Understanding the Impact of Prop 36 on Los Angeles County
Quarterly Digest: Quarter 3, July to September 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 13,500 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 up to 1,300 fewer people in its jails, and the jail population would be at a historic low.** (See Figure 1.)
- As revealed earlier this year, **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).
- **Women are booked more than twice as often on repeat theft charges** (65 percent of Prop 36 repeat theft bookings are women) **as on TMF charges** (32 percent). The pattern for Prop 36 bookings of men is reversed: more TMF charges (56 percent) than repeat theft charges (41 percent).
- Los Angeles County has received **$15 million in state Prop 36 funding** via the 2025 Budget Act. Yet the County does not appear to have publicly detailed its plans for how this money will **increase drug treatment access** or **reduce the jail population**.

Key takeaways for July–September 2026:

1. On average, 830 people per month were booked on Prop 36 charges, representing 4.9 percent of all bookings.
2. Prop 36 bookings have increased every quarter since it was enacted. There were 2,489 Prop 36 bookings this quarter, up 12 percent from last quarter.
3. Both TMF and repeat theft bookings increased more than 10 percent this quarter compared to the last one: a 12 percent increase for TMFs and 11 percent increase for repeat theft.

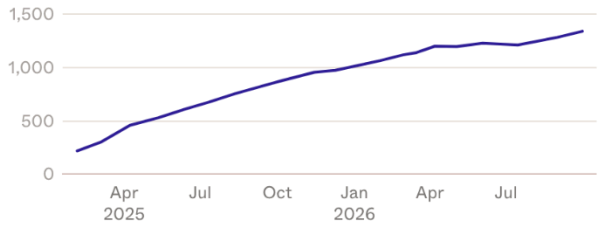
Vera works to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. For more information, visit vera.org. For more information about this fact sheet, contact Chris Kaiser-Nyman at ckaisernyman@vera.org.

While the number of people in jail whose primary charge is *not* a Prop 36 charge is decreasing, the number in jail whose primary charge *is* a Prop 36 charge continues to increase.

Figure 1

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

The population of people in Los Angeles jails whose primary charge is a Prop 36 charge has increased

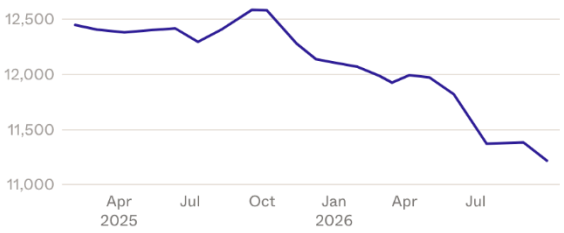


Source: Los Angeles County Chief Executive Office's Jail Custody Dashboard

Figure 2

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

The population of people in Los Angeles jails whose primary charge is not a Prop 36 charge has decreased



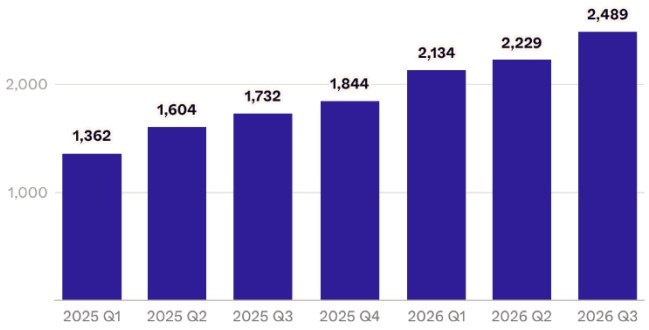
Source: Los Angeles County Chief Executive Office's Jail Custody Dashboard

On September 30, 2026, there were 1,339 people in the LA County jail system whose primary charge was a Prop 36 statute (Figure 1).[2] Meanwhile, the number of people in the jail system whose primary charge is *not* a Prop 36 statute decreased by 598 people since last quarter (Figure 2).

Figure 3

Bookings in Los Angeles County with at least one Prop 36 charge: Q1 2025–Q3 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 12 percent since Q2.
The third quarter of 2026 saw yet another increase in Prop 36 bookings: 830 people booked per month on average (Figure 3). This represents 4.9 percent of all Q3 bookings and a 12 percent increase from the previous quarter (743 per month on average). Non–Prop 36 bookings have only increased 4.5 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.[3]
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.

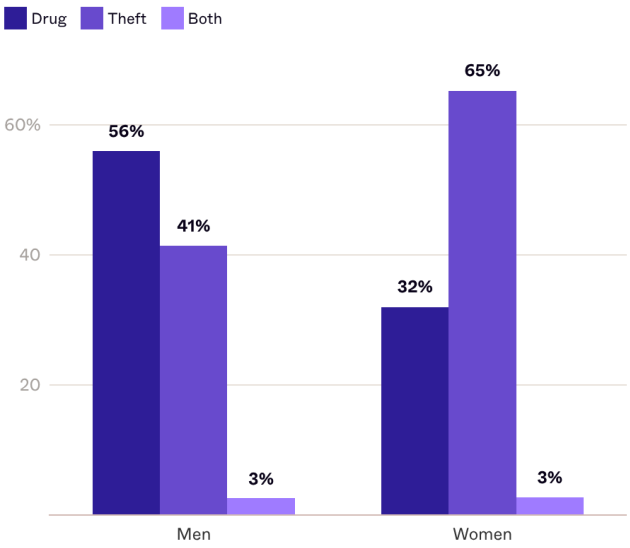
Unaffordable bail amounts continue to keep people with Prop 36 charges in jail.
Median bail amounts for both Prop 36 charges have increased since last quarter to $97,550 for repeat theft and $100,000 for TMF. These amounts are unaffordable for most Angelenos, and even the 10 percent that a bail bond company would charge is out of reach for people living in poverty.

Women have more theft Prop 36 bookings than drug Prop 36 bookings.

- Of women booked with at least one Prop 36 charge, 65 percent were booked with a repeat theft charge. That number is only 41 percent for men (Figure 4).
- While it is not clear why these patterns occur, it is worth investigating to determine appropriate gender-specific interventions and prevention strategies.

Figure 4

Prop 36 bookings by sex and type



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

Los Angeles County is not publicly accounting for $15 million in Prop 36 funding

California's 2025 Budget Act allocated $100 million for Prop 36 implementation, to be spent over three years and divided into allocations for county behavioral health departments, trial courts, pretrial services, and public defense, each of which was allocated and disbursed via different methods. As part of the behavioral health and trial court funding, the state requires that courts report on Prop 36 case filings, court use of substance use and mental health evaluations, assessments ordered for public benefits eligibility (for example, Medi-Cal, Medicaid, or other benefits), and court-ordered job training, as well as court-ordered drug treatment participation agreements, completion rates, and other outcomes.[4] Reporting requirements around funding received for Prop 36 pretrial services are less clear.

Los Angeles was awarded a total of $15 million in Prop 36 funding from the 2025 Budget Act. The state awarded funding to the Los Angeles County Department of Public Health—Substance Abuse Prevention and Control, to the Los Angeles County Superior Court for increased workload due to Prop 36 cases, and to the Court for pretrial services.[5]

Despite the state-mandated reporting requirements, Los Angeles County has no clear public source accounting for what, specifically, it is spending that money on or for how it is contributing to the promised "era of mass treatment" or the County's commitment to Care First, Jails Last. Although some funding has yet to be distributed, the **County should have a clear and public plan for its Prop 36 funding** that details specifics of agency allocations and projected expenditures and how it is tracking its treatment completion and decarceration effects.

[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] Not all of the people in jail whose primary charge is a Prop 36 charge would likely be released in the absence of that charge, but to Vera's knowledge no data exists publicly that would allow an analysis of people in jail based on all of their charges, not just their primary charge.

[3] The data source only includes information for the first four days of each person's jail stay.

[4] 2025 California Budget Act, AB 102 Item 0250-101-0001, Provision 20, and Item 4260-101-0001, Provision 26(f).

[5] Los Angeles County was not awarded funding for public defense, the only category of Prop 36 funding that was a competitive process.