

Orange County Proposition 36 Update

October 2025



Overview

- Prop 36
- Program Implementation
- Program Census Updates
- Next Steps

Prop 36

- Prop 36 passed by California voters in November 2024, allowing individuals who possess illegal drugs to be charged with a “treatment-mandated felony,” instead of a misdemeanor, in some cases
- Specifically, applies to people, who:
 - Possess certain drugs (fentanyl, heroin, cocaine, or methamphetamine)
 - Have two or more past convictions for some drug crimes (possessing or selling drugs)
- Those who finish treatment would have their charges dismissed

Prop 36 Program Implementation in OC

- OC's Collaborative Courts brought OC Health Care Agency (HCA), District Attorney and Public Defender together late in 2024 to plan for implementation
- As an unfunded mandate, HCA staff began Prop 36 evaluations on December 27, 2024, utilizing existing staff

Prop 36 Program Implementation in OC continued

- Prop 36 Evaluations are conducted centrally in Santa Ana and in custody by BHS staff
- Court progress reviews are completed at the four branch courts, during Prop 36 court sessions
- Opioid Settlement dollars are funding two Prop 36 clinicians

Prop 36 Program Census: Dec. 2024-Sept. 2025

- **759** prospective participants referred for evaluation
- **444** agreeing to be evaluated
 - 64% unhoused
 - 79% Medi-Cal members
- **204** agreeing and accepted into program
- **14** individuals exited from program
- **190** currently in the program

Prop 36 Program Census: Dec.2024-Sept.2025 Continued

- **190** participants currently in program
- **107** participants active in Treatment
 - **58** in Outpatient Treatment
 - **49** in Residential Treatment
- **15** participants in custody waiting for residential placement
- **4** participants pending exit from program
- **64** not active in treatment: out to warrant, pending court date with new charges, no-showing for appointments-pending warrant at next court date

Next Steps and Questions

- In process of hiring second Behavioral Health Clinician for Prop 36
- Awaiting guidance from the Department of Health Care Services (DHCS) regarding limited funding that will be available to counties

Stay Connected!



OC Health Care Agency



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Proposition 36 – Impacts on Local Public Safety



ROBERT RODRIGUEZ
Chief of Police
Santa Ana Police Department



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Proposition 36: Accountability, Addiction & Enforcement

Context & Overview

- Proposition 36 (2024): The Homelessness, Drug Addiction, and Theft Reduction Act
- Purpose: Reintroduce accountability for repeat offenders while expanding access to court-mandated treatment.
- Key Statutes:
 - H&S 11395: Treatment-Mandated Felony Possession
 - PC 666.1: Repeat Theft with Prior Convictions



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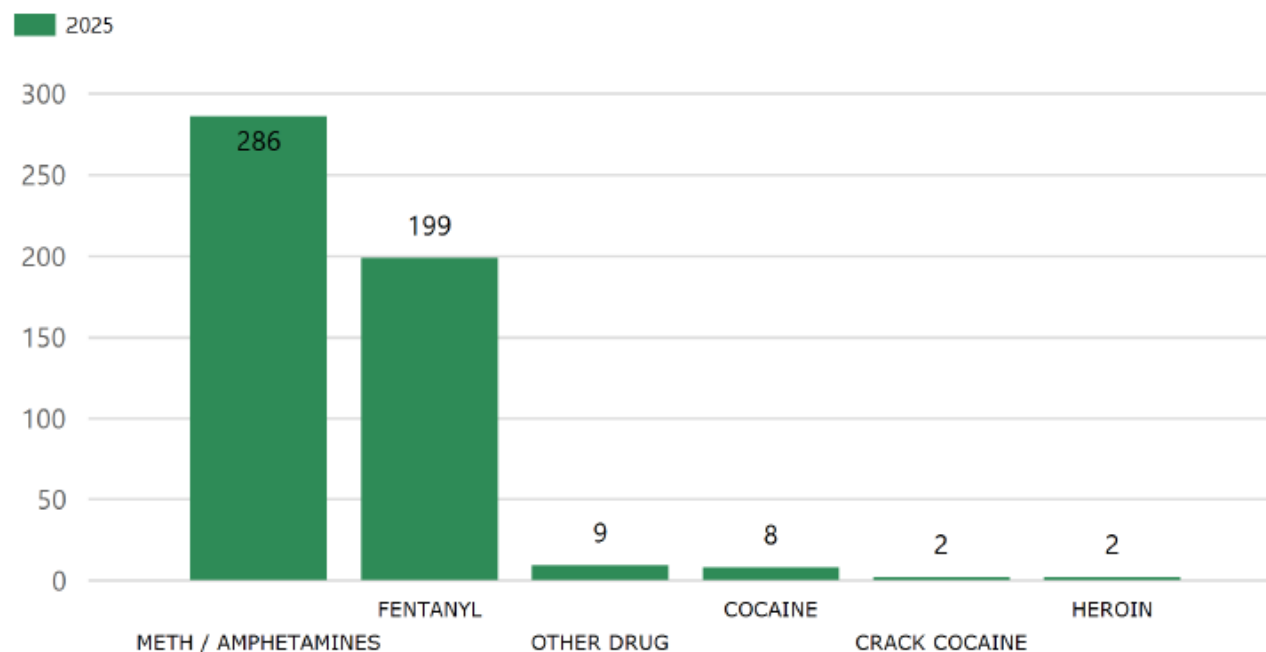
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Santa Ana Statistics:

Year-Month	H&S 11395	PC 666.1
2025-01	33	2
2025-02	45	3
2025-03	36	2
2025-04	32	4
2025-05	20	5
2025-06	19	1
2025-07	38	1
2025-08	51	0
2025-09	70	2
2025-10	13	0
YTD 2025	357	20

Drugs Associated with H&S 11395





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Proposition 36: Key Trendlines

- 112% increase in drug-related arrests from January (33) to September (70)
- PC 666.1 theft arrest remains limited (only 20 YTD)
- Enforcement pattern: Heavy on narcotics-driven.
- Officers adapting quickly to the new statutory framework.



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Proposition 36: Operational Insights

- Frontline Impact:
 - Increased felony documentation
 - Officers managing dual-eligibility offenders (drug + theft).
- Training Demands
 - Supervisors and line officers need clarity on thresholds, treatment referrals, and DA coordination
- Coordination Gap:
 - Success depends on treatment availability, not just arrests.



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Proposition 36: Community Safety Lens

- Prop 36 reintroduces leverage on repeat offenders.
- Early stabilization is visible in high-frequency narcotics corridors.
- Public expectations are high: visible results, less disorder
- Risk: Without county treatment capacity, enforcement may outpace recovery.



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Proposition 36: County & Court Challenges

- Treatment bottlenecks: Few local beds for mandated referrals.
- Uneven implementation across counties.
- Backlog in court processing delays outcomes.
- Police Chiefs must advocate for regional equity in funding and treatment slots.



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Proposition 36: Resources & Fiscal Impacts

- Increased DA filings = more case prep, court appearances, and booking hours.
- Local jail systems face short-term custody spikes.
- Unfunded mandate risk: Treatment and court expansion are not proportionately funded.
- Cities bear the front-end workload without back-end support.



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Proposition 36: Messaging for City Leaders

Theme

Message

Accountability:

Prop. 36 restores leverage lost after Prop. 47, but requires balanced implementation.

Public Trust:

Transparency in reporting outcomes builds legitimacy.

Collaboration:

Police, health, courts, and counties must align efforts.

Funding:

Cities need sustained funding to enforce and track Prop. 36 impacts.



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Proposition 36: Strategic Recommendations

1. Standardized Prop. 36 reporting statewide.
2. Integrate local law enforcement with county treatment data.
3. Advocate for state funding tied to arrest and treatment metrics.
4. Publish local dashboards (arrests, referrals, completions, re-arrests).
5. Train officers early on DA filing procedures and treatment pathways.



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QUESTIONS?

Robert Rodriguez

Chief of Police

Santa Ana Police Department

"Accountability without capacity is a promise unkept."

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