



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

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

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**REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS
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EXECUTIVE SUMMARY**

This report summarizes the incidence of inpatient days utilized by Incompetent to Stand Trial (IST) patients remaining in a 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 court. The IST defendant (patient) is then required to be returned to court by the sheriff of the committing county 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 in the month of February. A summary of the data for 2012 shows a 78 percent reduction in the number of days that IST patients were held by the counties in excess of the 10-day limit since 1997. The data used for the 2012 report was obtained from the State Hospitals' Admissions, Discharge, and Transfer System.

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

Penal Code Section 1372 (a)(3)(C)

The Department of State Hospitals (DSH) submits this report 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 (Penal Code Section 1372(a)(3)(C)). 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 2012.

The following table indicates the aggregate number of excess days patients remained in DSH State Hospitals for each calendar year:

Calendar Year (CY)	Total Excess Days	% Change from Prior CY
1997	3,099	
1998	2,079	-33%
1999	1,426	-31%
2000	1,400	-2%
2001	1,152	-18%
2002	1,166	+1%
2003	973	-17%
2004	815	-16%
2005	907	+11%
2006	386	-57%
2007	169	-56%
2008	282	+67%
2009	64	-77%
2010	39	-39%
2011	126	+223%
2012	679	+438%

From 1997, the first year this report was issued, to 2012, the total number of days exceeding the 10-day limit fell from 3,099 to 679. This 78 percent reduction reflects increased compliance by counties with the statutory requirement to return their patients from State Hospitals to the committing court within the 10-day limit. The increased number of days from 2011 to 2012 (438%) was mainly due to the delay from getting PC 1372(e) approval from the court on those individuals deemed by the hospital treatment teams to be

psychiatrically fragile and were at substantial risk of not maintaining their competency if housed in the jail while awaiting trial or during their criminal legal proceedings.

Appendix I
DEPARTMENT OF STATE HOSPITALS
SUMMARY OF INPATIENT DAYS UTILIZED BY INCOMPETENT TO STAND TRIAL
PATIENTS REMAINING IN A STATE HOSPITAL IN EXCESS OF THE 10-DAY LIMIT
January 1, 2012 through December 31, 2012

COMMITTING COUNTY	# EXCESS DAYS
Alameda	0
Alpine	0
Amador	0
Butte	6
Calaveras	0
Colusa	0
Contra Costa	0
Del Norte	0
El Dorado	0
Fresno	0
Glenn	0
Humboldt	0
Imperial	0
Inyo	0
Kern	1
Kings	0
Lake	0
Lassen	4
Los Angeles	620
Madera	0
Marin	0
Mariposa	0
Mendocino	0
Merced	0
Modoc	0
Mono	0
Monterey	3
Napa	0
Nevada	0
Orange	0

COMMITTING COUNTY	# EXCESS DAYS
Placer	0
Plumas	0
Riverside	0
Sacramento	0
San Benito	0
San Bernardino	0
San Diego	0
San Francisco	0
San Joaquin	0
San Luis Obispo	0
San Mateo	5
Santa Barbara	0
Santa Clara	3
Santa Cruz	4
Shasta	3
Sierra	0
Siskiyou	0
Solano	0
Sonoma	1
Stanislaus	2
Sutter	0
Tehama	0
Trinity	0
Tulare	0
Tuolumne	0
Ventura	27
Yolo	0
Yuba	0
TOTAL ALL	679

Data obtained from all State Hospitals.