

Opinion: Why Californians Must Reject Proposition 36 This November

By Eric Harris, Special to California Black Media Partners

OPINION (CBM) – In November, voters have a crucial opportunity to reject Proposition 36, a misguided effort backed by major law enforcement associations and some players in the corporate retail lobby that will make our communities less safe.

Although the authors of the proposition have euphemistically labeled it “The Homelessness, Drug Addiction, and Theft Reduction Act,” Prop 36 will increase punishments for people experiencing homelessness and substance use disorders without providing any funding for treatment or housing. Prop 36, like policies similar to it in the past that have harmed Black people, will affect a disproportionate number of Black disabled people.

Over the past decade, Californians have voted to reduce our prison population. To achieve that goal, in 2014, we passed Proposition 47, which reclassified many low-level nonviolent offenses, such as drug possession and property crimes, from felonies to misdemeanors. This was an important step to reform our criminal legal system, leading to an overall [drop in crime](#) statewide and [decreased rates of recidivism](#). In contrast, Prop 36 would impose longer sentences and harsher punishments for theft and drug-related offenses. Rather than investing in meaningful solutions, Prop 36 relies on expensive band-aids such as [“treatment-mandated felonies”](#) for repeated drug possession and sends people to prison for shoplifting instead of investing in people who are simply struggling to survive.

Nationwide, people with disabilities are disproportionately represented in our prison system at staggering rates, with over [40% of people in state prisons having a disability, compared to only 15% of people in the general population](#). In California, [1 in 3 people in prison have a diagnosed mental](#)

illness. This overrepresentation reflects decades of policies that prioritize incarceration over housing affordability and community-based alternatives, especially in Black and Brown communities, and among people experiencing homelessness.

By increasing the number of people experiencing incarceration, Prop 36 will exacerbate the number of Californians with disabilities in our prison system, while also disabling new people who enter the system. Beyond being overrepresented, people with disabilities experience inhumane treatment in prison and jail where they are often denied proper accommodations, medical care, and services. Further, prison and jail conditions often exacerbate people's existing conditions, meaning people are at risk for leaving incarceration with disabilities they did not have when they entered the system.

Moreover, while special interests have framed Prop 36 as an attempt to address drug use, its mandated treatment model will lead to more people with disabilities facing incarceration, while their substance use disorders remain untreated. Experts agree that mandating drug treatment for individuals convicted of a drug-related offense does not effectively reduce drug use. Further, Prop 36 does not offer any funding for substance use treatment of any kind, let alone evidence-based practices. This will perpetuate the existing system in which people with substance use disorders end up incarcerated, instead of having access to community-based treatment.

Prop 36 will also worsen the socioeconomic conditions at the root of the problems it claims to address. A felony conviction makes it far more difficult to find employment and stable housing post-incarceration, which has a compounding impact for people with disabilities who already are more likely to be facing housing insecurity and unemployment. People experiencing unstable housing and employment are also more likely to develop a disability such as a substance use disorder. Prop 36 therefore would perpetuate the existing vicious cycle that keeps people with disabilities and those who are experiencing homelessness in and out of prisons.

Californians should oppose any measures that double down on punishment and incarceration. Instead of Prop 36, we need policies that invest in community-driven solutions for healthier communities and affordable living, especially for those most affected by the criminal justice system.

About the Author

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