



DATE: October 31, 2024

TO: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

SUBJECT: FISCAL YEAR 2023-24 FELONY INCOMPETENT TO STAND TRIAL (IST) GROWTH CAP ANNUAL RECONCILED DATA REPORT

RE: IST GROWTH CAP DEPARTMENT LETTER: 23-003

On August 1, 2023, the Department of State Hospitals (DSH) released Department Letter (DL) 23-003 that further explained the statutory requirements included in Senate Bill (SB) 184 (Chapter 47, Statutes of 2022) that clarified the growth cap for all counties for individuals committed as Incompetent to Stand Trial (IST) on felony charges pursuant to Section 1370 of the Penal Code. Attached to DL 23-003 was a report identifying each county's updated baseline number that is used in determining if a county has exceeded the established determinations count for all subsequent years.

In accordance with the requirements outlined in DL-23-003, please find attached to this letter the final reconciled data report for Fiscal Year (FY) 2023-24. No adjustments are anticipated for the final reconciled data report. However, if a county has information that may lead to a correction of the yearly IST referral count, a dispute may be filed with DSH. The dispute window for reconciled IST determination data attached will run from the date of issuance of this memo through December 31, 2024. For more information on how to file a dispute please refer to Department Letter 23-003, Attachment E, [Dispute Process](#).

If your county has a designated representative on file, no further action is needed. DSH will automatically share the individual level data report to the respective county representatives for FY 2023-24. If your county has not elected a designated representative, please review Attachment D, and follow the process so DSH can '[Share Individualized Records](#)'.

For counties subject to a redirection of funds under the IST Growth Cap, the invoicing process, timeline, and distribution of funds from the Mental Health Diversion (MHD) Fund is outlined in DL 23-003, which can be found on the DSH Webpage by using the following link: [Felony IST Growth Cap DL 23-003](#)

If you have any questions or require additional information, please send inquiries to: 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  
All counties' Designated Representatives

**Attachment(s):** Fiscal Year 2023-24 Annual Reconciled Data Report

Department of State Hospitals IST Determinations - FY 2023-24, Annual Update  
 From Date of FIST Commitment to DSH and Received through August 31, 2024



Committing County	Initial Count - FY 2023-24 IST Determinations	FIST Commitments Removed from Count						Updated FY 2023-24 IST Determinations	2023-24 Diversion Offset	
		Program Revokes	Re-Commits	Deaths	Cancelled	Re-Evaluated 1372	EASS 1372		Diversion Credit/Offset	Final Adjusted IST Determinations Count
Alameda	86	1	3	0	3	3	0	76	1	75
Alpine	0	0	0	0	0	0	0	0		0
Amador	8	0	0	0	0	0	1	7		7
Butte	40	0	1	0	0	0	1	38		38
Calaveras	8	0	1	0	0	0	0	7		7
Colusa	5	0	1	0	0	0	1	3		3
Contra Costa	109	3	17	0	1	3	0	85	1	84
Del Norte	11	0	0	0	0	0	2	9		9
El Dorado	21	0	2	0	0	0	5	14		14
Fresno	200	1	5	2	4	0	26	162		162
Glenn	1	0	0	0	0	0	0	1		1
Humboldt	48	0	5	0	0	0	2	41		41
Imperial	33	0	0	0	0	0	2	31		31
Inyo	3	0	0	0	0	0	0	3		3
Kern	193	0	13	0	2	2	1	175		175
Kings	46	0	2	0	0	0	4	40		40
Lake	19	0	1	0	0	0	2	16		16
Lassen	4	0	0	0	0	0	0	4		4
Los Angeles	1,814	84	157	0	21	72	0	1,480	160	1,320
Madera	26	0	0	0	0	0	5	21		21
Marin	33	1	0	0	0	1	0	31		31
Mariposa	3	0	0	0	0	0	0	3		3
Mendocino	12	0	0	0	0	0	0	12		12
Merced	82	0	8	0	0	0	4	70		70
Modoc	0	0	0	0	0	0	0	0		0
Mono	2	0	0	0	0	0	0	2		2
Monterey	99	0	4	0	1	0	10	84		84
Napa	27	0	3	0	1	0	2	21		21
Nevada	6	0	1	0	0	0	0	5		5
Orange	82	1	3	0	0	2	0	76		76
Placer	66	1	6	0	2	2	0	55	2	53
Plumas	2	0	0	0	0	0	0	2		2
Riverside	249	0	9	0	2	1	15	222	1	221
Sacramento	244	1	10	0	1	0	22	210		210
San Benito	6	0	0	0	0	0	0	6		6
San Bernardino	247	0	10	1	1	0	9	226		226
San Diego	311	0	13	0	0	0	15	283		283
San Francisco	52	1	2	0	2	6	1	40		40
San Joaquin	188	0	2	0	11	0	1	174	1	173
San Luis Obispo	71	1	2	0	0	0	16	52	1	51
San Mateo	86	0	2	0	1	1	4	78		78
Santa Barbara	104	1	7	0	2	0	5	89	1	88
Santa Clara	148	1	4	0	1	1	0	141		141
Santa Cruz	51	0	4	0	0	0	3	44		44
Shasta	57	0	8	0	0	0	6	43		43
Sierra	1	0	1	0	0	0	0	0		0
Siskiyou	16	0	2	0	0	1		13		13
Solano	75	1	6	0	0	0	1	67		67
Sonoma	107	0	11	0	0	0	17	79		79
Stanislaus	161	0	5	0	0	0	8	148		148
Sutter	30	0	3	0	1	0	3	23		23
Tehama	26	0	2	0	0	1	1	22		22
Trinity	7	0	1	0	0	2	0	4		4
Tulare	59	0	4	0	1	0	1	53		53
Tuolumne	19	1	0	0	0	0	0	18		18
Ventura	102	0	8	0	0	0	6	88		88
Yolo	31	0	1	0	0	0	0	30	1	29
Yuba	25	0	0	0	0	0	9	16		16
<b>DSH Total</b>	<b>5,562</b>	<b>99</b>	<b>350</b>	<b>3</b>	<b>58</b>	<b>98</b>	<b>211</b>	<b>4,743</b>	<b>169</b>	<b>4,574</b>
<b>Monthly Avg.</b>	<b>464</b>	<b>8</b>	<b>29</b>	<b>0</b>	<b>5</b>	<b>8</b>	<b>18</b>	<b>395</b>	<b>14</b>	<b>381</b>

**Methodology Notes:**

FY 2023-24 Baseline 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 8/31/2024. 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 reducing the FY 2023-24 baseline count. For FY 2023-24 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.