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DA Releases Latest Data on Prop 36 Prosecutions Showing 98 Percent of Defendants on a Treatment Track

Some Retail Outlets Starting to Unlock Higher-End Products

San Diego County District Attorney [Summer Stephan](#) today released promising data related to prosecutions and court-mandated treatment under news laws created by the passage of Proposition 36. Numbers show that of the hundreds of defendants who have pleaded guilty to drug-related offenses under Prop 36 since early April and have gone through the treatment or probation screening process, only five have not been offered and accepted services from the Probation Department or court mandated drug treatment.

At the same time, local small and large businesses have expressed relief over the implementation of the repeat theft offender provisions of Prop 36, with some anecdotally reporting that stricter penalties are deterring theft and providing a sense of security for businesses previously targeted by repeat offenders.

“It’s a very positive picture eight months into the implementation of Prop 36 and four months into a regional plan for treatment options,” said DA Stephan. “We’re already seeing promising evidence that Prop 36 is restoring the rule of law, giving hope to businesses suffering the specter of repeat theft that has threatened the safety of employees and customers. By emphasizing accountability alongside treatment and rehabilitation, data also shows the law is working to address the core drivers of habitual criminal behavior.”

More information about Prop 36, including statistics updated each month can be found on the DA’s public website [here](#). Watch a video about how Prop 36 is working [here](#).

Data released this month show that as of July 31, 2025, a total of 1,778 cases have been charged with one of the two key portions of Prop 36: repeat theft offenders charged under Penal Code section 666.1 and repeat hard drug offenders charged under Health and Safety Code section 11395.

Charge Type	Number of Cases	Percentage
Drug-Related Possession (Treatment Mandated, 2+ priors)	1,207	67.9%
Theft-Related Crimes (Repeat Offenders)	571	32.1%
Total Cases: 1,778		

The measure allows defendants charged with possession of a hard drug plus two or more prior convictions to opt for treatment instead of prison sentences, aiming to address underlying issues of addiction. In early April, the San Diego Superior Court approved the countywide implementation of mandated treatment under the new law. Since then, 98% of defendants who have resolved their cases and have gone through the treatment or probation screening process have been offered and agreed to accept services from the Probation Department or court mandated drug treatment providers.

Data shows Prop 36 is revitalizing drug courts by providing leverage to encourage individuals to engage in treatment programs. [Drug Court](#), which turns lives around for those whose addiction led to a criminal history, has seen an increase in participants across the county with 309 individuals enrolled as of August 1, 2025 out of a capacity of 440.

Proposition 36, which passed with 68% of the vote, took effect in December of last year. DA Stephan said her office has been committed to successfully implementing the transformational proposition in partnership with the Sheriff, county's police chiefs, the court and the community. The measure:

- Provides stricter consequences for repeat theft offenders, those who are committing smash and grab retail crimes, and organized theft rings, which will stop the cycle of recidivism.
- Requires convicted dealers of fentanyl and hard drugs to receive a warning that the next time they sell illegal drugs, and someone dies, they will be held responsible for a victim's death. The law provides additional consequences for illegal drug dealers who cause great bodily injury or death, who carry firearms while dealing narcotics, or are involved in the distribution of unusually large quantities of narcotics.
- Incentivizes lifesaving treatment for defendants suffering from addiction by creating the new *Treatment Mandated Felony* that offers treatment as an alternative to incarceration for those who illegally possess hard drugs like fentanyl and methamphetamine, addressing the root cause of many crimes.

The DA is encouraging business owners and the public to report theft, share information, and support efforts to hold offenders accountable. Local small and large businesses have expressed relief over the implementation of Proposition 36, anticipating that stricter penalties will deter theft and provide a sense of security for businesses previously targeted by repeat offenders.

During DA Stephan's recent tour of a Walmart store in San Diego, store officials said their goal is to improve the consumer's shopping experience and noted that they have been able to unlock some products in their stores that previously were under lock and key to prevent theft.

"We're already talking about which items can be moved around and unlocked, and which need to be locked," said Nathan Smith, Lead Counsel with Walmart. "Those are numbers-driven decisions, but partnering with law enforcement and prosecutors is critical to make that happen."

The District Attorney's Office has specialized teams for retail theft, treatment courts, and major narcotics to effectively address all aspects of Proposition 36, working in partnership with law enforcement and the community. The DA's Office also participates in the San Diego Organized Retail Crime Alliance, bridging the gap between public and private investigations of organized retail theft in both large and small businesses in the county.

To prepare for Prop. 36 to take effect, the DA's Office trained law enforcement officers across San Diego County about the new laws, collaborating with the San Diego County Sheriff and police chiefs throughout the region, conducting internal trainings for prosecutors, meeting with criminal justice stakeholders, working with business leaders in the region, consulting with the California District Attorneys Association and brainstorming with other District Attorney Offices across the state to leverage best practices to effectively implement the new law.

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.