



**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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Director**

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## **REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS**

### **EXCEEDING THE 10-DAY LIMIT**

#### **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) or Jail Based Competency Treatment (JBCT) program), following the certification to the court that the defendant has regained competency. Whenever the State Hospital or JBCT certifies that an IST patient has regained mental competency, the Medical Director or DSH designee 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 2022 report was obtained from the DSH Admissions, Discharge, and Transfer System as well as the jail-based competency treatment (JBCT) program data submissions.

## **REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS**

### **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 or DSH designee'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 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 2022.

**Appendix I**  
**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, 2022 through December 31, 2022**

COMMITTING COUNTY	STATE HOSPITALS	JBCT	# EXCESS DAYS
Alameda	6	0	6
Alpine	0	0	0
Amador	0	5	5
Butte	0	0	0
Calaveras	0	0	0
Colusa	29	0	29
Contra Costa	4	0	4
Del Norte	0	0	0
El Dorado	0	0	0
Fresno	6	3	9
Glenn	0	0	0
Humboldt	0	0	0
Imperial	0	0	0
Inyo	0	0	0
Kern	66	8	74
Kings	0	0	0
Lake	0	0	0
Lassen	0	0	0
Los Angeles	94	8	102
Madera	0	7	7
Marin	14	0	14
Mariposa	0	0	0
Mendocino	0	0	0
Merced	0	28	28
Modoc	0	0	0
Mono	0	0	0
Monterey	0	1	1
Napa	0	0	0
Nevada	0	0	0
Orange	0	0	0

COMMITTING COUNTY	STATE HOSPITALS	JBCT	# EXCESS DAYS
Placer	0	9	9
Plumas	0	0	0
Riverside	0	1	1
Sacramento	11	0	11
San Benito	0	3	3
San Bernardino	0	2	2
San Diego	38	3	41
San Francisco	0	0	0
San Joaquin	0	0	0
San Luis Obispo	0	71	71
San Mateo	41	0	41
Santa Barbara	0	0	0
Santa Clara	25	24	49
Santa Cruz	0	7	7
Shasta	7	0	7
Sierra	0	0	0
Siskiyou	0	0	0
Solano	7	0	7
Sonoma	89	0	89
Stanislaus	4	0	4
Sutter	0	0	0
Tehama	0	0	0
Trinity	0	0	0
Tulare	0	1	1
Tuolumne	0	0	0
Ventura	33	0	33
Yolo	11	0	11
Yuba	21	0	21
Other/Unknown	0	0	0
<b>TOTAL</b>	<b>506</b>	<b>181</b>	<b>687</b>

Data obtained from all State Hospitals and JBCT programs.