



DATE: JUNE 2, 2023

TO: ALL COUNTY CHIEF ADMINISTRATIVE/EXECUTIVE OFFICERS

SUBJECT: DELAYED RELEASE OF FISCAL YEAR 2022-23 QUARTER THREE
FELONY INCOMPETENT TO STAND TRIAL (IST) GROWTH CAP
PROGRESS REPORT

RE: IST GROWTH CAP AND PENALTY PAYMENTS-WELFARE &
INSTITUTIONS CODE (WIC) 4336 DEPARTMENT LETTER: 22-003

On December 19, 2022, the Department of State Hospitals (DSH) released Department Letter (DL) 22-003 that provided information on recent statutory requirements included in Senate Bill (SB) 184 (Chapter 47, Statutes of 2022) that established a 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 22-003 was a report identifying each county's baseline number of IST determinations for future penalty calculations and a report of each county's unreconciled data for the first quarter of Fiscal Year (FY) 2022-23.

As of May 2023, DSH has been engaged in ongoing discussions with a coalition of county associations representing key IST stakeholders to consider modifications to the methodologies and processes established by DSH to implement the statutory requirements of the IST Growth Cap. One modification under consideration includes the methodology utilized to identify the total count of IST determinations applicable to each county's FY 2021-22 baseline and subsequent annual IST counts utilized to assess potential growth cap penalties. To that end, the progress report of unreconciled data for the third quarter (January 1, 2023, through March 31, 2023) of FY 2022-23 has been delayed pending conclusion of state-county discussions. If you have any questions, please send inquiries to: DSHISTGrowthCap@dsh.ca.gov.

A handwritten signature in blue ink, appearing to read "S Clendenin", is written in a cursive style.

Stephanie Clendenin
Director
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