



DATE: October 5, 2023

TO: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

SUBJECT: FISCAL YEAR 2022-23 FINAL RECONCILED ANNUAL GROWTH  
CAP DATA RELEASE

RE: IST GROWTH CAP DEPARTMENT LETTER 23-003

On August 1, 2023, the Department of State Hospitals (DSH) released Department Letter (DL) 23-003 that provided updated information on statutory requirements included in Senate Bill (SB) 184 (Chapter 47, Statutes of 2022) that clarified the growth cap for all counties for individuals committed as Incompetent to Stand Trial (IST) on felony charges pursuant to Section 1370 of the Penal Code. Attached to DL 23-003 was a report identifying each county's updated baseline number and the annual unreconciled IST determination number.

In accordance with the requirements outlined in DL-23-003, please find attached to this letter the final reconciled data report for Fiscal Year (FY) 2022-23. No adjustments are anticipated for the final reconciled data report. However, if a county has information that may lead to a correction of the yearly IST referral count, a dispute may be filed with DSH. The dispute window for reconciled IST determination data attached will run from the date of issuance of this memo through January 31, 2024. For more information on how to file a dispute please refer to Department Letter 23-003, Attachment E, [Dispute Process](#).

If your county has a designated representative on file, no further action is needed. DSH will automatically share the individual level data report to the respective county representatives for FY 2022-23. If your county has not elected a designated representative, please review Attachment D, on Submitting a [Designated Representative](#).

For counties subject to a redirection of funds under the IST Growth Cap, the invoicing process, timeline, and distribution of funds from the MHD Fund is outlined in DL 23-003, which can be found on the DSH Webpage by using the link below:

- [Felony IST Growth Cap DL 23-003](#)

If you have any questions or require additional information, please send inquiries to: [DSHISTGrowthCap@DSH.CA.GOV](mailto:DSHISTGrowthCap@DSH.CA.GOV).



Chris Edens for Stephanie Clendenin  
Director  
Department of State Hospitals



cc: All counties' Behavioral Health Directors  
All counties' Sheriffs  
All counties' Public Defenders  
All counties' District Attorneys  
All Presiding Judges of the Superior Courts of California

**Attachment(s):** Attachment B, FY 2022-23 Final Master Annual Update