

Community Forensic Partnerships Division
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DEPARTMENT LETTER: 26-001

May 15, 2026

TO: ALL COUNTY BEHAVIORAL HEALTH DIRECTORS
ALL COUNTY DISTRICT ATTORNEYS
ALL COUNTY PUBLIC DEFENDERS
ALL COUNTY SUPERIOR COURTS
ALL COUNTY DIVERSION TREATMENT PROVIDERS

SUBJECT: DSH-FUNDED COMMUNITY BASED RESTORATION PROGRAM
REFERRAL PROCESS AND COMMUNITY PROGRAM DIRECTOR
DESIGNATION

EXPIRES: RETAIN UNTIL RESCINDED

Purpose

The purpose of this Departmental Letter is to provide counties with guidance regarding the Department of State Hospitals' (DSH) Community Based Restoration (CBR) Program for eligible felony defendants found Incompetent to Stand Trial (IST). This direction is intended for counties who have contracted with the Department to receive funding for a felony mental health CBR program and provides an overview of the referral process and how to obtain designation of a Community Program Director (CPD) to support the CBR program in accordance with [Penal Code \(PC\) § 1370](#), [PC § 1605](#), and [Welfare & Institutions Code \(WIC\) § 4360](#) and [§ 4361.6](#).

Background

In response to California experiencing significant growth in the number of individuals charged with felony offenses who are found IST, the Budget Act of 2022 allocated ongoing funding to expand the CBR Program. WIC § 4361.6 authorizes DSH to contract with public and private entities to serve Felony IST defendants. CBR provides intensive community mental health treatment with the goal of restoring a person's competency to stand trial which includes their ability to assist counsel, understand their criminal charges, and return to court to resume their

proceedings. In CBR, Felony IST defendants are provided with competency education and restoration, mental health treatment, and case management services in an unlocked community setting in lieu of a secured inpatient setting. Participants in a DSH-funded CBR Program must be individuals charged with felony offenses, be found by the court to be IST under [PC § 1369](#), and the court determined it is in the interest of justice to restore the individual to competency under PC § 1370. If a person is successful in a CBR program and competency is restored, the person may return to custody until court proceedings resume.

Community Based Restoration Referral Process

Pursuant to WIC § 4360, DSH's Forensic Conditional Release Program (CONREP) provides mental health treatment and supervision in the community for judicially committed persons and each CONREP is operated under the direction of a CONREP CPD.

According to PC § 1605(a), DSH has the authority to designate a CPD who shall be responsible for administering the community treatment and supervision for persons from a county or region who have been committed by the courts pursuant to multiple Penal Code sections including those committed under PC § 1370, IST, for competency restoration treatment. The IST commitment process includes the requirement for a CPD to complete a placement recommendation and submit it to the court within 15 judicial days of when a defendant is found mentally incompetent (PC § 1370(a)(2)(A)(i)).

Leveraging its authority to designate a CPD, DSH will designate CPDs for CBR programs as designees of the CONREP CPD to support placement determinations of IST individuals being considered for CBR participation. While the CONREP CPD will retain responsibility to evaluate for the suitability of outpatient treatment with CONREP or inpatient treatment with DSH, they will also refer individuals to the CBR CPD Designee to be evaluated for suitability to participate in the CBR program. This process is outlined below:

1. Upon the court finding an individual IST on felony charges and determining it is in the interest of justice to restore them to competency, the court sends a packet for placement evaluation to the CONREP CPD for review not to exceed 15 judicial days (PC § 1370(a)(2)(A)(i)).
2. The CBR CPD Designee will be given the referral by the CONREP CPD for consideration and simultaneous evaluation of suitability for placement in the CBR program, and the CBR CPD Designee will need to inform the CONREP CPD of their acceptance or denial of the referral for the CPD to include in their recommendation to the court.
3. The CBR CPD Designee will review the packet and coordinate an interview with the defendant in order to complete the placement evaluation.
4. Upon completion of the evaluation, the CBR CPD Designee shall submit a written, formal acceptance or denial letter to the CONREP CPD prior to the due date.

5. The CONREP CPD will submit the recommendations to the court and upon receipt, the court shall order the individual found IST to either CONREP, CBR, or a DSH inpatient setting.

If the CBR CPD Designee is unable to complete the evaluation and acceptance/denial letter in time for the CPD to meet the 15-day deadline, a request for a continuance may be submitted to the court. Prior to the 15-day deadline, the CBR CPD Designee must inform the CONREP CPD in writing to request the extension, including the reason and the date by which the CBR CPD Designee will be able to submit the required documentation to the CONREP CPD. Requests for continuances should be done only if absolutely necessary, and all efforts to meet the 15-day deadline should be exhausted first.

CBR CPD Designee Process

For the DSH-funded CBR Program, a CBR CPD Designee is a CBR program staff member who has been designated by DSH as a designee under the local CONREP CPD to complete placement evaluations. The evaluation and recommendation will address the defendant's suitability to be treated in the CBR program instead of a DSH inpatient setting.

The DSH-funded CBR program shall submit a written application to DSH via email at DSHDiversion@dsh.ca.gov to propose an individual as the CPD Designee. The application shall be submitted by the local Mental Health or Behavioral Health Director (or designee) before beginning service delivery or whenever there is a proposed change in the CPD designee.

The application shall include, but not be limited to the following:

- Applicant name
- Licensure type, license number, and renewal date
- Curriculum Vitae/Resume of work history related to required knowledge and skills
- Date proposed for when the CPD designee would begin duties

Once reviewed and approved by DSH, a letter of designation will be sent to the local CONREP CPD with the application information and letter of designation.

The CONREP CPD will sign the letter of designation and return it to CONREP Operations. A copy of the letter of designation is sent to the CBR program and kept on file with the DSH Diversion and Community Restoration team and CONREP Operations.

If you have any questions or require additional information, please contact your assigned Consulting Psychologist and/or DSH Diversion and Community Restoration by email at DSHDiversion@dsh.ca.gov.

Original Signed By

A handwritten signature in blue ink that reads "Scamacho". The signature is written in a cursive, flowing style.

Stacey Camacho
Deputy Director
Community Forensic Partnerships Division