



DATE: December 1, 2025

TO: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

SUBJECT: FISCAL YEAR 2024-25 FELONY INCOMPETENT TO STAND TRIAL (IST) GROWTH CAP ANNUAL RECONCILED DATA REPORT & DATA METHODOLOGY CHANGES

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.

Beginning this year, DSH has made two updates to the methodology utilized to identify the final IST determination count aligned within the existing statutory framework. These updates are summarized below:

1. Population Growth Factor

DSH has applied a Population Growth Factor adjustment to FY 2021-22 baseline IST determination numbers for counties with census growth from FY 2021-22 compared to FY 2024-25 based on estimated census data published by the [Department of Finance](#). For counties yielding census growth between the two years, DSH has made an adjustment to the baseline IST determination count based on the corresponding percentage increase and rounded up to the nearest whole number. For counties with a projected decline or no change in census, no adjustment was applied to the FY 2021-22 baseline IST determination count. For counties with a projected decline in census, no adjustment was applied to the FY 2021-22 baseline IST determination count.

For example,

Imperial County

Step 1 - Calculate Change in Population Growth

Population FY 21-22	Population FY 24-25	Difference between Fiscal Years	% of Change
180,496	186,499	6,003	3.3%

Step 2 - Apply 3.3% to IST Growth Cap Initial FY 2021-22 Baseline count of 20 for Imperial County:

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- a) $20 * 1.033 = 20.67$
- b) Rounded up to the nearest whole number = 21

2. Removing IST Re-evaluation Counts

Since implementation of the IST Growth Cap policy, DSH has significantly reduced wait times and the list of individuals awaiting competency treatment. As a result of the efficiencies gained, in-jail IST re-evaluations have largely reduced due to the limited need. In the current methodology, counties' FY 2021-22 baseline and subsequent fiscal year IST determination numbers were adjusted downward when an IST individual was found to be competent while in jail and before admission to a DSH treatment program as a result of IST Re-evaluation program efforts. Due to the decline in IST re-evaluations as of FY 2024-25, DSH has eliminated this adjustment from the IST determination methodology. This change has been applied to the counties' IST determination numbers for the FY 2021-22 baseline and FY 2024-25 final reconciled report; and will apply to all subsequent fiscal years.

Attached to this memo please find the updated FY 2021-22 baseline report and final FY 2024-25 annual reconciled data report which incorporates the changes outlined above. While no adjustments are anticipated for the final FY 2024-25 reconciled data report, if a county has information that may lead to a correction of the IST determination 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 January 31, 2026. For more information on how to file a dispute please refer to Department Letter 23-003, Attachment E, [Dispute Process](#).

DSH will be holding a webinar to cover the changes outlined here and provide an opportunity for questions. That webinar will be held on December 17, 2025, at noon. We invite you to register and join us by using the link [here](#).

Please also note, the Quarter 1 Progress Report for FY 2025-26 will be released by December 31, 2025, and will include the methodology updates described herein.

If you have any questions or require additional information, please send inquiries to: DSHISTGrowthCap@DSH.CA.GOV.

Chris Edens
Chief Deputy Director, Program Services
Department of State Hospitals

cc: All counties' Behavioral Health Directors
All counties' Sheriffs
All counties' Public Defenders

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All counties' District Attorneys
All Presiding Judges of the Superior Courts of California
All counties' Designated Representatives



Attachment(s): Fiscal Year 2021-22 Updated IST Determination Baseline and Fiscal Year 2024-25 Annual Reconciled Data Report

Department of State Hospitals IST Determinations - FY 2024-25, Annual Update
From Date of FIST Commitment to DSH and Received through August 31, 2025



Committing County	Initial Count - FY 2024-25 IST Determinations	FIST Commitments Removed from Count						Updated FY 2024-25 IST Determinations	2024-25 Diversion Offset	
		Program Revokes	Re-Commits	Deaths	Cancelled	Re-Evaluated 1372	EASS 1372		Diversion Credit/Offset	Final Adjusted IST Determinations Count
Alameda	125	0	2	0	1		6	116	1	115
Alpine	0	0	0	0	0		0	0		0
Amador	11	0	0	0	0		0	11		11
Butte	47	0	1	0	0		0	46		46
Calaveras	8	0	0	0	0		0	8		8
Colusa	4	0	0	0	0		0	4		4
Contra Costa	117	0	3	0	0		11	103		103
Del Norte	8	0	0	0	0		1	7		7
El Dorado	13	0	0	0	0		1	12		12
Fresno	206	0	9	0	2		6	189		189
Glenn	4	0	0	0	0		0	4		4
Humboldt	51	0	4	0	0		1	46		46
Imperial	16	0	0	0	0		0	16		16
Inyo	4	0	0	0	0		1	3		3
Kern	244	0	5	0	1		6	232		232
Kings	38	1	3	0	0		3	31		31
Lake	20	0	0	0	0		1	19		19
Lassen	5	0	0	0	0		1	4		4
Los Angeles	1,551	110	98	0	7		0	1,336	212	1,124
Madera	19	0	1	0	0		0	18		18
Marin	35	0	1	0	0		3	31		31
Mariposa	4	0	0	0	0		0	4		4
Mendocino	16	0	1	0	0		0	15		15
Merced	66	0	1	0	0		6	59		59
Modoc	4	0	0	0	0		0	4		4
Mono	1	0	0	0	0		0	1		1
Monterey	62	0	3	0	0		1	58		58
Napa	29	0	3	0	0		2	24		24
Nevada	5	0	0	0	0		0	5		5
Orange	90	0	3	0	0		1	86		86
Placer	43	1	0	0	1		4	37	1	36
Plumas	2	0	0	0	0		0	2		2
Riverside	200	0	11	1	1		3	184	3	181
Sacramento	244	0	13	0	0		8	223		223
San Benito	8	0	1	0	0		0	7		7
San Bernardino	264	0	9	1	1		11	242		242
San Diego	356	0	11	0	1		4	340		340
San Francisco	79	2	3	0	1		0	73		73
San Joaquin	223	1	6	0	20		4	192	1	191
San Luis Obispo	56	0	3	0	0		5	48		48
San Mateo	89	1	2	0	2		2	82		82
Santa Barbara	115	1	12	0	2		7	93	1	92
Santa Clara	136	0	10	0	0		0	126		126
Santa Cruz	50	0	3	0	1		2	44		44
Shasta	60	0	2	0	0		1	57		57
Sierra	0	0	0	0	0		0	0		0
Siskiyou	20	0	2	0	0		1	17		17
Solano	110	3	3	0	0		8	96		96
Sonoma	116	1	6	0	2		5	102		102
Stanislaus	142	0	8	0	1		4	129		129
Sutter	25	0	1	0	0		1	23		23
Tehama	15	0	0	0	0		1	14		14
Trinity	11	0	0	0	0		2	9		9
Tulare	84	1	1	0	0		0	82		82
Tuolumne	30	1	2	0	0		1	26	1	25
Ventura	84	0	3	0	0		2	79		79
Yolo	49	0	0	0	0		2	47	1	46
Yuba	23	0	1	0	0		3	19		19
DSH Total	5,437	123	251	2	44		132	4,885	221	4,664
Monthly Avg.	453	10	21	0	4		11	407	18	389

Methodology Notes:

FY 2021-22 Baseline determinations reflect FIST referrals received with a commitment date to a DSH funded program in FY 2021-22 and referrals were received no later than 8/31/2023. In addition, DSH has applied a Population Growth Factor adjustment to the FY 2021-22 baseline number to account for growth in a county's total population since the year of implementation. This has been achieved by using census growth data for each county for FY 2024-25 compared to the baseline FY 2021-22. For counties yielding population growth between the two years, DSH has adjusted the baseline IST determination count based on the corresponding percentage increase and rounded up to the nearest whole number.

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 2021-22 baseline count. For FY 2022-23 and all future years, cancelled commitments will be incorporated as an adjustment and reduced from the IST determination counts.

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.

DSH has eliminated the IST Re-evaluation count offsets to the final IST determination data for the FY 2021-22 baseline and will carry this change to all future FYs beginning with FY 2024-25 data which is pending release by December 31, 2025.