



DATE: May 28, 2026

TO: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

SUBJECT: FISCAL YEAR 2025-26 FELONY INCOMPETENT TO STAND TRIAL (IST) GROWTH CAP QUARTERLY PROGRESS DATA REPORT: QUARTER 3

RE: IST GROWTH CAP DEPARTMENT LETTER: 23-003

Please find attached to this memo, a progress report of unreconciled Incompetent to Stand Trial (IST) determination data for the third quarter of Fiscal Year (FY) 2025-26 (January 1, 2026 – March 31, 2026) provided along with reference to the updates FY 2021-22 baseline IST determination numbers. A copy of all previously issued notices including Department Letter (DL) 23-003 are available on the [DSH Growth Cap Webpage](#).

DSH releases unreconciled data reports, referred to as progress reports, within sixty days following the end of each new quarter. The intent of the progress report is to provide counties with quarterly updates on how the current year trend of felony IST determinations compares to baseline trends so counties have an opportunity to take action that could result in reducing the likelihood of exceeding the IST determination cap and potential funding redirection.

As a reminder, on December 1, 2025, counties were notified of updates made to the methodology utilized to identify the final IST determination count. The data represented in this quarterly progress report is based on the updated methodology. For more information, please refer to the memo available at the following link: [FY24-25 Annual Report and Methodology Updates](#).

Additional Growth Cap Program Announcements

- Final Reconciled Data for FY 2024-25 & Dispute Process
All open dispute claims for [FY 2024-25 IST determination data](#) have been responded to and are now closed. Advance invoice notices will begin to be released to impacted counties with the official invoice expected to be sent in July of 2026.
- Updates Made to DL 23-003 Attachment C
To provide consistent messaging, DSH made changes to the official policy document, Attachment C, to reflect the methodology change that was made in December of 2025. The updated document is attached and will be placed on the DSH Growth Cap Webpage.



If you have any questions or require additional information, please send inquiries to: DSHISTGrowthCap@dsh.ca.gov.

C. Edens

Chris Edens
Chief Deputy Director, Program Services
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
All counties' Designated Representatives

Attachment(s): Fiscal Year 2025-26 Quarter 3 Progress Report

Department of State Hospitals IST Determinations - FY 2025-26 Quarterly Progress Report, Quarter 3

From Date of FIST Commitment to DSH and Received through March 31, 2026

UNRECONCILED DATA



Committing County	FY 2021-22 Fnal Adjusted Baseline IST Referrals	FY 2021-22 Monthly Average	FY 2025-26 Quarter 1 (Refresh)	FY 2025-26 Quarter 2 (Refresh)	FY 2025-26 Quarter 3	FY 2025-26 Quarter 4	FY 2025-26 YTD Total	FY 2025-26 YTD Monthly Average	Monthly Average Difference
Alameda	88	7.3	36	28	26		90	10.0	2.7
Alpine	0	0.0	0	0	0		0	0.0	0.0
Amador	5	0.4	0	3	2		5	0.6	0.1
Butte	50	4.2	16	16	12		44	4.9	0.7
Calaveras	2	0.2	0	3	1		4	0.4	0.3
Colusa	3	0.3	4	0	1		5	0.6	0.3
Contra Costa	101	8.4	25	24	21		70	7.8	(0.6)
Del Norte	13	1.1	4	1	0		5	0.6	(0.5)
El Dorado	25	2.1	11	4	5		20	2.2	0.1
Fresno	136	11.3	49	44	45		138	15.3	4.0
Glenn	11	0.9	0	1	0		1	0.1	(0.8)
Humboldt	54	4.5	11	8	5		24	2.7	(1.8)
Imperial	21	1.8	7	4	3		14	1.6	(0.2)
Inyo	3	0.3	1	1	0		2	0.2	(0.0)
Kern	236	19.7	46	35	51		132	14.7	(5.0)
Kings	51	4.3	5	7	4		16	1.8	(2.5)
Lake	31	2.6	7	5	2		14	1.6	(1.0)
Lassen	5	0.4	1	4	2		7	0.8	0.4
Los Angeles	1,512	126.0	344	410	379		1,133	125.9	(0.1)
Madera	27	2.3	0	1	1		2	0.2	(2.0)
Marin	23	1.9	10	8	3		21	2.3	0.4
Mariposa	3	0.3	1	0	0		1	0.1	(0.1)
Mendocino	30	2.5	9	8	8		25	2.8	0.3
Merced	58	4.8	18	12	8		38	4.2	(0.6)
Modoc	0	0.0	0	0	0		0	0.0	0.0
Mono	2	0.2	1	0	0		1	0.1	(0.1)
Monterey	63	5.3	13	10	11		34	3.8	(1.5)
Napa	27	2.3	2	7	8		17	1.9	(0.4)
Nevada	3	0.3	2	0	1		3	0.3	0.1
Orange	85	7.1	18	12	23		53	5.9	(1.2)
Placer	52	4.3	14	14	14		42	4.7	0.3
Plumas	3	0.3	1	1	1		3	0.3	0.1
Riverside	167	13.9	50	35	40		125	13.9	(0.0)
Sacramento	226	18.8	52	53	44		149	16.6	(2.3)
San Benito	11	0.9	2	2	5		9	1.0	0.1
San Bernardino	258	21.5	97	45	56		198	22.0	0.5
San Diego	228	19.0	84	94	114		292	32.4	13.4
San Francisco	28	2.3	12	12	15		39	4.3	2.0
San Joaquin	96	8.0	45	41	20		106	11.8	3.8
San Luis Obispo	55	4.6	13	18	11		42	4.7	0.1
San Mateo	51	4.3	9	14	22		45	5.0	0.8
Santa Barbara	88	7.3	24	21	22		67	7.4	0.1
Santa Clara	121	10.1	16	16	23		55	6.1	(4.0)
Santa Cruz	64	5.3	8	10	8		26	2.9	(2.4)
Shasta	40	3.3	26	14	9		49	5.4	2.1
Sierra	2	0.2	0	0	0		0	0.0	(0.2)
Siskiyou	13	1.1	6	2	4		12	1.3	0.3
Solano	79	6.6	20	23	20		63	7.0	0.4
Sonoma	63	5.3	28	24	15		67	7.4	2.2
Stanislaus	108	9.0	23	32	32		87	9.7	0.7
Sutter	16	1.3	6	6	3		15	1.7	0.3
Tehama	16	1.3	8	4	5		17	1.9	0.6
Trinity	8	0.7	0	4	2		6	0.7	0.0
Tulare	88	7.3	18	23	18		59	6.6	(0.8)
Tuolumne	16	1.3	5	6	2		13	1.4	0.1
Ventura	82	6.8	11	17	15		43	4.8	(2.1)
Yolo	37	3.1	9	10	7		26	2.9	(0.2)
Yuba	23	1.9	3	6	0		9	1.0	(0.9)
DSH Total	4,707	392.3	1,231	1,203	1,149	0	3,583	398.1	5.9

Department of State Hospitals IST Determinations - FY 2025-26 Quarterly Progress Report, Quarter 3
 From Date of FIST Commitment to DSH and Received through March 31, 2026



Committing County	Initial Count - FY 2025-26 IST Determinations	FIST Commitments Removed from Count						Updated FY 2025-26 IST Determinations	2025-26 Diversion Offset	
		Program Revokes	Re-Commits	Deaths	Cancelled	Re-Evaluated 1372	EASS 1372		Diversion Credit/Offset	Final Adjusted IST Determinations Count
Alameda	97	0	3	0	2		2	90	90	
Alpine	0	0	0	0	0		0	0	0	
Amador	6	0	0	0	0		1	5	5	
Butte	44	0	0	0	0		0	44	44	
Calaveras	4	0	0	0	0		0	4	4	
Colusa	5	0	0	0	0		0	5	5	
Contra Costa	86	0	9	0	0		7	70	70	
Del Norte	7	0	1	0	0		1	5	5	
El Dorado	22	0	2	0	0		0	20	20	
Fresno	150	0	8	1	1		2	138	138	
Glenn	1	0	0	0	0		0	1	1	
Humboldt	27	0	2	0	0		1	24	24	
Imperial	14	0	0	0	0		0	14	14	
Inyo	2	0	0	0	0		0	2	2	
Kern	138	0	6	0	0		0	132	132	
Kings	20	0	2	0	0		2	16	16	
Lake	17	0	2	0	0		2	13	13	
Lassen	8	0	0	0	0		1	7	7	
Los Angeles	1,183	3	49	1	2		0	1,128	1,128	
Madera	2	0	0	0	0		0	2	2	
Marin	25	0	3	0	0		1	21	21	
Mariposa	1	0	0	0	0		0	1	1	
Mendocino	25	0	0	0	0		0	25	25	
Merced	42	0	2	0	0		2	38	38	
Modoc	0	0	0	0	0		0	0	0	
Mono	1	0	0	0	0		0	1	1	
Monterey	38	0	4	0	0		0	34	34	
Napa	21	0	1	0	1		2	17	17	
Nevada	3	0	0	0	0		0	3	3	
Orange	60	0	3	0	1		3	53	53	
Placer	47	1	2	0	1		1	42	42	
Plumas	3	0	0	0	0		0	3	3	
Riverside	139	0	11	0	0		3	125	125	
Sacramento	155	0	6	0	0		0	149	149	
San Benito	10	0	0	0	0		1	9	9	
San Bernardino	210	0	10	0	0		1	199	199	
San Diego	309	0	14	0	0		3	292	292	
San Francisco	44	0	0	0	2		3	39	39	
San Joaquin	118	1	1	0	6		4	106	106	
San Luis Obispo	58	0	5	0	2		9	42	42	
San Mateo	52	0	6	0	0		1	45	45	
Santa Barbara	84	0	8	0	0		9	67	67	
Santa Clara	61	0	3	0	0		3	55	55	
Santa Cruz	28	0	1	0	0		1	26	26	
Shasta	54	0	4	0	1		1	48	48	
Sierra	0	0	0	0	0		0	0	0	
Siskiyou	14	0	1	0	1		0	12	12	
Solano	73	0	7	0	0		3	63	63	
Sonoma	79	0	10	0	0		2	67	67	
Stanislaus	96	0	8	0	0		1	87	87	
Sutter	18	0	1	0	0		2	15	15	
Tehama	17	0	0	0	0		0	17	17	
Trinity	8	0	0	0	1		1	6	6	
Tulare	65	0	5	0	0		1	59	59	
Tuolumne	17	0	0	0	0		4	13	13	
Ventura	43	0	0	0	0		0	43	43	
Yolo	27	0	1	0	0		0	26	26	
Yuba	9	0	0	0	0		0	9	9	
DSH Total	3,887	5	201	2	21	0	81	3,577	3,577	
Monthly Avg.	486	1	25	0	3	0	10	447	298	

Methodology Notes:

FY 2021-22 Baseline determinations reflect FIST referrals received with a commitment date to a DSH funded program in FY 2021-22 and referrals were received no later than 8/31/2023. This methodology would be applied to IST Determinations for all subsequent years.

Adjustments to the FIST determination count include:

Program Revokes - these are FIST individuals who may have been committed to DSH and placed in a diversion or CBR program in a prior fiscal year then revoked from the program and subsequently re-referred to DSH (inpatient) on the same charge in the applicable fiscal year.

Cancelled FIST commitments/referrals to DSH include FIST individuals who were committed to DSH and either competency was restored or case was dismissed while waiting in jail prior to DSH treatment and/or re-evaluation. Cancelled FIST commitments are excluded as one of the adjustments reducing the FY 2021-22 baseline count. For FY 2024-25 and all future years, cancelled commitments will be incorporated as an adjustment and reduced from the IST determination counts.

Re-Evaluated 1372 includes individuals who were re-evaluated by DSH's Re-Evaluation Program and identified as competent prior to admission to any DSH treatment program, including Early Access and Stabilization Services (EASS). Totals also include the re-evaluations performed by Los Angeles County Office of Diversion and Re-Entry (known as "off-ramps").

EASS 1372 includes IST individuals who were found competent after participation in EASS services, but were removed from the DSH wait list prior to admission to a DSH program bed in a JBCT, State Hospital, Community Inpatient Facility, CBR, Diversion or CONREP.

Refer to DL 23-003, Attachment C, regarding the methodology applied for the Diversion Credit.

**OFFICE OF THE DIRECTOR
ATTACHMENT C**

Ref. DL 23-003: INCOMPETENT TO STAND TRIAL GROWTH CAP AND PENALTY
PAYMENTS-WELFARE & INSTITUTIONS CODE (WIC) 4336

IST Determination Methodology

The updated IST determination methodology below will be applied to the FY 2021-22 baseline year and all subsequent years unless otherwise noted.

1. Each county's felony IST growth cap is based on the total number of felony IST determinations accounted for in FY 2021-22 (Attachment A).
2. An IST determination that will be used to establish a county's baseline count and subsequent yearly referral counts is defined as a felony IST referral committed to DSH or a DSH-funded program. The IST determination will be based on the commitment order date to DSH or a DSH-funded program and will be counted within the respective fiscal year (July 1 to June 30). The IST data must have been received by DSH no later than August 31st to be represented in the count.
3. The 'Initial Count' column displayed on Attachments A and B reflects IST commitments made to DSH and excludes the following items to avoid duplication:
 - administrative errors
 - duplicative records
 - transfers between DSH or DSH funded programs
4. **Beginning with FY 2024-25, DSH applied a Population Growth Factor adjustment to the baseline IST determination numbers for counties with census growth from FY 2021-22 compared to FY 2024-25 based on estimated census data published by the Department of Finance. For more details, please refer to the following link: [FY24-25 Memo And Annual Report](#).**
5. The 'Updated Determination Count' column is displayed on the right-hand side of Attachments A and B. The updated count is the result of the 'Initial Count' minus the categories displayed under the 'FIST Commitments Removed from Count' section. The additional exclusions are defined as:
 - **Program Revokes** - these are FIST individuals who may have been committed to DSH and placed in a diversion, community-based restoration (CBR) or other conditional release program (CONREP) in a prior fiscal year then revoked from the program and subsequently re-referred to DSH (inpatient) on the same charge in the applicable fiscal year.
 - **Re-Commitments** - these are FIST individuals who have been re-referred to DSH on the same charge in the same fiscal year for another reason other than revocation from a community-based program.
 - **Deaths** that occur prior to admission/enrollment in a DSH or DSH-funded program
 - **Cancellations** - cancelled FIST commitments/referrals to DSH include FIST individuals who were committed to DSH and either competency was restored or case was dismissed while waiting in jail prior to DSH treatment or DSH evaluation.
 - i. Please note that cancelled commitments are excluded as one of

**OFFICE OF THE DIRECTOR
ATTACHMENT C**

Ref. DL 23-003: INCOMPETENT TO STAND TRIAL GROWTH CAP AND PENALTY
PAYMENTS-WELFARE & INSTITUTIONS CODE (WIC) 4336

the adjustments reducing the FY 2021-22 baseline count. For FY 2022-23 and all future years, cancelled commitments will be incorporated as an adjustment and reduced from the IST determination counts

- **Re-Evaluated 1372** – this category includes IST individuals who were re-evaluated by DSH’s Re-Evaluation Program and identified as competent (PC 1372) prior to admission to any DSH treatment program, including Early Access and Stabilization Services (EASS) and Los Angeles County "off-ramp" re-evaluations. **Beginning with FY 2024-25, DSH updated the methodology to eliminate this offset from the baseline year and subsequent FYs beginning with FY 2024-25. For more details, please refer to the following link: [FY24-25 Memo And Annual Report](#).**
 - **EASS 1372** - This category includes IST individuals who were found competent after enrollment in EASS and were removed from the DSH wait list prior to admission to a DSH program bed in a JBCT, State Hospital, Community Inpatient Facility, CBR, Diversion or CONREP.
6. For any county that had zero felony IST determinations in FY 2021-22, the county’s baseline is set at one individual.

Diversion/Community-Based Restoration (CBR) Credit

The last two columns on Attachments A and B to the far right hand side of the page display a Diversion/CBR credit that is calculated as a partial credit applied for individuals who were admitted into a DSH-Funded Diversion or CBR program. The partial credit recognizes that both the counties and DSH have a role in treating individuals in Diversion and CBR programs and that a subset of individuals who are treated in Diversion and CBR will be unsuccessful in the community and require treatment in the state hospital or community-based inpatient facility. The credit will be calculated as follows:

1. In the baseline year and subsequent years, DSH will count each individual that was found by the court to be IST and diverted into a DSH-funded diversion program or admitted into CBR within the year. For those individuals, DSH will apply a Diversion/CBR credit by multiplying the county’s Diversion count by the statewide Diversion and/or CBR success rate for the most recent 2-year cycle completed. DSH will then multiply the adjusted successful Diversion/CBR count by 50%.
 - a. For the 2021-22 baseline and 2022-23 determinations, the Diversion/CBR success rate from 2020-21 will be utilized.
2. The following is an example calculation for reference utilizing data available to date. For County A, 10 individuals were found IST and diverted within FY 2022-23.
 - 10 diverted ISTs multiplied by the statewide success rate for FY 2020-21 (currently 60% based on most recent dataset): $10 \times .60 = 6$
 - The total is then multiplied by 50%: $6 \times .50 = 3$
 - That number would then be credited to that county and deducted from their FY 2022-23 determinations for the final adjusted IST determination count.