Date: October 30, 2026

To: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

Subject: FISCAL YEAR 2025-26 FELONY INCOMPETENT TO STAND TRIAL (IST) GROWTH CAP ANNUAL RECONCILED DATA REPORT: FINAL

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. On December 1, 2025, counties were notified of two methodology updates made to identify the final IST determination count aligned within the existing statutory framework applied annually to the finalized data and made a one-time adjustment the baseline report.

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) 2025-26. 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 January 31, 2027. For more information on how to file a dispute please refer to DL 23-003, Attachment E, Dispute Process.

Additional Growth Cap Program Announcements

- Upcoming Rate Application Change
  Beginning with FY 2026-27 IST determination counts, the rate application utilized to calculate penalty fees will be adjusted according to the requirements outlined in Welfare and Institutions Code 4336. These changes will result in an increased fiscal impact to counties subject to Growth Cap penalties. We encourage you to revisit DL 23-003, Attachment F, Penalty Rate & Tier to review the upcoming changes.

Additional reminders and information about this change will be distributed to counties.

- Expense Reports Due October 1st
  If you have received a reimbursement from the Mental Health Diversion fund, please submit your annual expense report of funds utilized during the prior FY. Expense reports are due by October 1 annually and must be submitted until all funds have been expended. For more information on the expense report please visit our website. You can access the expense report template here.

  If you have any questions or require additional information, please send inquiries to: DSHISTGrowthCap@dsh.ca.gov.

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 2025-26 Annual Reconciled Data Report

Department of State Hospitals IST Determinations - FY 2025-26, Annual Update

From Date of FIST Commitment to DSH and Received through August 31, 2026

			FIST Commitments Removed from Count							2025-26 Diversion Offset	
Committing County	Final Adjusted FY 2021-22 Baseline IST Determinations	Initial Count - FY 2025-26 IST Determinations	Program Revokes	Re-Commits	Deaths	Cancelled	Re-Evaluated 1372	EASS 1372	Updated FY 2025-26 IST Determinations	Diversion Credit/Offset	Final Adjusted IST Determinations Count
Alameda	88	140	0	8	0	2		4	126		126
Alpine	0	0	0	0	0	0		0	0		0
Amador	5	7	0	0	0	0		1	6		6
Butte	50	49	0	1	0	0		0	48		48
Calaveras	2	5	0	0	0	0		0	5		5
Colusa	3	6	0	0	0	0		0	6		6
Contra Costa	101	119	0	11	0	1		7	100		100
Del Norte	13	11	0	1	0	0		1	9		9
El Dorado	25	25	0	1	0	0		0	24		24
Fresno	136	201	0	9	2	1		3	186		186
Glenn	11	1	0	0	0	0		0	1		1
Humboldt	54	35	0	2	0	0		1	32		32
Imperial	21	19	0	1	0	0		0	18		18
Inyo	3	2	0	0	0	0		0	2		2
Kern	236	235	0	11	0	1		3	220	11	209
Kings	51	32	0	3	0	0		3	26		26
Lake	31	22	0	2	0	0		3	17		17
Lassen	5	11	0	0	0	0		1	10		10
Los Angeles	1512	1,690	5	76	1	4		0	1,604	251	1,353
Madera	27	9	0	0	0	0		1	8		8
Marin	23	29	0	3	0	0		1	25		25
Mariposa	3	2	0	0	0	0		0	2		2
Mendocino	30	36	0	2	0	0		0	34		34
Merced	58	56	0	3	0	0		2	51		51
Modoc	0	1	0	0	0	0		1	0		0
Mono	2	3	0	0	0	0		0	3		3
Monterey	63	68	0	5	0	0		0	63		63
Napa	27	25	0	1	0	1		2	21		21
Nevada	3	5	0	0	0	0		0	5		5
Orange	85	85	0	4	0	1		3	77		77
Placer	52	64	2	4	0	2		4	52	2	50
Plumas	3	4	0	0	0	0		0	4		4
Riverside	167	190	0	18	0	1		3	168	2	166
Sacramento	226	217	0	6	0	0		0	211	5	206
San Benito	11	11	0	1	0	0		1	9		9
San Bernardino	258	296	0	13	0	0		1	282	3	279
San Diego	228	411	5	19	0	0		7	380		380
San Francisco	28	60	0	1	0	2		4	53	1	52
San Joaquin	96	150	1	3	0	8		8	130	3	127
San Luis Obispo	55	83	0	5	0	3		15	60		60
San Mateo	51	81	0	7	0	1		1	72	1	71
Santa Barbara	88	118	0	16	0	0		13	89	2	87
Santa Clara	121	96	0	3	0	0		5	88		88
Santa Cruz	64	34	0	4	0	0		1	29		29
Shasta	40	63	0	4	0	1		1	57		57
Sierra	2	0	0	0	0	0		0	0		0
Siskiyou	13	18	0	2	0	1		0	15		15
Solano	79	108	0	9	0	1		3	95		95
Sonoma	63	117	0	17	0	1		2	97	4	93
Stanislaus	108	137	0	10	0	0		1	126		126
Sutter	16	25	0	1	0	0		3	21		21
Tehama	16	28	0	0	0	0		1	27		27
Trinity	8	8	0	0	0	1		1	6		6
Tulare	88	86	0	6	0	0		1	79		79
Tuolumne	16	26	0	0	0	0		6	20		20
Ventura	82	74	0	3	0	0		0	71		71
Yolo	37	42	0	2	0	0		0	40		40
Yuba	23	10	0	0	0	0		0	10	1	9
DSH Total	**4,707**	**5,486**	**13**	**298**	**3**	**33**	**0**	**119**	**5,020**	**286**	**4,734**
Monthly Avg.	**392**	**457**	**1**	**25**	**0**	**3**	**0**	**10**	**418**	**24**	**395**

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. This methodology would be applied to IST Determinations for all subsequent years.

The Comparison Summary table displays each quarter individually as pulled at the time of each quarter and one refresh during the following quarter data pull. The Summary table displays the Updated IST Determinations will all data pulled as of the end of the most recent quarter. This will result in different totals from the Comparison Summary YTD and the Summary IST Determinations.

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.

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. Once FY 2025-26 reports are complete the Re-Evaluated 1372 section will be removed from the report.

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.