



CALIFORNIA DEPARTMENT OF
Mental Health

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

An Annual Report in Response to Chapter 294, Statutes of 1997

**Department of Mental Health
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REPORT ON INCOMPETENT TO STAND TRIAL COMMITMENTS

EXCEEDING THE 10-DAY LIMIT

SUMMARY

This Department of Mental Health (DMH) report summarizes the incidence of inpatient days utilized by Incompetent to Stand Trial (IST) patients remaining in a state hospital, following the Director's certification to the court that the defendant has regained competency (Penal Code Section 1372(a)(1)). Whenever the state hospital determines that an IST patient has regained mental competency, the Director shall so certify to the committing court by filing a certificate of restoration. Penal Code Section 1372(a)(3)(C) requires the return of the IST defendant (patient) to court by the sheriff of the committing county within 10 days of the filing of the certificate.

DMH has submitted such a report since 1997 as mandated by Chapter 294, Statutes of 1997. A summary of the data for 2009 shows a 98 percent reduction in the number of days that IST patients were held by the counties in excess of the 10-day limit since 1997. The data used for the 2009 report was obtained from the state hospitals through the Admissions, Discharge, and Transfer System.

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Chapter 294, Statutes of 1997**

SUBMITTED TO:

The Fiscal and Public Safety Committees of the Senate and Assembly.

NARRATIVE

The Department of Mental Health is submitting for informational purposes a summary of inpatient days utilized by Incompetent to Stand Trial (IST) patients remaining in a state hospital in excess of the (10) day limit following the Director's certification to the court that the defendant has regained competency (Penal Code Section 1372(a)(1)). The summary was prepared by this Department in compliance with the requirements set forth in SB 391, Solis (Chapter 294, Statutes of 1997). Previous legislation (SB 485, Chapter 722, Statutes of 1992) originally amended the IST Penal Code Section 1372 requiring that patients be returned to the committing court no later than 10 days following the filing of a certificate of restoration of mental competency. This provision was clarified in Chapter 294, Statutes of 1997, that the date of filing shall be the date on the return receipt.

Whenever the state hospital determines that the IST patient has regained mental competency, the Director shall so certify to the committing court by filing a certificate of restoration. Penal Code Section 1372(a)(2) requires the return of the IST defendant (patient) to court by the sheriff of the committing county within 10 days of the filing of the certificate. **Appendix I Summary of Inpatient Days Utilized by Incompetent To Stand Trial Patients Remaining in a State Hospital in Excess of the 10-Day Limit** indicates the results of a review conducted to determine the number of days in excess of the 10-day limit for calendar year 2009.

The first report on excess days was mandated by the enactment of Chapter 294, Statutes of 1997 (effective August 18, 1997). The following list indicates the aggregate number of excess days for each calendar year:

Calendar Year (CY)	Total Excess Days	% Change from Prior CY
1997	3,099	
1998	2,079	-33%
1999	1,426	-31%
2000	1,400	-2%
2001	1,152	-18%
2002	1,166	+1%
2003	973	-17%
2004	815	-16%
2005	907	+11%
2006	386	-57%
2007	169	-56%
2008	282	+67%
2009	64	-77%

In comparing the first report in 1997 with the last calendar year report in 2009, the data reflect a 98 percent reduction in the number of excess days as a result of the counties transporting their patients from state hospitals within the statutory 10-day limit.

ANALYSIS OF DATA

There has been a steady, growing demand in court-ordered judicial commitment admissions to the DMH state hospitals including Incompetent to Stand Trial (IST), Not Guilty By Reason of Insanity (NGI), Mentally Disordered Offenders (MDO) and Sexually Violent Predators (SVP). The increase of ISTs, specifically, to all state hospitals has increased from a total of 606 in 1999 to 1,307 admissions in 2008, and which in turn impacts the courts and local law enforcement agencies whose responsibility it is to transport those patients from county jail to a state hospital and then back to jail for court hearings. Moreover, the time spent in the hospital may be impacted by the transfer of patients from Napa State Hospital in the north to Metropolitan State Hospital in the south (or vice versa) to allow for DMH to properly manage bed utilization for purposes of reducing the time individuals must wait in a county jail before they can be admitted into a state hospital. Such transfers can delay the timely pickup and transport of those patients in the southern hospitals who must attend court proceedings in the northern part of the state.

In response, local sheriff offices statewide have developed and manage a well-run transportation system for forensic patients who discharge from the state hospitals. And, as evidenced by the data, the counties are largely able to manage the logistics to transport IST patients within the 10-day limit. Additionally, counties have contracted with transport service providers, which enable them to ensure that IST patients continue to receive timely transportation to and from court.

For its part, beginning April 2009, the DMH instituted use of an internal report developed to aid state hospitals in monitoring and tracking counties' bed days by patient for purposes of verifying the correct number of bed days utilized by patients in excess of the 10-day limit.

Appendix I
DEPARTMENT OF MENTAL HEALTH
SUMMARY OF INPATIENT DAYS UTILIZED BY INCOMPETENT TO STAND TRIAL
PATIENTS REMAINING IN A STATE HOSPITAL IN EXCESS OF THE 10-DAY LIMIT
January 1, 2009 thru December 31, 2009

COUNTY	# EXCESS DAYS
Alameda	7
Alpine	0
Amador	0
Butte	2
Calaveras	0
Colusa	0
Contra Costa	0
Del Norte	0
El Dorado	0
Fresno	0
Glenn	0
Humboldt	0
Imperial	0
Inyo	0
Kern	0
Kings	0
Lake	0
Lassen	0
Los Angeles	11
Madera	0
Marin	0
Mariposa	0
Mendocino	0
Merced	8
Modoc	0
Mono	0
Monterey	0
Napa	0
Nevada	0
Orange	0

COUNTY	# EXCESS DAYS
Placer	0
Plumas	0
Riverside	0
Sacramento	3
San Benito	0
San Bernardino	0
San Diego	0
San Francisco	0
San Joaquin	6
San Luis Obispo	1
San Mateo	13
Santa Barbara	0
Santa Clara	0
Santa Cruz	3
Shasta	0
Sierra	0
Siskiyou	0
Solano	0
Sonoma	0
Stanislaus	0
Sutter	6
Tehama	0
Trinity	0
Tulare	4
Tuolumne	0
Ventura	0
Yolo	0
Yuba	0
TOTAL ALL	64

Data obtained from all state hospitals.