



2024 CSAC Challenge Awards

NEVADA COUNTY'S INCOMPETENT TO STAND TRIAL (IST) RESPONSE TEAM

OVERVIEW: The Nevada County IST Response Team is a multidisciplinary team working to decrease the number of justice-involved individuals sent to State Hospitals.

CHALLENGE: There has been an increasing number of seriously mentally ill and cognitively delayed individuals involved in the California criminal justice system. Historically, California has required all individuals who were declared IST be sent to the California Department of State Hospitals (DSH) in order to restore their ability to stand trial through a process called “restoration”. Because capacity in the DSH system could not keep up with the need for restorative services, county jails became default holding locations while declared IST individuals awaited the start of their DSH services. As a result, IST individuals on waitlists awaiting court decisions held in jails suffer adverse mental health outcomes due to delayed mental health services. It is therefore incumbent upon counties to look for creative ways to collaborate, connect, and treat people with mental health needs through a range of options and pathways for treatment that either divert people from the justice system or find alternatives to DSH restoration.

SOLUTION: In response to the state's growth cap program, Nevada County formed an IST Response Team made up of county staff from Behavioral Health, Public Defender, Probation, and the District Attorney’s office. The team meets regularly as an upstream intervention tool to first divert individuals from unnecessarily becoming involved in the IST process and secondarily to provide early access to treatment, diversion, and decrease the number of individuals sent to the DSH system.

INNOVATION: The idea of upstream intervention in the IST process is inherently innovative since often the legal process is detached from other County partners due to the defendant's inability to participate in their own defense. Once doubt of competency is raised, the process cannot be withdrawn without significant court process and time. Therefore, the first area that the Response team focuses on is to identify individuals who may be IST without delaying the person’s due process. Identification is addressed using a multiprong approach, first by providing the Public Defender’s office a uniform interpretation of IST to help attorneys identify IST clients, to ensure that doubts of competency were raised using consistent criteria and to decrease the number of doubts of competency unnecessarily raised. The second prong of the

approach is to identify individuals at risk of IST early in their jail stay. When behavioral health staff become aware that a client has been arrested, staff will proactively communicate this information to the IST Response Team. The IST Response team also works to actively triage and look for alternative restoration placements based on the person's likelihood of stabilizing as well as available programs for individuals who are likely to be declared IST. This triage work begins as a parallel process to the court's IST evaluation and determination to ensure that by the time evaluation is completed, other alternatives can be explored and, when the person returns from restoration, connections are made. This collaborative and proactive approach creates a system of care coordination to identify the most appropriate and least restrictive option.

RESULTS: As of 2022/2023 Nevada County has one of the lowest DSH usage rates of IST individuals in the state, with a commitment rate of only 7 individuals per 100,000. Further, Nevada County has fewer DSH commitments per capita than 85% of other California counties. Much of this success is attributed to the IST Response team. Since the team began operating in 2021, only 14 individuals have been committed to DSH for restoration. In that same time, 157 referrals were made for regular Mental Health Diversion (MHD) or other collaborative courts such as Mental Health Court (MHC).

REPLICABILITY: This model can easily be replicated in other rural counties and even scaled up in larger counties. The team utilizes existing staff and requires a minimal time commitment for coordination as it focuses on a clear set of reproducible steps. Aside from staff hours for coordination, there is no additional cost. The work of this team results in a net savings as the county is able to avoid penalties through the DSH growth cap that may otherwise be incurred, as well as route people to the most appropriate level of service.

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ADDITIONAL MATERIALS: (1) [Incomptostandtrailbackground](#) (2) [Webinar](#) (3) [KNCO](#)