

# Understanding the Impact of Prop 36 on Los Angeles County

## Quarterly Digest: January to March 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 666.1 (petty theft with priors) and Health and Safety Code 11395 (treatment-mandated felony). 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.”<sup>1</sup>) Vera’s analysis shows trends in jail bookings and jail stays in Los Angeles County due to the repeat theft and treatment-mandated felony 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:

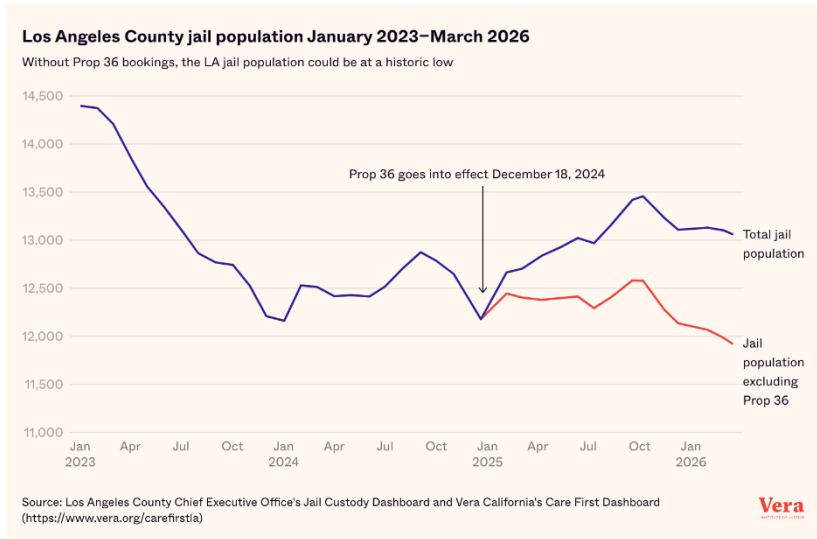
- Since implementation began in January 2025, **more than 8,800 people have been booked into jail on Prop 36 charges in Los Angeles County.**
- Without Prop 36–related jail bookings, **Los Angeles would have about 1,000 fewer people in its jails, and the jail population would be at a historic low.**
- **Prop 36 disproportionately affects older people.** Twenty-three percent of all Prop 36 bookings involve people more than 50 years old, compared to 14 percent of all bookings since January 2025. This is notable because older people have a higher likelihood of [adverse health consequences](#) due to incarceration, need [costlier services](#) during detention, and have a [lower risk](#) of rearrest.
- As Vera [predicted](#), **Prop 36’s retail theft crackdown is deepening racial disparities, particularly for Black people.** Black people account for only [9 percent](#) of Los Angeles County residents—but 29 percent of the people in jail and 31 percent of all people booked on Prop 36 theft charges.
- **Only [22 percent](#) of people charged with treatment-mandated felonies in Los Angeles County have gone into treatment so far,** which suggests that the treatment programs are inaccessible and/or unappealing.

### Key takeaways for January–March 2026:

1. On average, 711 people per month were booked on Prop 36 charges, representing 4.5 percent of all bookings.
2. Prop 36 bookings have increased every quarter since it was enacted. Prop 36 bookings increased by 16 percent this quarter compared to last quarter, driving the jail population up.
3. The current booking increases for Prop 36 charges are most dramatic in the treatment-mandated felony category: a 24 percent increase from Q4 of 2025, compared to 7 percent for theft. While this 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.

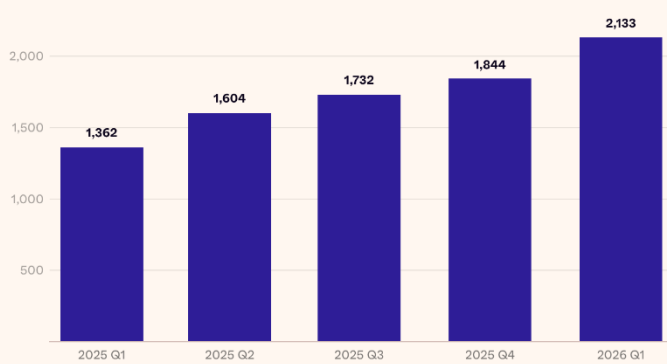
**Without Prop 36 bookings, the Los Angeles jail population could be at a historic low.**

Because Prop 36 transformed what were formerly low-level misdemeanor charges into felonies with higher bail and potential prison time, jail stays are more common and longer than before. Prop 36 implementation is undermining Los Angeles County’s efforts to reduce its jail population numbers for health and safety reasons. The Los Angeles jail system has more than [1,000 people in it](#) whose controlling charge is a Prop 36 charge, as of March 2026. Without these people, the Los Angeles jail population could be as low as 11,924. Other than the pandemic-related low in spring 2020, this would be the lowest reported average daily jail population [since at least 1995](#).<sup>2</sup>



**Bookings in Los Angeles County with at least one Prop 36 charge: Q1 2025–Q1 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 16 percent since the last quarter of 2025.**

The first quarter of 2026 saw yet another increase in Prop 36 bookings: 711 people booked per month on average. This represents 4.5 percent of all Q1 bookings and a 16 percent increase from the previous quarter (615 per month on average). Non-Prop 36 bookings have only increased 5 percent since Q4 of 2025.

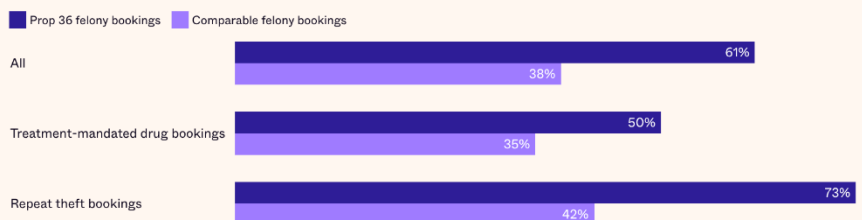
**Three out of five people booked for Prop 36 charges are detained more than four days.**

Sixty-one percent of people who are booked on Prop 36 charges are held in jail for more than four days, while only 38 percent of people booked on comparable non-Prop 36 felony charges are held that long.<sup>3</sup> This is

particularly troubling in light of [research](#) showing that even one day in pretrial detention makes a person more likely to be arrested again and/or to miss a court appearance and also has [destabilizing effects](#) on employment, housing, and health.

**Percent of people detained for more than four days: Los Angeles County, January 2025–March 2026**

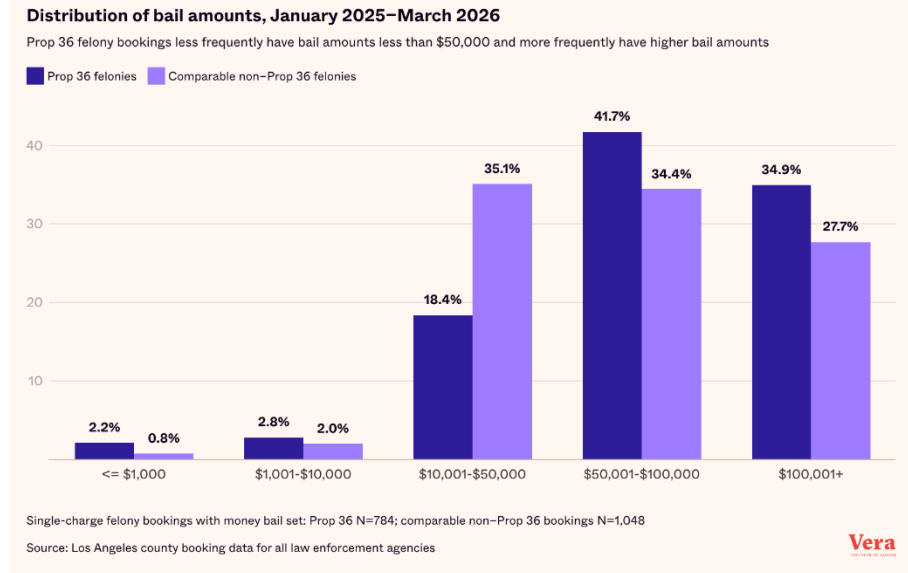
People booked on Prop 36 charges are more likely to be detained for more than four days than people booked on comparable charges



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

**Many people with Prop 36 charges likely remain in jail because of unaffordable bail amounts.**

In single-charge bookings for both Prop 36 felony charges in which money bail is set, the median bail amount is \$100,000, which is \$25,000 higher than comparable non-Prop 36 felony charges.<sup>4</sup> This amount is unaffordable to many—even the 10 percent that a bail bond company would charge is almost six weeks of pay for an Angeleno with the [median household income](#). When people cannot pay bail, they remain in jail, which makes a person [more likely to be arrested again](#), is costly for the county, and has [adverse consequences](#) for people’s housing, employment, and families.



**Prop 36 is not expanding access to drug treatment through court mandates.**

- Based on [data reported](#) to the Judicial Council of California, 1,660 people were charged with treatment-mandated felonies in 2025 in Los Angeles County. Only roughly 22 percent received any amount of mandated treatment. Only six people (0.4 percent of those charged) have completed treatment so far.<sup>5</sup> (Jail and police data do not indicate treatment status.)
- The term “[treatment-mandated felony](#)” is a misnomer—people may choose to plead guilty or no contest to the charge and agree to participate in a drug treatment program approved by the court. If the person successfully completes the program, the court must dismiss the charge. If the person does not complete the mandated treatment, the court may impose a sentence of three years in prison. If they do not plead guilty or no contest and are found guilty, they can be sentenced to up to three years in county jail for a first offense and three years in state prison for any subsequent offense.
- These patterns suggest that the incentives that Prop 36 claimed would push more people into treatment are not working. Court-mandated treatment programs can be [long, onerous, and coercive](#) and result in more court involvement. Therefore, [some people decline treatment](#) and serve their jail or prison time directly instead.

**Although the promises of Prop 36 have been shattered by the reality of increased incarceration without a meaningful connection to treatment, Los Angeles can still focus on real solutions to homelessness and addiction.**

By locking people in jail and ensnaring them in the court process, Prop 36 is making it harder for Los Angeles County to deliver high-quality treatment and housing to its residents, which is vital to reducing crime. Meanwhile, the county is facing [fundamental threats and budget cuts](#) from the federal government. Los Angeles cannot change the Prop 36 law, but the county [can mitigate its harm](#). By investing in permanent supportive housing, expanding the substance use and mental health workforce, and increasing the availability of voluntary treatment programs, the county can help actualize the things voters thought they were achieving by passing Prop 36.

## Endnotes

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<sup>1</sup> **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 someone’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.

<sup>2</sup> The [May 2020 average daily population](#) was 11,578.

<sup>3</sup> The data only allows analysis of releases within four days; typically, anyone who can post bail will do so within this timeframe.

<sup>4</sup> Approximately 32 percent of bookings with a Prop 36 charge had money bail set in the case; the remainder had zero bail set (43 percent), were released on recognizance or a similar pathway (21 percent), or were held without bail (4 percent).

<sup>5</sup> 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.