



DATE: July 26, 2024

TO: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

SUBJECT: FISCAL YEAR 2023-24 FELONY INCOMPETENT TO STAND TRIAL (IST) GROWTH CAP QUARTERLY PROGRESS REPORT: QUARTER 4

RE: IST GROWTH CAP DEPARTMENT LETTER: 23-003

Please find attached to this memo, a progress report of unreconciled Incompetent to Stand Trial (IST) determination data for the fourth quarter of FY 2023-24 (April 1, 2024 – June 30, 2024) provided along with reference to the FY 2021-22 baseline IST determination numbers. A copy of all previously issued notices including Department Letter (DL) 23-003 are available on the [DSH Growth Cap Webpage](#).

DSH releases unreconciled data reports, referred to as progress reports, within sixty days following the end of each new quarter. The intent of the progress report is to provide counties with quarterly updates on how the current year trend of felony IST determinations compares to baseline trends so counties have an opportunity to take action that could result in preventing cap overages and potential funding redirection.

### **Additional Growth Cap Program Announcements**

- Update to DL 23-003, Attachment F  
DSH will be issuing an update to DL 23-003, Attachment F: Rate & Tier to reflect the application of a Statewide Median IST rate in the calculation of Growth Cap invoices issued to counties that are subject to fees as a result of exceeding the IST baseline established for the county.
- Final Reconciled Data for FY 2023-24  
The final reconciled data report of annual IST determinations for FY 2023-24 will be completed by DSH no later than September 30, 2024, and released to counties by the end of October 2024. With that release will come the opening of the dispute window for FY 2023-24 IST determination data. Please refer to [Attachment E, Dispute Process](#) if you determine a correction is needed after the release of the finalized data.

If you have any questions, please feel free to contact the team by emailing: [DSHISTGrowthCap@DSH.CA.GOV](mailto:DSHISTGrowthCap@DSH.CA.GOV).



A handwritten signature in black ink that reads "C. Edens". The signature is fluid and cursive.

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 2023-24 Quarter Four Progress Report

Department of State Hospitals IST Determinations - FY 2023-24 Quarterly Progress Report, Quarter 4

From Date of FIST Commitment to DSH and Received through June 30, 2024



**UNRECONCILED DATA**

Committing County	FY 2021-22 Fnal Adjusted Baseline IST Referrals	FY 2021-22 Monthly Average	FY 2023-24 Quarter 1 (Refresh)	FY 2023-24 Quarter 2 (Refresh)	FY 2023-24 Quarter 3 (Refresh)	FY 2023-24 Quarter 4	FY 2023-24 YTD Total	FY 2023-24 YTD Monthly Average	Monthly Average Difference
Alameda	77	6.4	13	24	14	26	77	6.4	0.0
Alpine	0	0.0	0	0	0	0	0	0.0	0.0
Amador	5	0.4	2	1	2	2	7	0.6	0.2
Butte	50	4.2	8	14	6	10	38	3.2	(1.0)
Calaveras	2	0.2	2	0	2	3	7	0.6	0.4
Colusa	1	0.1	1	0	0	2	3	0.3	0.2
Contra Costa	90	7.5	16	20	23	27	86	7.2	(0.3)
Del Norte	12	1.0	3	0	3	3	9	0.8	(0.3)
El Dorado	25	2.1	3	4	5	2	14	1.2	(0.9)
Fresno	106	8.8	33	31	49	48	161	13.4	4.6
Glenn	10	0.8	0	1	0	0	1	0.1	(0.8)
Humboldt	49	4.1	11	8	14	7	40	3.3	(0.8)
Imperial	18	1.5	8	11	5	7	31	2.6	1.1
Inyo	3	0.3	0	1	1	1	3	0.3	0.0
Kern	227	18.9	38	44	43	50	175	14.6	(4.3)
Kings	48	4.0	11	13	5	9	38	3.2	(0.8)
Lake	26	2.2	7	2	6	1	16	1.3	(0.8)
Lassen	5	0.4	3	1	0	0	4	0.3	(0.1)
Los Angeles	1,435	119.6	335	352	398	402	1,487	123.9	4.3
Madera	21	1.8	6	7	5	1	19	1.6	(0.2)
Marin	23	1.9	7	7	9	9	32	2.7	0.8
Mariposa	3	0.3	0	2	0	1	3	0.3	0.0
Mendocino	30	2.5	2	5	4	1	12	1.0	(1.5)
Merced	53	4.4	12	18	20	17	67	5.6	1.2
Modoc	0	0.0	0	0	0	0	0	0.0	0.0
Mono	2	0.2	0	1	1	0	2	0.2	0.0
Monterey	59	4.9	27	20	23	14	84	7.0	2.1
Napa	22	1.8	2	9	4	7	22	1.8	0.0
Nevada	3	0.3	0	0	4	1	5	0.4	0.2
Orange	77	6.4	25	19	15	18	77	6.4	0.0
Placer	42	3.5	25	13	8	9	55	4.6	1.1
Plumas	2	0.2	1	1	0	0	2	0.2	0.0
Riverside	146	12.2	51	69	52	49	221	18.4	6.3
Sacramento	217	18.1	41	59	60	51	211	17.6	(0.5)
San Benito	7	0.6	0	2	3	1	6	0.5	(0.1)
San Bernardino	223	18.6	55	58	48	66	227	18.9	0.3
San Diego	207	17.3	46	69	73	96	284	23.7	6.4
San Francisco	25	2.1	3	10	11	16	40	3.3	1.3
San Joaquin	92	7.7	45	50	32	36	163	13.6	5.9
San Luis Obispo	45	3.8	12	13	15	13	53	4.4	0.7
San Mateo	46	3.8	17	16	19	26	78	6.5	2.7
Santa Barbara	80	6.7	18	20	32	20	90	7.5	0.8
Santa Clara	113	9.4	11	36	51	43	141	11.8	2.3
Santa Cruz	47	3.9	14	8	15	8	45	3.8	(0.2)
Shasta	39	3.3	12	7	13	11	43	3.6	0.3
Sierra	2	0.2	0	0	0	0	0	0.0	(0.2)
Siskiyou	11	0.9	3	2	2	5	12	1.0	0.1
Solano	75	6.3	13	18	15	21	67	5.6	(0.7)
Sonoma	61	5.1	19	17	22	18	76	6.3	1.3
Stanislaus	89	7.4	31	30	51	36	148	12.3	4.9
Sutter	15	1.3	6	3	7	7	23	1.9	0.7
Tehama	15	1.3	8	4	6	2	20	1.7	0.4
Trinity	8	0.7	0	2	2	0	4	0.3	(0.3)
Tulare	74	6.2	15	17	11	10	53	4.4	(1.8)
Tuolumne	16	1.3	0	2	6	10	18	1.5	0.2
Ventura	80	6.7	18	22	23	24	87	7.3	0.6
Yolo	28	2.3	4	10	5	11	30	2.5	0.2
Yuba	18	1.5	6	3	3	5	17	1.4	(0.1)
<b>DSH Total</b>	<b>4,305</b>	<b>358.7</b>	<b>1,049</b>	<b>1,176</b>	<b>1,246</b>	<b>1,263</b>	<b>4,734</b>	<b>394.5</b>	<b>35.8</b>

Department of State Hospitals IST Determinations - FY 2023-24 Quarterly Progress Report, Quarter 4

From Date of FIST Commitment to DSH and Received through June 30, 2024

UNRECONCILED DATA



Committing County	Initial Count - FY 2023-24 IST Determinations	FIST Commitments Removed from Count						Updated 2023-24 IST Determination	2023-24 Diversion Offset	
		Program Revokes	Re-Commits	Deaths	Cancelled	Re-Evaluated 1372	EASS 1372		Diversion Credit/Offset	Final Adjusted IST Determinations Count
Alameda	86	1	3	0	2	3	0	77	77	
Alpine	0	0	0	0	0	0	0	0	0	
Amador	8	0	0	0	0	0	1	7	7	
Butte	40	0	1	0	0	0	1	38	38	
Calaveras	8	0	1	0	0	0	0	7	7	
Colusa	5	0	1	0	0	0	1	3	3	
Contra Costa	107	3	6	0	1	3	0	94	94	
Del Norte	11	0	0	0	0	0	2	9	9	
El Dorado	20	0	2	0	0	0	4	14	14	
Fresno	195	0	5	2	4	0	23	161	161	
Glenn	1	0	0	0	0	0	0	1	1	
Humboldt	47	0	5	0	0	0	2	40	40	
Imperial	33	0	0	0	0	0	2	31	31	
Inyo	3	0	0	0	0	0	0	3	3	
Kern	191	0	11	0	1	2	0	177	177	
Kings	44	0	2	0	0	0	4	38	38	
Lake	19	0	1	0	0	0	2	16	16	
Lassen	4	0	0	0	0	0	0	4	4	
Los Angeles	1,787	59	151	0	18	72	0	1,487	1,487	
Madera	25	0	0	0	0	0	5	20	20	
Marin	33	0	0	0	0	1	0	32	32	
Mariposa	3	0	0	0	0	0	0	3	3	
Mendocino	13	1	0	0	0	0	0	12	12	
Merced	78	0	7	0	0	0	4	67	67	
Modoc	0	0	0	0	0	0	0	0	0	
Mono	2	0	0	0	0	0	0	2	2	
Monterey	98	0	3	0	1	0	10	84	84	
Napa	27	0	3	0	0	0	2	22	22	
Nevada	6	0	1	0	0	0	0	5	5	
Orange	82	0	3	0	0	2	0	77	77	
Placer	65	1	4	0	2	2	0	56	56	
Plumas	2	0	0	0	0	0	0	2	2	
Riverside	246	0	4	0	2	1	14	225	225	
Sacramento	245	1	10	0	0	0	22	212	212	
San Benito	6	0	0	0	0	0	0	6	6	
San Bernardino	245	0	9	1	1	0	7	227	227	
San Diego	311	0	10	0	0	0	15	286	286	
San Francisco	51	0	2	0	2	6	1	40	40	
San Joaquin	170	0	2	0	0	0	1	167	167	
San Luis Obispo	71	0	2	0	0	0	16	53	53	
San Mateo	85	0	1	0	0	1	4	79	79	
Santa Barbara	103	0	4	0	2	0	5	92	92	
Santa Clara	147	0	4	0	1	1	0	141	141	
Santa Cruz	50	0	2	0	0	0	3	45	45	
Shasta	57	0	8	0	0	0	6	43	43	
Sierra	1	0	1	0	0	0	0	0	0	
Siskiyou	15	0	2	0	0	1	0	12	12	
Solano	73	0	4	0	0	0	1	68	68	
Sonoma	104	0	10	0	0	0	16	78	78	
Stanislaus	160	0	5	0	0	0	7	148	148	
Sutter	30	0	3	0	1	0	3	23	23	
Tehama	24	0	2	0	0	1	1	20	20	
Trinity	7	0	1	0	0	2	0	4	4	
Tulare	59	0	4	0	1	0	1	53	53	
Tuolumne	18	0	0	0	0	0	0	18	18	
Ventura	99	0	6	0	0	0	5	88	88	
Yolo	30	0	0	0	0	0	0	30	30	
Yuba	26	0	0	0	0	0	8	18	18	
<b>DSH Total</b>	<b>5,476</b>	<b>66</b>	<b>306</b>	<b>3</b>	<b>39</b>	<b>98</b>	<b>199</b>	<b>4,765</b>	<b>4,765</b>	
<b>Monthly Avg.</b>	<b>456</b>	<b>6</b>	<b>26</b>	<b>0</b>	<b>3</b>	<b>8</b>	<b>17</b>	<b>397</b>	<b>397</b>	

**Methodology Notes:**

FY 2023-24 IST determinations reflect FIST referrals received with a commitment date to a DSH funded program in FY 2023-24 and referrals were received no later than 6/30/2024. This methodology would be applied to IST Determinations for all subsequent years.

**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.

Re-Commitments - these are FIST individuals who have been re-referred to DSH on the same charge in the same fiscal year for another reason other than revocatopn from a community-based program.

Deaths - occur prior to admission/enrollment in a DSH or DSH-funded program

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

Re-Evaluated 1372 includes individuals who were re-evaluated by DSH's Re-Evaluation Program and identified as competent prior to admission to any DSH treatment program, including Early Access and Stabilization Services (EASS). Totals also include the re-evaluations performed by Los Angeles County Office of Diversion and Re-Entry (known as "off-ramps").

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.