/6BNB-VN7L>. In essence, [Penal Code 666.1](#) (petty theft with priors) allows people who are accused of misdemeanor petty theft to be charged with a felony when they have previously been convicted of two or more theft offenses, regardless of how long ago the prior convictions took place. [Health and Safety Code 11395](#), also known as the “treatment-mandated felony,” allows prosecutors to file a drug possession charge as a felony when the person has previously been convicted of two or more possession or sale of drugs offenses. While law enforcement and prosecutors can file both of these new charges as misdemeanors, only 5 percent of all of these charges in Los Angeles have been booked that way; the rest have been felonies. However, for noncitizens, even if the person successfully completes treatment, the conviction [still stands](#) for the purposes of immigration court and, as a drug conviction, carries some of the harshest consequences under federal immigration law, including family separation, deportation, and the inability to return to the United States.

About the data: Public Justice provides anonymized jail booking data to Vera through a data use agreement. This data includes all bookings for all agencies in Los Angeles County, including the Los Angeles Sheriff’s Department (LASD), Los Angeles Police Department, California Highway Patrol, and all police departments in Los Angeles County. The dataset includes people booked after arrest or on a warrant. It only includes information for the first four days of each person’s jail stay. The data does not capture releases that occur beyond four days, changes to initial charges or bail amounts, case dispositions, or sentencing outcomes (including sentencing enhancements). Vera conducted the analysis. Jail snapshot data comes monthly from the Los Angeles Chief Executive Office’s (CEO’s) [Jail Custody Dashboard](#). The CEO also conducts and circulates analysis on Prop 36 implementation. Other jail data comes from Vera California’s [Care First LA](#) dashboard, which visualizes [LASD population documents](#). The Board of State and Community Corrections provides data on the Los Angeles County jail population back to 1995 in its [Jail Profile Survey](#).

About the analysis: Prop 36 bookings include all bookings with at least one count of a statute created by Prop 36: PC 666.1 and HS 11395. Prop 36 also created and amended several other statutes, but they appear in negligible numbers in this dataset. When the analysis references “comparable non-Prop 36 felony charges,” repeat theft PC 666.1 is compared to all non-Prop 36 felony theft charges, and treatment-mandated felony HS 11395 is compared to all non-Prop 36 felony drug charges. For analysis of bail amounts, only single-charge bookings are used because the booking data source does not disaggregate bail information by charge. Therefore, to determine bail amounts for specific charges, only single-charge bookings can be analyzed.

² 1,207 is the average of the three point-in-time numbers for Q2 2026, available on the [Los Angeles Chief Information Officer’s Jail Custody Dashboard](#), accessed July 8, 2026.

³ 1,107 is the average of three point-in-time numbers for Q1 2026, as referenced in note 2.

⁴ The data source only includes information for the first four days of each person’s jail stay.

⁵ This low number is likely because programs can take months or even years to complete, so in this first year, some who have started have not yet finished.

⁶ The 3 percent figure is calculated based on residential bed availability published on Los Angeles County’s [Service Bed Availability Tool](#) (93 beds on July 23, 2026) divided by the total treatment capacity of those facilities reported in the California Department of Health Care Services’ [SUD Recovery Treatment Facilities dataset](#) (2,964 on July 23, 2026).