



**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 (A)**

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TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	2
REPORT.....	3
APPENDIX I.....	4

**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 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. The data used for the 2018 report was obtained from the DSH Admissions, Discharge, and Transfer System.

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'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 2018.

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
FOLLOWING THE FILING OF A CERTIFICATE OF RESTORATION
OF MENTAL COMPETENCE

January 1, 2018 through December 31, 2018

COMMITTING COUNTY	# EXCESS DAYS
Alameda	0
Alpine	0
Amador	0
Butte	0
Calaveras	0
Colusa	0
Contra Costa	0
Del Norte	0
El Dorado	0
Fresno	4
Glenn	0
Humboldt	0
Imperial	0
Inyo	0
Kern	0
Kings	1
Lake	3
Lassen	0
Los Angeles	479
Madera	0
Marin	2
Mariposa	0
Mendocino	0
Merced	0
Modoc	0
Mono	0
Monterey	0
Napa	0
Nevada	0
Orange	0

COMMITTING COUNTY	# EXCESS DAYS
Placer	0
Plumas	0
Riverside	0
Sacramento	5
San Benito	0
San Bernardino	0
San Diego	0
San Francisco	0
San Joaquin	0
San Luis Obispo	0
San Mateo	0
Santa Barbara	0
Santa Clara	0
Santa Cruz	0
Shasta	0
Sierra	0
Siskiyou	0
Solano	0
Sonoma	0
Stanislaus	40
Sutter	0
Tehama	0
Trinity	0
Tulare	0
Tuolumne	0
Ventura	1
Yolo	0
Yuba	0
Other/Unknown	0
TOTAL	535

Data obtained from all State Hospitals.