



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

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

**Stephanie Clendenin
Director**

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**REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS
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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 the 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 county, at which point the sheriff must coordinate transportation 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. The data used for the 2020 report was obtained from the DSH Admissions, Discharge, and Transfer System as well as the jail-based competency treatment (JBCT) program data submissions.

On March 2, 2020 Governor Gavin Newsom issued a Proclamation of a State of Emergency, followed by a shelter-in-place (SIP) order that went into effect on March 19, 2020. On March 21, 2020 the DSH temporarily suspended patient admissions and discharges to and from its hospitals for all patient commitment types, excluding Offenders with a Mental Health Disorder (OMD) under authority of Executive Order N-35-20. DSH resumed admissions and discharges at the end of May 2020.

Due to the suspension of discharges, the number of excess days reported increased from prior years' reporting. For reported incidences from state hospitals, nearly 75 percent occurred between March 2020 to May 2020. During this period the average number of excess days was approximately 26 days. In comparison, the average number of excess days for all other months was approximately 6 days. For reported incidences from a JBCT program similar trends are observed. Between March 2020 and May 2020, the average number of excess days for a JBCT program was approximately 32 days. In comparison, the average number of excess days for all other months was approximately 10 days.

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EXCEEDING THE 10-DAY LIMIT

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

Penal Code Section 1372 (a)(3)(C) requires the Department of State Hospitals (DSH) to submit a report to the Legislature 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. 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 2020.

**DEPARTMENT OF STATE HOSPITALS
SUMMARY OF INPATIENT DAYS UTILIZED BY INCOMPETENT TO STAND TRIAL
PATIENTS REMAINING IN A FACILITY IN EXCESS OF THE 10-DAY LIMIT FOLLOWING
THE FILING OF A CERTIFICATE OF RESTORATION
OF MENTAL COMPETENCE**

January 1, 2020 through December 31, 2020

COMMITTING COUNTY	STATE HOSPITALS	JBCT	# EXCESS DAYS	COMMITTING COUNTY	STATE HOSPITALS	JBCT	# EXCESS DAYS
Alameda	146	0	146	Placer	0	37	37
Alpine	0	0	0	Plumas	0	0	0
Amador	0	0	0	Riverside	2	377	379
Butte	61	0	61	Sacramento	53	107	160
Calaveras	0	0	0	San Benito	0	0	0
Colusa	0	0	0	San Bernardino	15	413	428
Contra Costa	54	170	224	San Diego	0	696	696
Del Norte	56	0	56	San Francisco	0	86	86
El Dorado	34	0	34	San Joaquin	0	121	121
Fresno	211	7	218	San Luis Obispo	14	27	41
Glenn	0	0	0	San Mateo	0	0	0
Humboldt	38	4	42	Santa Barbara	0	10	10
Imperial	0	0	0	Santa Clara	27	0	27
Inyo	0	0	0	Santa Cruz	26	5	31
Kern	18	169	187	Shasta	0	0	0
Kings	0	0	0	Sierra	0	0	0
Lake	0	0	0	Siskiyou	25	0	25
Lassen	0	0	0	Solano	30	16	46
Los Angeles	17	83	100	Sonoma	3	5	8
Madera	42	0	42	Stanislaus	23	0	23
Marin	0	0	0	Sutter	0	0	0
Mariposa	0	0	0	Tehama	0	0	0
Mendocino	0	7	7	Trinity	0	0	0
Merced	0	4	4	Tulare	52	11	63
Modoc	0	0	0	Tuolumne	0	0	0
Mono	0	0	0	Ventura	0	2	2
Monterey	43	128	171	Yolo	31	0	31
Napa	0	0	0	Yuba	40	0	40
Nevada	0	0	0	Other/Unknown	0	0	0
Orange	0	107	107	TOTAL	1,061	2,592	3,653

Data obtained from all State Hospitals and JBCT programs.