

1 [Supporting California State Proposition 36 - Homelessness, Drug Addiction, and Theft
2 Reduction Act]

3 **Resolution supporting California State Proposition 36, the Homelessness, Drug**
4 **Addiction, and Theft Reduction Act on the November 5, 2024 General Election ballot,**
5 **which will create a new treatment-focused court process for certain drug possession**
6 **crimes, and enable San Francisco to make needed progress toward Drug-Free**
7 **Sidewalks and ending the phenomenon of illegal public drug use citywide.**

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9 WHEREAS, San Francisco is in the midst of a persistent and record-shattering drug
10 crisis, with the 810 San Franciscans lost last year to drug overdoses marking the deadliest
11 year for such fatalities in city history, and with even modestly improving trends for 2024 still
12 approaching an average of two deaths per day due to accidental drug overdoses, according to
13 the most recent statistics from San Francisco’s Office of the Chief Medical Examiner (OCME);
14 and

15 WHEREAS, Acknowledging “San Francisco’s overdose death rate to be among the
16 highest of large US cities,” the S.F. Department of Public Health’s Overdose Prevention Plan
17 in 2022 noted “profound inequities” that exist in our city’s drug crisis for Black San
18 Franciscans, “with an opioid overdose death rate that is more than five times higher than the
19 citywide rate,” and that for a population representing less than 6 percent of San Francisco’s
20 total, Black San Franciscans have accounted for fully 28% of its overall fatal overdoses since
21 January 2020; and

22 WHEREAS, The primary street-level drug driving the drug overdose crisis facing San
23 Francisco is fentanyl, a potently addictive and deadly synthetic opioid for which the “estimated
24 minimum lethal dose” is just two milligrams, according to the third edition of Clarke’s Analysis
25 of Drugs and Poisons (Pharmaceutical Press: London. 2011); and

1 WHEREAS, Fentanyl’s disproportionate responsibility for driving drug overdose deaths
2 citywide last year exceeded 80% of total fatalities, according to data from San Francisco’s
3 OCME, with toxicologists also observing an increasingly pervasive presence of fentanyl
4 throughout the street-level drug supply observed in San Francisco, with more than 90% of
5 deaths primarily attributable to such stimulants as methamphetamine and cocaine also testing
6 positive for fentanyl; and

7 WHEREAS, Although the unprecedented and racially disparate loss of life due to illegal
8 drug use must remain the primary and enduring moral imperative to solve San Francisco’s
9 drug crisis, secondary harms attributable to street-level drug use and drug markets include:
10 deteriorated street conditions, public disorder, encampments, and open-air drug scenes that
11 rob communities of the safe enjoyment of their own neighborhoods and diminish the economic
12 vibrancy and safety of San Francisco’s commercial corridors, convention areas, transit
13 systems, and tourist destinations; new and unprecedented levels of addiction-driven retail
14 theft, which too often include violent attacks on business owners and their employees;
15 runaway public sector costs to taxpayers conservatively estimated to exceed \$1 billion
16 annually for medical care, social services, shelter and housing, safe disposal of discarded
17 needles and drug litter, and sanitation and public works services necessary to continually
18 clean and repair damages to our public realm; and

19 WHEREAS, Drug addiction is a complex but treatable disease affecting brain function
20 and behavior that is characterized by intense and progressively uncontrollable craving and
21 compulsive drug use — even in the face of increasingly life-endangering consequences —
22 and that according to the Principles of Drug Addiction Treatment: A Research-Based Guide
23 (Third Edition), published by the National Institute on Drug Abuse (NIDA) in 2018, “Treatment
24 does not need to be voluntary to be effective,” with NIDA adding that the “sanctions or
25 enticements from family, employment settings, and/or the criminal justice system can

1 significantly increase treatment entry, retention rates, and the ultimate success of drug
2 treatment interventions”; and

3 WHEREAS, Proposition 36 on the November 5, 2024, General Election ballot offers
4 California voters the opportunity to take a modest step in the direction of such states as New
5 Jersey, Maryland, Illinois, and Michigan, according to the measure’s authors, by enacting a
6 new class of criminal offense known as a “treatment-mandated felony,” under which local
7 prosecutors would have “the discretion to charge a felony for hard drug possession after two
8 previous drug convictions,” and that if so charged for a third or subsequent drug offense, “the
9 offender would be given the option of participating in drug and mental health treatment,” and
10 that, “If the offender successfully completes drug and mental health treatment, the charge
11 would be fully expunged, and the offender would receive no jail time,” and that “along with
12 hard drug and mental health treatment, offenders charged with a treatment-mandated felony
13 would be offered shelter, job training, and other services designed to break the cycle of
14 addiction and homelessness”; and

15 WHEREAS, When Californians in 2014 enacted Proposition 47 — the well-intended
16 criminal justice measure that 2024’s Prop 36 seeks to reform — an unintended consequence
17 of minimizing penalties for drug possession was to remove tools once available to the criminal
18 justice system that NIDA acknowledges to be effective to “significantly increase treatment
19 entry, retention rates, and the ultimate success of drug treatment interventions”; and that is a
20 major factor in why, since Prop 47’s passage, participation in drug courts has plummeted,
21 overdose deaths have skyrocketed, and drug-related unsheltered homelessness has risen
22 sharply statewide; now, therefore, be it

23 RESOLVED, That the City and County of San Francisco affirms its support for Drug-
24 Free sidewalks and urges all of its public-sector and community-based partners to coordinate
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1 on an effective, enduring and compassionate endeavor that will once and for all end the
2 phenomenon of illegal public drug use in San Francisco; and, be it

3 FURTHER RESOLVED, That this endeavor should adhere to the following principles:
4 that criminal justice interventions for drug possession and public drug use be approached as
5 life-saving inventions, ensuring access to appropriate medication and drug treatment options;
6 that the expungement of all charges for drug possession or public drug use be a guaranteed
7 condition for successfully completing any court-mandated drug treatment program; and that
8 we affirm the human dignity of those with substance-use disorders, destigmatizing drug
9 addiction while unequivocally de-normalizing public drug use and deadly behavior; and be it

10 FURTHER RESOLVED, That the City and County of San Francisco, as a means of
11 achieving these vitally important and life-saving objectives, hereby supports the
12 Homelessness, Drug Addiction, and Theft Reduction Act, Proposition 36, a California state
13 proposition on the November 5, 2024, General Election ballot.

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