



**REPORT INCOMPETENT TO STAND TRIAL COMMITMENTS  
EXCEEDING THE 10-DAY LIMIT**

**An Annual Report in Response to Penal Code Section 1372 (a)(3)(C)**

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Director**

**January 2018**

**REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS**

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## **REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS**

### **EXCEEDING THE 10-DAY LIMIT**

#### **Executive Summary**

This report summarizes the incidence of inpatient days utilized by Incompetent to Stand Trial (IST) patients remaining in the Department of State Hospitals (DSH) facility (State Hospital), following the hospital Medical Director's certification to the court that the defendant has regained competency. Whenever the State Hospital certifies that an IST patient has regained mental competency, the Medical Director shall file a certificate of restoration to the sheriff of the committing county within 10 days of the filing of the certificate.

DSH has submitted this report to the Legislature since 1997 as mandated by SB 391 (Solis, Chapter 294, Statutes of 1997). This report is submitted annually. The data used for the 2017 report was obtained from the State Hospital's Admissions, Discharge, and Transfer System.

## **REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS**

### **EXCEEDING THE 10-DAY LIMIT**

#### **Penal Code Section 1372 (a)(3)(C)**

Penal Code Section 1372 (a)(3)(C) requires the Department of State Hospitals (DSH) to submit a report to the Legislature on the number of inpatient days utilized by Incompetent to Stand Trial (IST) patients remaining in a DSH State Hospital in excess of the statutorily mandated ten (10) day limit following the court's receipt of the Medical Director's certification that the defendant has regained competency. Previous legislation required that patients be returned to the committing court no later than 10 days following the filing of a certificate of restoration of mental competency (SB 485, Chapter 722, Statutes of 1992). Subsequent legislation clarified that the 10 days begin upon confirmation by the committing court's receipt of the Medical Director's certification of competency, indicated by a certified mail "return receipt" (SB 391, Chapter 294, Statutes of 1997).

**Appendix I** indicates the results of a review conducted to determine the number of days in excess of the 10-day limit for calendar year 2017.

**Appendix I**  
**DEPARTMENT OF STATE HOSPITALS**  
**SUMMARY OF INPATIENT DAYS UTILIZED BY INCOMPETENT TO STAND TRIAL**  
**PATIENTS REMAINING IN A STATE HOSPITAL IN EXCESS OF THE 10-DAY LIMIT**  
**January 1, 2017 through December 31, 2017**

<b>COMMITTING COUNTY</b>	<b># EXCESS DAYS</b>
Alameda	1
Alpine	0
Amador	0
Butte	0
Calaveras	0
Colusa	0
Contra Costa	0
Del Norte	0
El Dorado	0
Fresno	0
Glenn	0
Humboldt	2
Imperial	0
Inyo	0
Kern	1
Kings	0
Lake	0
Lassen	0
Los Angeles	125
Madera	0
Marin	0
Mariposa	0
Mendocino	0
Merced	0
Modoc	0
Mono	0
Monterey	0
Napa	0
Nevada	0
Orange	0

<b>COMMITTING COUNTY</b>	<b># EXCESS DAYS</b>
Placer	2
Plumas	0
Riverside	0
Sacramento	0
San Benito	0
San Bernardino	0
San Diego	0
San Francisco	0
San Joaquin	0
San Luis Obispo	0
San Mateo	12
Santa Barbara	0
Santa Clara	0
Santa Cruz	0
Shasta	0
Sierra	0
Siskiyou	0
Solano	0
Sonoma	0
Stanislaus	0
Sutter	0
Tehama	0
Trinity	0
Tulare	0
Tuolumne	0
Ventura	2
Yolo	57
Yuba	0
<b>Total</b>	<b>202</b>

Data obtained from all State Hospitals.