

WHY WAS COMPETENCY NEVER QUESTIONED

Riley is a 31-year-old Black man diagnosed with **serious mental illness and borderline cognitive functioning who was always in special ed in school**. At **age 17, he was convicted** and sentenced to **TDCJ for 10 years on a non-violent charge**. His competency was never questioned. He ended up serving an **additional 3 years in prison** due to his behaviors. Released onto the streets in Feb 2024, **with no continuity of care**, he ended up back in the criminal legal system within months. He is currently in **Victoria county jail, #653 on the forensic waitlist**. He is a victim of the **revolving door - cycling between jails, prisons and streets, never receiving appropriate care**. **Left hopeless he has attempted suicide numerous times in all of the settings**.

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After 13 years in TDCJ, Riley was dumped onto the streets in Feb '24, with three pending charges. There was no continuity of care from TCOOMMI. For the first time in June '24, he was found incompetent to stand trial in the TDCJ Special Prosecutions Unit (SPU) case in Brazoria county.



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In prison, Riley displayed behaviors consistent with his diagnoses, including "combative and disobedient" behaviors. As a result, he was placed in solitary and charged with assault on guards.



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Mere months later in Nov '24, he ended up in Victoria county jail on a new charge. Despite being found incompetent to stand trial in Brazoria county (SPU), he was **NOT** placed on the forensic waitlist until Feb 25 when advocates intervened.

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In TDCJ, he was beaten, repeatedly raped, gassed, and pepper sprayed. He was sent to TDCJ psychiatric units for long periods of time. He attempted suicide many times.



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Riley was arrested at age 17 on burglary charges and convicted for 10 yrs. Despite being in special ed his whole life, his competency was never questioned.

Systemic Failures

- Why was Riley's competency never questioned at the age of 17?
- Why was he sentenced to TDCJ for 10 yrs on a non-violent charge?
- Why was he charged with criminal offenses while in TDCJ despite behaviors that required him to be sent to psych units and placed in solitary confinement for the entire length of his sentence?
- Why was he forced to spend 3 more years than his sentence due to additional charges stemming from his mental illness?
- Why was Riley released from TDCJ with three pending criminal charges?
- Why was Riley released to the streets without continuity of care or even an ID card?
- When found incompetent to stand trial in Brazoria county in June 2024 for the pending charges from TDCJ, why was there no plan to offer competency restoration by the Special Prosecutions Units?
- Why was Riley not placed on the forensic waitlist in Brazoria county in June 2024?
- After arrest in Victoria county on new charges in Nov 2024, why did the court not acknowledge his competency evaluation from Brazoria county until advocates and legislators intervened?
- Why did it take Victoria county over 4 months to place him on the forensic waitlist?
- Being #653 on the waitlist, will he survive repeated suicide attempts and solitary confinement in Victoria county jail?

**Riley is not an outlier.
Instead, he is a product of
systemic failures in a
system not meant to
support people like him**

Recommendations

- Improve identification of Serious Mental Illness (SMI) and Intellectual and Developmental Disabilities (I/DD)
- Stop using the carceral system as the long term residential option for people with SMI and I/DD
- Mandate continuity of care for justice involved populations
- To improve public safety, prioritize funding on systems of care instead of systems of punishment



Learn about the autistic
rage cycle and the
science of meltdowns



Review Texas HHSC's
module on autism for law
enforcement individuals