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by

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De Facto Death Sentence: The Demise of a Texas Private Prison Inmate

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De Facto Death Sentence: The Demise of a Texas Private Prison Inmate

by

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Report

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Dedication

To Paris, my loving partner and constant companion, whose empathic nature never ceases to inspire all those around her.

Acknowledgements

First and foremost, I would like to thank my parents for their unconditional love and support, even as I pursue a (potentially ill-advised) career as a writer and musician.

For his guidance, encouragement, and inspiration from our first introduction to this very day, I owe a great deal of gratitude to Bill Minutaglio.

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Abstract

De Facto Death Sentence: The Demise of a Texas Private Prison Inmate

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The University of Texas at Austin, 2017

Supervisor: Robert Jensen

This report is a work of original reporting which investigates the death of Jeffrey D'Binion, who died under questionable circumstances while incarcerated at the East Texas Treatment Facility, a privately-operated prison in Henderson, Texas.

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The last time Alfonso and Silvia D'Binion saw their son alive, in the summer of 2015, he was a ghost of his former self.

Jeffrey D'Binion was 30 years old and incarcerated at the East Texas Treatment Facility, a privately-run, minimum-security prison in the small Piney Woods city of Henderson, where he was finishing a rehabilitation program for offenders incarcerated for DWI offenses. When he entered prison, Jeffrey was HIV-positive. After a few months, he started complaining of excruciating headaches, as if some indescribable being was trying to burst through the back of his skull. He began to suffer frequent bouts of violent vomiting. Fellow inmates started calling his family, when he was too weak to do it himself, offering updates on his condition: *He just keeps throwing up and throwing up*, they would say. *He doesn't even recognize us. He's unconscious on the floor. You need to get him to a hospital.* At one point, the inmates said they found him lying in his own feces.

Alarmed at the worsening news, Jeffrey's sister, Leily, started calling the prison, trying to talk to anyone who might help. Her brother needed medical attention, she said, but she felt as if nobody would listen. She left voicemails that went unanswered. She told people that she had had curt conversations with seemingly uncaring secretaries and even the warden. But it all amounted to nothing more than reassurances that her brother was being taken care of.

So when Jeffrey called his parents on a Thursday in July and asked them to come request medical attention for him in person, they resolved to be there that weekend.

Perhaps hearing from two concerned parents in the flesh would succeed where phone calls had not.

Alfonso and Silvia made the three-and-a-half-hour drive north from their home in Baytown, Texas, to Henderson the following Saturday. When they approached Jeffrey in the visiting room, they were shocked. They hadn't quite grasped the severity of the situation until they saw him. He was emaciated, they said. When he tried to stand, his entire body quivered.

As soon as they were within earshot, Jeffrey asked for something to drink. They bought a large bottle of lemonade from the vending machine, and Jeffrey chugged the whole thing before speaking another word.

With his thirst quenched for the moment, Jeffrey recounted what had happened over the last several weeks. He told his parents about the dizzy spells and the vomiting. He told them that the nurses would give him only Pepto Bismol for his stomach pains and ibuprofen for the headaches, and then they'd send him back to his dorm. He said the staff at the facility seemed to care little about his wellbeing.

He told his parents about the time he puked during one of his many visits to the nurses' office, and the nurse on duty allowed him stay there overnight. He slept on the floor, and when they woke him in the morning, he was sent back to his dorm, with the headache and stomach pains no better than the day before.

A ranking officer reprimanded him for calling them days earlier to ask them to intervene and get him to a hospital, he said. Some guards were trying to help him, he

said, but there was nothing they could do when their shifts ended and less sympathetic guards took their place.

Alfonso and Silvia were appalled.

We can ask the guard to say something to the warden, Alfonso said to Jeffrey.

No, don't say nothing, Jeffrey said. *I'm going to be in trouble.*

The D'Binions were forced to restrain their parental instincts. All they wanted was to get Jeffrey the medical care he needed. They were prepared to pay for the medical bills, even with their modest income as maintenance workers at a petrochemical plant, if only the prison would approve Jeffrey's transfer to a hospital. But they were helpless to do anything but plead on their son's behalf. They couldn't even offer the warmth of a parent's embrace.

Alfonso rose to hug his son. He wrapped his arms around the young man's delicate and shaking body until the guard cut them off. *Visiting time is over*, the guard said. *You have to go.*

Three days later, at 3:10 p.m. on July 21, 2015, Jeffrey was pronounced dead at a hospital in Tyler, Texas.

His death certificate says he died of natural causes, the immediate cause being "acute neurogenic cerebral edema," or brain swelling. But the family puts the blame on a more willful actor:

"The facility," Leily says a year and a half later, sitting across from her parents at a kitchen table in her impeccably tidy Baytown home.

"They had a lot of ways to know Jeffrey was in bad condition," Alfonso adds.

"They knew," Leily says. "His death could have been prevented. We take it as if he was murdered."

Silvia weeps and whispers something indecipherable, a plaintive murmur. She wipes her tears with a crumpled tissue, then cries out: "They let him die like a dog!"

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It's hard to know precisely what happened to Jeffrey D'Binion inside East Texas Treatment Facility, or exactly who, if anyone, is to blame for his death. The facility is run by Utah-based Management & Training Corporation (MTC), one of the top three private prison operators in the United States and the primary contractor for housing prisoners for the Texas Department of Criminal Justice (TDCJ). As of May 1, 2017, MTC had not responded to specific questions about D'Binion and his medical care or more general questions about the East Texas Treatment Facility. In response to open records requests, the TDCJ released some information about D'Binion's arrests and convictions but just one paragraph about his death:

> "On July 20, 2015, at approximately 15:10 hours, offender D'Binion, Jeffrey, W/M/30 was observed by staff having difficulties walking. He was escorted to unit medical and it was determined to have offender D'Binion transported via van to East Texas Medical Center-Tyler. He was admitted and his medical condition was stable. On July 21, 2015, at approximately 09:45 hours, the unit was advised that his condition had worsened. The next of kin were notified of offender D'Binion's condition. At approximately 11:30 hours, offender D'Binion was not breathing on his own and placed on life support pending further tests. The physician pronounced him deceased at 15:10 hours. The family claimed the body. The autopsy stated the manner of death as natural."

The shortage of details in that official summary leaves room for some critical questions: What did prison staff and management know about D'Binion's condition

before July 20? Did the actions or inaction of prison employees contribute to his death, or would he have died anyway? Would he have lived if he made it to a hospital sooner?

By his family's account, and according to a current facility employee who requested anonymity for fear of being fired, prison management had reason to be aware that D'Binion was severely ill for at least a week leading to his death and could have done more to save him. But in the tight-lipped world behind prison walls, clear-cut answers aren't easy to come by. Still, what is known of D'Binion's tragic demise provides yet another window, only thinly veiled, into the long and troubling history of Texas prisons and for-profit incarceration—a saga that began more than a century ago and has since become as much a part of the state's identity as cowboys and pickup trucks.

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Texas made its first foray into prison privatization during Reconstruction, when a cash-strapped state government realized it couldn't afford much needed improvements to the lone penitentiary in Huntsville. Low employee morale, overcrowding, unsanitary and unsafe conditions, and a breakdown in discipline among inmates had reached a tipping point. Without the help of an outside entity, it seemed the problems could not be rectified. On April 29, 1871, state officials entered a 15-year contract that would give Ward, Dewey, and Company of Galveston, Texas, full use of the prison and the labor of its inmates. The company, in turn, would pay $325,000 (about $6.3 million in 2017 dollars) and assume responsibility for all costs of management and upkeep of the facility.

At first, it appeared the contracting scheme was the right decision for the state. Ward-Dewey replaced the fire-prone, wooden workshops with new brick structures and

built 40 new cells, an infirmary, and a new kitchen and dining hall. Initial inspection reports indicated that order among inmates had been restored and that the new custodians appeared to be genuinely concerned for inmates' wellbeing. But the honeymoon didn't last long. By 1873, state officials had heard numerous reports of abuse and neglect. By the time Ward-Dewey's lease was terminated in 1877, prisoners had testified to being whipped, tortured, and starved, and a special investigation found that numerous inmates had died of preventable illnesses. The state went on to lease its prison system to another company, but reports of mismanagement, corruption, and brutality persisted, and in 1883, the legislature declined to renew the lease. Though the state continued to lease inmate labor to private firms and individuals for several more decades, the prison system reverted to state control.

It wasn't until the 1980s that the concept of running prisons for profit reemerged. As the War on Drugs and stricter sentencing laws fueled a boom in prison populations across the country, local, state, and federal officials were left scrambling for solutions to prison overcrowding and rising costs. The private sector already had a long history of providing prison services—including medical care, food preparation, and inmate transportation—and the rapid expansion of the criminal justice system presented an opportunity for private firms to take on an even greater role. For-profit companies went from merely delivering select services to being awarded contracts for complete operational control of entire prisons—and in some cases, to build the actual prison facilities.

The first time in modern history that any government agency in the U.S. contracted out full control of a correctional facility was in 1984, when Corrections Corporation of America (CCA) took over a county jail and juvenile detention center in Tennessee. Over the ensuing decades, CCA and a handful of other companies contributed to the proliferation of private prisons across the country. By 2000, there were more than 150 private correctional facilities housing over 87,000 inmates in the U.S. As of December 31, 2015, more than 126,000 prisoners were held in private prisons—a slight decrease from previous years, but still representing over 8 percent of the country's total prison population. Today, the private prison industry is worth about $5.3 billion, according to the market research firm IBISWorld.

Most private correctional facilities are in the southern and western regions of the country, with a particularly high concentration in Texas. The Lone Star State is home to more privately operated jails, prisons, and detention centers and holds more prisoners in private facilities than any other state. Although Texas holds less than 9 percent of its prison population in private facilities, the state's high number of total prisoners means that nearly 16 percent of all state-level private prisoners in the U.S. are incarcerated in Texas.

Throughout the decades-long growth of the private prison industry, prison privatization has been a point of contention. Proponents contend that private prisons reduce costs, boost efficiency, and improve quality through competition for contracts. Evidence for these claims, however, is mixed at best. While some research has indicated that private prisons save as much as 15 percent on operations costs, other analyses have

shown that private prisons are no more cost-effective than their public counterparts and may even cost more in some instances. Research on the efficiency and quality of private prisons has also produced widely varying results.

Critics of prison privatization say private prisons tend to be unsafe and to have substandard, even inhumane, conditions. Other observers say the same descriptions could be applied to publicly-operated prisons.

"It's possible to overstate the relevance of private prisons to the criminal justice system," says Michele Deitch, a senior lecturer at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin and an expert on prison conditions. "I think too many people try to blame everything that's wrong in the criminal justice system on private facilities, and the reality is, even if we got rid of every private prison in the country, we would still have a really messed up criminal justice system."

However, Deitch says, "There are systemic considerations that could make it more likely that you are going to see problems in privatized facilities, but they are problems that are pervasive in both public and private facilities."

Primary among those considerations is the motivation by which private prison companies operate: to make money. It's the reason any corporation exists, says Alex Friedmann, associate director of the Human Rights Defense Center, a nonprofit prisoner rights advocacy organization, and managing editor of *Prison Legal News*.

"Some people are under the misimpression that McDonald's is in the business of selling hamburgers," Friedmann says. "They are not. McDonald's is in the business of making money, and hamburgers is the method by which they do that." Similarly, he says,

private prisons are run by private entities for the purpose of generating profit, and housing prisoners is the means by which they do that.

"So if you're trying to make money, anything that prevents you from doing that, or makes it more difficult or less likely to generate profit, then it becomes a business liability and risk," he says.

That incentive to maximize profit, critics say, leads private prison operators to cut corners, even if it means sacrificing the safety, rights, and health of inmates. One of the most common places those cuts are made is in staffing, says Bob Libal, executive director of Grassroots Leadership, an advocacy group whose many campaigns include pushing for the closure of private prisons in Texas.

"If you have fewer staff on the facility, you end up with things like higher rates of violence and people sitting in solitary confinement cells and not being checked on," Libal says.

In 2013, for example, a federal judge ruled that CCA, recently rebranded as CoreCivic, was in contempt of court for falsifying staffing records at the Idaho Correctional Center. A 2011 AP report called that same facility "the most violent lockup in Idaho," citing records that showed 132 inmate-on-inmate assaults but just 42 at a comparable state-run facility.

Mother Jones reporter Shane Bauer witnessed similar problems during his four-month undercover investigation of another CCA-run prison in Louisiana, where chronic understaffing accompanied high rates of assault.

And it's not just the number of staff at issue. There's also the problem of inadequate training.

In 2012, the Occupational Safety and Health Administration cited GEO Group, the second largest for-profit prison operator in the U.S., for workplace safety violations that included failure to "provide adequate staffing" and "provide required training" at East Mississippi Correctional Facility. GEO Group contested the citation but ultimately settled in 2014, agreeing to pay a $13,600 fine and take multiple actions to reduce the risk of violence in its facilities across the country.

Private prisons also tend to pay lower wages to correctional officers than their public counterparts, which, critics argue, leads to lower-quality guards and high turnover rates. A 2008 report from the Texas Senate's Committee on Criminal Justice found that the highest annual salary among correctional officers at private facilities peaked at just above $24,000, which was about $2,000 below the starting wage for correctional officers at public facilities. That same year, the correctional officer turnover rate at the state's seven private prisons was 90 percent—well above the 24 percent rate at state-run prisons. As Libal sees it: "You can't operate anything at all on a 90 percent annual turnover rate, let alone something as volatile as a prison."

The corner cutting can also have a serious impact on inmate medical care, or lack thereof. There are copious examples of poorly administered or outright denied medical care in private prisons, and to find them, one need look no further than Texas: There's the case of Jesus Manuel Galindo, a 32-year-old man with epilepsy who, in 2008, was found dead in a solitary confinement cell at a privately-run prison only after rigor mortis had

already set in. Or there's the succession of deaths at the now-shuttered Dawson State Jail that former guards said could have been prevented. Or there's Michael Sabbie, who repeatedly said, "I can't breathe," as guards at a Texarkana private jail tackled him to the ground, pepper-sprayed his face, brought him to a nurse for an exam that lasted less than a minute, took him to a shower where he fell to the floor, and then tossed him in an isolation cell where he was found dead the next morning.

And then there's Jeffrey D'Binion, whose death in custody was not a sudden release but a withering decline into a gradual quietus.

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Jeffrey D'Binion was born in January 1985 in Monterrey, Mexico. For the first seven years of his life, Jeffrey lived in Mexico with his mother, Silvia, and his two older sisters, Leily and Debbie, while his father, Alfonso, spent most of his time in the United States, working to send money back to his family. But in 1992, Alfonso decided to bring the whole family north of the border, and they resettled in Baytown, a blue-collar city in the Houston metropolitan area.

The D'Binions were a tight-knit clan, with bonds that grew tighter when they came to the U.S. With just two suitcases and $200 to their name, the family members lived at their pastor's house, where the siblings became an inseparable bunch. "We were there for three months, but together," says Leily, the middle sibling and Jeffrey's elder by three years. "Everything we did for the first time here in the United States, we all did it together, because not only were we scared, but also we were amazed, and we were always holding hands."

The family eventually moved out of the pastor's house and in with another family. Alfonso worked two full-time jobs, one at a factory and another at a restaurant, and Sylvia earned money as a housekeeper. On weekdays, the kids would go to school, and in the evenings, they'd see their father in the fleeting moments between his coming home from his first job, taking a shower, changing his clothes, and leaving for the next job, where he'd work all night—and then return home to sleep for just a couple of hours before starting all over again. On weekends, they'd join their mother and help her clean houses. After about a year, the parents saved enough money to buy their own home.

"We didn't have much growing up," says Leily, who is now a sales manager at a Baytown car dealership, "but, I can tell you, that brought us so much closer."

Jeffrey stood out among his siblings, not only because he was the only boy, but also for his energy and outgoing nature. From an early age, Jeffrey was a hyper kid. "My parents were always after him because he was just not sitting still for nothing," Leily says. And he had a keen sense of humor, too, she says. "Ever since he was a little kid, he was always making fun of something. That's why he had so many friends, because he was just funny."

Jeffrey's oldest sister, Debbie, an office manager at a pediatrician's clinic in Baytown, remembers her brother similarly: "Jeffrey was a very active kid. He was always getting in trouble," she says with fondness. "He was that child that you always have to keep your eye on, always keeping us busy, always wanting to try new things."

In hindsight, his sisters think he would have been diagnosed with ADHD had he gone to a psychiatrist.

As he got older, his enthusiasm and comedic spirit could sometimes get the best of him. His parents would frequently get calls from teachers saying that Jeffrey had been making jokes during class, that he was kicked out of the classroom for being disruptive. In middle school, at Baytown Junior, it came to a head when he was caught trying to set the principal's office on fire, according to his sisters. He was expelled and finished out middle school at Horace Mann Junior School across town, and then went on to Robert E. Lee High School.

Jeffrey's first arrest, according to records from the Texas Department of Public Safety, occurred in 2002, when he was 17. The charge was theft of property between $50 and $500, but more specific details were not provided. (His family declined to explain.) He was sentenced to a year of community supervision.

He was arrested for driving with an invalid license in 2005, twice again in 2006, and once more in 2008. The real trouble began in 2010, when Jeffrey was arrested by Houston police for drunk driving. Another driver had seen a white Volvo swerving down Interstate 10 at about 40 miles per hour, almost collide with a truck, then exit off the freeway and stop in a parking lot. That other driver followed and called the police. An officer found Jeffrey passed out and slumped over the passenger seat of his Volvo, vomit covering the front of his shirt, the car keys clutched in his right hand.

He was arrested a second time for drunk driving in September 2011 after nearly crashing into a cop car. His blood alcohol level was more than twice the legal limit. Exactly four months later, he got his third DWI, and was subsequently charged with a

third-degree felony. And even while that charge was still going through the court, he was arrested again for driving with a suspended license.

Jeffrey was eventually sentenced to five years of community supervision, which included court-mandated community service, monthly visits to a supervision officer, drug and alcohol evaluations, various fees, and other requirements.

In the meantime, however, he had been working for his sister, who at the time was the manager at Baytown Nissan. He started as an assistant but within six months was promoted to a dealer and seemed to be outselling all the other dealers. "He always seemed to excel, whatever he did," Leily says. "[Whenever] he started at a job, without him even asking for it, he always found himself in a management position or doing something that he wasn't even looking for, just because of his character." Unfortunately for Jeffrey, that work ethic did not extend to his court-mandated obligations. "The time that he was supposed to be at community service, he was at the dealership," Leily says. "Instead of him doing what he needed to do, he was making a paycheck."

And she remembers the day it finally caught up with him: Leily and Jeffrey were working at the dealership when one of the sales guys came running inside, saying, "*The po-pos are here*," almost poking fun at it. Leily looked through the window and saw several officers exit an unmarked vehicle and a Baytown police car. Jeffrey disappeared into the back office. The officers came into the showroom and asked for Jeffrey. Leily, the big sister, went into defensive mode. "*What is all of this about?"* she asked the cops. *"You have no right coming in here."* Still out of sight, Jeffrey could hear his sister getting worked up and laying into the cops. He came out from the back office. *"No Sissy, it's*

okay," he said. *"This is my problem. I'll handle it.*" The officers asked if they could all go back into the office to avoid making a scene in the middle of the showroom. Leily, Jeffrey, and the cops squeezed into the office, and the officers explained that Jeffrey had a warrant for his arrest. Jeffrey cooperated. He admitted he was in the wrong. "*You know what?*" he said. "*Let's just walk out of here calm. We have customers here. I don't want them to see me handcuffed.*" The officers obliged him. They walked through the showroom, out of the front doors, and to the side of the building. They cuffed him and put him in the back of the cop car.

For failing to meet court-ordered requirements, Jeffrey had his community supervision revoked. He was sentenced on April 4, 2013, by the 182nd District Court of Harris County, to four years in prison.

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When Jeffrey first entered the prison system, his family had trouble finding him. He would send letters from one address, but by the time they reached his family, he would be moved to a new facility. He eventually landed at the Ramsey Unit, a state-run facility in Rosharon, Texas, where he was given the task of cleaning out an attic. The walls and ceilings were covered in spiders, he told his family. "*I feel like I'm in one of those Hitchcock movies*," he joked. Then one day, the prison called. Jeffrey was being transferred to the TDCJ hospital in Galveston. He had been bitten by a spider, a brown recluse, they were told. The venom spread to his face, and he ended up losing sight in his right eye.

The family thought about suing, but decided against it. “We didn’t want to do anything because all we were happy about is that he was alive,” Leily says. “We just wanted him to get out of jail.”

After he recovered, Jeffrey was sent to the Stiles Unit, another state-run prison, in Beaumont, Texas, where he remained until he was paroled on November 1, 2013.

A couple years before he was sent to prison, Jeffrey had been diagnosed with HIV. He never told his family how he contracted it, but they knew he’d been living with the disease. While he was locked up, he told his family that he was receiving treatment, that he was feeling good. “The first time that he came out of [prison], he was looking much better because whatever the treatment he was getting there for his illness was helping him,” Leily says. “He actually gained weight.”

Out on parole, Jeffrey went back to work selling cars, but no longer with his sister. It was time for him to detach from her, he told her. “*I’m going to leave your womb and go on my own*,” Leily remembers him saying.

There’s a YouTube video of Jeffrey, posted May 2, 2014, to the account of Community Kia, the dealership where he worked. He’s sitting at a broad, white desk in a mostly nondescript office. The gray wall behind him is adorned with nothing more than a single sheet of paper. His black hair is neatly combed, and he’s wearing a white button-up shirt with the company logo stitched in red on the left breast. He looks at the camera and explains in Spanish why Community Kia is such a great place to work and to buy a car. In less than a month, he will be in a car wreck, arrested again, and sent off to prison for the last time.

Leily remembers talking with her brother that month: “He was telling me that it was a really hard month, that he needed to make more sales.” Otherwise, it seemed like he was doing well. “He had already stopped drinking,” she says. “He was going to his AA meetings. He was doing good.” But then came the day of the crash. It had been a stressful day at work for Jeffrey, Leily says. The pressure of meeting quotas was building up. His coworkers decided it’d be a good idea to unwind at Chula’s, a bar and restaurant just down the freeway. One of those coworkers would later tell Leily that Jeffrey only had a few drinks, but soon after he drove away from the bar, he found himself flipped upside down in his black 2006 Mazda.

A witness told police that he saw Jeffrey’s car rear-end another vehicle and then roll over onto its roof. The witness pulled over to help. He walked over to the flipped vehicle and pulled Jeffrey through the shattered rear window. Houston police arrived at the scene, and when they spoke to Jeffrey, they could smell alcohol on his breath. His speech was slurred and his eyes were glassy and red, they later wrote in the incident report.

Meanwhile, Leily had received a call from someone saying that her brother had been in an accident, that she needed to go there right away. She grabbed her keys and phone, and rushed out the door. As she drove down the freeway, she could see blue and red lights flashing in the distance. She pulled past the ambulances, the police cruisers, a fire engine, the tow trucks, and numerous vehicles in varying states of disfigurement. She parked in front of the crash scene and stepped out of her car. Jeffrey saw his sister and walked toward her. Leily could see the worry, the panic, in his face. It was like the face

of a child caught in a situation too serious to comprehend, an expression that says, *Mommy, I promise I didn't do it.*

"*Please take me away from here*," Leily heard him say. "*This time was not my fault*." Leily wished she could drive away with her brother, take him as far away as possible, perhaps even turn back time. But the cop was already coming.

"*He can't go with you,*" the cop told her. "*He was just in an accident. He has to stay here. You can meet us at the gas station at the next exit*."

The officers took Jeffrey, along with his wrecked car, to a Shell station, where they read him his rights and sent him off in an ambulance to East Houston Regional Medical Center to treat his injuries. He was charged, yet again, with driving while intoxicated, and several months later, he was sentenced to five years in prison.

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Jeffrey spent most of his first year back in prison at the Stiles Unit, according to his family. But then, sometime in 2015, they hired a lawyer who was able to get Jeffrey into an in-prison alcohol abuse and addiction recovery program that promised to cut time off his sentence. And that's how he ended up at East Texas Treatment Facility. He'd be there for about six months, the family was told, and would be home before Christmas.

East Texas Treatment Facility is the largest offender treatment facility in Texas, with the capacity to hold about 2,300 offenders. It sits on 41 acres of property with lush green groves of trees just beyond the chain-link and razor-wire fences. It has four dormitory-style housing units, two on each side of a central area where administration, a food service warehouse, medical services, and a 40-bed special housing unit are located.

Each of the four housing units has 10 dorms with 56 beds each. Most inmates at the prison are there for DWIs, but many others are there for drug possession, burglary, jumping bail, and violating parole or probation, among other low-level crimes. MTC handles all of the prison operations, including medical services, for TDCJ.

Jeffrey arrived at East Texas Treatment Facility in late spring of 2015. He settled in as best as one can in such circumstances. He regularly attended the daily group meetings for his DWI program, where he was open about why he was in prison: He didn't have a bad life on the outside, he would say, or some sob story to blame for his drinking problems—he made some bad decisions and intended to take responsibility for them. He went each month to a counselor for an individual session, and even started helping his counselor collect required paperwork from other inmates in his program. He kept his bunk tidy, and called his family and friends often.

Even though he was at a minimum-security prison, and most of his fellow inmates seemed to be low-level offenders, there were some signs that the facility had a sinister side.

Not long after arriving at the prison, Jeffrey wrote to a long-time friend, Blaine Simmons. The letter described his first night in the dorm. Once the lights were off, he wrote, a bunch of guys grabbed all the new folks and beat them up. It turned out this was a common practice, one Jeffrey would see repeated with each influx of new offenders. In another letter to Blaine, he wrote that there was a lot of sex going on in the prison, and he thought it'd be difficult for the guards not to know what was happening.

Then, on June 27, just a few months into his stay, Jeffrey called his parents and told them about the debilitating headaches that he started having. His mother asked if the prison had given him any medicine. He said they gave him ibuprofen. He called his parents back on July 2, and then again on July 4. The headaches were still terrible, he said, and his whole body was beginning to feel awful. More than a week passed before they heard anything else of their son.

On July 13, an inmate named Giovanni called Jeffrey's parents. He said Jeffrey's health was only getting worse. He called back the next day and said it looked like Jeffrey was having seizures and that he'd fallen unconscious to the floor.

When Leily found out what Giovanni had said, she called the prison immediately. A call log that Leily later compiled for the family's attorney provides the details of her conversations with prison staff and officials over the ensuing week. (MTC officials did not confirm the phone conversations.) On July 14, at 8:41 p.m., Leily spoke with an unnamed woman who answered the prison's phone, explained what Giovanni had told the family, and said her brother needed medical attention. After a brief pause, according to the call log, the woman responded, "*It is not our job to check on the inmates. If you have any questions, call back in the morning*." She hung up before Leily could say anything else.

Leily called back at 8:43 p.m. and was told to stop calling. She asked to be transferred to someone who could help, and she heard the voice on the other end of the line say, "*If it was an emergency, then someone from the facility would have called me*." The phone clicked off again.

The call log she created shows that Leily called several more times with no answer until 8:49 p.m. She begged the woman not to hang up. She just wanted someone to help her brother, she said. The woman put her on hold, and when she returned said, "*The night guard is too busy to check on Jeffrey, but you can hold to speak with the night supervisor*." Leily was transferred to another department where no one answered, so she left a message.

The following day, on July 15, Giovanni called with another update for the family: Jeffrey couldn't even recognize Giovanni anymore. But the next day, Jeffrey summoned the strength and awareness to call his parents. It was then he asked them to visit him the following Saturday and request in person that he receive greater medical attention.

Leily, meanwhile, continued to call the prison. According to the call log, she spoke with a supervisor at 6:40 p.m. on July 16. As Leily explained the situation, the supervisor cut her off, saying, "*I'm about to be off the clock*," and telling her to call back in 30 minutes when the night supervisor would be on duty. She called instead at 9:19 a.m. the following morning asking to speak with the warden. She was transferred to the warden's secretary and described the run-around she was getting from everyone at the facility. The secretary then transferred her to the medical department. No one answered, and Leily left another message.

Later that day, at 2:28 p.m., she spoke again with the secretary, who agreed to leave a message for the warden. An hour and a half later, the call log says, Warden Greg Shirley called Leily and said that he had personally checked on her brother. Jeffrey was

fine, he told her, and his medical records showed that he'd been to the infirmary a few times and was being treated. In fact, Shirley said, Jeffrey was sitting right in front of him in his office, and he didn't see anything to worry about. Leily asked if she could speak to her brother. The warden said he didn't allow inmates to use his phone and didn't want to make an exception for Jeffrey, but he'd make sure Jeffrey called when he got back to his dorm.

Jeffrey did call Leily, and when she asked if he had been in the warden's office, he said, *No*. She asked if he was okay, and he said, *Yes*. But his responses seemed so dry, so unlike her brother, like he was reading from a script. "It was very strange," Leily says, "because he doesn't talk to me like that. It was like he was being watched."

She asked him again: *You were at the warden's office today, right?*

No, he said.

Bro-bro, can you please call me back?

I'll call you back, but I'm just calling you to let you know that I'm okay, he said impassively before hanging up.

It was the last time Leily ever talked to him.

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When Alfonso and Silvia visited Jeffrey the following Saturday, he was anything but fine. They saw their son shaking, barely able to stand up. He seemed so dehydrated. He could barely speak until he gulped down that large lemonade. He looked skinnier than they'd ever seen him.

Throughout the entire previous week, and perhaps longer, inmates and guards alike had tried to help Jeffrey, according to the employee who wished to remain anonymous. At least one guard, the anonymous employee said, had her radio taken away after calling in too many medical requests for Jeffrey. Giovanni told the D'Binions that Jeffrey had been to the nurse's office more than a dozen times throughout his entire stay. And as far as anyone knows, the only treatment he received at the prison was a combination of Diotame tablets (an alternative to Pepto Bismol) and ibuprofen. The family does not know if he was receiving his HIV treatment.

Two days after their Saturday visit, Alfonso and Silvia heard that Jeffrey had finally been transferred to East Texas Medical Center in Tyler. To a degree, the news tempered Alfonso's anxiety: *"Well, now he's at a place where they can attend to him,"* he thought. But the next morning, their daughter, Debbie, got a call from the prison chaplain. He said that Jeffrey was in critical condition, that the doctors had already resuscitated him twice, and that the family should go to the hospital immediately. Debbie relayed the information to Leily and her parents, and in two separate cars, they all drove off to be with Jeffrey.

Alfonso and Silvia packed a bag of extra clothes. They planned to be by their son's side until he recovered, however many days that might be. The drive took longer than expected. The air conditioning in Alfonso's car broke. In the heart of Texas summer, the heat was unbearable. They stopped for half an hour to fix the AC, and then continued.

When they arrived at the hospital, they were told Jeffrey had been dead for 30 minutes.

When they reached his hospital room, they saw Jeffrey's lifeless form beneath a blanket of green and white stripes, his eyes still open. Alfonso slid Jeffrey's eyelids shut and pulled back the blanket to reveal his son's torso, ECG leads still clinging to his rib cage and a broad tattoo across his chest where written in cursive was the message: "The Pursuit of Happiness."

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After Jeffrey's death, his family hired a lawyer to sue Management and Training Corporation. (Their lawyer, Matthew Matheny of Provost Umphrey Law Firm, did not respond to multiple requests for comment.) As they saw it, Jeffrey should have received more intensive medical treatment, and sooner. It wouldn't be the first time MTC had been accused of mismanagement and negligence.

In 2012, MTC took over operations of East Mississippi Correctional Facility after GEO Group relinquished its contract with the state amid complaints of abysmal conditions at the prison. There were hopes that conditions would improve under MTC. But in May 2013, the American Civil Liberties Union and the Southern Poverty Law Center filed a class action lawsuit on behalf of prisoners at the facility, describing the prison as "an extremely dangerous facility operating in a perpetual state of crisis, where prisoners live in barbaric and horrific conditions and their basic human rights are violated daily." The lawsuit was brought against officials at Mississippi's Department of Corrections, who, the suit claimed, were ultimately "responsible for the health and safety of these prisoners." But the suit also blamed MTC for providing inadequate training and supervision of guards and for understaffing the prison.

In 2010, three inmates escaped from an MTC-operated prison in Arizona, and while on the run, killed an Oklahoma couple traveling through New Mexico. The escape was blamed on MTC's security failures. After riots broke out at the same Arizona prison in July 2015, the Arizona Department of Corrections issued a scathing report that revealed, "A culture of disorganization, disengagement and disregard for state policies by MTC," and, "Failure by MTC to conduct critical staff training, and withholding these failures from Department of Corrections monitors."

Earlier in 2015, immigrant inmates at an MTC-run prison in Willacy County, Texas, rioted over inadequate medical treatment, overcrowding, and other problems. The county blamed the riots on MTC and eventually sued the company for its "abysmal mismanagement of the prison."

With these events swirling in the background, it seemed to the D'Binions that failings on the part of MTC were also to blame for Jeffrey's death. So they hired Matheny to take on the case. They provided Matheny with statements detailing the events before Jeffrey died—the phone calls, the visit to the prison, the late arrival at the hospital. They also gave him contact information for the inmates who'd been calling them, people from Jeffrey's past who could speak to his character, and even a prison employee who had started calling them with information about what happened to Jeffrey. On August 10, 2015, Matheny sent a letter to MTC alleging that the "days of neglect of Mr. D'Binion's unexamined migraine were a direct factor in his death."

The firm seemed excited about the case at first, Leily says. It appeared they were making progress, conducting interviews, gathering evidence. But then the family heard

less and less from the firm. “A year passed by and all of a sudden everything just stopped,” Leily says. “The phone calls stopped. They wouldn't return our calls. My sister would call them to ask them for an update, [and they] wouldn’t return our calls.”

A little more than a year after Matheny sent that initial letter to MTC, he sent another letter, this time to the family. It said that the firm had reviewed the facts of the case and concluded that it would not be “economically feasible” to continue.

It’s a common reason cases like this frequently do not move forward. Pursuing a claim of medical negligence, especially against a for-profit prison operator, can be difficult and expensive for various reasons. For one, there’s the lack of transparency.

“It’s very difficult getting information about what’s going on inside these facilities,” says Deitch, of the University of Texas’ LBJ School. “The data is very closely held. Their policies and practices are not readily available. So it’s just very challenging to file lawsuits or even to figure out who you want to sue in these kinds of cases.”

There’s also the challenge of linking a death to the actions of the facility. An autopsy report may say that an inmate died of a heart attack, for example, but it’s not going to say that he died of a heart attack after complaining for days that he had chest pains. Making that connection requires intensive research, which is costly, especially if it requires hiring medical experts.

Lastly, attorneys often take these types of cases on contingency, meaning they have to spend their own money on the case in hopes that they win damages or a settlement large enough to at least cover their expenses, and they often find that the cost-benefit analysis does not come out in their favor.

Of course, some families have the means to pay for all of this. But as Friedmann, of the Human Rights Defense Council, points out, most prisoners' families are poor and must rely on attorneys willing to take on their case. "You get as much justice as you can afford," he says.

Despite the difficulties of such cases, the D'Binions believe that Matheny's team did not put enough effort into their case. Both the anonymous prison employee and one of the character witnesses, Jeffrey's childhood friend, Blaine Simmons, say that the law firm never contacted them.

After receiving the letter from Matheny, the family was devastated. They couldn't figure out why so much time had passed with so little progress. They sought out other lawyers, for someone that might take their case pro bono, but to no avail.

But, still, they are left wanting for justice, a prospect that dwindles with each passing day a step closer to reaching the statute of limitations. Even if they found another lawyer to take their case, they say the possibility of past events repeating—of high hopes dashed—is too daunting.

"We spent a year and a half with this law firm, and for a year and a half we had hope," Leily says. "And this law firm sent us this letter, and all of the sudden we just have nowhere to go. For right now, we have already given up on trying to get justice."

They're closing that chapter, Debbie says. "No matter what we do or don't do, that's not going to bring Jeffrey back."

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Epilogue: July 25, 2015

It's shortly after 6 p.m., and the guests have gathered inside the main hall of Crispo & Jirrels Funeral and Cremation Services in Baytown, Texas. It's a square, single-story building lined with white columns and capped with a copper-green roof. Out front, a fountain spits three misty streams of water into the air at the center of a man-made pond, and cars zip down Garth Road as they carry passengers to and from errands at Kroger, Marshalls, Academy, and the other box stores along the four-lane city street.

Inside the funeral home, Jeffrey's body lies in an open casket beneath a wooden cross and stained glass window. Bouquets of white and red flowers flank the casket, and from the pulpit a few feet away, Alfonso D'Binion is delivering a eulogy in his native Spanish. His message to all those gathered: *Despite my son's death, I'm still grateful to God.*

As a melancholy melody softly lilts from the speakers of an electric piano, each stirring line Alfonso delivers is echoed in English by a young woman standing behind him.

"Mi alma está abatida," he says. The translator follows: *"My soul is stirred up."*

"Mi alma está reclamando el deseo de llorar." *"My soul is crying out."*

"Pero mi espíritu dice espera un poco más." "*But my spirit says stay calm and wait."*

He says he has three reasons to remain grateful to God. The first is that he can share what happened to his son with those in the room. He recounts the days leading up to Jeffrey's death. He never mentions his son was in prison.

He then asks the congregation to close their eyes, to raise their hands if they would like to enter the kingdom of heaven, if they accept Jesus Christ as their one and sufficient savior. Hands lift toward the ceiling, and Alfonso recites a prayer, its poignancy punctuated by the translator's words:

"Señor Jesús."

"Jesus Christ."

"Yo sé que he pecado."

"I know that I have sinned."

"Perdona mis pecados."

"Forgive my sins."

"Lavame con tu sangre."

"*Clean me with your blood."*

"Y escribe mi nombre."

"And write my name."

"En el libro de la vida."

"In the book of life."

"Amen."

"Amen."

And with that prayer, Alfonso reveals the second reason he's content, even in this moment of loss. In celebrating Jeffrey's life, he believes he has guided some souls to salvation.

"La muerte de mi hijo no fue en vano."

“The death of my son has not been in vain.”

“Aquí hay personas.”

“*There’s people here today.”*

“Que ya tiene la seguridad de entrar al cielo.”

“*Who they now have their insurance to walking into heaven.”*

“Porque el Señor escribió su nombre en el libro de la vida el día de hoy.”

“Because Jesus has written your name in the book of life today.”

The third reason he is grateful, Alfonso says, is that his son was also saved in the eyes of God. He says his son was a person who sinned many times, but in the last months of his life, he changed so much. He started reading his bible and taking the advice of his parents. He asked God for forgiveness, Alfonso says, and asked Jesus to write his name in the book of life.

“Y él murió en paz.

“And he died in peace.”

“Ahora, sí, voy a permitir que mi alma.”

“Now I’m going to allow my soul.”

“Llore su dolor.”

“*To cry.”*

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