

# The Los Angeles County Misdemeanor Incompetent to Stand Trial Program (MIST)

## Background

In 2002, the Director of the Los Angeles County Department of Mental Health (DMH) approved the Misdemeanor Incompetent to Stand Trial (MIST) program in [the County jails as a treatment facility](#) for misdemeanor defendants, considered one of the most vulnerable and sickest populations in the jail. In 2015, the Los Angeles County Office of Diversion and Reentry (ODR) began leading the MIST [Community Based Restoration Program](#), whereby persons declared MIST could be released, housed and cared for in the community. [Competency cases continued to surge](#) in Los Angeles County, causing the Board of Supervisors to examine causes and solutions.

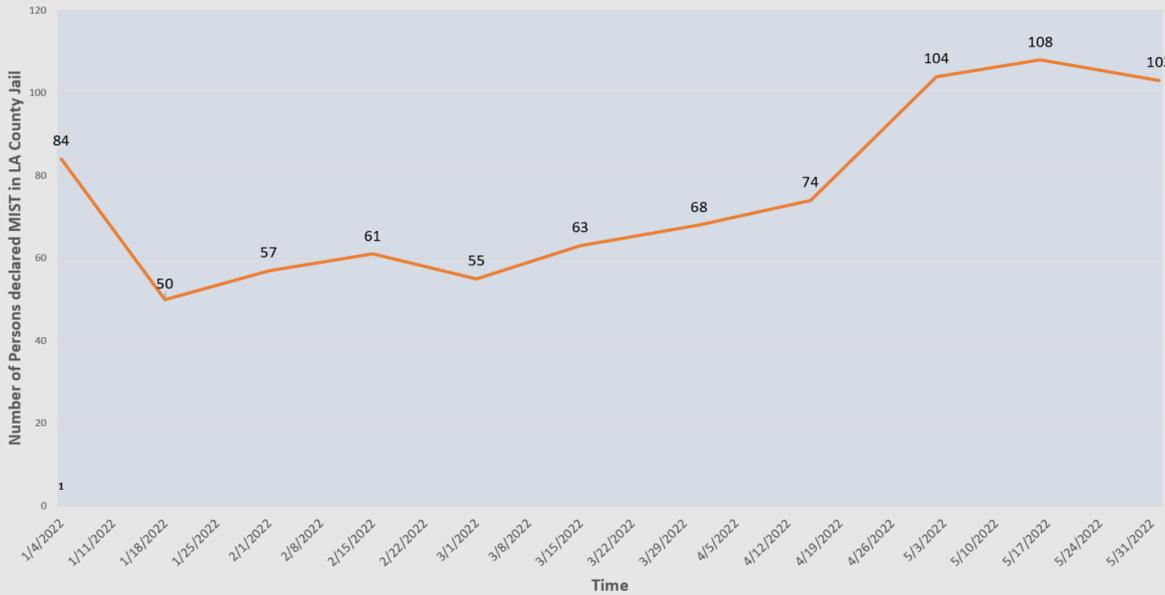
## SB 317

On January 1st, 2022, MIST was profoundly changed by [California Senate Bill 317](#). Now, when found incompetent on a misdemeanor, the court may grant a person mental health diversion, refer them for assisted outpatient treatment, conservatorship or dismiss their charges. In Los Angeles County, a person found MIST must now leave jail quickly, and most MISTs are promptly granted diversion, creating the rapid need for community services to care for and house MISTs in need.

## Metrics

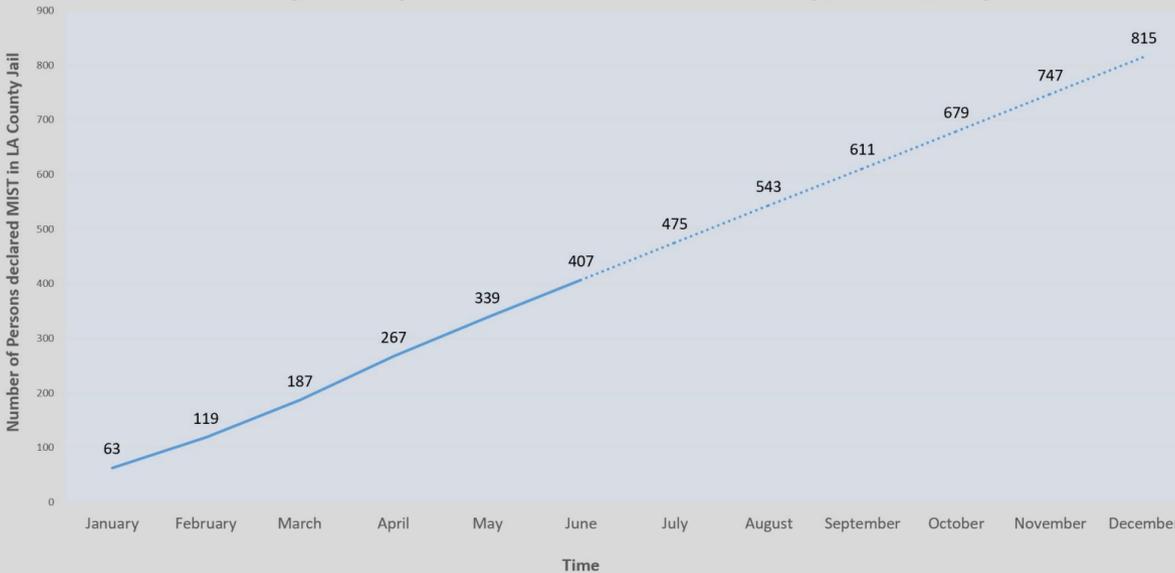
The MIST jail population, which at its peak in 2015 was 454 persons, fell to 264 persons in 2019 due to [the efforts of ODR's Community-Based Restoration Program](#) and the justice partners. It plummeted again after SB 317, and maintained in the 50's, but is rising again due to more persons being declared MIST. It is now over 100 persons.

Figure 1: Single Day Snapshots, Number of Persons Declared MIST in Los Angeles County Jail Post SB 317 (1/1/2022 - 6/1/2022)



It is important to note that Figure 1 above is only a snapshot of persons who occupied a jail MIST bed at any given point in time. Figure 2 below shows the number of unique persons found MIST in the jail over the course of months who briefly occupied a jail MIST bed, showing the true need for the amount of beds in the community to care for the MIST population. This is calculated by using the average growth rate from January to May, 2022.

Figure 2: Unique Individuals Declared MIST Post SB 317 (1/2022 - 5/2022) and Projected Unique Individuals Declared MIST Post SB 317 (6/2022 - 12/2022)



After SB 317 took effect January 1, 2022, ODR rapidly created 90 new beds with temporary funding, adding to the existing 156 MIST beds ODR had previously. Existing beds were already partially filled with MISTs pre-SB 317, and therefore, all 246 beds are now fully saturated. Figures 3 and 4 show that ODR has housed and cared for 284 unique MISTs exiting the jail, who have been court ordered to ODR on MIST Diversion since SB 317. Other placement destinations such as Department of Mental Health (DMH) Enriched Residential Services, DMH LPS Conservatorship and Correctional Health Services (CHS) placements have been low.

Figure 3: Cumulative MIST Released from Jail by Placement Destination (1/1/2022 - 6/3/2022)

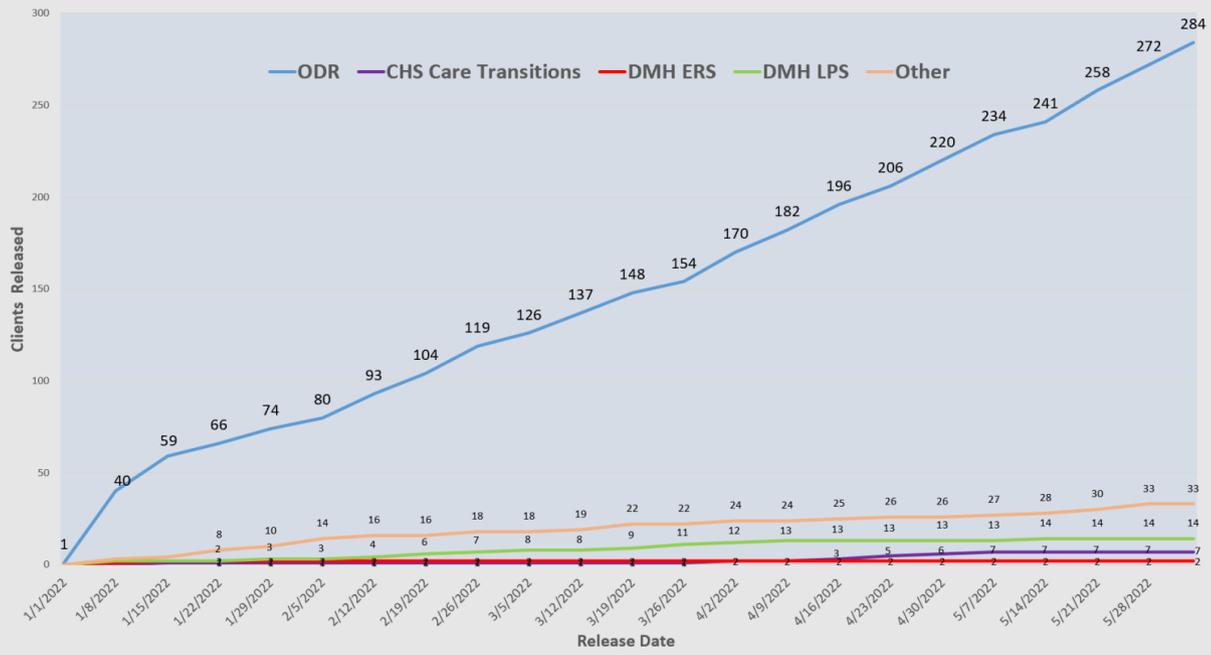
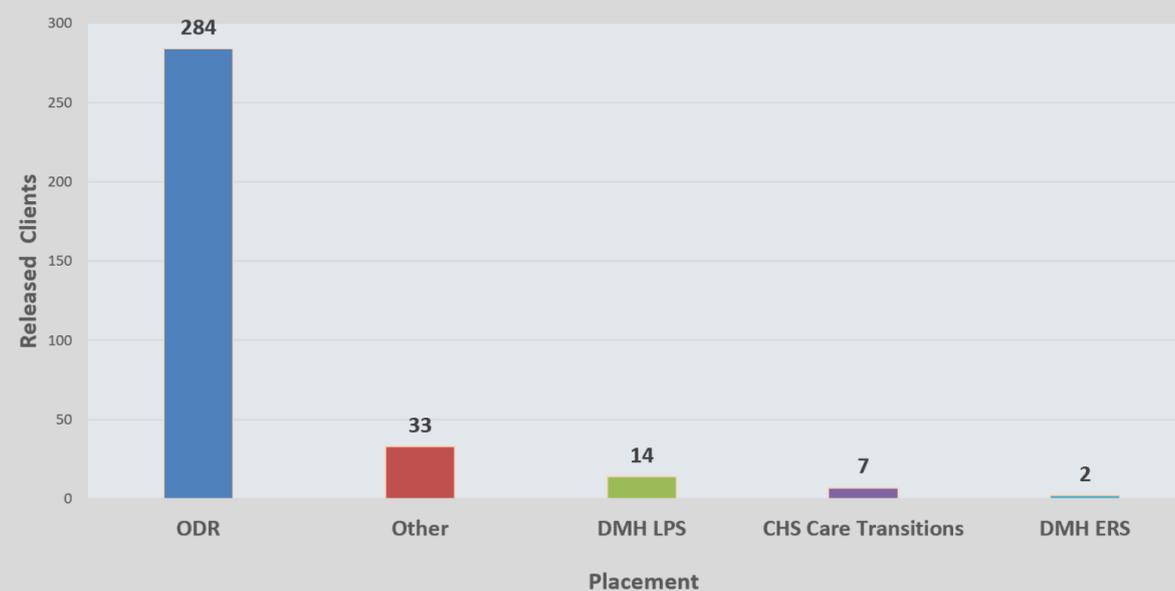


Figure 4: MIST Jail Releases by Placement Destination (1/1/2022-6/3/2022) n=340



Despite the increasing need, ODR does not have stable or ongoing funding for the MIST program. Without new funding, the resources for the MIST SB 317 ODR beds will end on [June 30, 2022](#).