



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

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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 committing county, at which point the sheriff must coordinate transportation 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 2021 report was obtained from the DSH Admissions, Discharge, and Transfer System as well as the jail-based competency treatment (JBCT) program data submissions.

Throughout the 2021 year, DSH continued to see cases of COVID-19 due to the Delta and Omicron variants and the transmission throughout California. For this reason, total days could be affected by COVID-19 related delays.

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 State 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 2021.

**SUMMARY OF INPATIENT DAYS UTILIZED BY INCOMPETENT TO STAND TRIAL
PATIENTS REMAINING IN A FACILITY IN EXCESS OF THE 10-DAY LIMIT FOLLOWING
THE FILING OF A CERTIFICATE OF RESTORATION
OF MENTAL COMPETENCE**

January 1, 2021 through December 31, 2021

COMMITTING COUNTY	STATE HOSPITALS	JBCT	# EXCESS DAYS
Alameda	0	0	0
Alpine	0	0	0
Amador	0	0	0
Butte	0	0	0
Calaveras	0	0	0
Colusa	0	0	0
Contra Costa	0	0	0
Del Norte	0	0	0
El Dorado	0	0	0
Fresno	286	96	382
Glenn	0	0	0
Humboldt	0	23	23
Imperial	0	0	0
Inyo	0	0	0
Kern	273	16	289
Kings	0	27	27
Lake	0	0	0
Lassen	0	0	0
Los Angeles	280	118	398
Madera	0	0	0
Marin	0	0	0
Mariposa	0	52	52
Mendocino	0	0	0
Merced	0	15	15
Modoc	0	15	15
Mono	0	0	0
Monterey	0	12	12
Napa	0	14	14
Nevada	0	0	0
Orange	4	0	4

COMMITTING COUNTY	STATE HOSPITALS	JBCT	# EXCESS DAYS
Placer	0	164	164
Plumas	0	0	0
Riverside	0	0	0
Sacramento	329	27	356
San Benito	0	0	0
San Bernardino	0	67	67
San Diego	10	46	56
San Francisco	0	0	0
San Joaquin	0	161	161
San Luis Obispo	0	0	0
San Mateo	0	0	0
Santa Barbara	0	0	0
Santa Clara	0	15	15
Santa Cruz	0	13	13
Shasta	0	28	28
Sierra	0	0	0
Siskiyou	0	0	0
Solano	0	0	0
Sonoma	0	0	0
Stanislaus	0	0	0
Sutter	0	0	0
Tehama	0	0	0
Trinity	0	0	0
Tulare	0	48	48
Tuolumne	0	0	0
Ventura	0	0	0
Yolo	0	0	0
Yuba	0	0	0
Other/Unknown	0	0	0
TOTAL	1182	957	2,139

Data obtained from all State Hospitals and JBCT programs.