

SECRETARY'S ACTION REQUESTED

TO: Dr. Mark Ghaly
Secretary
California Health and Human Services Agency

FROM: STEPHANIE CLENDENIN
Director
California Department of State Hospitals

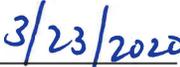
Prepared By: Population & Data Statistics Team
Fiscal & Program Research Division
Department of State Hospitals
916-562-2537

DATE: March 2019

SUBJECT: Report on Incompetent to Stand Trial Commitments Exceeding the
Statutory 10-Day Limit

Request for Approval Request for Discussion

APPROVED BY:

Stephanie Clendenin Date
Director, Department of State Hospitals

Dr. Mark Ghaly Date
Secretary, Health and Human Services Agency

RECOMMENDATION:

SUMMARY/PRO-CON ARGUMENTS:

Whenever a State Hospital Medical Director or designee determines that an Incompetent to Stand Trial (IST) patient has regained mental competence, they shall certify that fact to the committing court by filing a certificate of restoration.

Penal Code Section 1372(a)(3)(A) requires the return of the IST defendant to court by the sheriff of the committing county within 10 days of the filing of the certificate. This report shows the total number of days, by county, that IST patients remained in a State Hospitals facility beyond the 10-day limit.

This report indicates that DSH had patients remain in a hospital or jail-based competency treatment program exceeding the 10-day limit in 2019 for a total 748 excess days by patients primarily from Solano County, Napa County and Los Angeles County.

PRO: Complies with legislative reporting mandate of SB 391 (Solis, Chapter 294, Statutes of 1997 reflected in Penal Code Section 1372(a) and informs the Legislature of compliance with IST restoration requirements.

CON: None

EFFECT ON EXISTING LAW: None

ESTIMATED COST: None

TIME FACTOR: Annual

BACKGROUND:

Penal Code Section 1372(a) requires the Department of State Hospitals (DSH) to report to the Legislature annually on the number of days that exceeded the 10 days allowed by statute to return individuals restored to competency to the committing court for further proceedings. This report summarizes the number of inpatient days utilized by IST patients remaining in a State Hospitals' facility, by county, following certification to the court that the defendant has regained competency (Penal Code Section 1372(a)). Penal Code Section 1372(a) also requires the return of the IST defendant (patient) to court by the sheriff of the committing county within 10 days of the filing of the certificate without a further order from the court.

EVENT OVERVIEW/FORMAT: N/A

OTHER PARTICIPANTS: None



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

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

**Stephanie Clendenin
Director**

February 2020

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

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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 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 2019 report was obtained from the DSH Admissions, Discharge, and Transfer System as well as the jail-based competency treatment (JBCT) program data submissions.

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 2019.

**DEPARTMENT OF STATE HOSPITALS
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, 2019 through December 31, 2019

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	0	0	0
Glenn	0	0	0
Humboldt	0	0	0
Imperial	0	0	0
Inyo	0	0	0
Kern	0	4	4
Kings	0	0	0
Lake	0	0	0
Lassen	0	0	0
Los Angeles	5	153	158
Madera	4	20	24
Marin	0	0	0
Mariposa	0	2	2
Mendocino	0	0	0
Merced	0	0	0
Modoc	0	0	0
Mono	0	0	0
Monterey	0	0	0
Napa	232	0	232
Nevada	0	0	0
Orange	0	0	0

COMMITTING COUNTY	STATE HOSPITALS	JBCT	# EXCESS DAYS
Placer	10	0	10
Plumas	0	0	0
Riverside	6	0	6
Sacramento	0	0	0
San Benito	0	0	0
San Bernardino	0	0	0
San Diego	0	0	0
San Francisco	0	0	0
San Joaquin	0	0	0
San Luis Obispo	2	0	2
San Mateo	0	0	0
Santa Barbara	0	0	0
Santa Clara	0	17	17
Santa Cruz	5	0	5
Shasta	0	0	0
Sierra	0	0	0
Siskiyou	0	0	0
Solano	273	2	275
Sonoma	0	0	0
Stanislaus	0	0	0
Sutter	0	0	0
Tehama	0	0	0
Trinity	0	0	0
Tulare	0	0	0
Tuolumne	0	0	0
Ventura	5	8	13
Yolo	0	0	0
Yuba	0	0	0
Other/Unknown	0	0	0
TOTAL	542	206	748

Data obtained from all State Hospitals and JBCT programs.

CHHS AGENCY EXECUTIVE APPROVAL REQUEST

Request Summary

Email: Agencydocs@chhs.ca.gov	Department: Department of State Hospitals
Request Type: Report to the Legislature	Date:
Subject: Report on Incompetent to Stand Trial Commitments Exceeding the Statutory 10-day Limit	

The request referenced above has been Approved by CHHS Agency. The final reviewer's electronic signature is shown below and all relevant documents will be returned to the department with this approval page.

Assistant Secretary Signature:

× *Samar Muzaffar*

Signed By: Samar Muzaffar - samar.muzaffar@chhs.ca.gov
Date Signed: 03/30/20
IP Address: 158.96.4.13:11613