

DIGITALLY RECORDED

SWORN STATEMENT

OF

[REDACTED]

OIG CASE #:

2019-010614

DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

SEPTEMBER 1, 2021

RESOLUTE DOCUMENTATION SERVICES
28632 Roadside Drive, Suite 285
Agoura Hills, CA 91301
Phone: [REDACTED]

APPEARANCES :

OFFICE OF THE INSPECTOR GENERAL

BY: [REDACTED]

BY: [REDACTED]

WITNESS :

[REDACTED]

OTHER APPEARANCES :

NONE

1 [REDACTED]: The recorder is on. My
2 name is [REDACTED] and I am a Senior
3 Special Agent with the U.S. Department of
4 Justice Office of the Inspector General, New
5 York Field Office, and these are my
6 credentials.

7 [REDACTED]: Thank you.

8 [REDACTED]: This interview with
9 Federal Bureau of Prisons employee - or
10 lieutenant - [REDACTED] is being conducted
11 as part of an official U.S. Department of
12 Justice Office of the Inspector General
13 investigation. Today's date is September 1,
14 2021, and the time is 3:08 p.m. This interview
15 is being conducted at the Metropolitan
16 Correctional Center - MCC - in New York, New
17 York. Also present is DOJ OIG Special Agent
18 [REDACTED]. This interview will be recorded
19 by me, SSA [REDACTED]. Could everyone
20 please identify themselves for the record and
21 spell your last name. To start, again I am DOJ
22 OIG Senior Special Agent [REDACTED], [REDACTED]
23 [REDACTED].

24 [REDACTED]: I am DOJ OIG Special Agent
25 [REDACTED], D-A-N-I-E-L. These are my

1 credentials.

2 [REDACTED]: Thank you. Lieutenant
3 [REDACTED], Roberto. Last name is G-R-I-J-A-L-V-
4 A.

5 [REDACTED]: Thank you, sir. This is
6 an official DOJ investigation into the death of
7 inmate Jeffrey Epstein and the surrounding
8 circumstances. And you're being asked to
9 voluntarily provide answers to our questions.
10 Will you agree to a voluntary interview with
11 the DOJ OIG?

12 [REDACTED]: Yes.

13 [REDACTED]: Thank you, sir. This is
14 the United States Department of Justice Office
15 of the Inspector General Warnings and
16 Assurances to Employee Requested to Provide
17 Information on a Voluntary Basis form. It
18 says, you are being asked to provide
19 information as part of an investigation being
20 conducted by the Office of the Inspector
21 General. This investigation is being conducted
22 pursuant to the Inspector General Act of 1978
23 as amended. This investigation pertains to job
24 performance failure and security failure. This
25 is a voluntary interview. Accordingly, you do

1 not have to answer questions. No disciplinary
2 action will be taken against you if you choose
3 not to answer questions. Any statement you
4 furnish may be used as evidence in any future
5 criminal proceeding or agency disciplinary
6 proceeding or both. And there is a waiver
7 section and it says, I understand the Warnings
8 and Assurances stated above and I am willing to
9 make a statement and answer questions. No
10 promises or threats have been made to me and no
11 pressure or coercion of any kind has been used
12 against me. You want to take a second - a
13 minute - to look at this? And if you agree,
14 there's an employee section and there's an
15 employee's name. Sign the employee signature
16 and print where it says employee's name.

17 [REDACTED]: Oh. That's it?

18 [REDACTED]: Print your name right below
19 that.

20 [REDACTED]: Okay. The date and time
21 also?

22 [REDACTED]: I can fill that out.

23 [REDACTED]: All right.

24 [REDACTED]: Thank you, sir, for
25 signing and printing your name. All right.

1 I'm signing as the Special Agent. And I am
2 printing my name, [REDACTED]. [REDACTED],
3 can you please fill out the rest of this form?
4 [REDACTED]: This is [REDACTED]. I'm
5 signing as witness.
6 [REDACTED]: All right. Did you
7 understand the OIG form?
8 [REDACTED]: Yes, sir.
9 [REDACTED]: Great. Before we start
10 the interview, I'd like to place you under
11 oath. [REDACTED], can you please raise your
12 right hand. Do you swear to tell the truth and
13 nothing but the truth during this interview?
14 [REDACTED]: Yes.
15 [REDACTED]: Thank you, sir. All
16 right. Is it correct that you were interviewed
17 regarding the Epstein matter on August 19,
18 2019, and again by myself and Special Agent
19 [REDACTED] on July 14, 2021?
20 [REDACTED]: Yes.
21 [REDACTED]: All right. So we just
22 reviewed the transcript. We just had a couple
23 - a few questions - just for follow-ups. So
24 I'm just going to -. We have an actual
25 transcript here if you want to see the specific

1 wording, but just kind of broke it down to
2 summarize so we don't have to like flip through
3 the --

4 [REDACTED]: Okay.

5 [REDACTED]: -- pages. So page - I'm
6 just going to read a few of these things and
7 then I'll get into the questions. It says on
8 page 43, "I knew he was going downstairs." So
9 WAB - so we're talking about inmate Reyes right
10 now. Do you remember Efrain Reyes?

11 [REDACTED]: Yes.

12 [REDACTED]: He was WAB. He was
13 Epstein's cellmate. So we're just trying to
14 follow-up a little bit more on what happened
15 with Reyes. So again, on page 43 you said, "I
16 knew he was going downstairs. So WAB means
17 with all belongings. And you go to R&D.
18 You're supposed to leave within probably an
19 hour and not come back. But there have been
20 times that they go downstairs for all their
21 stuff and they come right back upstairs whether
22 it's to SHU or to a unit." And then on the
23 next page on 44 it says, "There's been a lot of
24 times that we take them downstairs. Two-three
25 hours later something happens. You know what,

1 go right back upstairs. You leave tomorrow or
2 the next day." Page 45, you talked about in
3 the interview the daily log. Do you recall?
4 This is the daily log and on the back page
5 you'll see where it says Efrain Reyes and where
6 he was pre-remove.

7 [REDACTED]: Yes.

8 [REDACTED]: It says, "During an
9 interview we searched the daily log that shows
10 Reyes was pre-removed at 8:35 a.m. on August 9,
11 2019. You said that that means that Reyes left
12 the building and most likely was not going to
13 return. If he was going to court, it would
14 just say "court" next to his name." Is that
15 Correct?

16 [REDACTED]: Correct.

17 [REDACTED]: Okay. Page 46 you then
18 said that pre-remove and WAB are basically the
19 same thing. Is that correct?

20 [REDACTED]: Correct.

21 [REDACTED]: All right. Page 47 and
22 48, then you said, Since the daily log said
23 pre-remove, that means that the callout sheet
24 court roster likely said WAB next to Reyes'
25 name. When he was removed from the SHU. And

1 you believed that is what it said. Is that
2 Correct?

3 [REDACTED]: Correct.

4 [REDACTED]: All right. Page 49, you
5 then said that an inmate who was going to court
6 would not leave with all their belongings and
7 said that Reyes left with all of his
8 belongings.

9 [REDACTED]: Correct.

10 [REDACTED]: All right. You then said
11 that Reyes should have been replaced as soon as
12 it was confirmed that he left the building. So
13 after talking with you, we talked to R&D, and
14 we reviewed a bunch of documents. And we found
15 these - emails that we found from August 8,
16 2019. You wouldn't have received them. But -
17 or at least I don't believe you did. So the
18 first one was sent at 10:33 a.m. and it says
19 that the following prisoners are being
20 transferred. It says Reyes, Efrain. Please
21 schedule the transfer for Friday, 8/9/2019.
22 Please include seven days of medication with
23 medical summary. Thank you. Did you ever
24 receive that?

25 [REDACTED]: I don't know.

1 [REDACTED]: You don't. All right.
2 And then on August 8, 2019, at 3:36 p.m.
3 there's a prisoner schedule report. It just
4 says Efrain Reyes transfer within. It says MCC
5 TOT to GEO, meaning that he was being
6 transferred from the MCC to GEO.
7 [REDACTED]: Right.
8 [REDACTED]: That lines up with your
9 story where you said like if he was going to
10 court it would have said court.
11 [REDACTED]: Right.
12 [REDACTED]: And if it - if he was
13 leaving, it would say pre-remove and WAB like
14 it did. Correct?
15 [REDACTED]: Correct.
16 [REDACTED]: All right. Awesome. And
17 then also, you told us this, but when we were
18 reviewing one of the other interviews, it said
19 that. I guess - did you and officer [REDACTED] -
20 are you the two that escorted both Reyes and
21 Epstein down to -?
22 [REDACTED]: Reyes was going to I think
23 R&D. And Epstein was going to attorney
24 conference.
25 [REDACTED]: Okay. So [REDACTED] was with

1 you though? Because during this is says that
2 his last interaction with Epstein was on August
3 9, 2019 while doing an escort with Officer
4 [REDACTED]. [REDACTED] stated that [REDACTED] told
5 Epstein that he would need a new cellmate since
6 Reyes was released.

7 [REDACTED]: Yes, sir. Pretty much.

8 [REDACTED]: Okay.

9 [REDACTED]: See when I was out the
10 door, that's when I told him.

11 [REDACTED]: Yeah-yeah-yeah. And you
12 had mentioned you had said that. Yeah.

13 [REDACTED]: Correct.

14 [REDACTED]: I already read that.

15 [REDACTED]: I did tell him you're going
16 to get a bunkie.

17 [REDACTED]: Right. So just the
18 follow-up question, with all review of this
19 stuff, I guess it's based on this information
20 in your statements. Why wasn't Epstein
21 assigned a new cellmate after Reyes was brought
22 downstairs as a WAB?

23 [REDACTED]: You asking me? Like -.

24 [REDACTED]: Yeah-yeah. So for
25 instance, during your shift, so he was brought

1 down at least by 8:38 - that's when he was
2 listed as pre-remove. You had said, you know,
3 sometimes they come right back up. You know it
4 could always take an hour or two -.

5 [REDACTED]: Or longer until the
6 conclave - sometimes it's not --

7 [REDACTED]: Right.

8 [REDACTED]: -- right before for the
9 count.

10 [REDACTED]: So like why - your shift
11 ended at 2:00 p.m. correct?

12 [REDACTED]: Correct.

13 [REDACTED]: Why wasn't he replaced
14 prior to 2:00 p.m. if, you know, 8:00 all the
15 way to 2:00. That's like six hours later.

16 [REDACTED]: Well he was in attorney
17 conference. It usually takes -.

18 [REDACTED]: Not Epstein. I'm sorry.
19 Reyes' - oh sorry. This is how you're
20 answering it. So yeah, why wasn't Epstein
21 inmate replaced and - or cellmate replaced?
22 And I'm sorry for interrupting.

23 [REDACTED]: To mine, he wasn't replaced
24 because he didn't' need a replacement right
25 then and there. Because Epstein was still

1 downstairs. So pretty much I guess he got a
2 couple of hours to search for the bunkie or let
3 somebody know. I really don't know why he
4 wasn't replaced.

5 [REDACTED]: So when we talked to you
6 though, you said he wasn't replaced because you
7 didn't know that he wasn't going to return.

8 [REDACTED]: Correct.

9 [REDACTED]: But in reviewing all of
10 this and reviewing your statements, and then
11 reviewing everything, we did know he wasn't
12 going to return. And you even said like no he
13 was WAB - that's not court. He was leaving and
14 if he didn't' come back within a few hours, and
15 we knew he wasn't leaving.

16 [REDACTED]: Right. So -.

17 [REDACTED]: So -.

18 [REDACTED]: He goes downstairs at 8:00
19 in the morning, he could still come back. Like
20 I said before, he could still come back right
21 before the count. Because the count is at
22 4:00.

23 [REDACTED]: How would that happen if
24 before when you're -. Again, in your statement
25 you said it could take like an hour or two but

1 if he's not back then, you know, your exact
2 statement was, "There's been a lot of times
3 when I take them downstairs you know two-three
4 hours later something happens. You know what,
5 go right back upstairs. You leave tomorrow or
6 the next day. So this was obviously a lot
7 longer than two or three hours. So why was it?
8 And I guess - the way that you had said, it's
9 kind of like you passed it along saying make
10 sure he gets a bunkie. Right? You said that
11 you told Officer [REDACTED].

12 [REDACTED]: Correct.

13 [REDACTED]: But why didn't -?

14 [REDACTED]: At 2:00 when I left.

15 [REDACTED]: That's what you said --

16 [REDACTED]: Yeah.

17 [REDACTED]: -- at 2:00 right? So,
18 but why wasn't - why weren't the proper - the
19 notifications made prior to that time to get
20 him a bunkie?

21 [REDACTED]: I really don't remember why
22 it wasn't done. Or I don't think there was a
23 reason why it wasn't done. I mean it was hours
24 later, yes, but it's not just one thing going
25 on.

1 [REDACTED]: Yeah-yeah-yeah. So you
2 knew though that he wasn't coming back, right?

3 [REDACTED]: No, I didn't. I never said
4 I didn't.

5 [REDACTED]: Then how can you say that
6 though? Because you said that WAB means that
7 he's gone.

8 [REDACTED]: With all belongings.
9 Correct. And once again, just because it says
10 WAB, he could come back within a couple of
11 hours. A couple of hours could be right before
12 the counts signed.

13 [REDACTED]: The count at 4:00 p.m.?

14 [REDACTED]: Correct.

15 [REDACTED]: How is a couple of hours
16 - a couple hours means two. So eight, nine,
17 ten -.

18 [REDACTED]: Well I don't have specific
19 times. I don't - like I really don't know how
20 to say anything or what to say. If it didn't
21 happen, it just didn't happen in between that
22 time.

23 [REDACTED]: Right.

24 [REDACTED]: Like I said, it was
25 probably a whole bunch of stuff going on. And

1 to me, again, he was another inmate. And if
2 Reyes went downstairs, there was a possibility
3 he was going to come back because you know,
4 again, it's not the first time or last time
5 somebody goes downstairs with WAB and has to go
6 right back upstairs.

7 [REDACTED]: Right-right.

8 [REDACTED]: So I really don't know why
9 he wasn't replaced within more than just two
10 hours.

11 [REDACTED]: Okay. So -.

12 [REDACTED]: Because I'm saying a couple
13 to get an (Indiscernible *00:11:45)

14 [REDACTED]: When did you leave the
15 MCC on August 9, 2019?

16 [REDACTED]: Maybe 1:45, I think. Maybe
17 2:00

18 [REDACTED]: All right. So you
19 actually - your shift ended at 2:00, but you
20 did leave around that time, 2:00?

21 [REDACTED]: Correct.

22 [REDACTED]: Um -.

23 [REDACTED]: I don't know what was -
24 exactly the time.

25 [REDACTED]: Okay. But you didn't

1 stay for like an overtime shift? Or stick
2 around?

3 [REDACTED]: I went to - what was it? I
4 think I did Town Driver after that. I'm not
5 sure.

6 [REDACTED]: What did you do?

7 [REDACTED]: Town driver.

8 [REDACTED]: What does that mean?

9 [REDACTED]: The van outside the
10 building.

11 [REDACTED]: Oh. So you're still
12 working though?

13 [REDACTED]: I think I did it that day.
14 I don't know but.

15 [REDACTED]: Okay. But you were not
16 in the SHU after 2:00 p.m.?

17 [REDACTED]: No, I wasn't.

18 [REDACTED]: All right. Now we talked
19 with [REDACTED]. And we talked to the people that
20 you listed as the people who said that. And
21 they're all saying that you did not tell them
22 to get him a new bunkie.

23 [REDACTED]: Okay.

24 [REDACTED]: So did you tell them?

25 Did you tell [REDACTED] that he needed to get a new

1 cellmate?

2 [REDACTED]: I told [REDACTED] and [REDACTED]

3 (Phonetic Sp. *00:12:48).

4 [REDACTED]: Okay, because -.

5 [REDACTED]: Just like I said before.

6 Huh.

7 [REDACTED]: Yeah, so I mean, we have

8 the [REDACTED] statements here. Over and over again

9 saying, absolutely not. [REDACTED] said, absolutely

10 not.

11 [REDACTED]: Okay.

12 [REDACTED]: So did you make those

13 notifications?

14 [REDACTED]: Once again, yes I did.

15 [REDACTED]: Okay. So even though the

16 people that you're saying that didn't - and

17 [REDACTED] was in your - on your shift, correct?

18 [REDACTED]: Yes.

19 [REDACTED]: But he wasn't even there

20 after the fact, right?

21 [REDACTED]: No.

22 [REDACTED]: So what would he gain

23 from not - or from making those statements?

24 [REDACTED]: I don't know.

25 [REDACTED]: Does he have something

1 against you?

2 [REDACTED]: No, I don't think so.

3 [REDACTED]: Yeah, so I'm just trying
4 - I'm just trying to put - here's the daily
5 assignment roster. It shows from Friday,
6 August 9, 2019, and - let's see. Where are you
7 listed? You're listed right here as [REDACTED].

8 And [REDACTED] is here. [REDACTED] I guess - what time
9 would have he gone from? Is it 7:00 to 3:00 or
10 8:00 to 4:00?

11 [REDACTED]: Whatever numbers. There
12 should be a number right next to it.

13 [REDACTED]: Okay. So it's eight-
14 eight. So he would have been 8:00 to 4:00.
15 Okay. So he would have been there up until
16 4:00 p.m.? And then you would have bene there
17 until 2:00 p.m.?

18 [REDACTED]: Correct.

19 [REDACTED]: All right. So you
20 believe they're just both incorrect? Or lying
21 to us?

22 [REDACTED]: I don't believe none of
23 that. I just - maybe they don't remember me
24 telling them.

25 [REDACTED]: Because you had no one -.

1 And this - just so you're aware - this one from
2 [REDACTED] was back in, you know, back when the
3 incident happened.

4 [REDACTED]: Okay.

5 [REDACTED]: So it's not like it was
6 two years later. This was like right away they
7 spoke with him.

8 [REDACTED]: Okay.

9 [REDACTED]: Now did you have - since
10 we have spoken, have you recalled if you
11 actually passed the information up to like the
12 ops and activities lieutenant, which was [REDACTED]
13 and um -. [REDACTED] and [REDACTED]?

14 [REDACTED]: You on, this is what, like
15 a couple of years ago? From last time,
16 nothing's changed from our last conversation.

17 [REDACTED]: All right. So no, no
18 recollections? So if you didn't tell them, and
19 if they were aware, how would have they found
20 out?

21 [REDACTED]: Probably through R&D.

22 [REDACTED]: R&D or something. So if
23 they knew though that he left, but they also
24 make the same claim, we didn't know he wasn't
25 coming back. Where would they get that

1 information from?

2 [REDACTED]: That he wasn't coming back?

3 Or that he was coming back?

4 [REDACTED]: That they didn't know if
5 he wasn't or not.

6 [REDACTED]: Unless through R&D. That's
7 the only time.

8 [REDACTED]: So R&D knows that he's
9 gone? They know he was transferred. He's
10 gone.

11 [REDACTED]: Some (Indiscernible
12 *00:15:34)

13 [REDACTED]: So is there anyone -?

14 [REDACTED]: Because we don't get the
15 notifications unless on the count or where's
16 this body at - or this person left so he
17 shouldn't be on your count.

18 [REDACTED]: So like if at the time,
19 so on August 9th, they're saying yes, I knew
20 Reyes left but I wasn't sure if he wasn't
21 coming back. Would have that been based upon
22 information that you provided or someone from
23 the SHU provided? Or you're just saying from
24 the overall count?

25 [REDACTED]: From the overall count -

1 just in general.

2 [REDACTED]: Okay. Because they would
3 - if they were involved in the count, they
4 would see where people --

5 [REDACTED]: Correct.

6 [REDACTED]: -- left from or not? All
7 right. So that doesn't mean that you told them
8 that.

9 [REDACTED]: You asked me earlier if I
10 told them. I did recall telling them.

11 [REDACTED]: The other day you said
12 you thought you did but you couldn't remember.

13 [REDACTED]: Yeah.

14 [REDACTED]: So are you confident you
15 did tell them?

16 [REDACTED]: Again, it's a while back.
17 I don't remember some stuff from last week. So
18 --

19 [REDACTED]: Sure.

20 [REDACTED]: -- you know. I do recall.
21 I'm not 100 percent positive. Most likely I
22 did tell them.

23 [REDACTED]: But yeah, you just don't
24 - you don't know if you did or didn't. So
25 that's where - and you're - because you're

1 saying the 100 percent thing. But you're 100
2 percent positive you told [REDACTED].

3 [REDACTED]: I don't even remember if I
4 told him because he started at 4:00.

5 [REDACTED]: Well this should -.
6 [REDACTED] started at 4:00?

7 [REDACTED]: I think [REDACTED] started at
8 4:00.

9 [REDACTED]: But [REDACTED] was your
10 replacement, right?

11 [REDACTED]: Correct. At 2:00.

12 [REDACTED]: So he would have started
13 at 2:00?

14 [REDACTED]: At 2:00.

15 [REDACTED]: All right. So are you
16 100 percent positive you told [REDACTED]?

17 [REDACTED]: I'm very certain that I did
18 tell him. Him and [REDACTED].

19 [REDACTED]: Okay. And can you just
20 recall what it is you told them again? You
21 told us a couple things during your interview.
22 So I just want to make sure that - what it is
23 you actually said.

24 [REDACTED]: I don't remember word-by-
25 word what I told them. Like I said, it's been

1 what a couple years. And you know, I'm pretty
2 sure I told them, hey, Reyes might not be
3 coming back. He got to get a bunkie.

4 [REDACTED]: So you said Reyes might
5 not be coming back but you have to get him a
6 bunkie?

7 [REDACTED]: Nah, if he doesn't come
8 back, you got to get him a bunkie?

9 [REDACTED]: All right. So at that
10 point, you still are saying that even though
11 you knew he was WAB, at 2:00 p.m. you didn't
12 know he was coming - not coming back?

13 [REDACTED]: I didn't know if he was.
14 And I didn't know if he was not coming back.

15 [REDACTED]: And again, even though
16 you knew he wasn't going to court. What at
17 2:00 p.m. would have caused him to come back?

18 [REDACTED]: At 2:00 p.m.?

19 [REDACTED]: Yeah.

20 MR. TUPPER: Who Reyes?

21 [REDACTED]: Yeah, you're saying that
22 you told them at 2:00 p.m. that he might not be
23 coming back. At that point, when you dropped
24 him off, way earlier in the morning.

25 [REDACTED]: I don't -. So once they

1 leave, I don't - I'm not on top of calling
2 every five minutes to find out where this
3 inmate going or is he coming back or is he not
4 coming back. So once they leave the SHU, then
5 they leave SHU.

6 [REDACTED]: Okay. But with you
7 saying that he was WAB and pre-remove, you had
8 mentioned though, that that meant they weren't
9 coming back.

10 [REDACTED]: There's a possibility of
11 him not coming back. Correct.

12 [REDACTED]: Well you said not
13 possibly, so doesn't that mean you weren't
14 coming back, but only if there were some
15 problems that happened within the first hour or
16 two. And they would -.

17 [REDACTED]: I don't recall. Like --

18 [REDACTED]: All right.

19 [REDACTED]: -- that seems repetitive
20 and it's getting a little frustrating.

21 [REDACTED]: Yeah. I know. It's not
22 - I'm just trying to get the clear answer of
23 like -. We're just trying to figure out.
24 Alright, you left during your shift. You're
25 the one who sent him down. You knew he was

1 WAB. You knew that WAB meant he wasn't coming
2 back. He was listed as pre-remove. R&D said
3 he transferred to another institution. This
4 all happening during your shift. You were the
5 OIC. Why didn't you take action and get him a
6 new bunkie?

7 [REDACTED]: There was a million other
8 things going on. I'm not the only officer
9 working there.

10 [REDACTED]: Okay. So you said you
11 may have -. So we have a -.

12 [REDACTED]: Do we have to continue?
13 Because I'm -.

14 [REDACTED]: This is a total - we're
15 moving off of Reyes now. So this is an email
16 sent from Friday, August 9, 2019, at 6:07 p.m.
17 It's from you to [REDACTED] who was the
18 ops lieutenant. And it has to do with inmate
19 Fernandez. And it looks like it was some kind
20 of incident that took place while you were on
21 shift. And I think we talked about this as
22 well. So I'm just trying to figure out - and
23 you can look at this. Were you here at 6:00
24 p.m.?

25 [REDACTED]: I did work that day.

1 That's that there.

2 [REDACTED]: So was that Daily or,
3 Daily Roster, would it show on here if you
4 worked that day?

5 [REDACTED]: Yes it would.

6 [REDACTED]: Somehow? So again around
7 2:00 p.m. to 10:00 p.m.?

8 [REDACTED]: Correct.

9 [REDACTED]: All right. Cool. All
10 right. So during that time, do you know if you
11 had any conversations with [REDACTED] then,
12 regarding anything, with like Epstein or Reyes
13 or Fernandez?

14 [REDACTED]: I don't remember talking to
15 [REDACTED] that day.

16 [REDACTED]: Where is this at?

17 [REDACTED]: Did you see these?

18 [REDACTED]: Oh there you go. Yeah.
19 It's on the second page. So there's OT 1400 to
20 2200. All right. So you were there. And
21 that's when - so as a town driver, you were
22 still able to come in and like work on the
23 reports and stuff?

24 [REDACTED]: Or I would just walk into
25 the lobby, send the shot.

1 [REDACTED]: All right. Great. So
2 you would have sent - but that -. This
3 obviously - that email (Indiscernible
4 *00:22:31) that would have been sent from
5 inside the institution?

6 [REDACTED]: Correct.

7 [REDACTED]: Okay. Can you just tell
8 us a little bit? DO you remember what happened
9 with that inmate? You know, you can read this
10 incident report if it helps you.

11 [REDACTED]: It says the visiting room I
12 think.

13 [REDACTED]: Here, I'll just read it.
14 For the record, it says, "On August 9, 2019, at
15 approximately 1:40 p.m., I, SOS [REDACTED], while
16 assigned to the Special Housing Unit officer, I
17 proceeded to enter the Nine South visiting
18 room. As I walked towards the door, I observed
19 through the visiting room door inmate
20 Fernandez, Number 86824-054, attempt to grab an
21 unknown item from his visitor. Once inmate
22 Fernandez reached to grab the item, I called
23 the door and called for a lieutenant. Once I
24 was able to enter the visiting room, I gave
25 inmate Fernandez a direct order to walk of the

1 visiting room - I assume that means you were
2 off the visiting room - to conduct a visual
3 search. Inmate Fernandez complied and the
4 visual search was conducted. Operations
5 lieutenant was contacted and inmate Fernandez
6 was removed from the unit.

7 [REDACTED]: I assume it's in the
8 report.

9 [REDACTED]: Yeah. Does that help you
10 recollect what happened then?

11 [REDACTED]: Not really.

12 [REDACTED]: No? I don't see a
13 (Indiscernible *00:23:56).

14 [REDACTED]: There's a lot of visitors.
15 So.

16 [REDACTED]: All right. So alright.
17 So it doesn't really ring a bell or --

18 [REDACTED]: Nah.

19 [REDACTED]: -- remind you? Do you
20 know - remember where Fernandez would have been
21 placed?

22 [REDACTED]: From the visiting room?

23 [REDACTED]: Well it says that - do
24 you know if he was in the SHU visiting room?
25 Nine South visiting room, right?

1 [REDACTED]: If that's what it says,
2 yeah.

3 [REDACTED]: Yeah, the Nine South
4 visiting room. The last sentence says, "And
5 inmate Fernandez was removed from the unit."
6 It does say the operations lieutenant was
7 contacted. And inmate Fernandez was removed
8 from the unit.

9 [REDACTED]: It says he's on Seven
10 North. So I'm not sure if that was -. It
11 should say location.

12 [REDACTED]: Oh, okay. So up here is
13 this Seven North?

14 [REDACTED]: That's what he's --

15 [REDACTED]: With a back -?

16 [REDACTED]: -- assigned to. And on the
17 left - I think it's the fifth or sixth line -
18 on the top like sixth box should say what he's
19 assigned to.

20 [REDACTED]: This says on a -.

21 [REDACTED]: The location of incident.
22 The one to the left on that.

23 [REDACTED]: I'm just going to give it
24 to you.

25 [REDACTED]: Sorry. Place of incident,

1 Special Housing Unit visiting room.

2 [REDACTED]: Yeah-yeah-yeah. That's
3 the incident. I'm saying do you know where he
4 was -? It says that he was removed from the
5 unit. Do you know where he would have been
6 removed and went?

7 [REDACTED]: Well from the visiting room
8 into SHU.

9 [REDACTED]: Oh, okay. So you think
10 he was - when it says he was removed from the
11 unit, it doesn't mean that he was removed from
12 the SHU?

13 [REDACTED]: No.

14 [REDACTED]: Okay.

15 [REDACTED]: It was in the visiting
16 room.

17 [REDACTED]: So on (Indiscernible
18 *00:25:26).

19 [REDACTED]: Inmates from Seven North use
20 the SHU visiting room?

21 [REDACTED]: No. So he was probably in
22 SHU. But he's assigned to Seven North.

23 [REDACTED]: So Seven North before the
24 SHU.

25 [REDACTED]: Yeah.

1 [REDACTED]: And just assume where I'm
2 saying. So we can actually look at that. We
3 have an inmate history quarters. If you look
4 there. I mean that's the less important, Seven
5 North. Because we're trying to figure out
6 where he went.

7 [REDACTED]: I don't remember.

8 [REDACTED]: So in the lieutenant's
9 log - if you look at the second highlighted one
10 down there - it says at 3:15 he was moved from
11 the SHU to R&D dry cell, correct?

12 [REDACTED]: Yeah. That's the dry cell.

13 [REDACTED]: So do you remember at all
14 if at this - during this incident would have he
15 been moved when that happened? Or after the
16 fact would he be moved at 3:15.

17 [REDACTED]: When it happened.

18 [REDACTED]: When it happened?

19 [REDACTED]: When it happened.

20 [REDACTED]: So right at that - so
21 this 3:15 is probably a little wrong then, I'm
22 assuming.

23 [REDACTED]: Well officer time. That's
24 maybe when he logged it in.

25 [REDACTED]: Okay. So - but at - at

1 that time, you would have brought him right from
2 the SHU visiting room to the R&D dry cell?

3 [REDACTED]: I mean within the next
4 five-six minutes.

5 [REDACTED]: Okay. And you did - and
6 it does say you did notify the ops lieutenant,
7 correct?

8 [REDACTED]: Yes.

9 [REDACTED]: So who would have been
10 responsible to key him out of the SHU and place
11 him into R&D?

12 [REDACTED]: Most likely it would have
13 been control.

14 [REDACTED]: Control would have done
15 it?

16 [REDACTED]: Control.

17 [REDACTED]: So who would have
18 notified control to do that?

19 [REDACTED]: Unless control saw it over
20 the cameras, hey who is this guy. Or once he
21 got to R&D, R&D could have contacted control.
22 The lieutenant could have contacted control.

23 [REDACTED]: Okay.

24 [REDACTED]: SHU could have contacted
25 control.

1 [REDACTED]: All right. So - but
2 there's no one - like it wouldn't be like
3 you're the one who, you wouldn't have like
4 contacted control?

5 [REDACTED]: Nobody specific.

6 [REDACTED]: Okay. Because if you see
7 in this, he actually wasn't keyed out until
8 12:35 a.m. on the next day, 8/10/209 was when
9 he was actually keyed from the SHU to R&D. So
10 do you know if - are you aware? Like who was
11 it - what should have you contacted control and
12 told them?

13 [REDACTED]: Anybody could have
14 contacted --

15 [REDACTED]: Anyone could?

16 [REDACTED]: -- it doesn't have to be
17 me.

18 [REDACTED]: Okay. Even though you
19 know working in the SHU and all that kind of
20 stuff, it wouldn't be - because OIC that would
21 mean your job?

22 [REDACTED]: Anybody can contact them.

23 [REDACTED]: Where is the SHU direct line?

24 [REDACTED]: In the middle.

25 [REDACTED]: In the middle?

1 [REDACTED]: Of SHU. Correct.

2 [REDACTED]: Okay. And when you moved -
3 on this incident. When you removed the inmate,
4 right?

5 [REDACTED]: It goes through SHU and
6 into the elevator downstairs.

7 [REDACTED]: And you would have - if you
8 wrote the report, that means you moved the
9 inmate yourself?

10 [REDACTED]: No. Anybody could have
11 moved him. Because if you're in SHU, depending
12 on how many staff's in the SHU, you stay in
13 SHU. Then in turn, you could take them
14 downstairs. The lieutenant could take them
15 downstairs. Any staff could take them
16 downstairs.

17 [REDACTED]: So, do you have any idea
18 why he was moved to R&D and not to the dry cell
19 in the SHU?

20 [REDACTED]: Maybe there wasn't enough
21 space.

22 [REDACTED]: Okay. So that wouldn't
23 have been your responsibility then? To
24 actually do the keying or keying him out of the
25 SHU and putting him into R&D - or to notify

1 control?

2 [REDACTED]: I could have. Anybody
3 could have notified control. Control is doing
4 that. They keyed him out.

5 [REDACTED]: Because obviously this is
6 just part of the whole thing. This is - as I
7 think we talked about before - how many of the
8 counts were wrong. Well the counts were all
9 wrong because people in the SHU that weren't
10 conducting the counts never caught on to the
11 fact that he wasn't in here. So, we're just
12 trying to figure out like - this is all going
13 to be part of the story. So obviously there's
14 going to be higher-ups who are going to, like,
15 look at this to say, like, who dropped the ball
16 there.

17 [REDACTED]: Okay.

18 [REDACTED]: And are you part of that
19 dropping the ball? Or is that someone that -?

20 [REDACTED]: No, I'm not.

21 [REDACTED]: No?

22 [REDACTED]: No, I'm not.

23 [REDACTED]: So that wouldn't have
24 been you that would have --

25 [REDACTED]: No.

1 [REDACTED]: -- been responsible?
2 [REDACTED]: No.
3 [REDACTED]: But when you contacted -.
4 [REDACTED]: I do my job to the best of
5 my ability.
6 [REDACTED]: Absolutely. And thank
7 you for what you do. When you contact the ops
8 lieutenant, would the control have been aware
9 that you made that contact with the ops
10 lieutenant?
11 [REDACTED]: They would have heard it
12 over the radio.
13 [REDACTED]: So it would have been
14 over the radio?
15 [REDACTED]: Correct.
16 [REDACTED]: All right. So control
17 would have actually caught this on the radio.
18 So control, by you making that --
19 [REDACTED]: Control should be --
20 [REDACTED]: -- notification -.
21 [REDACTED]: -- able to hear every radio
22 transmission.
23 [REDACTED]: And if you're notifying
24 the ops lieutenant on the radio, should they
25 have then keyed him out?

1 [REDACTED]: They got to verify it
2 first.

3 [REDACTED]: Okay. So someone has to
4 actually call to say -.

5 [REDACTED]: This guy is down here.
6 Yes.

7 [REDACTED]: Make this key entry.

8 [REDACTED]: Yes.

9 [REDACTED]: All right. And that is
10 not you?

11 [REDACTED]: No. That's anybody.

12 [REDACTED]: What would you have said over
13 the radio?

14 [REDACTED]: They would have heard
15 operations come to visiting.

16 [REDACTED]: But you wouldn't have said,
17 hey listen, you're moving an inmate. You would
18 have asked the ops lieutenant to show up to the
19 SHU --

20 [REDACTED]: Yeah.

21 [REDACTED]: -- so you could discuss the
22 matter, right?

23 [REDACTED]: Yeah. Not over the radio
24 though. I'm not going to say over the radio
25 this inmate is going downstairs to be placed on

1 dry cell. No.

2 [REDACTED]: But then control wouldn't
3 have known that though.

4 [REDACTED]: What do you mean?

5 [REDACTED]: Like you asked for -. On the
6 radio call. What I said is -.

7 [REDACTED]: So if I called the
8 lieutenant, control knows that I'm calling the
9 lieutenant. They don't know why I'm calling
10 the lieutenant for.

11 [REDACTED]: But they wouldn't have known
12 that there's an inmate being moved to the -.

13 [REDACTED]: Unless they see him through
14 the camera.

15 [REDACTED]: Okay.

16 [REDACTED]: So I mean I understand
17 what you're saying, anybody among - still just
18 trying to wrap my head around - obviously
19 everybody has a job to do and I get that you're
20 doing your job to the best of your ability.
21 But like, who's responsibility is it? So
22 obviously, if someone's moving someone to
23 somewhere, someone has got to be like -.

24 [REDACTED]: It would be the operations
25 lieutenant to notify control saying this guy is

1 being placed on dry cell, key him out.

2 [REDACTED]: All right. So it would
3 be the operations lieutenant's job?

4 [REDACTED]: Correct.

5 [REDACTED]: Okay.

6 [REDACTED]: Operations lieutenant is
7 the person running the building.

8 [REDACTED]: All right. So the ops
9 lieutenant. And in this case specifically,
10 since you're sending emails to - actually the
11 count didn't start that day until later on.
12 Being that - so that should have been either
13 [REDACTED] or [REDACTED] at this time, correct? If this
14 actually happened at 1:40 p.m., since they were
15 the ops and activities lieutenants at the time?

16 [REDACTED]: They were, but he's
17 probably asked for the shot.

18 [REDACTED]: Who asked for the shot?

19 [REDACTED]: I'm saying he probably
20 asked for the shot. [REDACTED].

21 [REDACTED]: Yeah, [REDACTED] -.

22 [REDACTED]: I don't even remember why I
23 sent him the shot if the other lieutenants were
24 there.

25 [REDACTED]: Well because I'm

1 assuming, because you sent that at 6:00 p.m.

2 and this was - so it happened at 1:40 p.m.?

3 [REDACTED]: Correct.

4 [REDACTED]: That was very close to
5 the end of your shift, correct?

6 [REDACTED]: Correct.

7 [REDACTED]: And you said you probably
8 left at around 1:45.

9 [REDACTED]: Right.

10 [REDACTED]: So you just must have -
11 like the very last thing you did in there,
12 right?

13 [REDACTED]: Probably. Probably the
14 last thing.

15 [REDACTED]: And again I -.

16 [REDACTED]: But like I said before,
17 there's a million and one things going on. And
18 by seeing that shot, that's probably the
19 millionth thing going on in the SHU.

20 [REDACTED]: Sure. So you guys are
21 just like constantly moving, you know,
22 constantly - you got things, and there's a lot
23 of things on your mind at the time, right?

24 [REDACTED]: At all times. There's
25 always something going on. Showers, visits,

1 you know, counts, rounds.

2 [REDACTED]: Okay. And did you just
3 say - I'm sorry, I missed this - but were you
4 saying that you would have spoken in person
5 with [REDACTED] about this?

6 [REDACTED]: About what?

7 [REDACTED]: Is that what you were
8 just talking about?

9 [REDACTED]: No, the question I asked was
10 the radio call that happened. What goes over
11 the radio and the radio call he mentioned, is
12 the ops lieutenant come down to the SHU.

13 [REDACTED]: Okay.

14 [REDACTED]: Come over to the SHU. But
15 the fact control wouldn't have known this is
16 regarding a certain inmate at that point unless
17 someone made the phone call or radio call
18 saying, hey listen, this inmate is being moved
19 from the SHU.

20 [REDACTED]: Okay. I know we're
21 talking about a long time ago, but when we
22 talked to you before, you said that you didn't
23 have any conversation - or you didn't remember
24 having any conversations with [REDACTED] at least.
25 Now that you're seeing, you know, this and

1 dealing with him regarding this matter and
2 seeing that you actually worked that shift, do
3 you remember any conversations with [REDACTED] at
4 all, specifically with Epstein or Reyes?

5 [REDACTED]: No. I actually don't even
6 remember sending him to shot.

7 [REDACTED]: So you don't even
8 remember that email?

9 [REDACTED]: No.

10 [REDACTED]: Okay. Do you have any
11 reason to believe that you didn't send it?

12 [REDACTED]: No.

13 [REDACTED]: So you believe you sent
14 it, right?

15 [REDACTED]: Yeah.

16 [REDACTED]: Yeah-yeah.

17 [REDACTED]: It had to be me.

18 [REDACTED]: I have some follow-up in
19 regards to that. Being that you're a town
20 driver at that point, right? Where would you
21 have typed that up?

22 [REDACTED]: Probably the lobby and as
23 soon as you come into the search area --

24 [REDACTED]: If you come -.

25 [REDACTED]: -- we also have the

1 upstairs right before you get to the staff
2 locker room. There's a computer up there.

3 [REDACTED]: So you can just -.

4 [REDACTED]: So technically, I don't
5 have to walk inside the building to send out
6 the email, meaning pass the secure area.

7 [REDACTED]: You wouldn't have been back
8 in the SHU. You would have been in one of the
9 outside areas.

10 [REDACTED]: Correct.

11 [REDACTED]: All right. So and you
12 wouldn't have gone back to the SHU though after
13 2:00 p.m.?

14 [REDACTED]: No.

15 [REDACTED]: No?

16 [REDACTED]: No.

17 [REDACTED]: And so would you have had
18 any communication with anybody in the SHU after
19 2:00 p.m.?

20 [REDACTED]: Probably not. My time.

21 Why would I?

22 [REDACTED]: Yeah. When you're
23 writing these reports and stuff.

24 [REDACTED]: Yeah.

25 [REDACTED]: You want to follow-up on

1 any of this stuff?

2 [REDACTED]: When you came back in, I know
3 you mentioned that you wrote up the report.
4 Being the fact that you left instructions for
5 [REDACTED], [REDACTED], and [REDACTED], right? You wrote a
6 memo in regards to it that, hey, listen,
7 Epstein needed a cellmate. Right? They should
8 assign one. Did you follow-up with them to
9 verify if it was done?

10 [REDACTED]: I don't think so. I
11 probably got - I just told them I'm outside,
12 why? If I came in it's probably, oh I just
13 remember I got to send a shot because we've got
14 24 hours to do so. And that's probably the
15 only reason I came back into the building to do
16 the shot and go right back outside. I wasn't
17 thinking about any inmate if I'm outside.

18 [REDACTED]: And I do apologize. You
19 may have just answered this to him, I just was
20 already ahead in my thoughts. When it says
21 that operations lieutenant was contacted and
22 inmate Fernandez was removed from the unit.
23 Would you say that that didn't mean that you
24 removed him?

25 [REDACTED]: Correct.

1 [REDACTED]: All right. So do you
2 remember if you removed him?

3 [REDACTED]: No, I actually don't
4 remember.

5 [REDACTED]: You don't know?

6 [REDACTED]: No.

7 [REDACTED]: Okay. And you said
8 anyone could have?

9 [REDACTED]: Correct.

10 [REDACTED]: Okay.

11 [REDACTED]: Whoever removed that inmate -
12 would it have been their responsibly to let
13 control know? Hey, listen, an inmate is being
14 removed.

15 [REDACTED]: Not really.

16 [REDACTED]: And he needs to be keyed out.

17 [REDACTED]: Not really because it could
18 have been internal, which is the elevator
19 person, just taking them downstairs.

20 [REDACTED]: But saying that is like, you
21 know, you can say oh the next person's supposed
22 to do it - the next person's supposed to do it.
23 Everyone can say the same thing.

24 [REDACTED]: Correct.

25 [REDACTED]: But --

1 [REDACTED]: Just, you know, if there's
2 four people in the SHU, or any - let's say
3 there's one person in the unit. That one
4 person is assigned to the unit, but that one
5 person - it's fine for somebody else to help
6 him or her out. If they have a million things
7 going on, then I'm not just going to sit there
8 and wait. Okay, you know, it's your
9 responsibility to do it, so I'm not going to do
10 anything. I mean, I don't know how other
11 people work, but if I'm busy, my coworkers help
12 me. If they're busy, I help them. Again, so
13 it's not - even if it's per se my
14 responsibility, his responsibility. Okay,
15 somebody got caught trying to bring contraband
16 into the building. I'll grab him off your
17 hands and I'll take him downstairs to internal
18 - to R&D for you. Or I don't know if he has,
19 I'll take him to SHU for you. It doesn't have
20 to be that one specific person that say - like
21 okay, I caught him doing something wrong. I'm
22 not the one that goes through the whole time
23 always. I could probably get him. Okay, the
24 lieutenant comes. He takes over. Then I'm
25 done. I got to write the shot. Or the

1 internal - which is the elevator person -
2 comes. I got him, I'll take him off your
3 hands. I'll take him downstairs. So it's not
4 one person that has to do these things.
5 Anybody could help you.

6 [REDACTED]: All right. So you don't know
7 if you brought the person down. Let's say the
8 employee - the correctional officer C.O. that
9 was supposed to bring him down - right?

10 [REDACTED]: Okay.

11 [REDACTED]: You said it could possibly
12 have been the lieutenant?

13 [REDACTED]: It could have been the
14 lieutenant. It could have been anybody that
15 took him down downstairs.

16 [REDACTED]: But one of them should have -
17 someone should have taken initiative and said
18 hey, listen, let control know we're bringing
19 this person down?

20 [REDACTED]: Probably or everybody just
21 - like in anything else - everybody assumed the
22 next person was doing it. Or somebody before
23 them did it.

24 [REDACTED]: So you're saying at this
25 point, it could have been just assumptions and

1 everybody believed each other would do it and
2 no one called him?

3 [REDACTED]: Well somebody eventually
4 had to do it because he has to be put on the
5 out count.

6 [REDACTED]: But as you see, he wasn't put
7 on the count until past midnight.

8 [REDACTED]: That means somebody didn't
9 call.

10 [REDACTED]: Would that be the same then -
11 let me take a step back. Would that be the
12 same thing that happened in the morning then?
13 With the fact that Reyes was removed and
14 everyone assumed someone else would take care
15 of it and it just didn't happen?

16 [REDACTED]: I don't know that.

17 [REDACTED]: That was a little
18 different. Reyes was removed from the count.
19 Fernandez wasn't.

20 [REDACTED]: I meant about Epstein needing
21 a cellmate. Sorry, I should have clarified
22 that. Is that same thing happened in the
23 morning with Epstein? Reyes is removed from
24 the count. He's going WAB. And people know
25 that, you know, once he's removed, he's gone

1 with all belongings. He - Epstein - should
2 have been assigned a new cellmate, right? It's
3 the same thing - everyone assumed that someone
4 else would take care of it? And I just kept
5 kind of fell back.

6 [REDACTED]: It's still the same thing.
7 I don't know that. I don't know if everybody
8 else assumed.

9 [REDACTED]: Who would have been in charge
10 of the SHU that day in the morning?

11 [REDACTED]: I don't - that same day?

12 [REDACTED]: That day - August 9th morning
13 - from 8:00 a.m. to when you left. Who was in
14 charge of the SHU?

15 [REDACTED]: The SHU lieutenant.

16 [REDACTED]: If there was no SHU
17 lieutenant?

18 [REDACTED]: It would have been part of
19 the operations lieutenant or activities
20 lieutenant.

21 [REDACTED]: Okay, and they're -.

22 [REDACTED]: They're not -.

23 [REDACTED]: Say that again?

24 [REDACTED]: The operations lieutenant
25 is in charge of the building. Activities helps

1 out the operations lieutenant. If there's no
2 SHU lieutenant, activities lieutenant goes up
3 to feed, makes some moves, if they're in Ten
4 South or in G Tier. Because only the
5 lieutenants have the keys for that. Anything
6 else, that needs to be done in special housing,
7 the officers and staff could do it.

8 [REDACTED]: And out of the staff that's
9 in the SHU at that point, who would be in
10 charge? Is there one person that's considered
11 in charge?

12 [REDACTED]: The OIC should be in
13 charge.

14 [REDACTED]: So who's the OIC on August
15 9th morning?

16 [REDACTED]: I think that was me. I
17 think. Or [REDACTED]. Or the SHU warden that day.

18 [REDACTED]: Do you have the schedule?
19 Just to -.

20 [REDACTED]: I thought you were kind
21 of like always - even though there's a
22 different (Indiscernible *00:41:04) you were
23 kind of like the OIC at that period of time.
24 Is that not right?

25 [REDACTED]: Most of the time, yeah,

1 because I kind of knew what I was doing.

2 Person, SHU 1 was [REDACTED]. And I was SHU 3.

3 [REDACTED]: Were you (Indiscernible

4 *00:41:23)-?

5 [REDACTED]: That's why I said not just

6 because you have the title doesn't mean you

7 doing everything. We all were working

8 together.

9 [REDACTED]: Were you considered to be the

10 OIC of the SHU during day - day watch?

11 [REDACTED]: Well they --

12 [REDACTED]: In general.

13 [REDACTED]: -- in general, yeah.

14 Because I've worked in SHU for a long time.

15 Well not a long time, but I kind of knew what I

16 was doing.

17 [REDACTED]: That's like when Lieutenant

18 Rice wanted something done. Instructions are

19 going to come down through you?

20 [REDACTED]: If I was there, correct.

21 [REDACTED]: So at that point, just to

22 cover, we know - basically even [REDACTED] made a

23 statement that there's a conversation that you

24 had and you told - in the elevator to Epstein -

25 hey, listen, we need to assigning you a new

1 cellmate because Reyes is leaving.

2 [REDACTED]: That was in SHU right
3 before we went downstairs.

4 [REDACTED]: Right before?

5 [REDACTED]: Right next to Reyes,
6 correct.

7 [REDACTED]: So at this point, it was
8 established that Epstein needed a new cellmate.

9 [REDACTED]: Mm-hm.

10 [REDACTED]: Should actions have been
11 taken at that point in the morning to make sure
12 - ensure that Epstein had a new cellmate?

13 [REDACTED]: He didn't -.

14 [REDACTED]: We're not talking about
15 everyone else. We're just - from your action.
16 We're talking to Tony about you at this point.
17 Everyone should - wait a minute. As you
18 mentioned, everyone had their role. Like one
19 should have taken steps, right?

20 [REDACTED]: Correct.

21 [REDACTED]: But from your part, should
22 you have taken actions?

23 [REDACTED]: Should I have taken
24 actions?

25 [REDACTED]: Yeah.

1 [REDACTED]: Um probably I could have
2 said, hey, but I didn't communicate and he was
3 going to attorney conference. And Reyes was
4 still pretty much in the limbo of he might come
5 back.

6 [REDACTED]: Yeah, but you said already
7 that WAB - he's leaving. And you mentioned it
8 was a couple hours, right? I think you
9 mentioned -.

10 [REDACTED]: And he also met with --

11 [REDACTED]: Maybe I should -.

12 [REDACTED]: -- and he made the
13 statements to - you made the statements to both
14 Reyes and Epstein saying you'll get a new
15 cellmate.

16 [REDACTED]: Yeah.

17 [REDACTED]: So that's why we're back
18 here. Because we're like, when we put all this
19 together, and we're seeing all this, we're like
20 oh. Actually, it looks like it should have
21 happened right away. And it shouldn't have
22 been, you know, moved off.

23 [REDACTED]: And again, he's not
24 guaranteed to leave the building. It's never
25 100 percent even with WAB.

1 [REDACTED]: But, okay, you said
2 guaranteed not to leave the building. But if
3 he didn't leave the building, he would have
4 been up within a couple of - back in the SHU in
5 a couple hours.

6 [REDACTED]: Maybe I should have not
7 said a couple of hours because a couple of
8 hours is --

9 [REDACTED]: No, everybody says that.

10 [REDACTED]: It doesn't mean two. In
11 everybody's mind it doesn't mean two. But it
12 should have been - again, more than two hours.
13 There's been times more than two hours that the
14 inmate is downstairs in R&D with all his stuff
15 and comes back.

16 [REDACTED]: How often does that happen?

17 [REDACTED]: A lot.

18 [REDACTED]: According to R&D, when we
19 spoke to R&D, rarely does it happen where an
20 inmate was brought down and they don't leave
21 the building.

22 [REDACTED]: Well to me it happens a
23 lot. Like that's what I -. Not lately, but,
24 before, yes.

25 [REDACTED]: Before. Anything else on

1 that?

2 [REDACTED]: No, he just - we can wrap
3 it up. Can you just initial and date
4 everything we just looked. And we'll call it a
5 day unless you wanted to add something. Again,
6 this is just to let you - so you're not
7 (Indiscernible *00:44:28) on these things.

8 [REDACTED]: Yeah.

9 [REDACTED]: So it's just the daily
10 activity log, the emails that we went over for
11 Fernandez's inmate quarters. But we didn't
12 actually talk about your memo, but there's the
13 information we got with, you know, the memo
14 that you wrote on August 9th - or August 12,
15 2019. And this is the email the Marshals sent
16 to MCC saying that he was being transferred.
17 And this is the PP38 that shows that Reyes was
18 pre-remove.

19 [REDACTED]: What am I initialing - that
20 I saw this?

21 [REDACTED]: Yeah.

22 [REDACTED]: Yeah, it's just to say
23 that this is what we talked about today.

24 [REDACTED]: Oh. The same thing as last
25 time?

1 [REDACTED]: Yeah.

2 [REDACTED]: Just the top pages of
3 everything.

4 [REDACTED]: You need a pen.

5 [REDACTED]: I don't receive the Marshal
6 emails.

7 [REDACTED]: Yeah, no, this is not
8 saying that you received any of that. It's
9 just saying that this is what we discussed.
10 Let me show you. And then the last thing that
11 I forgot is the daily assignment roster. So
12 where is the lieutenant's office in SHU
13 located? Is it -?

14 [REDACTED]: It's upstairs.

15 [REDACTED]: Is it? Is it right
16 outside of Ten South?

17 [REDACTED]: Yes.

18 [REDACTED]: Okay. So that camera
19 that kind of shows everything that you can see
20 down to the lieutenant's office right in there?

21 [REDACTED]: Yes.

22 [REDACTED]: Okay. Perfect. Anything
23 else for him?

24 [REDACTED]: No.

25 [REDACTED]: And again, sorry to ask

1 you with those questions, but it is --

2 [REDACTED]: I'm tired.

3 [REDACTED]: -- but, you know, it is

4 what it is. Yeah, I hear you.

5 [REDACTED]: Repetitive.

6 [REDACTED]: Yeah, no. It's just -

7 you know we're trying to tell a story. And we

8 just got to get our information accurate and

9 right.

10 [REDACTED]: I apologize if I come a

11 little aggressive, but -.

12 [REDACTED]: No-no-no.

13 [REDACTED]: It's just frustrating.

14 [REDACTED]: Hey, I get it. I think I

15 would be the same way --

16 [REDACTED]: Very frustrating.

17 [REDACTED]: -- if I were you because

18 you're doing so much. I totally do understand

19 that. We just got to ask the questions.

20 [REDACTED]: That's fine.

21 [REDACTED]: You know what I mean?

22 [REDACTED]: You got a job to do so.

23 [REDACTED]: Yeah. So be safe. Thank

24 you for your cooperation.

25 [REDACTED]: All right. Thank you guys.

1 Have a good day.

2 [REDACTED]: You too. Oh, sorry. The

3 - this is Senior Special Agent [REDACTED]

4 [REDACTED]. It's 3:55 p.m. and I am turning

5 off the recorder. Thanks again.

6 [REDACTED]: All right.

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CERTIFICATE

I hereby certify that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of the Inspector General in the matter of:

Interview of [REDACTED]

[REDACTED]

[REDACTED], Transcriber

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