

330 West Broadway
San Diego, CA 92101
(619) 531-4040
SanDiegoDA.com



RACHEL SOLOV
ASSISTANT DISTRICT ATTORNEY

OFFICE OF THE SAN DIEGO COUNTY
DISTRICT ATTORNEY

SUMMER STEPHAN
District Attorney

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Contact: [Tanva Sierra](#) (619) 531-3315
En Español [Barbara Medina](#) (619) 531-3305

DA, San Jose Mayor, Senator Blakespear & Treatment Providers Join Forces Calling for State to Fund Prop. 36

San Diego Held as Model for Implementing New Law

San Diego County District Attorney [Summer Stephan](#) joined with San Jose Mayor Matt Mahan, leaders and participants in behavioral health treatment, and the small and large business community to update the public on San Diego's successful implementation efforts of Proposition 36 and to call on the state to fully fund this transformative voter-passed initiative.

California voters made their will clear in passing Prop. 36, but the state has yet to provide sufficient funding for full implementation across all counties, leaving people struggling with severe addiction and mental illness, often driving homelessness to cycle repeatedly through the criminal justice system.

“San Diego County has shown through a year of persistent implementation that Proposition 36 works—saving lives and reducing crime by incentivizing treatment for addiction and mental health,” **DA Stephan said**. “Even without state funding, we moved forward, balancing compassion with accountability. The results are clear: 96.4% of eligible felony defendants chose a treatment track, while only 3.5% were sentenced to local or state prison. Overdose deaths among people experiencing homelessness dropped 25%, and property crimes decreased 12.7%, giving businesses much-needed relief. It is now the legal and ethical responsibility of the Legislature and Governor to fund this voter-approved law.”

During a news conference, DA Stephan provided an update on Prop. 36-related prosecutions, highlighting the mandated treatment aspect of the law that incentivizes lifesaving treatment for defendants suffering from addiction. The law requires treatment as an alternative to incarceration, addressing the root cause of many crimes.

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“I’m deeply grateful to County Behavioral Health Services, the Court, the Sheriff’s Office, and County Probation, whose partnership is essential to making Proposition 36 work.”

DA Stephan also praised California State Senators Catherine S. Blakespear, Susan Rubio and Thomas J. Umberg, who have called for \$400 million to be added to the state budget to help counties and local law enforcement agencies pay for licensed drug and alcohol treatment and other services required under Proposition 36. The DA thanked Mayor Mahan who was one of the first big city mayors to support the new law and to push for funding and implementation of this initiative.

Data released last month shows that as of February 28, 3,879 criminal cases have been charged in San Diego County 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. About 68% of the cases fall under drug charges, with the remainder pertaining to retail theft.

In approximately 71.4% of cases, courts placed defendants on a Proposition 36–mandated treatment track, with another 25% assigned to treatment through probation conditions—bringing the total to 96.4% on a treatment path designed to address the root causes of repeat criminal behavior, primarily addiction, mental illness, or both.

In addition to Mayor Mahan, DA Stephan was joined at the news conference by James Callaghan, the CEO of TURN Behavioral Health Services, a dual track treatment program for individuals with severe mental illness and/or a chronic substance use disorder; Chirs Cate, the CEO of the Regional Chamber of Commerce, business owners and an individual who successfully completed treatment.

Mayor Mahan has been committed to supporting his city and the state to properly fund and implement Prop. 36 and to reduce homelessness.

“The nearly 70% of voters who passed Prop. 36 were clear: we need an era of mass treatment that combines accountability with real access to care, and meets people where they are while refusing to abandon them to the streets,” **said San Jose Mayor Matt Mahan**. “San Diego has worked hard to answer to the will of the people — now, we need the rest of the state to follow suit. I’m looking forward to seeing what’s working in Southern California and talking about how it can scale to every corner of California.”

In San Diego County, Mayor Todd Gloria and nearly all local mayors support the proposition.

Over the past decade, California’s homelessness crisis has worsened even as other parts of the country saw periods of decline, underscoring the need for more effective tools to address addiction and connect people to treatment.

“Californians made it abundantly clear that funding and implementing Proposition 36 should be a top state priority,” **said Senator Catherine S. Blakespear**. “Last year’s \$100 million initial investment was a good first step but the State needs to fully fund the critical needs of those on the ground doing the diversion, supervision, and treatment work associated with this law.

Officials say licensed drug and alcohol treatment along with supportive services and evidence-based care help people reclaim their lives.

“This is not only a health issue — it’s a community issue,” **Callaghan said, the CEO of TURN Behavioral Health Services**. “Untreated behavioral health conditions contribute to overdoses, homelessness, repeated emergency response, and strain on law enforcement and hospitals. Integrated, evidence-based treatment reduces emergency room visits, lowers recidivism, and helps people stabilize long enough to reconnect with housing, employment, and family supports. When people receive the right care at the right time, communities are safer and systems function more effectively.”

San Diego County has been implementing Prop. 36 faster than many California counties, establishing a specialized treatment system within four months of the law's passage to address both addiction and mental health.

“Through leadership and collaboration, San Diego County is emphasizing a treatment-first approach for drug offenses with equal access to treatment for the rich and the poor, **DA Stephan said**. “San Diego has pushed forward and proven that Prop. 36 can work. We need leaders to stand up and demand Prop. 36 be funded.”

Key elements of San Diego’s implementation include:

- **Faster Implementation:** San Diego established a specialized treatment plan for Prop 36 offenders within four months, leading the state.
- **High Treatment Enrollment:** About 96% of eligible defendants in San Diego are engaging in the treatment track through deferred judgment or probation.
- **Focus on Drug Rehabilitation:** The San Diego DA has been charging over 80% of Prop. 36 cases under the umbrella of drug-related offenses, prioritizing addiction treatment over immediate incarceration.
- **Leveraging Drug Courts:** Expanding Drug Court to manage the influx of participants.
- **Proactive Planning:** Recognizing potential capacity issues, we began mapping out treatment needs early to address addiction and recidivism effectively.

Prop. 36 has made a difference to local businesses and prosecuting habitual offenders is making stores and the community safe.

“I have noticed a complete 180-degree turn on two things surrounding our businesses: homeless activity is down and shoplifting and theft are down,” **said Tony Konja, president of Keg N**

Bottle and Chairman and CEO of the Neighborhood Market Association. “It’s simply amazing how policy coupled with enforcement equals peace.”

Prop. 36, which passed with 68 percent of the vote in 2024, took effect in December of the same year. The DA’s Office has been committed to successfully implementing the transformational proposition in partnership with the Sheriff, the 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, to help 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.

More information about the ongoing implementation of Prop. 36, including monthly updated data, can be found on the [DA’s website here.](#)

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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.