AGN. NO.

MOTION BY SUPERVISOR HOLLY J. MITCHELL September 24, 2024

Oppose Proposition 36 on the November 2024 General Election Ballot

On the November 5, 2024, California General Election ballot, voters will have the opportunity to vote on Proposition (Prop) 36, which, if passed, would change the California criminal code to allow certain drug possession and thefts under $950 to be charged as felonies, if a defendant has two prior drug or theft convictions. The Secretary of State's independent fiscal analysis estimates that passage of this proposition would result in costs ranging from several tens of millions of dollars to the low hundreds of millions of dollars annually. Moreover, the costs to Los Angeles County (County) are estimated to be in the tens of millions of dollars annually. Prop 36 would roll back the 2014 justice reform efforts of Prop 47, which changed some theft and drug crimes from felonies to misdemeanors. For example, shoplifting (stealing items worth $950 or less from a store) and drug possession generally became misdemeanors. Prop 36 seeks to roll back these reforms.

As the governing body responsible for the welfare and administration of the County, the Board of Supervisors (Board) has a duty to advocate for policies that promote equity, public safety, and economic stability. Prop 36 poses a risk to these core values. This measure, while seemingly well-intentioned, undermines the social and economic interests of the County, disproportionately affects vulnerable populations, and threatens to reverse important gains in justice reform.

The implementation of Prop 36 could place a significant financial burden on the

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County and its resources. Increased incarceration rates, higher court costs, and the enforcement of punitive measures will stretch an already thin County budget. These funds would be better used for housing, healthcare, and job training programs that actually reduce recidivism and crime. Prop 47 currently allows for the delivery of tens of millions of dollars in funding for services to County residents each year, including but not limited to, Reentry Intensive Case Management Services, Skills and Experience for the Careers of Tomorrow, Los Angeles Diversion, Outreach, and Opportunities for Recovery (City of Los Angeles) program, Project imPACT (City of Los Angeles), and many more. Prop 47 funding supports programs that provide housing services, mental health care, substance use disorder treatment, and job training for people who have been arrested or incarcerated, which makes our communities healthy and stable. Programs in the County have received more investments than anywhere else in the State. Over 10,000 individuals in the County have received Prop 47 funded services, and 90 percent of people who received diversion and reentry services funded by Prop 47 grants in the County from 2019 to 2023 were not convicted of any new crimes. To eliminate funding for these critical services through the passage of Prop 36 would have a devastating impact on the outcomes, infrastructure, and work that's already underway.

Prop 36 risks harming low-income communities, immigrants, and other marginalized groups. Many of these individuals already face systemic challenges in accessing public services, employment opportunities, and affordable housing. Instead of addressing the root causes of crime, Prop 36 promotes punitive approaches that have been proven ineffective and costly. The Board must stay the course and champion alternatives to incarceration that focus on rehabilitation, restorative justice, and economic opportunity, rather than regressive policies that lead to further incarceration.

I THEREFORE MOVE that the Board of Supervisors take an official position to oppose Proposition 36, which would roll back 2014's Proposition 47 and add new penalties for drug use and a broad range of theft offenses, as well as add new sentencing enhancements that would apply to any type of crime, and result in a loss of funding for Los Angeles County programs that provide alternatives to incarceration and necessary supportive services to communities.

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(CT/NR)