



DATE: November 30, 2023

TO: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

SUBJECT: FISCAL YEAR 2023-24 FELONY INCOMPETENT TO STAND TRIAL  
(IST) GROWTH CAP QUARTERLY PROGRESS REPORT:  
QUARTER 1

RE: IST GROWTH CAP DEPARTMENT LETTER: 23-003

Please find attached to this memo, the progress report of unreconciled Incompetent to Stand Trial (IST) determination data for the first quarter of FY 2023-24 (July 1, 2023, through September 30, 2023) provided along with reference to FY 2021-22 baseline IST determination numbers. A copy of the previously issued notices including Department Letter (DL) 23-003 are available at the following link: [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 preventing cap overages and potential funding redirection.

#### **Additional Growth Cap Program Updates**

In partnership with the California State Association of Counties (CSAC), a workgroup of county representatives has convened to collaborate on the development of the required expenditure plan described in DL 23-003. The release date of the expenditure plan template has been extended to February 2024.

The dispute window for FY 2021-22 baseline IST determinations is coming to an end on November 30, 2023. The annual dispute window for FY 2022-23 IST determination data is open until January 31, 2024. Please refer to this [attachment](#) for more information on how to submit a dispute.

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

A handwritten signature in black ink, appearing to read "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

**Attachment(s):** Fiscal Year 2023-24 Quarter One Progress Report

Department of State Hospitals IST Determinations - FY 2023-24 Quarterly Progress Report, Quarter 1  
 From Date of FIST Commitment to DSH and Received through September 30, 2023



**UNRECONCILED DATA**

Committing County	FY 2021-22 Fnal Adjusted Baseline IST Referrals	FY 2021-22 Monthly Average	FY 2023-24 Quarter 1	FY 2023-24 Quarter 2	FY 2023-24 Quarter 3	FY 2023-24 Quarter 4	FY 2023-24 YTD Total	FY 2023-24 YTD Monthly Average	Monthly Average Difference
Alameda	77	6.4	13				13	4.3	(2.1)
Alpine	0	0.0	0				0	0.0	0.0
Amador	5	0.4	2				2	0.7	0.3
Butte	49	4.1	8				8	2.7	(1.4)
Calaveras	2	0.2	2				2	0.7	0.5
Colusa	1	0.1	1				1	0.3	0.3
Contra Costa	90	7.5	16				16	5.3	(2.2)
Del Norte	12	1.0	3				3	1.0	0.0
El Dorado	25	2.1	3				3	1.0	(1.1)
Fresno	106	8.8	34				34	11.3	2.5
Glenn	10	0.8	0				0	0.0	(0.8)
Humboldt	49	4.1	11				11	3.7	(0.4)
Imperial	18	1.5	8				8	2.7	1.2
Inyo	3	0.3	0				0	0.0	(0.3)
Kern	227	18.9	37				37	12.3	(6.6)
Kings	48	4.0	10				10	3.3	(0.7)
Lake	26	2.2	7				7	2.3	0.2
Lassen	5	0.4	3				3	1.0	0.6
Los Angeles	1,435	119.6	344				344	114.7	(4.9)
Madera	21	1.8	5				5	1.7	(0.1)
Marin	23	1.9	6				6	2.0	0.1
Mariposa	3	0.3	0				0	0.0	(0.3)
Mendocino	30	2.5	2				2	0.7	(1.8)
Merced	53	4.4	13				13	4.3	(0.1)
Modoc	0	0.0	0				0	0.0	0.0
Mono	2	0.2	0				0	0.0	(0.2)
Monterey	59	4.9	27				27	9.0	4.1
Napa	22	1.8	2				2	0.7	(1.2)
Nevada	3	0.3	0				0	0.0	(0.3)
Orange	77	6.4	25				25	8.3	1.9
Placer	42	3.5	24				24	8.0	4.5
Plumas	2	0.2	1				1	0.3	0.2
Riverside	146	12.2	54				54	18.0	5.8
Sacramento	217	18.1	41				41	13.7	(4.4)
San Benito	7	0.6	0				0	0.0	(0.6)
San Bernardino	223	18.6	55				55	18.3	(0.3)
San Diego	207	17.3	44				44	14.7	(2.6)
San Francisco	25	2.1	5				5	1.7	(0.4)
San Joaquin	91	7.6	38				38	12.7	5.1
San Luis Obispo	45	3.8	12				12	4.0	0.3
San Mateo	46	3.8	16				16	5.3	1.5
Santa Barbara	80	6.7	18				18	6.0	(0.7)
Santa Clara	92	7.7	11				11	3.7	(4.0)
Santa Cruz	47	3.9	14				14	4.7	0.8
Shasta	39	3.3	11				11	3.7	0.4
Sierra	2	0.2	0				0	0.0	(0.2)
Siskiyou	11	0.9	3				3	1.0	0.1
Solano	75	6.3	12				12	4.0	(2.3)
Sonoma	61	5.1	19				19	6.3	1.3
Stanislaus	89	7.4	31				31	10.3	2.9
Sutter	15	1.3	7				7	2.3	1.1
Tehama	15	1.3	8				8	2.7	1.4
Trinity	8	0.7	0				0	0.0	(0.7)
Tulare	74	6.2	16				16	5.3	(0.8)
Tuolumne	16	1.3	0				0	0.0	(1.3)
Ventura	80	6.7	20				20	6.7	0.0
Yolo	28	2.3	4				4	1.3	(1.0)
Yuba	18	1.5	7				7	2.3	0.8
<b>DSH Total</b>	<b>4,282</b>	<b>356.8</b>	<b>1,053</b>				<b>1,053</b>	<b>351.0</b>	<b>(5.8)</b>

Department of State Hospitals IST Determinations - FY 2023-24 Quarterly Progress Report, Quarter 1

From Date of FIST Commitment to DSH and Received through September 30, 2023

**UNRECONCILED DATA**



Committing County	Initial Count - FY 2023-24 IST Determinations	FIST Commitments Removed from Count						Updated 2023-24 IST Determination	2023-24 Diversion Offset	
		Program Revokes	Re-Commits	Deaths	Cancelled	Re-Evaluated 1372	EASS 1372		Diversion Credit/Offset	Final Adjusted IST Determinations Count
Alameda	13		0	0	0	0	0	13		13
Alpine	0		0	0	0	0	0	0		0
Amador	3		0	0	0	0	1	2		2
Butte	8		0	0	0	0	0	8		8
Calaveras	2		0	0	0	0	0	2		2
Colusa	1		0	0	0	0	0	1		1
Contra Costa	21		5	0	0	0	0	16		16
Del Norte	3		0	0	0	0	0	3		3
El Dorado	4		0	0	0	0	1	3		3
Fresno	45		0	2	1	0	8	34		34
Glenn	0		0	0	0	0	0	0		0
Humboldt	12		1	0	0	0	0	11		11
Imperial	9		0	0	0	0	1	8		8
Inyo	0		0	0	0	0	0	0		0
Kern	42		4	0	0	1	0	37		37
Kings	12		1	0	0	0	1	10		10
Lake	7		0	0	0	0	0	7		7
Lassen	3		0	0	0	0	0	3		3
Los Angeles	419		55	0	3	17	0	344		344
Madera	9		0	0	0	0	4	5		5
Marin	6		0	0	0	0	0	6		6
Mariposa	0		0	0	0	0	0	0		0
Mendocino	2		0	0	0	0	0	2		2
Merced	15		2	0	0	0	0	13		13
Modoc	0		0	0	0	0	0	0		0
Mono	0		0	0	0	0	0	0		0
Monterey	32		2	0	0	0	3	27		27
Napa	4		1	0	0	0	1	2		2
Nevada	0		0	0	0	0	0	0		0
Orange	27		1	0	0	1	0	25		25
Placer	28		1	0	0	3	0	24		24
Plumas	1		0	0	0	0	0	1		1
Riverside	57		0	0	0	1	2	54		54
Sacramento	44		1	0	0	0	2	41		41
San Benito	0		0	0	0	0	0	0		0
San Bernardino	60		3	0	0	0	2	55		55
San Diego	45		1	0	0	0	0	44		44
San Francisco	8		0	0	0	3	0	5		5
San Joaquin	38		0	0	0	0	0	38		38
San Luis Obispo	18		1	0	0	0	5	12		12
San Mateo	17		0	0	0	1	0	16		16
Santa Barbara	23		4	0	0	0	1	18		18
Santa Clara	14		2	0	0	1	0	11		11
Santa Cruz	17		2	0	0	0	1	14		14
Shasta	15		2	0	0	0	2	11		11
Sierra	1		1	0	0	0	0	0		0
Siskiyou	5		1	0	0	1	0	3		3
Solano	12		0	0	0	0	0	12		12
Sonoma	25		5	0	0	0	1	19		19
Stanislaus	35		3	0	0	0	1	31		31
Sutter	9		0	0	0	0	2	7		7
Tehama	12		2	0	0	1	1	8		8
Trinity	1		0	0	0	1	0	0		0
Tulare	17		1	0	0	0	0	16		16
Tuolumne	0		0	0	0	0	0	0		0
Ventura	26		4	0	0	0	2	20		20
Yolo	4		0	0	0	0	0	4		4
Yuba	10		0	0	0	0	3	7		7
<b>DSH Total</b>	<b>1,241</b>		<b>106</b>	<b>2</b>	<b>4</b>	<b>31</b>	<b>45</b>	<b>1,053</b>	<b>0</b>	<b>1,053</b>
<b>Monthly Avg.</b>	<b>103</b>		<b>9</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>4</b>	<b>88</b>	<b>0</b>	<b>88</b>

**Methodology Notes:**

FY 2023-24 IST determinations reflect FIST referrals received with a commitment date to a DSH funded program in FY 2023-24 and referrals were received no later than 9/30/23. 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 increasing the FY 2021-22 Baseline IST 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.