

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.16
(ID # 25820)

MEETING DATE:
Tuesday, August 27, 2024

FROM : EXECUTIVE OFFICE

SUBJECT: EXECUTIVE OFFICE: Payment of Penalty Fees for Incompetent to Stand Trial (IST) Growth Cap in FY 2022-23 All Districts. [Total Cost - \$1,872,661, 100% General Fund Contingency](4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the payment of penalty fees related to the IST Growth Cap for FY 2022-23 as calculated by the Department of State Hospitals (DSH) in accordance with Welfare and Institutions Code (WIC) 4336 and the methodology outlined in Department Letter (DL) 23-003; and,
2. Direct the Auditor-Controller to make the budget adjustment per the attached Schedule A.

ACTION:4/5 Vote Required, Policy

Michelle Paradise
Michelle Paradise, ACEO 8/21/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: August 27, 2024
xc: E.O.

Kimberly A. Rector
Clerk of the Board

By: *Cindy J. Jandy*
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 1,872,661	\$ 0	\$ 1,872,661	\$ 0
NET COUNTY COST	\$ 1,872,661	\$ 0	\$ 1,872,661	\$ 0
SOURCE OF FUNDS: 100% General Fund Contingency			Budget Adjustment:	Yes
			For Fiscal Year:	23/24

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Senate Bill (SB) 184 (Chapter 47, Statutes of 2022) introduced a limit on the growth of individuals deemed Incompetent to Stand Trial (IST) on felony charges in all counties, as per Section 1370 of the Penal Code. The legislature determined this growth cap program as a proactive measure to address the rising number of justice-involved individuals with serious mental health issues who are found IST on felony charges. The program aims to ensure that the expansion of Department of State Hospitals (DSH) funded community care does not unintentionally incentivize an increase in felony IST determinations.

Welfare and Institutions Code (WIC) Section 4336 defined felony IST determinations and established FY 2021/2022 as the baseline year for a county's total annual felony IST determinations. Thereafter, annually, a county is charged a penalty if the IST determinations in that year exceed the county's established baseline. In FY 2021/2022, DSH established Riverside County's IST growth cap at 146 IST determinations. In FY 2022/2023, Riverside County exceeded this established baseline determination by 49 IST determinations for a total of 195 IST determinations. As a result, Riverside County was penalized in the amount of \$1,872,661 with payment due by September 19, 2024. The methodology used for this calculation follows the guidelines outlined in DL 23-003, with an additional adjustment applied by DSH in response to proposed changes by the California State Association of Counties (CSAC).

Growth cap penalty fees collected by DSH may be returned to the county for investment efforts aimed to reduce future felony IST determinations. Counties subject to these growth cap penalty fees are required to submit an "Expenditure Plan" to the DSH for approval before funds may be redirected back to the county.

Impact on Residents and Businesses

The payment of these penalty fees and subsequent deposit into the Mental Health Diversion Fund will ultimately benefit the county, as 100% of the funds are expected to be returned to the County following DSH approval of an Expenditure Plan intended to reduce future IST determinations. The Executive Office will return to the Board once an Expenditure Plan has been approved by DSH.

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Attachments: Schedule A

Schedule A

Increase Appropriations:

10000-1102900000-523230	Miscellaneous Expense	\$ 1,872,661
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Anticipated Use of Unassigned Fund Balance:

10000-1102900000-370100	Unassigned Fund Balance	\$ 1,872,661
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Decrease Appropriations:

10000-1109000000-581000	Appropriation for Contingency	\$ 1,872,661
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Anticipated Increase of Unassigned Fund Balance:

10000-1109000000-370100	Unassigned Fund Balance	\$ 1,872,661
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Evangelina Gregorio

Evangelina Gregorio

8/20/2024

Rebecca S Cortez

Rebecca S Cortez, Principal Management Analyst

8/21/2024