



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

Department of State Hospitals IST Determinations - FY 2022-23, Annual Update  
 From Date of FIST Commitment to DSH and Received through August 31, 2023



ATTACHMENT B		FIST Commitments Removed from Count						2022-23 Diversion Offset		
Committing County	Initial Count - FY 2022-23 IST Determinations	Program Revokes	Re-Commits	Deaths	Cancelled	Re-Evaluated 1372	EASS 1372	Updated FY 2022-23 IST Determinations	Diversion Credit/Offset	Final Adjusted IST Determinations Count
Alameda	104	0	4	0	0	18	0	82	2	80
Alpine	0	0	0	0	0	0	0	0		0
Amador	7	0	0	0	0	0	3	4		4
Butte	49	0	0	0	0	6	0	43		43
Calaveras	5	0	0	0	0	0	3	2		2
Colusa	7	0	0	0	0	1	2	4		4
Contra Costa	116	1	9	0	5	15	0	86	1	85
Del Norte	9	0	0	0	0	0	2	7		7
El Dorado	31	0	1	0	1	5	0	24		24
Fresno	169	0	1	2	1	12	47	106		106
Glenn	3	0	0	0	0	0	0	3		3
Humboldt	43	0	5	0	3	0	2	33		33
Imperial	29	0	0	0	0	0	9	20		20
Inyo	3	0	0	0	0	0	0	3		3
Kern	232	1	9	1	2	22	0	197	3	194
Kings	53	0	6	0	0	0	6	41		41
Lake	22	0	0	0	1	2	8	11		11
Lassen	4	0	0	0	1	0	2	1		1
Los Angeles	1,960	71	87	1	36	127	0	1,638	70	1,568
Madera	18	0	0	0	0	0	4	14		14
Marin	24	0	0	0	0	4	0	20		20
Mariposa	7	0	0	0	0	0	0	7		7
Mendocino	27	0	2	0	0	1	0	24		24
Merced	69	0	2	0	0	3	20	44		44
Modoc	3	0	1	0	0	0	0	2		2
Mono	1	0	0	0	0	0	0	1		1
Monterey	65	0	3	0	1	0	23	38		38
Napa	14	0	0	0	0	0	6	8		8
Nevada	9	0	1	0	1	0	1	6		6
Orange	87	0	4	0	1	11	0	71		71
Placer	51	0	0	0	1	7	0	43		43
Plumas	1	0	0	0	0	0	0	1		1
Riverside	232	1	4	0	7	9	14	197	2	195
Sacramento	246	3	8	1	1	36	0	197	2	195
San Benito	8	0	0	0	1	1	4	2		2
San Bernardino	280	0	12	0	1	2	37	228		228
San Diego	361	0	6	0	4	60	0	291		291
San Francisco	42	0	2	1	0	6	0	33		33
San Joaquin	94	1	2	0	3	6	0	82	2	80
San Luis Obispo	72	1	2	0	1	12	0	56		56
San Mateo	77	0	2	0	2	12	0	61		61
Santa Barbara	130	0	9	1	2	8	17	93	1	92
Santa Clara	126	0	8	1	0	23	0	94	1	93
Santa Cruz	68	0	5	0	4	4	10	45		45
Shasta	51	0	3	0	0	1	14	33		33
Sierra	0	0	0	0	0	0	0	0		0
Siskiyou	17	0	0	0	1	3	0	13		13
Solano	93	1	4	0	3	13	2	70		70
Sonoma	97	0	9	0	2	0	10	76		76
Stanislaus	144	0	1	0	1	21	20	101		101
Sutter	33	0	0	1	0	0	17	15		15
Tehama	20	0	0	0	0	5	0	15		15
Trinity	8	0	0	0	0	3	0	5		5
Tulare	84	0	2	0	0	5	9	68		68
Tuolumne	14	0	0	0	1	0	6	7		7
Ventura	86	0	3	0	0	0	18	65		65
Yolo	45	0	1	0	1	3	0	40		40
Yuba	21	0	1	0	1	0	8	11		11
<b>DSH Total</b>	<b>5,671</b>	<b>80</b>	<b>219</b>	<b>9</b>	<b>90</b>	<b>467</b>	<b>324</b>	<b>4,482</b>	<b>84</b>	<b>4,398</b>
<b>Monthly Avg.</b>	<b>473</b>	<b>7</b>	<b>18</b>	<b>1</b>	<b>8</b>	<b>39</b>	<b>27</b>	<b>374</b>	<b>7</b>	<b>367</b>

**Methodology Notes:**

FY 2022-23 Baseline determinations reflect FIST referrals received with a commitment date to a DSH funded program in FY 2022-23 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 2022-23 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 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.