



DATE: May 31, 2024

TO: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

SUBJECT: FISCAL YEAR 2023-24 FELONY INCOMPETENT TO STAND TRIAL
(IST) GROWTH CAP QUARTERLY PROGRESS REPORT:
QUARTER 3

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 third quarter of FY 2023-24 (January 1, 2024, through March 31, 2024) provided along with reference to 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 and can be found using 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 Announcements

- FYs 2021-22 (baseline) and 2022-23 Dispute Resolution

For those that participated in the dispute windows for FY 2021-22 baseline, or for FY 2021-22 annual IST determination data, all outcomes have been issued directly to the county and the changes are now reflected online in Attachment [A](#) and [B](#) on the DSH Growth Cap Webpage. To maintain continuity, DSH will maintain all outdated documents under the 'Archived Documents' header located on the bottom of the DSH Growth Cap Webpage. The prior version of Attachment A and B can be found there for reference.

- FY 2022-23 Invoices

Invoices for FY 2022-23 are delayed and due to be released by mid-June 2024. Invoices will be mailed to the County Administrator's Office with additional copies sent to the designated Growth Cap representatives for the county. DSH will notify counties via email in advance of invoices being sent out.

As a reminder, counties subject to Growth Cap penalty fees, are required to submit an expenditure plan before funds can be returned back to counties. The expenditure plan template can be found at the following link:



➤ [Growth Cap Expenditure Plan Template](#) – PDF Version

If you have any other questions, please feel free to contact the team by emailing: DSHISTGrowthCap@DSH.CA.GOV.

A handwritten signature in black ink that reads '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 3 Progress Report

Department of State Hospitals IST Determinations - FY 2023-24 Quarterly Progress Report, Quarter 3

From Date of FIST Commitment to DSH and Received through March 31, 2024



UNRECONCILED DATA

Committing County	FY 2021-22 Fnal Adjusted Baseline IST Referrals	FY 2021-22 Monthly Average	FY 2023-24 Quarter 1 (Refresh)	FY 2023-24 Quarter 2 (Refresh)	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	24	16		53	5.9	(0.5)
Alpine	0	0.0	0	0	0		0	0.0	0.0
Amador	5	0.4	2	1	2		5	0.6	0.1
Butte	49	4.1	8	14	5		27	3.0	(1.1)
Calaveras	2	0.2	2	0	2		4	0.4	0.3
Colusa	1	0.1	1	0	0		1	0.1	0.0
Contra Costa	90	7.5	16	20	22		58	6.4	(1.1)
Del Norte	12	1.0	3	0	0		3	0.3	(0.7)
El Dorado	25	2.1	3	4	5		12	1.3	(0.8)
Fresno	106	8.8	33	31	40		104	11.6	2.7
Glenn	10	0.8	0	1	0		1	0.1	(0.7)
Humboldt	49	4.1	11	8	13		32	3.6	(0.5)
Imperial	18	1.5	8	11	5		24	2.7	1.2
Inyo	3	0.3	0	1	1		2	0.2	(0.0)
Kern	227	18.9	38	44	41		123	13.7	(5.3)
Kings	48	4.0	11	13	5		29	3.2	(0.8)
Lake	26	2.2	7	2	6		15	1.7	(0.5)
Lassen	5	0.4	3	1	0		4	0.4	0.0
Los Angeles	1,435	119.6	335	352	391		1,078	119.8	0.2
Madera	21	1.8	6	7	5		18	2.0	0.3
Marin	23	1.9	7	7	8		22	2.4	0.5
Mariposa	3	0.3	0	2	0		2	0.2	(0.0)
Mendocino	30	2.5	2	5	2		9	1.0	(1.5)
Merced	53	4.4	12	18	14		44	4.9	0.5
Modoc	0	0.0	0	0	0		0	0.0	0.0
Mono	2	0.2	0	1	1		2	0.2	0.1
Monterey	59	4.9	27	20	24		71	7.9	3.0
Napa	22	1.8	2	9	4		15	1.7	(0.2)
Nevada	3	0.3	0	0	4		4	0.4	0.2
Orange	77	6.4	25	19	15		59	6.6	0.1
Placer	42	3.5	25	13	9		47	5.2	1.7
Plumas	2	0.2	1	1	0		2	0.2	0.1
Riverside	146	12.2	51	69	52		172	19.1	6.9
Sacramento	217	18.1	41	59	57		157	17.4	(0.6)
San Benito	7	0.6	0	2	2		4	0.4	(0.1)
San Bernardino	223	18.6	55	58	52		165	18.3	(0.3)
San Diego	207	17.3	46	69	76		191	21.2	4.0
San Francisco	25	2.1	3	10	13		26	2.9	0.8
San Joaquin	92	7.7	45	50	32		127	14.1	6.4
San Luis Obispo	45	3.8	12	13	15		40	4.4	0.7
San Mateo	46	3.8	17	16	21		54	6.0	2.2
Santa Barbara	80	6.7	18	20	31		69	7.7	1.0
Santa Clara	92	7.7	11	36	41		88	9.8	2.1
Santa Cruz	47	3.9	14	8	14		36	4.0	0.1
Shasta	39	3.3	12	7	12		31	3.4	0.2
Sierra	2	0.2	0	0	0		0	0.0	(0.2)
Siskiyou	11	0.9	3	2	1		6	0.7	(0.3)
Solano	75	6.3	13	18	12		43	4.8	(1.5)
Sonoma	61	5.1	19	17	19		55	6.1	1.0
Stanislaus	89	7.4	31	30	51		112	12.4	5.0
Sutter	15	1.3	6	3	8		17	1.9	0.6
Tehama	15	1.3	8	4	6		18	2.0	0.8
Trinity	8	0.7	0	2	1		3	0.3	(0.3)
Tulare	74	6.2	15	17	11		43	4.8	(1.4)
Tuolumne	16	1.3	0	2	6		8	0.9	(0.4)
Ventura	80	6.7	18	22	24		64	7.1	0.4
Yolo	28	2.3	4	10	5		19	2.1	(0.2)
Yuba	18	1.5	6	3	3		12	1.3	(0.2)
DSH Total	4,283	356.9	1,049	1,176	1,205		3,430	381.1	24.2

Department of State Hospitals IST Determinations - FY 2023-24 Quarterly Progress Report, Quarter 3

From Date of FIST Commitment to DSH and Received through March 31, 2024



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	60	1	3	0	0	2	0	54	54	
Alpine	0	0	0	0	0	0	0	0	0	
Amador	6	0	0	0	0	0	1	5	5	
Butte	29	0	1	0	0	0	1	27	27	
Calaveras	5	0	1	0	0	0	0	4	4	
Colusa	3	0	1	0	0	0	1	1	1	
Contra Costa	67	2	4	0	1	3	0	57	57	
Del Norte	5	0	0	0	0	0	2	3	3	
El Dorado	17	0	2	0	0	0	3	12	12	
Fresno	134	0	3	2	4	0	21	104	104	
Glenn	1	0	0	0	0	0	0	1	1	
Humboldt	38	0	4	0	0	0	2	32	32	
Imperial	25	0	0	0	0	0	1	24	24	
Inyo	2	0	0	0	0	0	0	2	2	
Kern	136	0	9	0	0	2	0	125	125	
Kings	33	0	1	0	0	0	3	29	29	
Lake	18	0	1	0	0	0	2	15	15	
Lassen	4	0	0	0	0	0	0	4	4	
Los Angeles	1,279	15	119	0	14	50	0	1,081	1,081	
Madera	24	0	0	0	0	0	5	19	19	
Marin	23	0	0	0	0	1	0	22	22	
Mariposa	2	0	0	0	0	0	0	2	2	
Mendocino	10	1	0	0	0	0	0	9	9	
Merced	55	0	7	0	0	0	4	44	44	
Modoc	0	0	0	0	0	0	0	0	0	
Mono	2	0	0	0	0	0	0	2	2	
Monterey	82	0	1	0	1	0	9	71	71	
Napa	19	0	2	0	0	0	2	15	15	
Nevada	4	0	0	0	0	0	0	4	4	
Orange	63	0	3	0	0	2	0	58	58	
Placer	55	1	3	0	2	2	0	47	47	
Plumas	2	0	0	0	0	0	0	2	2	
Riverside	192	0	2	0	2	1	12	175	175	
Sacramento	185	1	7	0	0	0	19	158	158	
San Benito	4	0	0	0	0	0	0	4	4	
San Bernardino	174	0	7	0	1	0	2	164	164	
San Diego	208	0	7	0	0	0	10	191	191	
San Francisco	35	0	2	0	0	6	1	26	26	
San Joaquin	131	0	1	0	0	0	1	129	129	
San Luis Obispo	55	0	1	0	0	0	14	40	40	
San Mateo	59	0	0	0	0	1	3	55	55	
Santa Barbara	80	0	5	0	1	0	5	69	69	
Santa Clara	94	0	4	0	1	1	0	88	88	
Santa Cruz	41	0	2	0	0	0	3	36	36	
Shasta	41	0	4	0	0	0	6	31	31	
Sierra	1	0	1	0	0	0	0	0	0	
Siskiyou	8	0	1	0	0	1	0	6	6	
Solano	47	0	3	0	0	0	1	43	43	
Sonoma	75	0	8	0	0	0	12	55	55	
Stanislaus	124	0	5	0	0	0	7	112	112	
Sutter	23	0	3	0	0	0	3	17	17	
Tehama	22	0	2	0	0	1	1	18	18	
Trinity	5	0	0	0	0	2	0	3	3	
Tulare	49	0	4	0	1	0	1	43	43	
Tuolumne	8	0	0	0	0	0	0	8	8	
Ventura	74	0	5	0	0	0	5	64	64	
Yolo	19	0	0	0	0	0	0	19	19	
Yuba	19	0	0	0	0	0	6	13	13	
DSH Total	3,976	21	239	2	28	75	169	3,442	0	3,442
Monthly Avg.	331	2	20	0	2	6	14	287	0	287

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 3/31/2024. 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.