

DIGITALLY RECORDED

SWORN STATEMENT

OF

[REDACTED]

OIG CASE #:

2019-010614

DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

JULY 14, 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'm 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 credentials.

6 [REDACTED]: Thank you, sir.

7 [REDACTED]: This interview with the
8 Federal Bureau of Prisons employee [REDACTED]
9 [REDACTED] is being conducted as part of an
10 official U.S. Department of Justice, Office of
11 the Inspector General investigation. Today's
12 date is July 14, 2021 and the time is 1:14 p.m.

13 [REDACTED]: Yes.

14 [REDACTED]: This interview is being
15 conducted at the Metropolitan Correctional
16 Center in New York, New York, also known as the
17 MCC. 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
22 DOJ OIG Senior Special Agent [REDACTED],
23 [REDACTED].

24 [REDACTED]: This is DOJ OIG Special Agent
25 [REDACTED], [REDACTED].

1 [REDACTED]: Lieutenant [REDACTED],
2 [REDACTED], work for the Bureau of Prisons at MCC
3 New York.

4 [REDACTED]: Could you just spell your
5 last name for the record?

6 [REDACTED]: [REDACTED].

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

14 [REDACTED]: Yes.

15 [REDACTED]: Yes, thank you. All
16 right, so we got that form, it's the DOJ OIG
17 form III-226/2. It says, "The United States
18 Department of Justice, Office of the Inspector
19 General Warnings and Assurances to Employee
20 Requested to Provide Information on a Voluntary
21 Basis. You are being asked to provide
22 information as part of an investigation being
23 conducted by the Office of the Inspector
24 General. This investigation is being conducted
25 pursuant to the Inspector General Act of 1978,

1 as amended. This investigation pertains to
2 security failure and job performance failure.
3 This is a voluntary interview. Accordingly,
4 you do not have to answer questions. No
5 disciplinary action will be taken against you
6 if you choose not to answer questions. Any
7 statement you furnish may be used as evidence
8 in any future criminal proceedings or agency
9 disciplinary proceeding or both." And there's
10 a waiver section. It says, "I understand the
11 warnings and assurances stated above and I am
12 willing to make a statement and answer
13 questions. No promises or threats have been
14 made to me and no pressure or coercion of any
15 kind has been used against me." And as
16 mentioned, this is something that we provide
17 everybody for voluntary interviews, so you're
18 being asked, you know, we just provide these
19 warnings to everyone just knowing it's
20 voluntary, you can stop at any time, you don't
21 have to answer our questions. Do you
22 understand?

23 [REDACTED]: Yes, sir, I understand.

24 [REDACTED]: All right. So, if you
25 want to review it yourself, please feel free,

1 otherwise there's an employee signature and
2 then employee name below. Thank you for
3 signing, sir. I'm going to sign for the Office
4 of the Inspector General Special Agent. And
5 I'm writing my name, [REDACTED]. The
6 date is 7/14/2021.

7 [REDACTED]: 1:16.

8 [REDACTED]: The place is - the time
9 is 1:16 --

10 [REDACTED]: Sixteen.

11 [REDACTED]: -- p.m. The place is MCC
12 New York. Special Agent [REDACTED], can you please
13 sign as the signature witness and place your
14 name as the name of witness.

15 [REDACTED]: This is Special Agent [REDACTED]
16 [REDACTED], I'm signing as a witness.

17 [REDACTED]: And as I mentioned,
18 Lieutenant [REDACTED], I believe, were you
19 interviewed prior by the OIG and the FBI?

20 [REDACTED]: Yes, I was.

21 [REDACTED]: All right, as mentioned,
22 there's a report that I have here. I don't
23 even think that it's worth going over because
24 there's not really much in it. So, the reason
25 for us to - for interviewing you is to kind of

1 - you were the OIC is our understanding on
2 August 9th, is that correct --

3 [REDACTED]: Yes.

4 [REDACTED]: -- of 2019? And just to
5 kind of ask you questions related to what you
6 know about what happened on August 9th and
7 August 10th of 2019. Before starting the
8 interview, I'd like to place you under oath.
9 Lieutenant [REDACTED], can you please raise your
10 right hand. Do you swear to tell the truth and
11 nothing but the truth during this interview?

12 [REDACTED]: Yes, I do.

13 [REDACTED]: Thank you, sir. If it's
14 something that you don't understand, just ask
15 me to rephrase and I'll try to clarify anything
16 like that. What is your current home address?

17 [REDACTED]: [REDACTED],
18 [REDACTED].

19 [REDACTED]: And what is your date of
20 birth?

21 [REDACTED]: [REDACTED].

22 [REDACTED]: And what is your social
23 security number?

24 [REDACTED]: [REDACTED].

25 [REDACTED]: What is your current cell

1 phone?
2 [REDACTED]: [REDACTED].
3 [REDACTED]: And what is your highest
4 level of education?
5 [REDACTED]: High school.
6 [REDACTED]: And where did you go to
7 high school?
8 [REDACTED]: Graphic Arts in the city.
9 [REDACTED]: In New York City?
10 [REDACTED]: Yes, New York City.
11 [REDACTED]: And what was it called.
12 [REDACTED]: Graphic Communication of
13 Arts.
14 [REDACTED]: Okay. Cool. Is that
15 like some kind of like -.
16 [REDACTED]: It's on 49th Street and
17 10th Avenue. It was a --
18 [REDACTED]: Like a -.
19 [REDACTED]: -- advertisement high
20 school.
21 [REDACTED]: Oh, that's neat.
22 [REDACTED]: Yeah. It was cool.
23 [REDACTED]: This is not really to do
24 with the interview, but is that like something
25 you get to, like -.

1 [REDACTED]: Well I can draw a little
2 bit and do a little bit of graphic design --

3 [REDACTED]: Oh, neat.

4 [REDACTED]: -- from high school. Not
5 too much but that's what I went to high school
6 for.

7 [REDACTED]: That's neat. What did
8 you do prior to working for the BOP?

9 [REDACTED]: I was in the United States
10 Army and I worked for a hotel.

11 [REDACTED]: Okay. As far as being
12 with the Army, when were you in the Army?

13 [REDACTED]: I started in 1998. I was
14 in the National Guard and then I went active
15 duty in 2005.

16 [REDACTED]: Okay. When did you - are
17 you still in the Reserves?

18 [REDACTED]: No, I'm completely done
19 with the military.

20 [REDACTED]: When did you get out?

21 [REDACTED]: 2011.

22 [REDACTED]: Was it an honorable
23 discharge?

24 [REDACTED]: Yes it was.

25 [REDACTED]: And what was your rank at

1 -.

2 [REDACTED]: Corporal.

3 [REDACTED]: Corporal? And what was
4 that? E what?

5 [REDACTED]: E-4.

6 [REDACTED]: E-4. Thank you for your
7 service. And then you said you worked for a
8 hotel, how long did you do that?

9 [REDACTED]: Before the military, I did
10 it for three years. I came back, I did it for
11 one year and then I got this job.

12 [REDACTED]: Okay. So just prior to
13 being with the BOP --

14 [REDACTED]: Correct.

15 [REDACTED]: -- you did - and what did
16 you do there?

17 [REDACTED]: Banquet Steward.

18 [REDACTED]: And everything with
19 leaving there, was everything copacetic?

20 [REDACTED]: Correct.

21 [REDACTED]: Okay. How long have you
22 served with the Federal Bureau of Prisons?

23 [REDACTED]: [REDACTED]
24 would make seven years.

25 [REDACTED]: Seven years? Okay. And

1 do you know your specific enter on duty date?
2 [REDACTED]: [REDACTED].
3 [REDACTED]: Thank you, sir. When did
4 you graduate from BOP training?
5 [REDACTED]: [REDACTED]
6 [REDACTED]: Okay. And how long have
7 you been with the MCC?
8 [REDACTED]: The whole time, seven years
9 --
10 [REDACTED]: Okay.
11 [REDACTED]: -- in September.
12 [REDACTED]: You were here the whole
13 time?
14 [REDACTED]: Correct.
15 [REDACTED]: All right. And you said
16 you're currently a Lieutenant?
17 [REDACTED]: Correct.
18 [REDACTED]: When were you promoted to
19 Lieutenant?
20 [REDACTED]: March 1, 2020, last year.
21 [REDACTED]: Okay. And what was your
22 rank or title in August of 2019?
23 [REDACTED]: I was a Senior Office
24 Specialist.
25 [REDACTED]: Okay. And I have a staff

1 roster here. Here's the - it's going to be on
2 August 9th and then August 10th, it's just for
3 you to refer to, so you don't have to
4 necessarily recall. But what shift did you
5 work on August 9th and August 10th?

6 [REDACTED]: So, August 10th, which that
7 should be a Saturday, I was off the weekend and
8 Friday I worked from 6:00 to 2:00 in the
9 Special Housing Unit.

10 [REDACTED]: Okay. And what was your
11 position when you were in the Special Housing
12 Unit?

13 [REDACTED]: I was an OIC.

14 [REDACTED]: And what does OIC stand
15 for?

16 [REDACTED]: The Officer in Charge.

17 [REDACTED]: And what were those
18 duties and responsibilities as the OIC of the
19 SHU?

20 [REDACTED]: Pretty much maintaining
21 paperwork, making sure everything is conducted
22 according to BOP policy.

23 [REDACTED]: Okay. And who was your
24 supervisor?

25 [REDACTED]: [REDACTED].

1 [REDACTED]: [REDACTED]? It
2 wasn't [REDACTED]?

3 [REDACTED]: Well, actually yes, yes,
4 [REDACTED], I'm sorry, yes.

5 [REDACTED]: And he was the SHU
6 Lieutenant?

7 [REDACTED]: Yes.

8 [REDACTED]: Okay. Great. Now I'm
9 going to - we're going to keep these documents
10 in front of you because as we go through the
11 interview, I'll probably ask you about
12 different people and you can just refer to it.
13 When I do provide you - do you have an extra
14 pen? When I do provide you with documents, do
15 you mind just so that for interview purposes,
16 we - it's not to certify anything is accurate,
17 it's simply to say this is the document that I
18 showed you. So can you just like initial and
19 date on the top of each document that I show
20 you, and it doesn't mean, go through the
21 packet, it's just the top page. So, this one
22 for instance, is the daily assignment roster
23 for Saturday, August 10, 2019 and this one is
24 the daily assignment roster for Friday, August
25 9, 2019. And again, it's simply to - you don't

1 have to do each page, it's just -.

2 [REDACTED]: You're not attesting to it.

3 [REDACTED]: Yeah.

4 [REDACTED]: It's just -.

5 [REDACTED]: Yeah.

6 [REDACTED]: It's just -.

7 [REDACTED]: You're not attesting that
8 it's certified or anything, you know, that it's
9 accurate. It's just to say that these are the
10 documents that we looked at.

11 [REDACTED]: Yes, sir.

12 [REDACTED]: Would you mind - thank
13 you for initialing. You mind just putting the
14 date? It's 7/14 --

15 [REDACTED]: 14.

16 [REDACTED]: -- 2021. Thank you, sir.

17 All right. Are you familiar with inmate
18 Jeffrey Epstein?

19 [REDACTED]: Yes.

20 [REDACTED]: Did you work in the SHU
21 while Epstein was assigned to the SHU in July
22 and August of 2019?

23 [REDACTED]: Yes.

24 [REDACTED]: During that time, did
25 Epstein have a cellmate?

1 [REDACTED]: Yes, he did.

2 [REDACTED]: Do you recall who that
3 cellmate was?

4 [REDACTED]: I don't know, it was a
5 Spanish guy, I don't remember his name exactly.

6 [REDACTED]: So I'm assuming you're
7 talking about the second of the two inmates.

8 [REDACTED]: The first one was
9 [REDACTED]. The second one maybe [REDACTED].

10 [REDACTED]: [REDACTED], does that sound -.

11 [REDACTED]: [REDACTED], yes.

12 [REDACTED]: Okay. So -.

13 [REDACTED]: Older gentleman --

14 [REDACTED]: Okay.

15 [REDACTED]: -- walked with a cane.

16 [REDACTED]: And do you know if there
17 was a specific reason why those cellmates were
18 assigned to Epstein?

19 [REDACTED]: I think Psychology said
20 it's just their category, they're older, same
21 age.

22 [REDACTED]: Okay. So are you aware,
23 since you said Psychology, did Psychology say
24 that Epstein was required to have a cell mate?

25 [REDACTED]: Well, we always practice,

1 if somebody comes off of suicide watch, they
2 have to go with a cellmate until Psychology
3 clears them to be alone.

4 [REDACTED]: Okay.

5 [REDACTED]: But whoever has history of
6 trying to commit suicide has to go with a
7 bunkie.

8 [REDACTED]: Okay. So were you aware
9 that Epstein had attempted to commit suicide on
10 July 23rd --

11 [REDACTED]: Yes, I was.

12 [REDACTED]: -- of 2019? Were you one
13 of the responding officers?

14 [REDACTED]: No, I was not.

15 [REDACTED]: Do you know what
16 transpired on that date?

17 [REDACTED]: No, I do not.

18 [REDACTED]: Did you hear anything
19 about him either trying to commit suicide or
20 potentially that [REDACTED] attempted to harm
21 him?

22 [REDACTED]: I saw that in the papers
23 that [REDACTED] wanted to harm him but all I
24 heard that he was trying to commit suicide.

25 [REDACTED]: All right, do you - is

1 there any reason for you to believe that

2 [REDACTED] was trying to harm him?

3 [REDACTED]: No.

4 [REDACTED]: No?

5 [REDACTED]: They always got along.

6 [REDACTED]: They did always get
7 along?

8 [REDACTED]: Yes, sir. They'd always
9 get along.

10 [REDACTED]: Okay. And then you said,
11 following that attempt, he was placed - Epstein
12 was placed on suicide watch?

13 [REDACTED]: Yes, with being watched on
14 the second floor.

15 [REDACTED]: Okay. And what floor is
16 the SHU on?

17 [REDACTED]: 9th.

18 [REDACTED]: The 9th floor. Okay. So
19 the suicide watch and the psychological
20 observation area is all on the 2nd floor?

21 [REDACTED]: Correct.

22 [REDACTED]: All right. Was he
23 removed from suicide watch?

24 [REDACTED]: Yes he was, afterwards.

25 [REDACTED]: Do you have any idea

1 around when that was?

2 [REDACTED]: That I do not remember.

3 [REDACTED]: Does July 30, 2019 sound
4 about right?

5 [REDACTED]: I wouldn't -.

6 [REDACTED]: Or, I guess I should ask
7 this question first. Is there a difference
8 between suicide watch and psychological
9 observation?

10 [REDACTED]: Well, psychological
11 observation, you would have all your clothes
12 on.

13 [REDACTED]: Okay.

14 [REDACTED]: Suicide watch is because
15 you attempted suicide so you're going to be
16 with a smock, in the nude, just a suicide smock
17 and some booties --

18 [REDACTED]: Okay.

19 [REDACTED]: -- with nothing else.

20 [REDACTED]: And do you know if the
21 entire time that Epstein was on the 2nd floor
22 outside of the SHU, was he in the suicide watch
23 or was he both suicide watch and psychological?

24 [REDACTED]: If I'm not mistaken, he was
25 on suicide watch the whole time.

1 [REDACTED]: Okay. So you believe
2 that he was actually --
3 [REDACTED]: Yes.
4 [REDACTED]: -- in a smock the whole
5 time.
6 [REDACTED]: Correct.
7 [REDACTED]: Okay. And what does
8 suicide watch entail?
9 [REDACTED]: You're being watched 24
10 hours.
11 [REDACTED]: By who?
12 [REDACTED]: By an inmate or staff.
13 [REDACTED]: Okay. And do you know if
14 Epstein was watched by either or, or both.
15 [REDACTED]: I think he was just by
16 inmates, if I'm not mistaken.
17 [REDACTED]: Inmates and what is the
18 inmates' responsibilities while they're
19 watching him?
20 [REDACTED]: Well, they constantly
21 observe you in every - they got to annotate
22 every round that they do, or every 15 minutes
23 they write down what the inmate is doing.
24 [REDACTED]: Okay. Did you ever hear
25 of any issues or anything while he was on

1 there?

2 [REDACTED]: No.

3 [REDACTED]: No?

4 [REDACTED]: No.

5 [REDACTED]: And what's the
6 difference, what does the psychological
7 observation?

8 [REDACTED]: Psychological observation
9 is pretty much is - you're in the same place,
10 just with your clothes on.

11 [REDACTED]: And same, you have an
12 inmate (Indiscernible *00:12:35) -.

13 [REDACTED]: You have an inmate watching
14 you at all times, yes.

15 [REDACTED]: Okay. So for both, it's
16 the same, just the clothes is the only
17 difference?

18 [REDACTED]: Correct.

19 [REDACTED]: Okay. Did you receive
20 instructions from anyone regarding Epstein
21 being assigned a cellmate after he came back
22 from the 2nd floor and placed back into the
23 SHU?

24 [REDACTED]: No. I just did it on my
25 own.

1 [REDACTED]: Okay. So no one - you
2 don't recall ever being instructed --

3 [REDACTED]: No, I --.

4 [REDACTED]: -- to place him with --.

5 [REDACTED]: I don't recall getting a
6 phone call saying, "Put him --" - like I said
7 before, it's we practice, if you're leaving the
8 2nd floor, you automatically go upstairs with a
9 cellmate.

10 [REDACTED]: Okay. So, did you ever
11 receive any kind of information from either
12 [REDACTED] or Psychology saying that
13 Epstein was required to be housed with a cell
14 mate?

15 [REDACTED]: Well we knew already and
16 [REDACTED] pretty much said, "G, don't
17 forget to put him with a bunkie."

18 [REDACTED]: Okay. Did you - and I
19 don't believe that you received it directly,
20 but did you ever see this email? It says -
21 sorry, let me see, it's [REDACTED], who is
22 that?

23 [REDACTED]: That used to - she was a
24 Psychologist, one of the Psychologists in the
25 building.

1 [REDACTED]: Okay. And it says, it's
2 to "Suicide Watch/Psych Observation update."
3 It says it's dated July 30, 2019 at 12:30 p.m.
4 The subject of the email says, "Inmate Epstein
5 is being taken off of psych observation and
6 needs to be housed with an appropriate
7 cellmate." Did you ever see that by chance?
8 [REDACTED]: No. I don't remember this.
9 [REDACTED]: Okay. But you knew that
10 he was required to have a cellmate.
11 [REDACTED]: Yes.
12 [REDACTED]: All right. And you said
13 [REDACTED] did inform you?
14 [REDACTED]: Correct.
15 [REDACTED]: Okay. Did you mind just
16 --
17 [REDACTED]: Oh.
18 [REDACTED]: -- initialing and dating
19 that? So you don't recall ever receiving any
20 other written --
21 [REDACTED]: No.
22 [REDACTED]: -- communication
23 regarding the matter? After [REDACTED]
24 spoke with you about him being required to have
25 a cellmate, did you communicate that

1 requirement to anyone else in the SHU?

2 [REDACTED]: Just in SHU. "All right
3 guys, he needs a bunkie."

4 [REDACTED]: Okay. And was that
5 something that you communicated only on the
6 date he came back on July 30 or would that be
7 something that you all would communicate
8 throughout his stay in the SHU?

9 [REDACTED]: Well, we constantly just
10 made sure since he was a high-profile inmate
11 and we actually placed him right on the top
12 tier so where we can see - where the OIC bubble
13 was right on top just because of that reason
14 and we, "Hey, you got a bunkie?" "Yes."
15 Because he was always going to his legal visits
16 pretty much the whole day.

17 [REDACTED]: Right.

18 [REDACTED]: When he came back, made
19 sure he had a bunkie.

20 [REDACTED]: Okay. And would you also
21 work then that night watch in the SHU?

22 [REDACTED]: Was I working?

23 [REDACTED]: Not that day, but in
24 between July 30th and August 9th, do you know
25 if you would have worked that night watch?

1 [REDACTED]: I'm pretty sure I did. I'm
2 pretty sure I did. And all my overtime was
3 always in the SHU.

4 [REDACTED]: Okay. And do you believe
5 then that everyone who worked in the SHU would
6 have known that inmate Epstein was required to
7 have a cell mate?

8 [REDACTED]: Yes.

9 [REDACTED]: All right. And what
10 makes you believe that?

11 [REDACTED]: It's part of pretty much
12 the SHU training.

13 [REDACTED]: Okay. When you say, "SHU
14 training," what training are you referring to
15 and what was taught?

16 [REDACTED]: Special Housing Unit
17 training is, once again, the policy of what to
18 do in Special Housing Unit, how to conduct
19 rounds, how to deal with an inmate that is
20 coming off of suicide watch and part of our SHU
21 training is the psychologists speaking to us
22 and breaking down and what to do when an inmate
23 comes off suicide watch, what signs to look for
24 and pretty much making sure you're doing the
25 right thing when somebody comes up from suicide

1 watch.

2 [REDACTED]: Okay. So is there any
3 way that people would know that if they didn't
4 attend the quarterly - you're talking about the
5 quarterly SHU training?

6 [REDACTED]: Correct.

7 [REDACTED]: Is there any way that
8 people that didn't - like people on overtime
9 shifts or people that didn't actually get to
10 take that quarterly training yet, would know
11 that Epstein was required to have a cell mate?

12 [REDACTED]: No, they would not know
13 that.

14 [REDACTED]: They would not know?

15 [REDACTED]: They would not know that.

16 [REDACTED]: And did you communicate
17 with people though? I know you're saying that
18 they knew based upon training, but did you ever
19 communicate with the people working in the SHU
20 that Epstein was required to have a bunk mate
21 at all times?

22 [REDACTED]: Well, whoever worked in SHU
23 would pass it down, "Hey, make sure this guy
24 stays with -" - whether it's him or anybody
25 else, I know we're talking specifically about

1 him, but whether it was him or anybody else, we
2 all would say, "Hey, make sure this guy has a
3 bunkie."

4 [REDACTED]: Okay. But you can't
5 remember any specific conversations?

6 [REDACTED]: No. No.

7 [REDACTED]: Okay. Were there any
8 signs hanging up anywhere in the SHU that said
9 Epstein was required to have a cell mate?

10 [REDACTED]: No.

11 [REDACTED]: All right.

12 [REDACTED]: Not that I -.

13 [REDACTED]: So someone mentioned that
14 -.

15 [REDACTED]: So, I put one of my own -
16 it was in bright orange paper. I put it next
17 to the computer. It's nothing like from BOP or
18 anything, it was just something between us,
19 that said, "Make sure rounds are conducted and
20 he has a bunkie at all times." Yes, that was
21 me.

22 [REDACTED]: Okay. So this document
23 I'm showing, it says, "Mandatory rounds must be
24 conducted every 30 minutes on Epstein, as per
25 God." This is what you're referring to? And

1 where was this hanging?

2 [REDACTED]: On the SHU OIC computer,
3 right next to it.

4 [REDACTED]: All right. Awesome. So
5 I was assuming that this might be a confusion,
6 but someone mentioned that there was also a
7 color document saying that Epstein was required
8 to have a cell mate. Was that ever on the OIC
9 computer or anywhere else?

10 [REDACTED]: You know what? If it was
11 color, it was - I probably made it because we
12 always had a stack of orange, that was my
13 telling everybody, "Do what you're supposed to
14 do."

15 [REDACTED]: Okay.

16 [REDACTED]: But I did this, I know,
17 because I typed it up and I put it up there.
18 Now the -.

19 [REDACTED]: So this is the one that
20 you remember is the --

21 [REDACTED]: Correct.

22 [REDACTED]: -- one I just showed you.

23 [REDACTED]: Correct.

24 [REDACTED]: Okay. And that was on
25 the OIC's computer?

1 [REDACTED]: There's two computers on
2 the desk. If you see, it's right like you
3 can't miss it.

4 [REDACTED]: And is -.

5 [REDACTED]: It's bright orange paper
6 and black lettering.

7 [REDACTED]: And is that where
8 everybody that works in the SHU, are they all
9 in that same area?

10 [REDACTED]: Everybody goes to that
11 station.

12 [REDACTED]: So everybody that was in
13 the SHU or ever worked in the SHU would have
14 seen at least that document that you created?

15 [REDACTED]: Yes.

16 [REDACTED]: And do you remember when
17 that document was created?

18 [REDACTED]: I think I did that maybe a
19 couple of weeks after he came upstairs.

20 [REDACTED]: And is that initially or
21 after he came back from suicide watch?

22 [REDACTED]: The first time he went
23 down, when he came up the second time.

24 [REDACTED]: Okay.

25 [REDACTED]: That - when he was -.

1 [REDACTED]: Sometime after July 30th
2 but prior to August 9th --
3 [REDACTED]: Correct.
4 [REDACTED]: -- it would have been up.
5 [REDACTED]: Correct.
6 [REDACTED]: Okay. You can't remember
7 - sometime between there. Definitely prior to
8 August 9th.
9 [REDACTED]: Definitely prior to him
10 coming - or that happening.
11 [REDACTED]: And do you believe it was
12 at least a few days prior to that as well?
13 [REDACTED]: It think it was maybe as
14 soon as he came upstairs from suicide watch --
15 [REDACTED]: Okay.
16 [REDACTED]: -- I put it up there.
17 [REDACTED]: Okay. But certainly
18 prior to August 9, 2019.
19 [REDACTED]: Correct, yes.
20 [REDACTED]: Okay.
21 [REDACTED]: Yes.
22 [REDACTED]: And you do not require
23 any signs identifying Epstein's cellmate
24 requirement? Was there ever anything on
25 Epstein's cell door, even on July 30th or

1 anything like that? Do you recall anything
2 like that?

3 [REDACTED]: I mean, we had orange paper
4 hanging all over the place, but I don't recall
5 one saying he has to have a bunkie.

6 [REDACTED]: Okay.

7 [REDACTED]: We practice, you come up
8 from suicide watch, you get a bunkie --

9 [REDACTED]: All right.

10 [REDACTED]: -- no matter who you are.

11 [REDACTED]: Got a question here.

12 [REDACTED]: Yeah, go ahead.

13 [REDACTED]: As for God, is that referring
14 to somebody or God?

15 [REDACTED]: That's just, you know,
16 okay, God is watching us, we got to do the
17 right thing.

18 [REDACTED]: Okay.

19 [REDACTED]: So you're referring to -
20 this is the question I had before. Are you
21 referring to God himself, not calling the
22 Warden or the Captain or somebody God?

23 [REDACTED]: Oh no, just God himself.

24 [REDACTED]: All right. So that's the
25 one sign you can remember that was up --

1 [REDACTED]: Yes.

2 [REDACTED]: -- requiring rounds but
3 nothing to do with a cellmate.

4 [REDACTED]: Nothing to do with a
5 cellmate.

6 [REDACTED]: All right. What is the
7 hot list?

8 [REDACTED]: The hot list is inmates
9 that have tried to commit suicide in the past
10 and that's posted in Special Housing Unit.

11 [REDACTED]: Okay. And where in the
12 Special Housing Unit would have been the hot
13 list located on August 9th?

14 [REDACTED]: Right next to the second
15 phone, next to the cage where we keep MIR
16 (Phonetic Sp. *00:20:31), camera, radio
17 holders.

18 [REDACTED]: Would it have been like
19 on the desk or behind the desk or -.

20 [REDACTED]: Well, we have a hot list,
21 it's next to the phone, that's where it's at.
22 It's a yellow - or it was a yellow binder.

23 [REDACTED]: Is there only one phone
24 in the SHU?

25 [REDACTED]: There's three.

1 [REDACTED]: Three?
2 [REDACTED]: Three.
3 [REDACTED]: So one of the phones it
4 was next to?
5 [REDACTED]: Correct.
6 [REDACTED]: Was it hanging on the
7 wall?
8 [REDACTED]: Yes.
9 [REDACTED]: Okay. Is it like some
10 kind of a bulletin board type of area or like -
11 .
12 [REDACTED]: It's a - we have our cage
13 with some of the equipment --
14 [REDACTED]: Okay.
15 [REDACTED]: -- and the phone right next
16 to it, it's right in between. That's where it
17 was before.
18 [REDACTED]: And do you know if
19 Epstein was listed on the hot list on or around
20 August 9th?
21 [REDACTED]: If I'm not mistaken, I
22 think he was.
23 [REDACTED]: Okay.
24 [REDACTED]: I think he was.
25 [REDACTED]: Would have he been listed

1 on the hot list when he came back on July 30?

2 [REDACTED]: Yes.

3 [REDACTED]: Okay. And how do people
4 get placed on - if he was on July 30th, when
5 would an inmate be removed from that hot list?

6 [REDACTED]: Well, that's Psychology
7 once their finished with their whatever they
8 do, reports or evaluations on the inmate.

9 [REDACTED]: So how does that work?
10 Is it they - an inmate is removed from the hot
11 list if they're no longer a threat of
12 committing suicide?

13 [REDACTED]: I think that's what it is.

14 [REDACTED]: Okay.

15 [REDACTED]: I never really looked into
16 that one.

17 [REDACTED]: And does Epstein - I
18 mean, not does Epstein, does Psychology, are
19 they the ones that provide you the hot list?

20 [REDACTED]: Yes.

21 [REDACTED]: Who do they provide it
22 to?

23 [REDACTED]: They usually come upstairs
24 and change it on their own.

25 [REDACTED]: So they actually post it

1 on the --

2 [REDACTED]: Yes.

3 [REDACTED]: -- board themselves?

4 [REDACTED]: Yes.

5 [REDACTED]: Does everybody that works
6 in the SHU know what the hot list is?

7 [REDACTED]: Yes.

8 [REDACTED]: Do you believe -.

9 [REDACTED]: It's part of our training.

10 [REDACTED]: As a -.

11 [REDACTED]: Not just the SHU training,
12 but that's like when you start working here,
13 everybody should know that that's - when
14 Psychology Department comes to see you, they
15 make you - or they tell you to be aware of the
16 hot list.

17 [REDACTED]: Okay. That's a good
18 point. On your annual training that you take
19 at the MCC, would that hot list information be
20 provided during that training?

21 [REDACTED]: Yes, it should.

22 [REDACTED]: What about the training
23 that we talked about previously when we talked
24 -

25 [REDACTED]: The SHU training?

1 [REDACTED]: Yes.

2 [REDACTED]: That definitely is.

3 [REDACTED]: And in the annual?

4 [REDACTED]: Yes.

5 [REDACTED]: So, in the annual, the
6 training that you said, you know, we talked
7 about of, they're not in the SHU training, they
8 might not have gotten it, that same information
9 would have been passed along during the annual
10 training?

11 [REDACTED]: Yes.

12 [REDACTED]: And that's with
13 Psychology letting people know that people -.

14 [REDACTED]: Psychology does their part
15 on the training in their class time and they
16 should have or they should because I think
17 that's what they always do. Psychology - any
18 training, everybody takes it and you go over
19 everything pretty much from when you first
20 start --

21 [REDACTED]: Okay.

22 [REDACTED]: -- on what to do as an
23 officer.

24 [REDACTED]: So, point being, if
25 people come off of suicide watch and are placed

1 in somewhere like the SHU, during annual
2 training, they tell everybody that takes that
3 training that they need to.

4 [REDACTED]: Make sure you go over the
5 hot list and deal with who is on it --

6 [REDACTED]: And who was your --

7 [REDACTED]: -- and if you feel somebody
8 should be on it, just pass it down to
9 Psychology.

10 [REDACTED]: To make sure those people
11 have cellmates?

12 [REDACTED]: Correct.

13 [REDACTED]: Okay. And is that right,
14 if you're on the hot list, unless you have some
15 kind of requirement next to you that you can't
16 be housed with a bunkie, you're supposed to
17 housed with a cell mate?

18 [REDACTED]: Yes, yes.

19 [REDACTED]: Okay. And is that kind
20 of the purpose of it, to make sure that you're
21 knowing that they're not only suicidal but
22 they're also required to have a cellmate?

23 [REDACTED]: Correct.

24 [REDACTED]: Okay.

25 [REDACTED]: In comparison to the OIC

1 desk, where would that hot list be? Like if
2 you're looking at the desk right now, where -.

3 [REDACTED]: So, if I'm sitting on the
4 desk, it should be about not even 10 feet away
5 from me on the next phone.

6 [REDACTED]: Okay.

7 [REDACTED]: And do the other COs that
8 worked in the SHU know that everyone on the hot
9 list was required to have a cellmate?

10 [REDACTED]: They should.

11 [REDACTED]: They should, okay.

12 [REDACTED]: There's a lot of "shoulds"
13 in this building.

14 [REDACTED]: Who replaced you in the
15 SHU on August 9, 2019? Do you remember? And
16 here's the -.

17 [REDACTED]: It should have been Officer
18 [REDACTED] and Officer [REDACTED].

19 [REDACTED]: Okay. Do you need to
20 refer to this at all or you just know that from
21 memory?

22 [REDACTED]: I think I'm right.

23 [REDACTED]: And I think you're right
24 as well, but I just want to make sure that -.

25 [REDACTED]: Memory is so far so good,

1 yes.

2 [REDACTED]: So you're looking at the
3 daily assigned roster.

4 [REDACTED]: Yeah, it's [REDACTED] and
5 [REDACTED].

6 [REDACTED]: Anyone else?

7 [REDACTED]: No, I only saw those two.

8 [REDACTED]: Was there [REDACTED] also?
9 Did he replace you?

10 [REDACTED]: So I left that 2:00.

11 [REDACTED]: Okay.

12 [REDACTED]: I knew [REDACTED] was coming
13 because that's usually my relief and [REDACTED] was
14 a 2:00 to 10:00 officer.

15 [REDACTED]: Okay. And where did
16 [REDACTED] fit in on this? Do you know?

17 [REDACTED]: He was probably doing -
18 just coming in.

19 [REDACTED]: Okay. So we have a memo.
20 Is this - do you - this memo, it says it's from
21 you and it's dated August 12, 2019. Is this -
22 do you recognize that memo?

23 [REDACTED]: No, that's me.

24 [REDACTED]: Okay. And did you create
25 that memo?

1 [REDACTED]: Yes, I did.

2 [REDACTED]: All right. Great. So
3 what it says is, it says it's to the Warden.
4 How do you pronounce the Warden's last -.

5 [REDACTED]: [REDACTED].

6 [REDACTED]: [REDACTED]. It says, "On
7 Friday, August 9, 2019 at approximately 1:50
8 p.m., I, SOS [REDACTED], passed on to oncoming
9 staff member Officer [REDACTED] and present shift
10 staff SOS [REDACTED] and Officer [REDACTED] that inmate
11 Reyes, number 85993-054, was going WAB and
12 possibly may not return. Also that inmate
13 Epstein will be needing a cellmate upon arrival
14 from his attorney visit." What does WAB mean?

15 [REDACTED]: With all belongings.

16 [REDACTED]: Okay. And is that -.

17 [REDACTED]: That's when you leave the
18 institution.

19 [REDACTED]: Okay. Great. And do you
20 recall actually passing that information on to
21 [REDACTED]?

22 [REDACTED]: I - [REDACTED], [REDACTED], [REDACTED], I
23 probably did speak to them, but in -.

24 [REDACTED]: Okay. So I guess I
25 should ask, the way that I interpreted this was

1 that you told [REDACTED] but those other people were
2 present in the SHU. Did you have a
3 conversation then, you believe, with both [REDACTED]
4 and [REDACTED]?

5 [REDACTED]: I had a conversation with
6 [REDACTED] because he relieved me at 2 o'clock.

7 [REDACTED]: Okay.

8 [REDACTED]: And I told him, "Make sure
9 you pass it down to - but I don't - I know I
10 spoke to [REDACTED] because I was still town driver
11 and I saw him outside, but [REDACTED], I don't
12 remember seeing him.

13 [REDACTED]: Okay. What do you
14 remember - what specifically do you recall
15 saying to [REDACTED]?

16 [REDACTED]: Like, "[REDACTED] is going, he's
17 leaving, so make sure Epstein gets a bunkie."

18 [REDACTED]: And what do you remember
19 specifically telling to [REDACTED]?

20 [REDACTED]: Same thing. "Hey, you
21 know, I think [REDACTED] is going to be gone,
22 Epstein needs a bunkie." "All right."

23 [REDACTED]: Okay. And again, who is
24 inmate [REDACTED] [REDACTED]?

25 [REDACTED]: That was Epstein's bunkie.

1 [REDACTED]: Up until August 9th it
2 sounds like?

3 [REDACTED]: Correct.

4 [REDACTED]: Okay. And do you know
5 how he was selected to be Epstein's cell mate?

6 [REDACTED]: Through, again, Psychology
7 recommends, "Oh, they're about the same age.
8 They both are pretty much have -" - not similar
9 charges, but, "This guy is an older man. This
10 guy has a cane. There's not going to be any
11 problems, we should put them in together."

12 [REDACTED]: Are you aware of anything
13 like the Captain and the Warden and even the
14 Regional Director going through and vetting
15 Epstein's cell mates or are you unaware of
16 that?

17 [REDACTED]: No.

18 [REDACTED]: All right. So, you're
19 understanding was that Psychology made that
20 determination?

21 [REDACTED]: Correct.

22 [REDACTED]: Okay. When did you
23 become aware that inmate Efrain Reyes was
24 likely to be removed from the MCC on August 9,
25 2019?

1 [REDACTED]: When I walked both of them
2 to the door.

3 [REDACTED]: And what time would that
4 have been?

5 [REDACTED]: I would say - because R&D
6 usually starts calling people down around 9
7 o'clock, 9:00, 9:30, and that's pretty much
8 around the same time that Epstein is walking to
9 go to his legal visit.

10 [REDACTED]: Okay.

11 [REDACTED]: I won't - well, it's not me
12 alone with the two of them, but we walked
13 towards the door and I told him he needed - he
14 was going to get a bunkie.

15 [REDACTED]: So were Reyes and Epstein
16 both together?

17 [REDACTED]: Correct.

18 [REDACTED]: And you're the one who
19 was - one of you that was escorting them?

20 [REDACTED]: Yes.

21 [REDACTED]: And at that point, at
22 9:00 a.m. on August 9th, you did know that
23 Reyes wasn't coming back or likely -.

24 [REDACTED]: I knew he was going
25 downstairs. So, WAB means with all belongings.

1 You go to R&D, you're supposed to leave within
2 probably an hour and not come back, but there
3 has been times that they go downstairs with all
4 their stuff and they come right back upstairs.
5 Whether it's to SHU or to a unit.

6 [REDACTED]: Okay.

7 [REDACTED]: So -.

8 [REDACTED]: So, are you confident
9 that Reyes was actually WAB at 9:00 a.m.?

10 [REDACTED]: No, I know I was walking
11 him downstairs to leave the building at that
12 time.

13 [REDACTED]: Was he with all
14 belongings at that time?

15 [REDACTED]: Yes.

16 [REDACTED]: So he --

17 [REDACTED]: Yes.

18 [REDACTED]: -- already - he did have
19 his belongings?

20 [REDACTED]: He did have his belongings.
21 He was ready to go. But again, it's not always
22 guaranteed that once we're taking downstairs,
23 even though they call us and tell us, "Oh, this
24 guy is going WAB," they just leave.

25 [REDACTED]: Okay.

1 [REDACTED]: There's been a lot of times
2 that we take them downstairs, two, three hours
3 later, something happened, "You know what? Go
4 right back upstairs, you leave tomorrow or the
5 next day."

6 [REDACTED]: Okay. And does R&D stand
7 for Receiving and Discharging?

8 [REDACTED]: Yes.

9 [REDACTED]: Okay. What floor is that
10 on?

11 [REDACTED]: That's on the 3rd floor.

12 [REDACTED]: Okay. Do you get a - let
13 me go through this. So, I got a Lieutenant log
14 and a daily log. So let me find those. So
15 here's the - this top report, the daily
16 activity report is from August 10, 2019 and
17 behind it, it has the Lieutenant's log from
18 Friday, August 9, 2019. So that's what I'm
19 going to refer you to and I'm going to refer
20 you specifically to where it says, "8:00 a.m.,"
21 on down. It says, "According to the
22 Lieutenant's log and the daily log," so this is
23 the daily log. I think he's on the third page.
24 It says, "Reyes was pre-removed from the SHU at
25 8:38 a.m." What does that mean?

1 [REDACTED]: That's just when they put
2 him on the system that he gets downstairs.

3 [REDACTED]: Does it have anything to
4 do with WAB or that he's likely not going to
5 come back?

6 [REDACTED]: Well, that pretty much
7 means he left.

8 [REDACTED]: That just means he left?

9 [REDACTED]: Yes, that means he's left.

10 [REDACTED]: But does that mean, like,
11 he's going to court and he's likely not going
12 to come back or it just means he left? Does it
13 have anything to do with the fact that not only
14 did he leave the building, but he's likely not
15 going to return?

16 [REDACTED]: Well, that he left the
17 building and most likely he's not going to
18 return.

19 [REDACTED]: Okay. And is there a
20 difference? Like what would it say if he just
21 left for a regular court date and he was going
22 to return, (Indiscernible *00:30:47)?

23 [REDACTED]: Well, it would say,
24 "Court."

25 [REDACTED]: Just, "Court?"

1 [REDACTED]: If he was going to court,
2 it would say, "Court."

3 [REDACTED]: It wouldn't say, "Pre-
4 remove?"

5 [REDACTED]: No, it would just say,
6 "Court."

7 [REDACTED]: So is, "Pre-remove," and,
8 "WAB," somewhat the same thing?

9 [REDACTED]: Correct.

10 [REDACTED]: Okay. So does that mean
11 that - so I've been told that there's some kind
12 of a court list that comes out either on like
13 late August 8, 2019 or early August 9, 2019
14 would have said something with WAB next to his
15 name.

16 [REDACTED]: Yes.

17 [REDACTED]: What is that called?

18 [REDACTED]: That's the court list that
19 we get. So when I walk in or any officer walks
20 into the unit, they would have a court list.
21 Court list would have - I'll say, "Court," or,
22 "WAB."

23 [REDACTED]: All right. And I have
24 not seen that document. Do you recall if that
25 actually said, "WAB?"

1 [REDACTED]: Not that, I cannot
2 remember.

3 [REDACTED]: If it - looking at the
4 Lieutenant's log as well as this daily log, the
5 fact that said, "Pre-remove," does that mean it
6 likely said, "WAB?"

7 [REDACTED]: Yes.

8 [REDACTED]: Okay.

9 [REDACTED]: Yes.

10 [REDACTED]: Because you said if it
11 said just, "Court," or, "WAB," if it said,
12 "Court," it would say, "Court," next to his
13 name --

14 [REDACTED]: Right.

15 [REDACTED]: -- on this.

16 [REDACTED]: Right. So, we get
17 something like this, just like this one.

18 [REDACTED]: So on the daily log,
19 right?

20 [REDACTED]: On the daily log, but it
21 would be like a court roster. Name, where
22 they're housed in and next to it, it would say,
23 "Court, WAB, transfer," or something like that.

24 [REDACTED]: Okay. So, but based upon
25 the fact that this says, "Pre-remove," on it.

1 Do you believe that the court list said, "WAB?"

2 [REDACTED]: Yes.

3 [REDACTED]: Okay.

4 [REDACTED]: Yes. That's the only
5 reason we would take them down.

6 [REDACTED]: Right.

7 [REDACTED]: Unless he got - he made
8 bail and all of a sudden, "Hey, we got an early
9 release."

10 [REDACTED]: Okay. So when you say
11 it's the only reason you would take them down,
12 wouldn't you take them down also if he was just
13 going to court?

14 [REDACTED]: Correct.

15 [REDACTED]: Okay. But, I guess what
16 I'm saying is, the difference between court and
17 WAB. It's the same -.

18 [REDACTED]: It's - well, if I have a
19 list and I have a court inmate and a WAB
20 inmate, they would both go to R&D and if it's
21 the same time, they would go down at the same
22 time. Then after that is where it would still
23 say the same thing. Well, one would still say,
24 "WAB," and the other one still would, I mean,
25 would say, "Court." Only difference is one

1 would most likely not come back.

2 [REDACTED]: Okay. What about the
3 difference between what they're bringing with
4 them? Would they both be bringing all their
5 belongings?

6 [REDACTED]: No, they would not.

7 [REDACTED]: So a person with court
8 wouldn't have something like Reyes did.

9 [REDACTED]: Correct.

10 [REDACTED]: So Reyes likely had his
11 bag.

12 [REDACTED]: His bag with all his items
13 and the person going out to court would most
14 likely just have a folder or legal
15 documentations that he's taking with him.

16 [REDACTED]: All right. So that's
17 another reason why you believe that that
18 document would have said, "WAB?"

19 [REDACTED]: Correct.

20 [REDACTED]: Okay. Thank you. I'm
21 going to just so we can start getting these
22 things away from you. Do you mind just signing
23 and dating? This is the daily log. And
24 exactly, do you know what the daily log is?
25 This one that you're initialing and dating

1 right now --

2 [REDACTED]: Well --

3 [REDACTED]: -- for August 9, 2019?

4 [REDACTED]: -- this we would print out

5 just so we could know how to update the

6 Lieutenant's log --

7 [REDACTED]: Okay. So -.

8 [REDACTED]: -- now.

9 [REDACTED]: So this daily log is used

10 to update the Lieutenant's log?

11 [REDACTED]: Correct.

12 [REDACTED]: All right. So would have

13 this this page in daily log, it's the page we

14 were just reviewing, it's the last page which

15 is - although it does say, "Page 1 of 1," or

16 over here, it's this page, I'm going to circle

17 this page, 3 of 3, and I'm going to star next

18 to Reyes's name. Would this have been filled

19 for - would this have been used to fill out

20 this daily log --

21 [REDACTED]: Yes.

22 [REDACTED]: -- after the fact? So at

23 8:38, would the Lieutenant's log have been

24 filled out? I'm going to star next to this.

25 Or would it have been at this time where it

1 says, you know, "9:30 --
2 [REDACTED]: 9:30?
3 [REDACTED]: -- at night," would have
4 been filled out?
5 [REDACTED]: No, it would have been
6 filled out according to the times that are on
7 the log.
8 [REDACTED]: Okay. So, the
9 Lieutenant's log is actually typically filled
10 out after these things happen?
11 [REDACTED]: Yes.
12 [REDACTED]: Later in the day.
13 [REDACTED]: Correct.
14 [REDACTED]: Not as they transpire.
15 [REDACTED]: Correct.
16 [REDACTED]: Okay. Good to know.
17 [REDACTED]: Well, it depends on who the
18 Lieutenant is.
19 [REDACTED]: Right. Okay.
20 [REDACTED]: Sometimes they'll do it
21 throughout the day so they're not stuck doing
22 all these changes or putting all the
23 information on the Lieutenant's log, they'll
24 just go by the time.
25 [REDACTED]: Okay.

1 [REDACTED]: Like, "Oh, it's 8:30, five
2 guys left, I'm going to put it in the
3 Lieutenant's log."
4 [REDACTED]: All right.
5 [REDACTED]: "Five guys left."
6 [REDACTED]: Is there any kind of a
7 requirement that Lieutenants need to fill out
8 the Lieutenant's log as things transpire or
9 does that not matter?
10 [REDACTED]: Doesn't matter, so long as
11 by the closing of the day, everything is up to
12 date --
13 [REDACTED]: Okay.
14 [REDACTED]: -- and the numbers are
15 accurate.
16 [REDACTED]: So, prior to leaving your
17 shift it's supposed to be updated?
18 [REDACTED]: Yes.
19 [REDACTED]: Okay. All right. So if
20 you can just --.
21 [REDACTED]: I have the Lieutenant, yes.
22 [REDACTED]: So if you don't mind
23 initialing and dating both of those.
24 [REDACTED]: While you're doing that, I
25 just had a question. You said that Reyes had

1 his belongings. What exactly did he have in
2 his hands?

3 [REDACTED]: Think it was a bag with a
4 couple of commissary items, nothing -.

5 [REDACTED]: Like a plastic bag or -.

6 [REDACTED]: A plastic bag. We don't
7 give them anything else to take.

8 [REDACTED]: And you also mentioned, "We,"
9 who is we when you were bringing him down?

10 [REDACTED]: Oh, myself and the Internal
11 Officer, which - usually if it's two inmates,
12 it has to be at least two or three staff
13 members bringing them down.

14 [REDACTED]: You wouldn't happen to, by
15 off that list, know who that is?

16 [REDACTED]: Internal was [REDACTED], think
17 it was overtime, it was probably him. Sign and
18 -.

19 [REDACTED]: Yeah, do you mind just,
20 that's your memo, do you mind just initialing
21 and dating? Thank you, sir. All right, so,
22 and just to sum all that up by what you just
23 saw and by your understanding, you thought
24 [REDACTED] was unlikely to return to the MCC.

25 [REDACTED]: No.

1 [REDACTED]: Okay. And did you
2 receive any kind of call or any other
3 notification on August 19, 2019 saying that
4 [REDACTED] was not returning to the MCC?
5 [REDACTED]: I don't remember that one.
6 [REDACTED]: Okay. So, when would or
7 would a notification have been made informing
8 the SHU or the MCC in general, that [REDACTED] was
9 in fact not coming back? How does that process
10 work?
11 [REDACTED]: So, if he's going WAB, we
12 already assume that he's not going to be coming
13 back and the way we confirm it is right before
14 the count, "Hey, is he coming back R&D?" "No,
15 he already left, he's gone."
16 [REDACTED]: And what count is that?
17 [REDACTED]: The 4:00 p.m. count.
18 [REDACTED]: All right. So at 4:00
19 p.m., someone from the SHU should have
20 contacted, you said R&D?
21 [REDACTED]: Yes.
22 [REDACTED]: And said, "Is he coming
23 back?"
24 [REDACTED]: Correct.
25 [REDACTED]: All right. Is that

1 standard operating procedure?

2 [REDACTED]: No, it's just pretty much
3 us confirming that he's not coming back or
4 sometimes they give us a call, "Hey, this guy
5 is not coming back."

6 [REDACTED]: Okay.

7 [REDACTED]: But we already assume that
8 he's not coming back because he's going WAB.

9 [REDACTED]: Okay. So do you know if
10 any notification was ever made to the SHU
11 saying that he was not in fact coming back?

12 [REDACTED]: I don't remember.

13 [REDACTED]: No? And there's no
14 standard operating procedure on that.

15 [REDACTED]: No.

16 [REDACTED]: Do you believe that there
17 should be?

18 [REDACTED]: I mean, we should go off
19 the roster, but R&D should always, "Hey, this
20 guy is not coming back," think a courtesy call
21 --

22 [REDACTED]: Okay.

23 [REDACTED]: -- "This guy is not coming
24 back."

25 [REDACTED]: And how is R&D made aware

1 that an inmate is not coming back?

2 [REDACTED]: Once they leave here. So
3 they all go downstairs with all their
4 belongings.

5 [REDACTED]: No, no, no. So would it
6 be when the other court people, inmates return
7 or would it be prior to that? So, yes, you
8 said, he's likely not coming back at
9 approximately 8:38 when you bring him down. He
10 leaves, it's kind of assumed that he's not
11 coming back. We're trying to figure out, when
12 is it known he's definitely not coming back.
13 Is that when the other inmates that went to
14 court are returned to the MCC or they return at
15 different times or how does that work?

16 [REDACTED]: Well, the inmates, they
17 don't all return together. They return
18 different times.

19 [REDACTED]: Okay.

20 [REDACTED]: But, that's actually a good
21 question. I want to find that out too. I
22 don't know if they're going to - they just
23 locked it.

24 [REDACTED]: I think you're locking us
25 in.

1 UNIDENTIFIED MALE: Oh, sorry.

2 [REDACTED]: Thank you. Okay, so
3 you're not exactly sure?

4 [REDACTED]: I'm not sure how they're
5 like notified or how do they know this guy is
6 not coming back or, excuse me, this guy is not
7 coming back, this guy got time served or, I'm
8 not sure how they know that.

9 [REDACTED]: Okay. Do you know
10 anything about possibly the Marshals providing
11 some kind of a court list or anything like that
12 or is this a question for R&D?

13 [REDACTED]: It's a question for R&D.

14 [REDACTED]: Okay. But as far as you
15 know, either R&D would call the SHU, making the
16 notification, and if they didn't do that by the
17 4:00 p.m. count --

18 [REDACTED]: Yeah.

19 [REDACTED]: -- the SHU should be
20 contacting R&D?

21 [REDACTED]: Yes, to make sure he's not
22 coming back or to make sure that he might be
23 downstairs and we've got to pick him up.

24 [REDACTED]: And is -.

25 [REDACTED]: But if he returns, R&D

1 calls us. Anybody from SHU leaves, once they
2 return from wherever they went, "You've got a
3 pick up on three."

4 [REDACTED]: Okay. Now as far as that
5 goes, so just walk me through like, it just
6 seems so like a non-definite, like you know
7 what I mean? You assume that he's gone. Would
8 the people that are working in the SHU at 4:00
9 even know to call R&D to find out where [REDACTED]
10 is?

11 [REDACTED]: Uh-huh.

12 [REDACTED]: They would? And how
13 would they know that?

14 [REDACTED]: To verify the count.

15 [REDACTED]: Okay.

16 [REDACTED]: We count every day, so.

17 [REDACTED]: So would [REDACTED] remain on
18 the count at that point?

19 [REDACTED]: If he's not returning?

20 [REDACTED]: So in this case, with the
21 pre-remove, does that mean that he was removed
22 from the count?

23 [REDACTED]: Correct.

24 [REDACTED]: So, that's - so he's
25 already removed from the SHU count. How would

1 the people that are working in the SHU know to
2 check on him if he's been removed from the
3 count?

4 [REDACTED]: The court list stays on top
5 of the desk, usually we have a morning court --

6 [REDACTED]: Okay.

7 [REDACTED]: -- and afternoon court.

8 [REDACTED]: So anybody that's on the
9 court list, you need to - that's how people
10 know every day, they call and say, "What
11 happened to these people at court?"

12 [REDACTED]: Yes.

13 [REDACTED]: All right. And is that
14 like at a certain time that a person calls?

15 [REDACTED]: Usually 3:00, 3 o'clock, no
16 later than 3:30 because of the count.

17 [REDACTED]: And on August 9th, by
18 knowing the people you said that were in there
19 and looking at this daily assignment roster,
20 are you able to determine if there's one person
21 that should have called or was their
22 responsibility or is it -.

23 [REDACTED]: Well, [REDACTED] and [REDACTED] would
24 have called.

25 [REDACTED]: So one of those two?

1 [REDACTED]: Yeah, one of those would
2 have called.

3 [REDACTED]: But not [REDACTED]?

4 [REDACTED]: [REDACTED] was pretty new and
5 so was [REDACTED].

6 [REDACTED]: Okay.

7 [REDACTED]: Pretty new officers, so.

8 [REDACTED]: But every day that's
9 done?

10 [REDACTED]: If they don't come back,
11 then we assume they're not coming back and if
12 they do come back, R&D usually tells us, "Come
13 pick up on three."

14 [REDACTED]: Okay. So the way that
15 that was answered, it sounds like you don't
16 always call based on the court list, you just
17 assume they did - if they didn't show up and R
18 & D didn't call you, you -.

19 [REDACTED]: Then, we're like, "Oh, he's
20 not coming back."

21 [REDACTED]: All right. So then those
22 two may not have called then, they just would
23 have assumed he was gone?

24 [REDACTED]: I mean, Officer [REDACTED] got
25 good enough time in that I think he would have

1 called.

2 [REDACTED]: And would you always call

3 --

4 [REDACTED]: I think he would have

5 called, but -.

6 [REDACTED]: -- on those dates that

7 you worked in the SHU at that 4:00, you know,

8 around 4:00 p.m. time, would you have always

9 called?

10 [REDACTED]: Myself? Yes. I usually

11 call like around 3 o'clock --

12 [REDACTED]: And is that -.

13 [REDACTED]: -- just in case I really

14 dirty, I'll go home early, so.

15 [REDACTED]: Now is that like also

16 like a standard operating procedure or is that

17 just based upon whatever the people that are

18 working there want to do?

19 [REDACTED]: That's whatever people

20 working there.

21 [REDACTED]: Okay. So is there any

22 training on that that you should call at a

23 certain time?

24 [REDACTED]: No.

25 [REDACTED]: No?

1 [REDACTED]: No.

2 [REDACTED]: So that's just like
3 basically good, I guess, logistics and good --

4 [REDACTED]: Yes.

5 [REDACTED]: -- record keeping. Were
6 you ever instructed on what action should be
7 taken if Reyes, who was assigned to Epstein as
8 a cellmate, was removed from the institution?

9 [REDACTED]: If anybody, not only
10 Epstein, loses a bunkie, and he was already on
11 suicide watch, then that's pretty much our
12 training. If he returned from suicide watch,
13 he needs a bunkie. If he has a bunkie and the
14 bunkie leaves, we get him another one.

15 [REDACTED]: Okay. Okay, so in this
16 case then, it was Reyes was likely to have been
17 removed from the institution. What actions
18 should have been taken to replace Reyes and
19 when should have they been taken?

20 [REDACTED]: Well, as soon as it was
21 verified or confirmed that he left the
22 building, and Epstein was coming up from his
23 attorney visit, which was probably around 8:00
24 because that's the last, like the last call on
25 attorney conference, last legal visit has to be

1 out of the legal department by 8 o'clock. So,
2 as soon as we find out that - if Reyes wasn't
3 there for the 4 o'clock count, it should have
4 been, "Okay, let's find Epstein another bunkie
5 so by the time he comes upstairs, he has one
6 already."

7 [REDACTED]: Okay. So based upon your
8 conversations with at least [REDACTED] and you
9 believe as well as [REDACTED], should have they at
10 the 4:00 p.m. count started making some
11 notifications or started replacing Reyes?

12 [REDACTED]: Oh, definitely.
13 Definitely.

14 [REDACTED]: So was it their two -
15 their - do you believe it was their, then,
16 responsibility to replace Reyes?

17 [REDACTED]: I think it was everybody's
18 responsibility. They should have notified
19 somebody.

20 [REDACTED]: Okay. Did you have any
21 communica- let me just go in order so I don't
22 get - so, let me just make sure I understand.
23 So at 4:00 p.m., they should have been making
24 some notifications or at least requesting
25 information on Reyes's location, correct?

1 [REDACTED]: Correct.

2 [REDACTED]: By 8:00 p.m., when
3 Epstein returned from attorney conference,
4 you're saying at least by that time, that's
5 when a new cell mate should have been assigned
6 or -.

7 [REDACTED]: Correct.

8 [REDACTED]: Okay. And who was
9 responsible for assigning Epstein with a new
10 cell mate?

11 [REDACTED]: So, anyone in SHU could do
12 it. Just got to make sure he doesn't have any
13 separations from another inmate. But, Epstein,
14 when he came to the building was a big deal to
15 everybody, so everybody wants to be involved.
16 So I think they should just notify whoever it
17 was, the Lieutenant, and let the Lieutenant ask
18 around or speak to Psychology who you recommend
19 to be his bunkie.

20 [REDACTED]: Okay. And so, being that
21 Epstein was a big deal and people wanted to be
22 involved, when should that notification had
23 been made?

24 [REDACTED]: As soon as they found out
25 he wasn't coming back.

1 [REDACTED]: So once it was verified
2 and so-.

3 [REDACTED]: That he's not coming back,
4 yes.

5 [REDACTED]: So at approximately 4:00
6 p.m.?

7 [REDACTED]: 4:00 p.m.

8 [REDACTED]: Okay. After [REDACTED] left
9 for court, should you have begun a process for
10 an inmate or you or whoever else was working in
11 the SHU, should you began that process for a
12 new selected inmate for Epstein?

13 [REDACTED]: Well, again, I assumed he
14 was not coming back, I wasn't sure he wasn't
15 coming back.

16 [REDACTED]: Okay. So -.

17 [REDACTED]: And by the time I left, he
18 still had another - he still had about an hour
19 and a half to come back if he was coming back.

20 [REDACTED]: Okay. So, by the time
21 you left, there was still a possibility that -.

22 [REDACTED]: That he could come back.

23 [REDACTED]: Okay.

24 [REDACTED]: Yes.

25 [REDACTED]: Did you make any

1 notifications to anyone aside from [REDACTED] and
2 [REDACTED] that Reyes was Epstein's cellmate and he
3 was likely not coming back?

4 [REDACTED]: I don't remember that.

5 [REDACTED]: Do you remember if you,
6 you know, communicated with any of the
7 Lieutenants?

8 [REDACTED]: I don't even remember who -
9 which Lieutenant was on.

10 [REDACTED]: You got the daily roster.

11 [REDACTED]: But -.

12 [REDACTED]: Think it was [REDACTED] and
13 [REDACTED].

14 [REDACTED]: I actually - I say I know I
15 remember [REDACTED]. So I think I - see,
16 I don't want to say I did tell somebody, but I
17 was always kind of anal working the SHU, so I
18 probably said, "Look, he might not be coming
19 back," and when Reyes left, he leave through
20 the 3rd floor which everybody in the
21 Lieutenant's office sees him and R&D sees him
22 and at the same time, I told Epstein, "You're
23 getting a bunkie," he's like, "No, I'm good."
24 And Reyes was like, "No, he's going to make
25 sure you get a bunkie." Because -.

1 [REDACTED]: Can you repeat that last
2 thing? What's this?

3 [REDACTED]: So, when I walked them
4 towards the door, I said, "Oh, Reyes, you might
5 be leaving today." "[REDACTED]." "And you're
6 going to get a bunkie." Epstein is like, "No,
7 I'm good." Said, "No, you're going to get a
8 bunkie," and Reyes is like, "Yeah," you know,
9 "He does this by the book, you're going to get
10 a bunkie later if I leave or if I don't come
11 back."

12 [REDACTED]: I got you. So the way
13 you answered the question before, it sounded
14 like you may have told [REDACTED] or [REDACTED], you
15 just don't specifically recall?

16 [REDACTED]: I do not recall.

17 [REDACTED]: Like -.

18 [REDACTED]: Again, we brought them
19 down, so.

20 [REDACTED]: Okay. No, no, no, I'm
21 talking about like, - or let me - I'll just go
22 in order. Do you remember at 9:00 a.m. who
23 would have been the Activities and Operations
24 Lieutenant?

25 [REDACTED]: Well, Operations comes in

1 at 6 o'clock in the morning.

2 [REDACTED]: Okay. And who on this
3 date would have been that person?

4 [REDACTED]: Lieutenant [REDACTED] and
5 [REDACTED] came in at 4 o'clock.

6 [REDACTED]: So [REDACTED] was Activities
7 though, right?

8 [REDACTED]: Correct. At 6:00 and then
9 [REDACTED] was at 8:00.

10 [REDACTED]: Okay. So at 6:00 a.m.,
11 [REDACTED] would have been in?

12 [REDACTED]: Yes, 6:00 to 2:00 and
13 [REDACTED], 8:00 to 4:00.

14 [REDACTED]: Okay. So at that 9
15 o'clock time when you're bringing them down,
16 would you --

17 [REDACTED]: They both should have been
18 there.

19 [REDACTED]: -- would have you been in
20 any interactions with Lieutenants at that
21 point?

22 [REDACTED]: Yes, because they usually
23 come upstairs to feed.

24 [REDACTED]: Okay. And do you
25 remember specifically if you can place yourself

1 back in that day, I know it's a long time ago,
2 but being that that was the day before Epstein
3 died, can you remember at all thinking about
4 any conversations you had with them?

5 [REDACTED]: I remember seeing both of
6 them.

7 [REDACTED]: Both - you remember --

8 [REDACTED]: Both - both --

9 [REDACTED]: -- seeing both [REDACTED] -.

10 [REDACTED]: -- [REDACTED] and
11 Lieutenant [REDACTED] that day, but (Indiscernible
12 *00:49:03) when - I'm sure, but I'm not a
13 hundred percent positive that I did tell him --

14 [REDACTED]: Okay.

15 [REDACTED]: -- "Hey," specifically,
16 "Reyes might be leaving, you got to get Epstein
17 a bunkie."

18 [REDACTED]: So you believe it's more
19 likely than not that you mentioned it to the
20 Lieutenants.

21 [REDACTED]: Correct.

22 [REDACTED]: Okay.

23 [REDACTED]: There you go.

24 [REDACTED]: But you just can't
25 specifically recall.

1 [REDACTED]: Yes.

2 [REDACTED]: Okay. And do you believe
3 it was more likely or not that you told one of
4 those Lieutenants over another?

5 [REDACTED]: I talked to both of them
6 and I think I probably just told Lieutenant
7 [REDACTED] and then he passed it down or vice versa.

8 [REDACTED]: Okay. And did you have
9 more of a friendly relationship with one or the
10 other?

11 [REDACTED]: No, just --

12 [REDACTED]: No?

13 [REDACTED]: -- even both of them.

14 [REDACTED]: And do you remember
15 having any conversations with R&D on August
16 9th?

17 [REDACTED]: No.

18 [REDACTED]: No? So when you would
19 drop the inmates off, was there any kind of
20 conversations or --

21 [REDACTED]: Yeah, "What's up? You guys
22 good?" "Yeah, okay."

23 [REDACTED]: Okay.

24 [REDACTED]: Yeah. Go right back
25 upstairs.

1 [REDACTED]: And do you know when it
2 was known that [REDACTED] wasn't returning to the
3 MCC?

4 [REDACTED]: No.

5 [REDACTED]: Even after the fact?
6 Like after August 9th, you never learned that?

7 [REDACTED]: No, I never -.

8 [REDACTED]: There wasn't any kind of
9 like little internal investigation trying to
10 figure out what that was all about?

11 [REDACTED]: No. I -.

12 [REDACTED]: But under normal
13 circumstances, you're saying, either R&D would
14 call and let that be known or at the 4:00 p.m.
15 count, or the SHU staff should have called down
16 to find out --

17 [REDACTED]: Yeah.

18 [REDACTED]: -- based upon the court
19 list --

20 [REDACTED]: Usually --

21 [REDACTED]: -- that was in front of
22 them?

23 [REDACTED]: -- we do just to make sure
24 this guy is not coming back or R&D would tell
25 us.

1 [REDACTED]: Okay. And you're saying
2 that that's normal but certainly by 8:00 p.m.
3 when Epstein came back from attorney client,
4 his attorney visit, they should have known?

5 [REDACTED]: Correct.

6 [REDACTED]: Okay. And who - can you,
7 by referring to this roster, can you tell me
8 who was working at 8:00 p.m.?

9 [REDACTED]: 8:00 p.m., the people that
10 were working were [REDACTED], [REDACTED] and [REDACTED].

11 [REDACTED]: Was Noel also?

12 [REDACTED]: And - well, the evening
13 watch, Noel, and [REDACTED].

14 [REDACTED]: So at 8:00 p.m., were all
15 those people on?

16 [REDACTED]: No. [REDACTED], because he
17 leaves at 10:00, Noel, she does 4:00 to 12:00,
18 [REDACTED], 4:00 to 12:00.

19 [REDACTED]: Okay. And do you believe
20 all of those people would have known - those
21 three people that you just listed, would have
22 they known that Epstein was required to have a
23 cellmate?

24 [REDACTED]: Well, the one that most
25 likely should have known was [REDACTED] because he's

1 worked SHU before. Noel worked SHU once in a
2 while and [REDACTED], he wasn't even in the SHU
3 department.

4 [REDACTED]: Okay. So [REDACTED] certainly
5 would have known and Noel should have?

6 [REDACTED]: Yes.

7 [REDACTED]: [REDACTED] could go either
8 way?

9 [REDACTED]: Either way.

10 [REDACTED]: Okay. And what action
11 should have they taken? Once they bring
12 Epstein back to the cell, they notice they're
13 putting Epstein - would they know when they
14 brought Epstein back to his cell that Epstein
15 was alone in that cell?

16 [REDACTED]: Yes.

17 [REDACTED]: And how would they know
18 that?

19 [REDACTED]: Well, first we have name
20 tags on the door. Usually when the inmate
21 leaves, we remove the name tag. And of course
22 --

23 [REDACTED]: Can you silence that?

24 [REDACTED]: -- the sheets should not
25 have been on the bed.

1 [REDACTED]: So Reyes's sheets should
2 have been removed?
3 [REDACTED]: Correct.
4 [REDACTED]: Do you know if they were?
5 [REDACTED]: I don't remember.
6 [REDACTED]: And what time should
7 those sheets be removed?
8 [REDACTED]: Well, he's not coming back,
9 let's get them.
10 [REDACTED]: So sometime between 4:00
11 p.m. and -.
12 [REDACTED]: And 8 o'clock.
13 [REDACTED]: Okay. And then, is that
14 - is it - are they ever removed when someone is
15 WAB?
16 [REDACTED]: Yes. When, so, again, WAB,
17 with all belongings, everything should come out
18 with you when you're WAB.
19 [REDACTED]: So do those linens then
20 and clothing?
21 [REDACTED]: Yes.
22 [REDACTED]: Do you know if they did
23 for Reyes that day?
24 [REDACTED]: No, I don't remember that.
25 [REDACTED]: Okay. And is that like a

1 policy thing?

2 [REDACTED]: You got to return your
3 linen.

4 [REDACTED]: Okay.

5 [REDACTED]: I don't think it's in
6 policy that I know of.

7 [REDACTED]: All right. So, they
8 should have been removed when Reyes left, but
9 you don't know if they were?

10 [REDACTED]: Correct.

11 [REDACTED]: And then they certainly
12 should have been removed once it was verified
13 that Reyes wasn't coming back?

14 [REDACTED]: Yes.

15 [REDACTED]: And that verification
16 would have been made at either 4:00 p.m. or
17 certainly by 8:00 p.m.

18 [REDACTED]: Yes.

19 [REDACTED]: Okay. Did you conduct
20 any counts or rounds in the SHU during your
21 shift on August 9th?

22 [REDACTED]: No.

23 [REDACTED]: Rounds?

24 [REDACTED]: Well, rounds, yes. Not
25 counts.

1 [REDACTED]: Okay. So, sorry, I said
2 counts or rounds.

3 [REDACTED]: Oh.

4 [REDACTED]: So you did conduct rounds
5 though?

6 [REDACTED]: Yes. And Friday is a
7 shower day so we're - meaning, we got to shower
8 everybody in SHU, so at one point or another,
9 everybody that worked in SHU before 4 o'clock
10 in the afternoon, went in and out the tiers at
11 least a good 40 times.

12 [REDACTED]: Okay. What time are
13 inmates showered?

14 [REDACTED]: We start at 6:00.

15 [REDACTED]: Okay. Was Epstein
16 showered on that date then?

17 [REDACTED]: Yes he was because he goes
18 to his attorney visit.

19 [REDACTED]: And he gets showered
20 prior to going?

21 [REDACTED]: Correct.

22 [REDACTED]: Okay. All right, these
23 are the - you said you weren't involved in any
24 counts, so we'll give you the count sheet.
25 These are the round sheets from August 9, 2019.

1 I can't make out this stuff. Does any of that
2 - your signatures or initials?

3 [REDACTED]: The RCG right in the
4 middle.

5 [REDACTED]: You're RCG? Okay.

6 [REDACTED]: Correct. Middle.

7 [REDACTED]: All right. And then -
8 all right, so you were involved in those rounds
9 that are listed on there. Why do COs conduct
10 counts and rounds?

11 [REDACTED]: To make sure the inmates
12 are - why they conduct rounds?

13 [REDACTED]: Sure, we'll do each. Why
14 do COs conduct rounds?

15 [REDACTED]: To make sure everybody is
16 breathing --

17 [REDACTED]: And why -.

18 [REDACTED]: -- and make sure everybody
19 is still there.

20 [REDACTED]: And why do they conduct
21 counts?

22 [REDACTED]: To count and make sure all
23 the bodies are there.

24 [REDACTED]: Okay. Do all the COs who
25 work in the SHU know how to properly conduct

1 and report counts and rounds?

2 [REDACTED]: Yes. If they got the ART
3 training, which is the initial training when
4 you start or the new training, we go over the
5 count time and we go over rounds. And when we
6 do the SHU training, we also go over the
7 rounds.

8 [REDACTED]: So in that annual
9 refresher training, do they go over SHU counts
10 and rounds as well or just general --

11 [REDACTED]: Well --

12 [REDACTED]: -- institution?

13 [REDACTED]: -- general institution
14 counts.

15 [REDACTED]: Okay.

16 [REDACTED]: Now the rounds in the units
17 are different than the SHU rounds, but it is
18 part of the annual training because there's a
19 section that says, "SHU."

20 [REDACTED]: Okay. So during that
21 section that's title, "SHU," for the annual
22 refresher training, they actually talk about
23 conducting counts and rounds?

24 [REDACTED]: Correct.

25 [REDACTED]: Okay. And I'm assuming

1 everybody that worked that day would have at
2 least taken the annual refresher training.

3 [REDACTED]: Yes.

4 [REDACTED]: Do all COs who work in
5 the SHU know how to properly document counts
6 and rounds?

7 [REDACTED]: Yes.

8 [REDACTED]: And how do they know how
9 to document?

10 [REDACTED]: Well, through the training.

11 [REDACTED]: Do they - so during that
12 annual refresher training and entry training
13 they teach you how to document as well?

14 [REDACTED]: Well, we just log in.
15 Whenever you do a round, you got to log it in,
16 so that's kind of the way they tell us.

17 [REDACTED]: And when you say, "Log it
18 in," how do you log it in?

19 [REDACTED]: Well, you could log in your
20 rounds on TRUSCOPE or you could in the SHU,
21 which the rounds sheets we still have, that's
22 the actual paper you write it in.

23 [REDACTED]: Do they - have they done
24 both? Do you not only have this paper that I
25 just showed you there with the rounds, do they

1 also have - do you also have to go into
2 TRUSCOPE and log them in manually as well?

3 [REDACTED]: Yes. But not the every 30
4 minute rounds. Like, in the unit, you document
5 your rounds. In SHU, you have to do it on the
6 paper, you don't have to write on TRUSCOPE, "I
7 did a round 30 minutes, I did a round within 40
8 minutes, I did a round in 30 minutes." You
9 don't have to write it over and over and over
10 on TRUSCOPE.

11 [REDACTED]: When do you have to do it
12 in TRUSCOPE?

13 [REDACTED]: Just throughout your shift
14 that you conducted rounds.

15 [REDACTED]: So it's not every 30
16 minutes but at some point you've got to go in?

17 [REDACTED]: Yes.

18 [REDACTED]: And do you have to
19 document, like within TRUSCOPE that you did it
20 every 30 minutes or just that it - how does
21 that -.

22 [REDACTED]: That they were done.

23 [REDACTED]: That they were done.

24 [REDACTED]: Yes.

25 [REDACTED]: So it's not like it's

1 where every 30 minutes you have to see what
2 time it is -.

3 [REDACTED]: Correct.

4 [REDACTED]: Okay. Is it ever
5 acceptable for a CO to document a count or a
6 round prior to conducting the count or a round?

7 [REDACTED]: No.

8 [REDACTED]: What do you know about
9 COs assigned to the SHU doing this?
10 Documenting the rounds and the count slips
11 prior to ever conducting the rounds or the
12 count slips?

13 [REDACTED]: The time that I'm there, it
14 was never done.

15 [REDACTED]: It was never done?

16 [REDACTED]: No.

17 [REDACTED]: Do you know anything
18 about that?

19 [REDACTED]: No.

20 [REDACTED]: Even after the fact, have
21 you heard about that?

22 [REDACTED]: Even after the fact.

23 [REDACTED]: Who else is responsible
24 for conducting counts and rounds inside the MCC
25 SHU aside from the people that are actually

1 working in the SHU?

2 [REDACTED]: Well, the SHU Lieutenant,
3 the Operations Lieutenant, they both have to
4 conduct rounds on all ranges in SHU.

5 [REDACTED]: So when Opera- so there
6 was no SHU Lieutenant on August 9, 2019,
7 correct?

8 [REDACTED]: Correct. [REDACTED]
9 was hurt, if (Indiscernible *00:58:37) think he
10 was hurt.

11 [REDACTED]: I think he was on leave
12 and then got hurt that weekend, but yes. So he
13 wasn't there, so that would have placed the
14 responsibility on the Operations Lieutenant?

15 [REDACTED]: Well, regardless, the
16 Operations Lieutenant has to do his or her
17 rounds.

18 [REDACTED]: Oh, okay. So, even if
19 the SHU Lieutenant is there, the Operations
20 Lieutenant also has to conduct a round in the
21 SHU?

22 [REDACTED]: Correct.

23 [REDACTED]: And is it once per shift?

24 [REDACTED]: Yes.

25 [REDACTED]: And what does a round for

1 the Operations Lieutenant look like? What does
2 it entail? Is it just them visiting the SHU or
3 do they actually have to walk the tiers?

4 [REDACTED]: They have to walk the
5 tiers.

6 [REDACTED]: Is that policy?

7 [REDACTED]: There's a sign in book and
8 then there's these little papers on the end of
9 every range that they have to sign on the
10 bottom.

11 [REDACTED]: So on your shift, it
12 appears that Lieutenant [REDACTED] is actually the
13 one that conducted a round, is that correct?

14 [REDACTED]: Yes.

15 [REDACTED]: Now, by that
16 certification, mean that he actually walked the
17 tiers?

18 [REDACTED]: Yes.

19 [REDACTED]: Okay. So if Lieutenant
20 [REDACTED] was the person to have walked the tiers,
21 would have that - would that refresh your
22 memory? Would that conversation, the fact that
23 Epstein's cell is now empty, would that have
24 come up?

25 [REDACTED]: It depends on the time he

1 walked around.

2 [REDACTED]: Okay.

3 [REDACTED]: That just means he walked
4 in from 6:00 to 2 o'clock in the afternoon. It
5 doesn't tell - like, it's not even specific
6 that when he went up there I was there --

7 [REDACTED]: Okay.

8 [REDACTED]: -- or any other officer
9 spoke to him.

10 [REDACTED]: Would you believe that
11 Lieutenant [REDACTED], if he's doing the rounds,
12 should have been tipped off on the fact that
13 that cell was empty?

14 [REDACTED]: Yeah, depending on the time
15 that he did.

16 [REDACTED]: Okay.

17 [REDACTED]: The time that he did walk.

18 [REDACTED]: Was there any action that
19 he should have taken at that point?

20 [REDACTED]: Well, if - I'm guessing if
21 he saw an empty cell, everybody is asking, you
22 know, he should have asked where he went.

23 [REDACTED]: Right.

24 [REDACTED]: Well, went downstairs,
25 depending who he asked.

1 [REDACTED]: And by this, are you able
2 to tell when Lieutenant [REDACTED] actually
3 conducted that round?
4 [REDACTED]: No.
5 [REDACTED]: You're not able to tell?
6 [REDACTED]: No.
7 [REDACTED]: Where is that Lieutenant
8 log? I know it's here - some - oh, no, no, no.
9 I have another one right here.
10 [REDACTED]: (Indiscernible *01:00:45).
11 [REDACTED]: No, no, no, it's -
12 there's Lieutenant round logs. So what is this
13 that I'm showing you?
14 [REDACTED]: These are from TRUSCOPE.
15 [REDACTED]: And is that how - can you
16 find where during your shift, a Lieutenant - is
17 that when Lieutenants do rounds, that's where
18 they log in and they say when they did a round?
19 [REDACTED]: Correct. On TRUSCOPE.
20 [REDACTED]: Okay. Can you find
21 during your shift who it says did their round
22 in the SHU.
23 [REDACTED]: Lieutenant [REDACTED] did a
24 round in 9-South at 11:27 and he did it on 10-
25 South at 11:28.

1 [REDACTED]: Okay. And 10-South is
2 the -.
3 [REDACTED]: The upper level.
4 [REDACTED]: Of the SHU?
5 [REDACTED]: Yes.
6 [REDACTED]: Correct? And it's like a
7 separate unit in the SHU?
8 [REDACTED]: Yes.
9 [REDACTED]: For the high-profile and
10 single cell inmates?
11 [REDACTED]: Yes.
12 [REDACTED]: And where Epstein was
13 housed, that would have been in 9-South?
14 [REDACTED]: Correct.
15 [REDACTED]: Okay. Great. So -.
16 [REDACTED]: 11:27 a.m., that's when he
17 --
18 [REDACTED]: That's when he would have
19 visited.
20 [REDACTED]: -- should have did the
21 round.
22 [REDACTED]: Okay.
23 [REDACTED]: Or more or less.
24 [REDACTED]: But you don't recall
25 having a conversation with him at that time?

1 [REDACTED]: No.

2 [REDACTED]: No? And you're sure in
3 August of 2019 that Lieutenants at that time
4 did actually conduct rounds of the entire unit
5 to include walking the tiers?

6 [REDACTED]: Yes.

7 [REDACTED]: Check? Okay. So if
8 Lieutenants tell us now when we're talking to
9 them, "No, no, no, no, that's the Lieutenant's
10 discretion. They can just pop in, check with
11 the staff and then leave." Is that -.

12 [REDACTED]: No. You have to - by
13 policy, do a round throughout the whole
14 building and make sure you log it in. And in
15 SHU, we have the round sheets which that's part
16 of your SHU round. You can't just walk into
17 SHU, do a 360 and walk right back out. You
18 have to sign the round sheets.

19 [REDACTED]: And what's your opinion
20 if Lieutenants are telling us, "No, no, no, no,
21 no, we don't actually have to walk the tiers,
22 we can just check with the COs and go to the
23 next unit." What's your opinion of that?

24 [REDACTED]: I'd say that's crap.

25 [REDACTED]: Do you believe those

1 people know better and they know that they need
2 to actually conduct rounds?

3 [REDACTED]: Every Lieutenant should
4 know that they have to do rounds in Special
5 Housing, walk around every tier and every
6 range.

7 [REDACTED]: And how do they know
8 that? Is that something provided at training
9 or how do they know?

10 [REDACTED]: Well, I became a Lieutenant
11 and that was pretty much, "This is what you got
12 to do. When you do rounds, that's part of your
13 SHU rounds," not just --

14 [REDACTED]: And --.

15 [REDACTED]: -- go and sign the book and
16 leave.

17 [REDACTED]: And at the time we're
18 talking about, August 9, 2019, you were not
19 actually a Lieutenant yet, but you do know that
20 that was still policy at that time?

21 [REDACTED]: Correct.

22 [REDACTED]: Do you know where that
23 policy is found? Is that a SHU policy or is it
24 a Psychology policy or is there --.

25 [REDACTED]: I think that's a Lieutenant

1 policy.

2 [REDACTED]: And there's a separate
3 Lieutenant's book that shows all your policies?

4 [REDACTED]: Well, we have the
5 Lieutenant's log and just like when staff does
6 their round, we have to insert it into
7 TRUSCOPE. So the Lieutenant, when they do
8 their rounds, they have to log into TRUSCOPE
9 and say they conducted rounds in Special
10 Housing.

11 [REDACTED]: But do we know where that
12 policy is found?

13 [REDACTED]: That I do not know.

14 [REDACTED]: Okay. Do you know if
15 it's found in the SHU policy?

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

17 [REDACTED]: You don't know? Okay, no
18 problem. So what are the OIC's
19 responsibilities when it comes to conducting
20 counts and rounds?

21 [REDACTED]: Well, when it comes to
22 conducting rounds, you got to make sure
23 everybody does a round every 30 minutes, within
24 40 minutes, throughout the day and we got to
25 make sure the round sheets are filled out. We

1 got to make sure the counts - make sure that
2 there's - it's an accurate count and we got to
3 make sure the count slip is filled out the
4 right way.

5 [REDACTED]: And you said that on this
6 one specifically, you said you're all the -.

7 [REDACTED]: The 2 o'clock.

8 [REDACTED]: The 2 o'clock ones?

9 [REDACTED]: Uh-huh.

10 [REDACTED]: Okay. So that's all your
11 initials are.

12 [REDACTED]: Correct.

13 [REDACTED]: And were those, do you
14 remember, were those rounds conducted?

15 [REDACTED]: Yes.

16 [REDACTED]: Yes?

17 [REDACTED]: I know for a fact those
18 rounds - like I said, it was shower day, so
19 usually shower days, we're in and out, in and
20 out, in and out, throughout the whole day and
21 we don't finish showers until about 2:00,
22 sometimes 3 o'clock in the afternoon.

23 [REDACTED]: Okay. So you're
24 constantly interacting with each --

25 [REDACTED]: Yes.

1 [REDACTED]: -- each. So as far as
2 the times go though, are they like specific
3 times or do you kind of like add those later on
4 in the day? How does that work?

5 [REDACTED]: Well, we usually go in,
6 sign it, if I forget, I already know that I
7 went back another 20 minutes, 30 minutes --

8 [REDACTED]: Right.

9 [REDACTED]: -- then I'll fill it out.

10 [REDACTED]: Okay.

11 [REDACTED]: You try to make it as
12 accurate as I could when I'm there, but we're
13 all human. Sometimes I - just because I didn't
14 write it down, doesn't mean I didn't go down
15 the range.

16 [REDACTED]: Yeah.

17 [REDACTED]: I just forgot to write it
18 down.

19 [REDACTED]: Well, what is the purpose
20 of signing a 30 minute round sheet?

21 [REDACTED]: To confirm that you did
22 your round.

23 [REDACTED]: Okay. And aside from
24 when you were there and you were signing it in,
25 do you know if on August 9th specifically, if

1 the people that signed this document also
2 conducted their rounds?

3 [REDACTED]: No. I would assume they
4 did --

5 [REDACTED]: You do?

6 [REDACTED]: -- just signing it.

7 [REDACTED]: Do you know anything
8 about people writing down that they did it when
9 they actually in fact did not do it?

10 [REDACTED]: The only thing I know is
11 part of the times it would be off. Like, all
12 right, like I said before, I walked around but
13 I didn't write it, "Oh, shit, what time did I
14 do the round? 7:15, maybe it was actually
15 7:05," but, you know, I'll guess the time. Not
16 that I wrote it down and I didn't walk around
17 at all.

18 [REDACTED]: Now, you're off at 2:00,
19 correct?

20 [REDACTED]: Yes.

21 [REDACTED]: Should someone have
22 filled in the other --

23 [REDACTED]: Yes

24 [REDACTED]: -- times? Who should
25 have -.

1 [REDACTED]: We should have.
2 [REDACTED]: Who should have filled
3 that out?
4 [REDACTED]: [REDACTED].
5 [REDACTED]: [REDACTED] should have filled
6 that out?
7 [REDACTED]: Or anybody else that was
8 there.
9 [REDACTED]: Okay. And do you see
10 these initials over here where it says,
11 "Signature," from 4:00 p.m. until midnight, do
12 you know who that would have been? Would have
13 been -.
14 [REDACTED]: If it's a JN, it should be
15 Noel.
16 [REDACTED]: Okay. Or TN --
17 [REDACTED]: Hold on.
18 [REDACTED]: -- maybe.
19 [REDACTED]: Right, (Indiscernible
20 *01:06:57).
21 [REDACTED]: I don't know if it's T or
22 a J.
23 [REDACTED]: J or a -.
24 [REDACTED]: It's T.
25 [REDACTED]: T?

1 [REDACTED]: T and so Tova Noel?

2 [REDACTED]: Yes.

3 [REDACTED]: But you believe [REDACTED] is
4 the one that should have certified the 2:00 to
5 4:00?

6 [REDACTED]: Yeah.

7 [REDACTED]: Do you believe [REDACTED]
8 should have also while he was on duty, been the
9 one that had a signature from 4:00 p.m. on?

10 [REDACTED]: He could have. He could
11 have. It's not - you don't have to be the
12 person (Indiscernible *01:07:18). Anybody
13 could sign the rounds but I just did it because
14 I was in and out the range, so I always signed
15 them. But anybody could have signed the rounds
16 as long as they did them.

17 [REDACTED]: So what would your
18 opinion be if I tell you that someone like a
19 Tova Noel says that they actually fill this in
20 at the very start of their shift prior to ever
21 conducting any rounds just to make sure that
22 it's filled out correctly. What would you say
23 to that?

24 [REDACTED]: They fucked up because they
25 still not done it. Sorry.

1 [REDACTED]: No.

2 [REDACTED]: Excuse my language.

3 [REDACTED]: That's what we're looking
4 for is some kind of, you know, honest answer.

5 [REDACTED]: Yeah. No. That's a big no
6 go.

7 [REDACTED]: Do you know if anyone was
8 doing that?

9 [REDACTED]: I never worked with her
10 like that. I know she worked in SHU a couple
11 of times, but - and she was pretty new, so.

12 [REDACTED]: So she - let's say
13 hypothetically, she's saying that she's doing
14 it, not based upon what people are telling her,
15 but watching other people and that's how they
16 did it. Do you know of anybody else that ever
17 did it that way?

18 [REDACTED]: No. Again, I - if it was -
19 if they were working with me, it never
20 happened.

21 [REDACTED]: Okay.

22 [REDACTED]: Yeah. You know, I got, like
23 I said, not to toot my own horn, but I am very
24 prideful of my job and I was Officer of the
25 Year, Rookie of the Year, also won numerous

1 awards and I got promoted within five year.

2 [REDACTED]: Okay. I got you.

3 [REDACTED]: Obviously I was doing
4 something right.

5 [REDACTED]: Sure. So being that, you
6 know, you've been around the block and you
7 sound like you're an ideal employee - how do I
8 ask this question? Would it surprise you that
9 she's saying that that's the way she thought it
10 was supposed to be done?

11 [REDACTED]: Yes, definitely.

12 [REDACTED]: And why?

13 [REDACTED]: And we always say, "If you
14 see somebody else doing something wrong,
15 correct it, don't follow it."

16 [REDACTED]: Okay.

17 [REDACTED]: So, I think - yes.

18 [REDACTED]: Do you remember ever
19 speaking with Tova Noel about how to fill out
20 round sheets?

21 [REDACTED]: No.

22 [REDACTED]: No? And even as the OIC
23 and she's newer, would that have been something
24 that you dealt with her with and try to like
25 train her on it?

1 [REDACTED]: I mean, I always decide to
2 do rounds within 30 to 40 minutes.

3 [REDACTED]: Right.

4 [REDACTED]: Yeah.

5 [REDACTED]: But did you ever talk
6 about the actual documentation of it?

7 [REDACTED]: No.

8 [REDACTED]: No?

9 [REDACTED]: Not specifically to her,
10 no.

11 [REDACTED]: All right. And speaking
12 of Tova on August 9th, referring back to that
13 Lieutenant log, are you able to determine who
14 it was that would have been the supervisor on
15 duty that --

16 [REDACTED]: For that night?

17 [REDACTED]: -- that conducted a round
18 during - between 4:00 p.m. and midnight?

19 [REDACTED]: That should have been
20 [REDACTED].

21 [REDACTED]: [REDACTED]?

22 [REDACTED]: It says here - I don't know
23 Lieutenant - on the 9th.

24 [REDACTED]: On the 9th, correct, so
25 not the 10th, the 9th.

1 [REDACTED]: Oh, okay.

2 [REDACTED]: Would have been [REDACTED] or

3 -

4 [REDACTED]: Well, [REDACTED] was Acting
5 Lieutenant so she made the round at 7:31 p.m.

6 [REDACTED]: Okay. And at 7:31 p.m.
7 on August 9th --

8 [REDACTED]: Correct.

9 [REDACTED]: -- when she conducted a
10 round, would she have known that she had to
11 actually conduct the round and walk down the
12 tiers being that she was an Acting Lieutenant.

13 [REDACTED]: Yes.

14 [REDACTED]: So how would she know
15 that?

16 [REDACTED]: She's the Acting
17 Lieutenant, so usually if you're an Acting
18 Lieutenant then you pretty much have to do
19 everything that the actual Lieutenant does
20 which is also part of conducting your rounds.
21 Now, it's her and another Lieutenant working
22 that night. Sometimes the other Lieutenant
23 might say, "Don't worry about SHU, I'll do the
24 rounds." But according to the log, she did the
25 rounds at that time.

1 [REDACTED]: Now, is that
2 certification that they make at the bottom of
3 these round sheets, is that certifying that
4 they actually conducted a round of the tiers?

5 [REDACTED]: Yes.

6 [REDACTED]: All right. So that's not
7 just saying that they visited the SHU, but
8 actually that they conducted a round in the
9 SHU.

10 [REDACTED]: Yes.

11 [REDACTED]: Okay. Do you recall
12 having any conversations with anyone with
13 regard to rounds on August 9th, 2019? It could
14 be Epstein rounds, rounds in the SHU, anything
15 like that?

16 [REDACTED]: Just staff, "Hey, let's
17 make sure we got these - keep these rounds up.

18 [REDACTED]: Okay. But you are - you
19 said you did create the round sheet that
20 specifically said that Epstein rounds needed to
21 be done every 30 minutes (Indiscernible
22 *01:11:54).

23 [REDACTED]: Right.

24 [REDACTED]: Okay. And do you
25 remember if, you know, when you're -.

1 [REDACTED]: So whoever was there, day
2 watch - saw that paper. Monday I came in and
3 that paper wasn't there anymore.

4 [REDACTED]: So it was there when you
5 left at 2:00 p.m. on Friday, August 9th.

6 [REDACTED]: Yeah, was here.

7 [REDACTED]: And that was gone by
8 Monday.

9 [REDACTED]: By Monday.

10 [REDACTED]: Okay.

11 [REDACTED]: I was off weekends.

12 [REDACTED]: But it was definitely
13 there on August 9th?

14 [REDACTED]: For a fact, yes.

15 [REDACTED]: Okay. And you said it
16 was hanging right on the computer?

17 [REDACTED]: Yeah.

18 [REDACTED]: So it was like blocking
19 the screen or how -.

20 [REDACTED]: No, it was right next to
21 the screen.

22 [REDACTED]: Right next to the screen.

23 [REDACTED]: It wasn't blocking the
24 screen. It was next to the screen.

25 [REDACTED]: Is it hanging on the PC?

1 [REDACTED]: Yeah.

2 [REDACTED]: So, not the monitor --

3 [REDACTED]: Oh, no.

4 [REDACTED]: -- but the actual computer
5 itself.

6 [REDACTED]: Yeah, like on the side.

7 [REDACTED]: And not only, obviously,
8 that's a big orange document, was it the same
9 size as what we're showing you or is that
10 enlarged?

11 [REDACTED]: It was --

12 [REDACTED]: The same size as --

13 [REDACTED]: -- the same exact --.

14 [REDACTED]: -- as a regular piece of
15 paper.

16 [REDACTED]: That, but a little bright
17 orange paper with black letter.

18 [REDACTED]: So roughly 11" by 12" or
19 13" or whatever those are. Okay. And so
20 obviously that's a notice for everyone. Do you
21 remember on August 9th though specifically
22 talking with anyone about conducting rounds on
23 Epstein?

24 [REDACTED]: It was something we spoke
25 about every day.

1 [REDACTED]: Oh, you did.

2 [REDACTED]: Like --

3 [REDACTED]: There were conversations,
4 "Make sure you -."

5 [REDACTED]: -- "Hey, look, this guy is
6 still here. He's right there," you know,
7 "Let's make sure -."

8 [REDACTED]: Even though he was in
9 attorney conference though?

10 [REDACTED]: No. Make sure we're doing
11 rounds. And everybody spoke about it, "Make
12 sure we're doing round, make sure we're doing
13 rounds."

14 [REDACTED]: So even though he's gone
15 for the majority of your day at least, was that
16 something, you know, when you were like leaving
17 your shift, would you have said, "Hey, make
18 sure --

19 [REDACTED]: Oh, yeah. Yeah.

20 [REDACTED]: -- you know, for God,
21 make sure."

22 [REDACTED]: Hell yeah. And, everybody
23 already got like from the Warden, Lieutenants,
24 "Hey, make sure you guys do your rounds."

25 [REDACTED]: So that was going to be

1 my next question. So, who else was instructing
2 you on doing rounds and specifically doing
3 rounds on Epstein?

4 [REDACTED]: Everybody.

5 [REDACTED]: And can you remember --

6 [REDACTED]: So -.

7 [REDACTED]: -- any specific direction
8 coming from anyone?

9 [REDACTED]: So, Warden [REDACTED] used to
10 walk around a lot in SHU and he say, "Hey, make
11 sure you guys keep an eye on him," pretty much
12 directly, but in the indirectly telling us to
13 do our job.

14 [REDACTED]: Right.

15 [REDACTED]: Same thing with Lieutenant
16 [REDACTED]. He used to walk around, "Hey guys, make
17 sure you do your rounds." And, you know,
18 [REDACTED], the same thing, "Hey, make
19 sure you guys do rounds."

20 [REDACTED]: Now being that you were
21 the OIC and [REDACTED] was the SHU Lieutenant, can
22 you remember any specific conversations with
23 him with regard to Epstein and doing rounds or
24 anything?

25 [REDACTED]: Well, he used to tell us

1 just, "Make sure you're on top of it.

2 [REDACTED]: Do you know from the time
3 that [REDACTED] was placed with on July 30th and the
4 need for Epstein to be placed with an inmate, a
5 cellmate. Can you recall any conversations
6 specifically with [REDACTED] with regards to Epstein?

7 [REDACTED]: I think he told us to put
8 him in with Reyes. Uh-huh.

9 [REDACTED]: And again, do you know
10 why he was - Reyes was chosen? Now, I know you
11 said he was an older gentleman --

12 [REDACTED]: Right.

13 [REDACTED]: -- and he had a cane or
14 something like that, but I mean, you --

15 [REDACTED]: So I think -.

16 [REDACTED]: -- you don't know
17 anything other than the fact that Psychology -.

18 [REDACTED]: Psychology probably
19 recommended him or they looked through the
20 whole SHU roster and felt he was probably the
21 safest person to put him with.

22 [REDACTED]: Okay. And do you know if
23 people were conducting rounds on Epstein like
24 your sign said? Because you weren't there when
25 he was there, so do you know if -.

1 [REDACTED]: So, after 2 o'clock, they
2 should have been conducting rounds.

3 [REDACTED]: Right.

4 [REDACTED]: And I don't remember -

5 [REDACTED]: Well, he would get back
6 around like 8 o'clock, right?

7 [REDACTED]: Right. I don't --

8 [REDACTED]: So, like 8:00 p.m. on -.

9 [REDACTED]: -- remember if we started
10 showers or not going on but they should -
11 regardless while he was there or not, they
12 should have still continued the rounds.

13 [REDACTED]: And I know that they
14 should have, but do you know if they were?

15 [REDACTED]: I can't say, "Yes, they
16 did," or, "No, they did not.

17 [REDACTED]: But whenever you were
18 there, they were being done?

19 [REDACTED]: Yes.

20 [REDACTED]: Okay.

21 [REDACTED]: We were all over the place.

22 [REDACTED]: All right. So this is
23 where it's going to get a little complicated,
24 so just bear with me. I'm going to show you
25 these count slips from August 9th up until

1 midnight of August 10th. I'm just going to
2 have you help - this is where, remember, I said
3 I was going to help you, you know, put this
4 puzzle together. I believe we already know the
5 answers but I don't want to give you the
6 answers in fear that I'm wrong. So this is
7 from the 5:00 a.m. count to the midnight count
8 and I want to show you the Lieutenant's log
9 which, where is that? So here's the
10 Lieutenant's log. And we didn't print out that
11 paper that I made, did I?

12 [REDACTED]: Which one?

13 [REDACTED]: The one that I drafted
14 yesterday and said, "Make sure we print this
15 out." All right, so, we'll just start with
16 8:00 a.m., since that's when you came in, so we
17 can actually - the reason I was showing you the
18 5:00 a.m. is because I really wanted you to
19 notice - okay, two. Is ZA the SHU?

20 [REDACTED]: Yes.

21 [REDACTED]: And so 77 is the total
22 count in the SHU for inmates?

23 [REDACTED]: Correct.

24 [REDACTED]: Then we look back at
25 these count slips and we see - sorry I'm

1 looking over you, but, ZA says -.

2 [REDACTED]: Thomas.

3 [REDACTED]: And at 10:00 it says,

4 "77," correct?

5 [REDACTED]: Yes.

6 [REDACTED]: All right. So we'll put

7 that here. It says on the Lieutenant's log,

8 "77," --

9 [REDACTED]: 77, yes.

10 [REDACTED]: -- correct? All right.

11 So now where are we at? We're at the 4:00 p.m.

12 count.

13 [REDACTED]: 4:00 p.m., yes.

14 [REDACTED]: Correct? So for ZA, it

15 shows 76 total, right?

16 [REDACTED]: Yes.

17 [REDACTED]: One in attorney client,

18 brings it down to 75.

19 [REDACTED]: Yes.

20 [REDACTED]: So what should the count

21 slip reflect then?

22 [REDACTED]: At this time?

23 [REDACTED]: Yes.

24 [REDACTED]: The count, the physical

25 bodies in SHU.

1 [REDACTED]: Okay. So it should
2 reflect --
3 [REDACTED]: 75.
4 [REDACTED]: -- 75. Okay, great. So
5 here where ZA, ZA shows 75, correct?
6 [REDACTED]: Yes.
7 [REDACTED]: Okay. Now we're looking
8 at 10:00 p.m. ZA says 73, right? 73 total
9 bodies it says at 10:00 p.m.? Now the ZA -
10 where is it? ZA count slip says, "73 plus 1."
11 First, can you think of any reason why it would
12 say, "Plus 1?"
13 [REDACTED]: It shouldn't say, "Plus 1,"
14 unless somebody came in at night.
15 [REDACTED]: Okay.
16 [REDACTED]: But regardless, that
17 shouldn't be like that, it should be 74.
18 [REDACTED]: Okay.
19 [REDACTED]: Not 73 plus 1.
20 [REDACTED]: So this is where you're
21 going to start getting interested. So at
22 midnight, the ZA count says, "72." "72,"
23 right? So the count slip says, "73." Now,
24 reviewing this, the E-1 says, "72," same
25 institutional count, says, "72," the count slip

1 still says, "73." Now let's look at this. And
2 granted, you just told us this could have been
3 done later in the day so maybe this wasn't done
4 at the time.

5 [REDACTED]: By that time, it should
6 have been done.

7 [REDACTED]: So 8:00 a.m. So we have
8 these different places where it says these
9 people were moved. So the 8:30 a.m., do you
10 agree that inmate Reyes was removed and it
11 brings the count down to 76?

12 [REDACTED]: Yes.

13 [REDACTED]: All right. So we go down
14 to 75. [REDACTED] is placed on dry cell from
15 ZA.

16 [REDACTED]: Okay.

17 [REDACTED]: Moves it down to --

18 [REDACTED]: 75.

19 [REDACTED]: -- 75. All right. So
20 that 4:00 should have said - the 4:00 p.m.
21 count should have said -.

22 [REDACTED]: Should have been 75. Which
23 is 75.

24 [REDACTED]: Right. But, shouldn't
25 have this said, "75?"

1 [REDACTED]: No.

2 [REDACTED]: Because the 75, one
3 person in attorney, that should be 74, right?

4 [REDACTED]: Yes. So this is fine at
5 76. So now -.

6 [REDACTED]: But that, isn't that
7 referring to Epstein being in attorney?

8 [REDACTED]: Yes.

9 [REDACTED]: So, shouldn't this say 75
10 based upon this?

11 [REDACTED]: Reyes was moved before that.

12 [REDACTED]: Unless -.

13 [REDACTED]: So this is at 3:15, the
14 count goes down to 75, so shouldn't this E-1
15 say 75 here?

16 [REDACTED]: No, because this guy could
17 have still been doing dry cell in SHU.

18 [REDACTED]: Okay.

19 [REDACTED]: Meaning, dry cell, he's
20 inside a cell. The water is off, he doesn't
21 have any clothes. He uses the bathroom inside
22 of SHU.

23 [REDACTED]: So -.

24 [REDACTED]: Let me keep my thought.
25 All right. So then this brings it down. So

1 3:15, now we go over to - it brings it down to
2 74 here, Hemmingway. Brings that count to 74.
3 [REDACTED]: He got kicked out.
4 [REDACTED]: Reid gets 73.
5 [REDACTED]: He got kicked out.
6 [REDACTED]: Felix goes down to 71.
7 [REDACTED]: Another one -.
8 [REDACTED]: [REDACTED] comes in, goes to
9 72. That's at 8:28 p.m. So 72 is the count at
10 8:28 p.m. ZA still says 73. Now let's look at
11 that. It says now, R&D now has one in it.
12 Fernandez is in R&D dry cell. It actually
13 doesn't even say he's on it in this thing.
14 [REDACTED]: No.
15 [REDACTED]: But, ZA says, "73,"
16 there's no one for that one, correct?
17 [REDACTED]: Right.
18 [REDACTED]: And this is where it
19 says, "73 plus 1." Would the thought maybe,
20 saying, "73 plus 1," that one being Fernandez
21 on dry cell, and they're using the
22 institutional count 73?
23 [REDACTED]: Should have been, if he's
24 in dry cell in SHU, he's counted inside of SHU.
25 [REDACTED]: Right. So -.

1 [REDACTED]: If he's not in SHU, then he
2 shouldn't be counted.

3 [REDACTED]: So he's not in SHU.

4 [REDACTED]: Correct. So that means,
5 the count should have been 73.

6 [REDACTED]: And should have that
7 count been changed way back here if he's not in
8 SHU? Should have this, like we talked about,
9 this 4:00 p.m. --

10 [REDACTED]: Yes.

11 [REDACTED]: -- should have said 75?

12 [REDACTED]: Correct.

13 [REDACTED]: And why is that?

14 [REDACTED]: You count physical bodies.

15 [REDACTED]: Physical bodies. You
16 don't count ghost counts or you don't count
17 people that aren't in your --.

18 [REDACTED]: No. if you don't see the
19 flesh and it's a stand up count, so every
20 person or inmate, whether it's in SHU or in a
21 unit, they have to stand up for the count and
22 you verify it, one, two, three, four, five,
23 six, then the person behind you has to verify
24 that count.

25 [REDACTED]: All right, and so what is

1 your -.

2 [REDACTED]: If it's a body there, he
3 gets counted.

4 [REDACTED]: What is your opinion then
5 if in fact that at 3:15, [REDACTED] is moved out
6 of the SHU and placed --

7 [REDACTED]: Then the count just
8 dropped.

9 [REDACTED]: -- and placed into -
10 right. But the fact that the count slip for ZA
11 matches still what the E-1 says. Does that
12 tell you anything about if the count was
13 conducted or not?

14 [REDACTED]: It should have been - and
15 everything is should have. So --

16 [REDACTED]: So that should have said
17 - the 4:00 p.m. count should have in fact, if
18 [REDACTED] isn't in there, that should have
19 actually said, "74," correct?

20 [REDACTED]: Yes.

21 [REDACTED]: So does that tell you
22 that they did or did not conduct the count in
23 the SHU?

24 [REDACTED]: If they counted 75 physical
25 bodies, then that's a good count.

1 [REDACTED]: Right.

2 [REDACTED]: But now, if there is not 75
3 physical bodies in the SHU, then they went off
4 whatever it is they were going off and verified
5 it with this paper right here, which not
6 everybody has access to it. This is the E-1
7 that we keep count on.

8 [REDACTED]: So would the SHU people
9 that are in the SHU, would they have access to
10 know what the count was for this E-1, what
11 they're utilizing for that count?

12 [REDACTED]: No. Unless somebody says,
13 "Hey, you're missing one, your count is 75."

14 [REDACTED]: So the only way someone
15 in the SHU would be able to actually know what
16 number to provide is by actually doing the
17 count?

18 [REDACTED]: Correct.

19 [REDACTED]: Really? All right. So
20 if we know that [REDACTED] is now not in the
21 SHU, how are they coming up with that 75 number
22 for 4:00 p.m. and then as well as at 10:00
23 p.m., they're coming up with a wrong number and
24 again at midnight, they're writing down the
25 wrong number. They're writing down the number

1 that they think the institutional count is, but
2 there's not that many people that are actually
3 in SHU. How do we explain that?

4 [REDACTED]: So, the only thing I can
5 think of is they put - they locked somebody up
6 between the 4 o'clock count and the 10 o'clock
7 count meaning somebody from the unit did
8 something wrong and they ended up in the
9 Special Housing Unit. So that's how the
10 numbers would be different.

11 [REDACTED]: So if we have information
12 that -.

13 [REDACTED]: And - sorry to interrupt.

14 [REDACTED]: No, go ahead.

15 [REDACTED]: Again, everybody is human
16 and everybody makes mistakes, unless somebody
17 write in the log missed one inmate going from a
18 unit out or leaving from SHU to a unit.

19 [REDACTED]: Well, that's exactly
20 right. So at 3:15, [REDACTED] was never keyed
21 out of the SHU. He wasn't keyed out of the SHU
22 until this count at midnight.

23 [REDACTED]: So he was placed in dry
24 cell where?

25 [REDACTED]: So, at - he was placed in

1 dry cell at - are R&D and RA the same thing?

2 [REDACTED]: Okay. That's right.

3 [REDACTED]: Yeah, can you just read
4 what it is that you showed me?

5 [REDACTED]: Oh, I'm sorry.

6 [REDACTED]: I'm sorry.

7 [REDACTED]: -- no --

8 [REDACTED]: Okay. Sorry.

9 [REDACTED]: -- I mean, you should
10 read it, too.

11 [REDACTED]: Just, I pointed to the line
12 that states, on the day watch for Friday,
13 August 9th, there's a line that says, "Inmate
14 Fernandez, 86824054 on dry cell with staff
15 watch in R&D." Is R- Agent asked a question.

16 [REDACTED]: So, with this knowledge
17 and now also, with like I showed you - or first
18 of all, are count slips for RA and R&D, are
19 they the same thing?

20 [REDACTED]: Well it should be just R&D.
21 There's -

22 [REDACTED]: Because one was on one of
23 these - let me see. It's at 12:00 a.m. It
24 actually says, "RA."

25 [REDACTED]: That should be a B.

1 [REDACTED]: Instead of a D?

2 [REDACTED]: Yes. It should be a BA
3 which is on the second floor of persons placed
4 on watch, that's where they go.

5 [REDACTED]: Should that - instead of
6 saying, "RA," --

7 [REDACTED]: So -.

8 [REDACTED]: -- it should say, "BA?"

9 [REDACTED]: Correct. If it's -.

10 [REDACTED]: Because that -.

11 [REDACTED]: If it's there. But they
12 probably wrote R&D.

13 [REDACTED]: Well, it doesn't - so
14 this one says R&D. At 10:00 p.m. there's a
15 count slip from R&D that says, "1." It says
16 that's [REDACTED].

17 [REDACTED]: [REDACTED], yes.

18 [REDACTED]: 10:00 p.m. And just from
19 reviewing this stuff, I'm assuming that this
20 one at 10:00 p.m. and this one that says, "RA,"
21 at 12:00 a.m. are one in the same. Would that
22 be your logic as well?

23 [REDACTED]: Yes. It should have the
24 same number.

25 [REDACTED]: So why is it - one say,

1 "RA" and one say "R&D?"

2 [REDACTED]: Maybe he spelled the name -
3 spelled it wrong.

4 [REDACTED]: All right, so the "RA" is
5 the one that's wrong?

6 [REDACTED]: It should have been "R&D."

7 [REDACTED]: R&D.

8 [REDACTED]: Correct.

9 [REDACTED]: Instead of RA. Okay. So
10 this RA is just - but that - you believe that's
11 actually the same --

12 [REDACTED]: Yes.

13 [REDACTED]: -- the same location.

14 [REDACTED]: Yes.

15 [REDACTED]: All right. So with all
16 that information now, knowing that he's in dry
17 cell, he's out of the SHU, however somehow,
18 their count slips are matching what the
19 institutional counts show, how do we explain
20 that if they don't have access to the
21 institutional count?

22 [REDACTED]: Well they shouldn't have
23 access.

24 [REDACTED]: Is there a way that they
25 can? Like how would they know to write that

1 number if only, for instance - let's even just
2 talk about 12:00 a.m. Only 72 people are
3 physically in the SHU but they're writing 73
4 and they're off ever since you leave. So 4:00
5 p.m. --

6 [REDACTED]: 10:00 p.m.

7 [REDACTED]: -- 10:00 p.m. and 12:00
8 a.m. counts are all off and we're trying to -
9 this is where we're saying we're hoping that as
10 the OIC you can help us --

11 [REDACTED]: So --

12 [REDACTED]: -- put that puzzle
13 together.

14 [REDACTED]: -- my only assumption would
15 be, whoever was working that night, had access
16 to the E-1, which is that's what we use.

17 [REDACTED]: And do you know if - I
18 think you said it was, what, [REDACTED], [REDACTED],
19 [REDACTED]. Who was it that was -.

20 [REDACTED]: I don't think [REDACTED]
21 would have access.

22 [REDACTED]: But they're not actually
23 supposed to have access?

24 [REDACTED]: Correct.

25 [REDACTED]: So yeah, I'm just trying

1 to --

2 [REDACTED]: And -.

3 [REDACTED]: -- rectify this thing.

4 [REDACTED]: Unless they cheated and

5 said, "Hey, how many do we have up here?"

6 That's my only - it's either they had access,

7 they looked at it.

8 [REDACTED]: Because we've also been

9 told at least by one of these people that they

10 write the count slips before ever doing the

11 count. So how would they know what number to

12 put in the count slips if they didn't actually

13 do the count?

14 [REDACTED]: So they shouldn't and my

15 other explanation is they actually did have the

16 bodies, but one of them was in SHU and was

17 never written on the log. So now, there's this

18 other thing called a PP-38 that shows who goes

19 in and outside of the building and what moves

20 are being made inside the building.

21 [REDACTED]: So would that help us

22 rectify this?

23 [REDACTED]: That would actually help

24 you because it would - that's our little cheat

25 sheet, like I told you before, that we log in

1 during the day or right before I get relieved
2 at 2 o'clock, I'm going to print out that PP-
3 38, it's going to show me every inmate movement
4 in the building and whatever specific date I
5 wanted. So if I'm doing today, three from SHU
6 just saying, "Left to another institution, to
7 Brooklyn." On that PP-38, it would say,
8 "Jones, Smith, Roberts moved to Brooklyn." So
9 now, I go that, I have 757, I just lost three.
10 Now I'm going down to 754. And just like it is
11 here, inmate 123 left to Brooklyn so now my
12 numbers go down. Again, we're all human,
13 sometimes there's a lot of movement, we might
14 miss one or two. So this right here -.

15 [REDACTED]: But if these numbers
16 appear to all add up starting the day at 77 --

17 [REDACTED]: Correct.

18 [REDACTED]: -- I showed you at 5:00
19 a.m., then I can show you all the way through
20 after Epstein, you know, died, where I'm
21 assuming they definitely did the counts because
22 there's a - here's one that was done at 11:00
23 a.m., I guess that was the 10:00 a.m. count on
24 Saturday --

25 [REDACTED]: On Saturday, yes.

1 [REDACTED]: -- as well as the 5:00
2 p.m. count on Saturday. They're now all adding
3 up with what the numbers claim to be on this
4 Lieutenant's log. So, I'm assuming if they
5 were wrong on the Lieutenant's log and right on
6 this, that would be reflected in these later
7 counts, correct?

8 [REDACTED]: Yes. Yes.

9 [REDACTED]: So that - so I'll
10 definitely get this document that you just
11 suggested, but does this information suggest to
12 you that the counts were or were not conducted
13 in the SHU?

14 [REDACTED]: I think they were conducted
15 wrong. If the names - the only way I would
16 actually confirm it is the 38. Because an
17 inmate could be in SHU, he's already keyed in
18 SHU. Maybe he's on staff watch, it's still in
19 SHU.

20 [REDACTED]: Right.

21 [REDACTED]: So there's no need to key
22 him out.

23 [REDACTED]: And the 38 will be able
24 to tell you this?

25 [REDACTED]: Correct. The 38 will be

1 able to tell you if inmate Smith, inmate
2 [REDACTED], was keyed out of SHU.

3 [REDACTED]: Okay. Now -.

4 [REDACTED]: And it would reflect on
5 this. So if the 38 - if you keyed out an
6 inmate, the count would be different. It would
7 be 75 and that's a hundred percent accurate
8 comparing everything.

9 [REDACTED]: Yeah, so in talking with
10 the Lieutenant, Ops Lieutenant that was on at
11 midnight, that person said, "Fernandez was
12 never keyed out," and that's why the counts
13 were off, and she keyed him out at midnight and
14 placed him over. Does that give you any more
15 indication?

16 [REDACTED]: So, that means --

17 [REDACTED]: So, (Indiscernible
18 *01:31:29).

19 [REDACTED]: -- the counts weren't
20 conducted correctly --

21 [REDACTED]: Yeah, so --

22 [REDACTED]: -- until -.

23 [REDACTED]: -- so the Ops Lieutenant
24 at midnight says, "Hey, I found this
25 discrepancy. This inmate Fernandez was place

1 on dry cell. I had to verify that that's in
2 fact where the person was. I had to key him
3 out of SHU and place him into there."

4 [REDACTED]: That's the reason you got a
5 later --

6 [REDACTED]: Yeah.

7 [REDACTED]: -- out count for R&D.

8 [REDACTED]: Yeah. That's the reason
9 for the change at midnight.

10 [REDACTED]: Yes.

11 [REDACTED]: And that, to me, tells me
12 that's the reason why all these counts were
13 actually wrong.

14 [REDACTED]: Correct. And they were
15 just written - somebody must have had access to
16 this and -.

17 [REDACTED]: Right. But as far as you
18 know, no one actually knows how many inmates
19 are actually in there unless you actually count
20 them?

21 [REDACTED]: Correct. You have to count
22 them.

23 [REDACTED]: Yes.

24 [REDACTED]: You can't assume -.

25 [REDACTED]: That's - so it would just

1 kind of like them trying to keep track or
2 something on a piece of paper doing adding and
3 subtracting? Would that be a possible way that
4 they would get the count that they're using?

5 [REDACTED]: So, the way you count -.

6 [REDACTED]: If they're not actually
7 counting, and they're --

8 [REDACTED]: They're assuming -.

9 [REDACTED]: -- just - because --

10 [REDACTED]: They're - they're -.

11 [REDACTED]: -- one of these people,
12 again, told us, "I write the count slips before
13 I ever do the counts."

14 [REDACTED]: So, if that person has
15 access or that person just assumes that the
16 count that started in the morning - because we
17 don't count at 10 o'clock in the morning during
18 Monday through Friday --

19 [REDACTED]: Yeah.

20 [REDACTED]: -- unless it's a holiday.

21 [REDACTED]: Right.

22 [REDACTED]: So if the count at 5
23 o'clock in the morning was 75, not me
24 personally, the person could have said, "I'm
25 going to go with that count unless I see

1 somebody leaving," and just --

2 [REDACTED]: So -.

3 [REDACTED]: -- it is a possibility that
4 person, he or she, could have wrote it.

5 [REDACTED]: So, for instance, at the
6 4:00 p.m. count, someone would have gone off of
7 the 5:00 a.m. count --

8 [REDACTED]: In the morning, yes.

9 [REDACTED]: -- and just how many
10 people they remembered that came and went?

11 [REDACTED]: Correct.

12 [REDACTED]: As a - okay. But it's
13 not like they knew what the institutional count
14 would actually have been.

15 [REDACTED]: Correct, unless whoever was
16 there had access to this.

17 [REDACTED]: So let's look at the 4:00
18 p.m. then.

19 [REDACTED]: And this is called the PP-
20 E1.

21 [REDACTED]: So at 4:00 p.m. count,
22 this is August 9th. That's ZA, it looks like
23 it was signed by who?

24 [REDACTED]: Noel and [REDACTED].

25 [REDACTED]: Does [REDACTED] have access?

1 [REDACTED]: That I wouldn't be able to
2 tell you if he did or didn't. He has more time
3 than she does. So it could have been a
4 possibility that he had access.

5 [REDACTED]: Okay. And being that
6 this number lists 75 whereas we believe it
7 should have been 74 --

8 [REDACTED]: Yes.

9 [REDACTED]: -- do you believe that
10 they actually conducted that count?

11 [REDACTED]: My - I would give them the
12 benefit of the doubt that they did.

13 [REDACTED]: Okay. And how would the
14 come - if they actually did, how would they get
15 the wrong number and specifically the number
16 that the institution had?

17 [REDACTED]: They didn't have everybody
18 stand up and just assumed that they were right.

19 [REDACTED]: So I guess that's what
20 I'm asking is, if they actually didn't conduct
21 the count, (Indiscernible *01:34:37) -.

22 [REDACTED]: They could have just walked
23 around, looked in but not actually -.

24 [REDACTED]: And that's what I mean,
25 and that's where in the beginning I was saying,

1 "What's the difference between a count and a
2 round," so a count, you're actually counting
3 the inmates, correct?

4 [REDACTED]: So the way you're supposed
5 to do -.

6 [REDACTED]: Not just conducting a
7 round.

8 [REDACTED]: Correct. If you're doing a
9 stand up count which every count is a stand up
10 count, you stand at the door, acknowledge your
11 presence, stand up count, okay, [REDACTED] is
12 standing up, Smith is standing up, that's two.
13 I go all the way around, I do that to every
14 single cell, the eight cells. By the time I
15 get to the end, I counted 15, I write 15. Then
16 the next person behind me has to do the same
17 exact thing. Most likely, they start from this
18 way, the opposite way and not - and actually
19 count and you confirm the number, "I got 15,
20 how many you got?" "I got 14." "Oh, okay, now
21 we got to count again." Everybody stand up.
22 Now we have the same count, write down 15, we
23 go down to next tier. That's how a count
24 should be conducted.

25 [REDACTED]: Okay. But is that how

1 they were conducted in the SHU?

2 [REDACTED]: That's how I did them when
3 we were there.

4 [REDACTED]: Okay. So as far as this
5 one though, if they actually conducted the
6 count, and I get that you're giving them the
7 benefit of the doubt, would you find it
8 extremely coincidental that they got the same
9 number that the institution had which were both
10 wrong?

11 [REDACTED]: So if they did conduct the
12 count, they would have had the numbers wrong
13 from the institution.

14 [REDACTED]: So the institution had it
15 wrong and they have everybody keyed and the one
16 guy never was keyed out.

17 [REDACTED]: So, the institution -.

18 [REDACTED]: And they just
19 coincidentally got the same exact number that
20 the institution had.

21 [REDACTED]: So if the institution - the
22 institution would only know if it was keyed
23 out.

24 [REDACTED]: That's what I'm saying.
25 That's what I'm saying.

1 [REDACTED]: Correct.

2 [REDACTED]: So the institution didn't
3 know because somebody didn't key out Fernandez.

4 [REDACTED]: They probably -.

5 [REDACTED]: But -.

6 [REDACTED]: They probably fucked up and
7 didn't actually count and just wrote it - it
8 comes down to that. Excuse my language, but -.

9 [REDACTED]: No, then that's what I'm
10 assuming happened but I just want - I want to
11 know from you, why? Why do you believe that?

12 [REDACTED]: Laziness maybe.

13 [REDACTED]: No, no, no, no, no, why
14 do you - so, why do you believe -.

15 [REDACTED]: So sorry.

16 [REDACTED]: What makes you believe
17 that the count wasn't conducted? I basically
18 gave you the answer. But, like, I'm just
19 looking for you, if you're agreeing with my
20 logic and if that actually is the same logic
21 you have. I'm not trying to provide you that
22 answer, I'm just trying to see, like, "Hey, in
23 your -."

24 [REDACTED]: So they -.

25 [REDACTED]: You're the OIC, you're

1 the expert in this matter basically. Does this
2 information tell you that that count wasn't
3 done?

4 [REDACTED]: Yes. It does tell me that
5 the count was not done and they just assumed
6 and went by the cheat sheet --

7 [REDACTED]: Okay.

8 [REDACTED]: -- because the body wasn't
9 even there.

10 [REDACTED]: But going back to what
11 you said before, they don't actually have a
12 cheat sheet, they'd have to just kind of guess?

13 [REDACTED]: Go off the count that was
14 at 5 o'clock in the morning if it was the same
15 number. Or they logged in where there was -.

16 [REDACTED]: And there's no log that
17 can - there's no screen that they can say who's
18 logged into this right now, who's there, what's
19 our total count in here?

20 [REDACTED]: No, it's just a - E - well,
21 that, no, that part, because I can log in and
22 tell you how much - how many inmates every unit
23 has right now.

24 [REDACTED]: Because you're a
25 Lieutenant.

1 [REDACTED]: Without physically
2 counting. Yes.

3 [REDACTED]: But what about the people
4 that work in the SHU?

5 [REDACTED]: If you work Control before,
6 you would have that access.

7 [REDACTED]: Right. Oh, so if you've
8 been in Control prior to that date.

9 [REDACTED]: Correct. You would have
10 access.

11 [REDACTED]: So, if for instance, if
12 [REDACTED] worked in Control, he could have access -
13 -

14 [REDACTED]: Yes.

15 [REDACTED]: -- to see, what's the
16 number.

17 [REDACTED]: If she worked in Control
18 two days prior, she would have access because
19 that's what you do in Control. You -.

20 [REDACTED]: When you say, "She," are
21 you talking about Tova Noel?

22 [REDACTED]: Correct, Noel. If she
23 worked in Control before, she would have
24 access, and the reason they give us access -
25 well, all the Lieutenants have access, but the

1 reason they give the officers access is because
2 you work in Control and you have to print out
3 this sheet, which is the E-1 that gives all the
4 numbers of all the units.

5 [REDACTED]: Okay.

6 [REDACTED]: So if [REDACTED] worked there
7 before, he would have access and he would have,
8 you know -.

9 [REDACTED]: Would he have indefinite
10 access? When do they take that access away?

11 [REDACTED]: Usually when we have
12 program review and unless you're assigned to
13 Control, you cannot have access --

14 [REDACTED]: Okay.

15 [REDACTED]: -- and they just take it
16 back from you.

17 [REDACTED]: All right. So is it - am
18 I understanding correctly, likely someone
19 worked in Control and had access and they
20 looked to see what the institutional count was
21 and they just wrote that down?

22 [REDACTED]: Yes.

23 [REDACTED]: Okay. But you do believe
24 that this - what did you call it, 38, is --

25 [REDACTED]: PP-38.

1 [REDACTED]: -- will help us?

2 [REDACTED]: That has more - that paper
3 would not lie.

4 [REDACTED]: And is that paper what
5 the Lieutenants use to fill out their logs?

6 [REDACTED]: Yes.

7 [REDACTED]: Okay. And as far as the
8 Lieutenant log goes though, that could have
9 been created at any time though during the day
10 and specifically after all the stuff actually
11 happened?

12 [REDACTED]: Yes.

13 [REDACTED]: All right. And would it
14 be likely that it was created once the
15 Lieutenant at midnight actually noticed this
16 discrepancy, would they have the ability to go
17 in and then correct everything?

18 [REDACTED]: Yes. So now we have a day
19 watch Lieutenant log, an evening watch
20 Lieutenant log, and a morning watch Lieutenant
21 log.

22 [REDACTED]: So would this - would the
23 - let's say, would the morning watch at
24 midnight have access to the day before
25 Lieutenant log?

1 [REDACTED]: Yes.

2 [REDACTED]: So they --

3 [REDACTED]: Yes.

4 [REDACTED]: -- could actually go in -
5 so the person --

6 [REDACTED]: And fix it.

7 [REDACTED]: -- that worked at
8 midnight on August 10th could have gone into
9 August 9th and fixed everything?

10 [REDACTED]: Correct, the discrepancies
11 on the numbers.

12 [REDACTED]: Okay.

13 [REDACTED]: Yes.

14 [REDACTED]: All right.

15 [REDACTED]: Or correct based on the 38.

16 [REDACTED]: Right. And they probably
17 referenced the 38 to fill out the --

18 [REDACTED]: Yes, because if you saw --

19 [REDACTED]: -- Lieutenant's log.

20 [REDACTED]: -- on the 38 you had -
21 again, let's say Fernandez wasn't on the
22 Lieutenant's log but then on the 38 you saw
23 that he moved to R&D, you go back and key him
24 out because the numbers have to be accurate by
25 the time of every shift, the ending of every

1 shift.

2 [REDACTED]: Right. And when we read
3 this for this Fernandez on dry cell with staff
4 watching R&D, is it possible that Fernandez was
5 in SHU dry watch and then later in the day
6 moved to R&D dry watch?

7 [REDACTED]: He could have went from a
8 unit into dry watch or Special Housing, SHU, to
9 dry watch.

10 [REDACTED]: How does that typically
11 work? If you're on dry watch, is there a
12 reason for them to bring you from the SHU on
13 dry watch to R&D on dry watch or would it
14 typically just go right from the SHU to dry
15 watch in R&D?

16 [REDACTED]: It would go - there's no
17 reason to take you out of SHU --

18 [REDACTED]: Yeah, why would -.

19 [REDACTED]: -- unless you're short
20 staffed.

21 [REDACTED]: Okay.

22 [REDACTED]: If there's two -.

23 [REDACTED]: So in this case, do you
24 believe they were short staffed?

25 [REDACTED]: Yes, because there was only

1 two officers and one on morning watch.

2 [REDACTED]: Okay. And morning watch,
3 right. So what about the day watch?

4 [REDACTED]: Then you're supposed to
5 have four officers in SHU during the day. If
6 it would have been three, then removing one
7 officer would have left it with just two
8 officers in SHU. So if you have just three
9 officers and I'm going to put, for example,
10 Officer [REDACTED] to do dry watch and I'm
11 sitting there and I cannot move, I have to
12 watch this inmate throughout the whole day.

13 [REDACTED]: So with that being said,
14 do you believe it's more likely than not that
15 he was moved to the dry cell in R&D at 3,
16 whatever time we said it was, 3:15?

17 [REDACTED]: It could have been.

18 [REDACTED]: Or because it does -
19 because at 3:15, it says, "Fernandez --

20 [REDACTED]: From.

21 [REDACTED]: -- placed on dry cell
22 from ZA."

23 [REDACTED]: SHU, that's SHU.

24 [REDACTED]: So to me, it looks like
25 he left.

1 [REDACTED]: So, he was -.

2 [REDACTED]: So according to this,
3 it's saying he left --

4 [REDACTED]: SHU.

5 [REDACTED]: -- SHU.

6 [REDACTED]: Yes. So he should have
7 been keyed out from Special Housing --

8 [REDACTED]: And who was --

9 [REDACTED]: -- at that time.

10 [REDACTED]: -- responsible for keying
11 him out?

12 [REDACTED]: Control or the OIC in SHU.

13 [REDACTED]: And who would have been
14 the OIC at that time after you left?

15 [REDACTED]: At that time, it should
16 have been [REDACTED] because he came in at 4:00.
17 No. [REDACTED], he had - would have been more
18 experienced because he worked that floor, so if
19 anything, it should have been [REDACTED], but
20 anybody from SHU could call Control, "Control,
21 I just lost Fernandez," in that case, "Key him
22 out for me." "Okay."

23 [REDACTED]: Okay. So the people that
24 are in the SHU may not have been able to do it
25 themselves is what you're saying?

1 [REDACTED]: Correct.

2 [REDACTED]: So they should have
3 contacted Control?

4 [REDACTED]: Yes.

5 [REDACTED]: And Control should have
6 made that -.

7 [REDACTED]: Made that change, yes.

8 [REDACTED]: All right.

9 [REDACTED]: But now, Control cannot
10 make the change if they do not know about it.

11 [REDACTED]: Right. And in this case,
12 we know that that key - the key - he wasn't
13 keyed out until midnight --

14 [REDACTED]: Correct.

15 [REDACTED]: -- so likely that
16 notification wasn't made.

17 [REDACTED]: Right. They probably just
18 took him down to R&D, like if he was leaving
19 the building, made out count for him and just
20 forgot about him.

21 [REDACTED]: And that 38 would verify
22 if Fernandez in fact was gone from the SHU at
23 3:15 p.m.?

24 [REDACTED]: Yes.

25 [REDACTED]: Okay. So we got to get

1 that 38.

2 [REDACTED]: Where can we access that 38?

3 [REDACTED]: On SENTRY.

4 [REDACTED]: SENTRY has it?

5 [REDACTED]: Yes.

6 [REDACTED]: All right. Is there
7 anything else before we move on, kind of -.

8 [REDACTED]: You covered that.

9 [REDACTED]: We kind of really covered
10 it. I just wanted to make sure. That was kind
11 of the primary reason for - I wanted to make
12 sure what your opinion was on that whole thing
13 and specifically if that indicates to you that
14 those counts were not actually conducted. And
15 again, for my understanding, from your
16 response, you believe now that they were not
17 conducted, correct?

18 [REDACTED]: Correct.

19 [REDACTED]: And that's if [REDACTED]
20 was in fact moved at 3:15.

21 [REDACTED]: Right.

22 [REDACTED]: All right. Just, I know
23 there's a lot of documents. Can you just make
24 sure that whatever we reviewed here, just
25 initialing, date the tops of them.

1 [REDACTED]: Did you show him the 5:30?
2 Now, right?
3 [REDACTED]: Yeah, because I showed
4 him that that was the good count for the
5 counts. It started that day.
6 [REDACTED]: You got one more.
7 [REDACTED]: It's been pain in the ass,
8 man.
9 [REDACTED]: Yes, it has.
10 [REDACTED]: Excuse me.
11 [REDACTED]: Again, it's just --
12 [REDACTED]: Excuse me, guys.
13 [REDACTED]: -- you know, there's a
14 lot of documents that we talked about.
15 [REDACTED]: Just like, man.
16 [REDACTED]: All right. So, how oft-
17 being that we believe now that those counts
18 were falsified by staff working the SHU, how
19 often were counts falsified by staff in the SHU
20 and was this a common practice?
21 [REDACTED]: See, that happened four
22 years in and I was just working the SHU for
23 about almost, I would say, six months. So from
24 - again, when I started working in the SHU, it
25 was six of us throughout during the day. By

1 the time I got out of SHU, it was three of us.
2 So when I - it's human nature, people get lazy,
3 but the whole time that I was there, I didn't
4 hear about, "Oh, this guy is going to write the
5 rounds," or, "This guy is going to count," and
6 just give in the slips. So, again, I was
7 pretty new in SHU. I've always worked the unit
8 and when I counted the unit, I had to count
9 with somebody.

10 [REDACTED]: Did anyone ever, since
11 you were new to the unit, ever tell you, "Oh,
12 this is the way we do it in SHU, we don't
13 actually do counts."

14 [REDACTED]: No. No.

15 [REDACTED]: So you -.

16 [REDACTED]: I worked with pretty - some
17 solid guys then.

18 [REDACTED]: So do you know of anybody
19 that were falsifying their counts?

20 [REDACTED]: No.

21 [REDACTED]: Would it surprise you if
22 those people we just discussed, specifically I
23 guess it's [REDACTED] since Noel was new, would it
24 surprise you if [REDACTED] falsified a count?

25 [REDACTED]: [REDACTED], I don't think he

1 would.

2 [REDACTED]: You don't think he would
3 falsify it.

4 [REDACTED]: I don't think he would
5 falsify a count.

6 [REDACTED]: All right.

7 [REDACTED]: Noel, I didn't know too
8 much.

9 [REDACTED]: But being that we, you
10 know, somehow they miraculously get the same
11 number that the institution had because
12 [REDACTED] wasn't keyed out, that does make you
13 believe that it was falsified, correct?

14 [REDACTED]: I don't know how to answer
15 that. I would hope not. I really would hope
16 not, but it's kind of too easy to figure out.

17 [REDACTED]: Right.

18 [REDACTED]: Again, I think -.

19 [REDACTED]: So the evidence suggests
20 he did, you just hope it's not -.

21 [REDACTED]: Correct.

22 [REDACTED]: Okay.

23 [REDACTED]: Correct.

24 [REDACTED]: So, but knowing him,
25 there's no reason for you to believe that -.

1 [REDACTED]: That he actually did
2 falsify.

3 [REDACTED]: Right. So you don't
4 believe him to be a very dishonest person.

5 [REDACTED]: Correct. And he left work,
6 at 10 o'clock because he relieved me from 2:00
7 to 10:00, so.

8 [REDACTED]: Right. So is he - he's a
9 good employee otherwise?

10 [REDACTED]: Yes. He would have did the
11 4 o'clock count. He should do the 10 o'clock
12 count, but sometimes we leave at 9:50.

13 [REDACTED]: Sure.

14 [REDACTED]: And then, there's always
15 two people left, so the two people could
16 conduct the count.

17 [REDACTED]: Is [REDACTED] still here at
18 the MCC?

19 [REDACTED]: Yes.

20 [REDACTED]: What's his current
21 position?

22 [REDACTED]: He's a Senior Officer.

23 [REDACTED]: Senior Officer
24 Specialist? Okay.

25 [REDACTED]: Just a Senior Officer.

1 [REDACTED]: Just Senior Officer?

2 Okay. So do you recall what conversations you
3 had with SHU staff who worked on August 9,
4 2019, including Michael Thomas and Tova Noel
5 about making entries related to counts and
6 rounds? So, specifically what I'm asking here
7 is that you're the OIC. Do you remember any
8 conversations that you would have had with any
9 of the people that worked in the SHU?

10 [REDACTED]: Well, I didn't see Noel.

11 [REDACTED]: I don't mean -.

12 [REDACTED]: The 9th?

13 [REDACTED]: I don't mean on the 9th -

14 -

15 [REDACTED]: Like -.

16 [REDACTED]: -- people that worked on
17 the 9th, did you ever have conversations with
18 the people that worked on the 9th about, "Make
19 sure you're doing it correctly and this is how
20 it's supposed to be done."

21 [REDACTED]: I do, I would say, "Do what
22 you're supposed to do," as I'm leaving.

23 [REDACTED]: Yeah, yeah, yeah.

24 [REDACTED]: "Don't fuck it up. Do what
25 you got to do."

1 [REDACTED]: And do you follow what
2 I'm saying though? I'm not saying that you
3 would have had a conversation with them on the
4 9th. I'm saying --

5 [REDACTED]: Like in general?

6 [REDACTED]: -- of the people that
7 worked on the 9th. So these people are the
8 ones like Noel, [REDACTED], [REDACTED], you know, these
9 are the people that actually worked on the 9th.
10 Ever leading up to the 9th, so any day leading
11 up to the 9th, would have you had a
12 conversation with them to say, "Make sure
13 you're doing your rounds and counts correctly."

14 [REDACTED]: Yep. I'm sure I've told
15 them - because everybody wants to work SHU.
16 SHU is a pain in the butt, but, if you want to
17 work SHU, you got to do your rounds and do your
18 stuff how you're supposed to do it.

19 [REDACTED]: All right. Can you
20 remember any specific conversations or when
21 those conversations would have taken place?

22 [REDACTED]: Probably walking around,
23 talking to them, seeing [REDACTED] or [REDACTED] or
24 anybody. Thomas has been working for the
25 Bureau for a very long time, even before I did,

1 so he's worked SHU before and he knows what to
2 do in SHU.

3 [REDACTED]: Right.

4 [REDACTED]: But he's not - he works in
5 a different department. But -.

6 [REDACTED]: What about the newer
7 people like --

8 [REDACTED]: Newer people? Everybody -.

9 [REDACTED]: -- Tova Noel? She's
10 newer to the - it was her quarterly bided post,
11 you're the OIC, do you know if you had any
12 conversations with her or would have you?

13 [REDACTED]: I would have said, "Do what
14 you got to do. Don't fuck it up for us." Just
15 like that. But that's just the way I speak.

16 [REDACTED]: When you say, "Do what
17 you got to do," though, what does that mean?

18 [REDACTED]: Follow the rules and do
19 what's according to policy.

20 [REDACTED]: Okay. So not, do what
21 you got to do, it's like, do what you're
22 supposed to do.

23 [REDACTED]: Do - do - yeah, I should
24 have rephrased it a little bit, but that's the
25 way I speak to everybody --

1 [REDACTED]: Yeah, yeah, yeah.

2 [REDACTED]: -- so it's pretty much,
3 we're cool, but I'm still telling you to do
4 what you have to do based on the policy, make
5 sure you don't do anything that's not supposed
6 - that you're not supposed to - against policy.
7 If it's in black and white, that's how you got
8 to do it.

9 [REDACTED]: Okay. And do you recall
10 ever saying that to Tova Noel being that she
11 was newer?

12 [REDACTED]: That's - I'm sure I -
13 because again, I speak like that to everybody.

14 [REDACTED]: Okay.

15 [REDACTED]: Even now as Lieutenant, I
16 talk to you more as a co-worker than, "I'm your
17 supervisor."

18 [REDACTED]: Sure.

19 [REDACTED]: But I always tell everyone,
20 "Do your job. It's simple, just do your job."

21 [REDACTED]: And I know I'm hammering
22 this, but I mean, are you confident you would
23 have had that conversation --

24 [REDACTED]: Yes.

25 [REDACTED]: -- with Tova Noel?

1 [REDACTED]: Yes.

2 [REDACTED]: Or --

3 [REDACTED]: Yes.

4 [REDACTED]: -- would have you had
5 that conversation with Michael Thomas being
6 that he's not typically a -.

7 [REDACTED]: Probably not.

8 [REDACTED]: No?

9 [REDACTED]: Just because he has way
10 more time than I do.

11 [REDACTED]: Okay. What about [REDACTED]?

12 [REDACTED]: [REDACTED], the same thing, he
13 worked with us in SHU I think before that or
14 maybe after. He got - I was the SHU OIC during
15 the day and he was the SHU OIC at night.

16 [REDACTED]: Okay. So [REDACTED] --

17 [REDACTED]: So -.

18 [REDACTED]: -- knew what to do.

19 [REDACTED]: Yes.

20 [REDACTED]: And he knew the right way
21 to do it.

22 [REDACTED]: Yes.

23 [REDACTED]: Okay. And what about
24 [REDACTED]?

25 [REDACTED]: [REDACTED], [REDACTED] was

1 pretty new. Excuse me. He was pretty new and
2 I think he already worked for the warehouse.

3 [REDACTED]: Okay.

4 [REDACTED]: So, same thing.

5 [REDACTED]: So --

6 [REDACTED]: [REDACTED] do-.

7 [REDACTED]: -- if [REDACTED] was working,
8 [REDACTED] was the OIC at night?

9 [REDACTED]: Yes.

10 [REDACTED]: So would [REDACTED], do you
11 believe, have had that conversation with
12 [REDACTED]?

13 [REDACTED]: Yes.

14 [REDACTED]: To do what's -.

15 [REDACTED]: Same thing with [REDACTED], he
16 would have, "Hey, do the right thing."

17 [REDACTED]: Okay. And you didn't
18 work on August 10th you said, correct?

19 [REDACTED]: Correct.

20 [REDACTED]: Is there any way you
21 would have been able to know if the counts on
22 August 10th were correct?

23 [REDACTED]: No.

24 [REDACTED]: No.

25 [REDACTED]: No way.

1 [REDACTED]: What - I know we just
2 talked about it, but what is the daily
3 Lieutenant's log?

4 [REDACTED]: It's a log that we have in
5 the system that every Lieutenant has to pretty
6 much fill out every single day and make sure
7 it's accurate right before their shift ends.

8 [REDACTED]: Does a Lieutenant have
9 their own Lieutenant's log or is it an overall
10 Lieutenant's log?

11 [REDACTED]: It's an overall
12 Lieutenant's log.

13 [REDACTED]: So every Lieutenant has
14 access to that same log.

15 [REDACTED]: Correct, it's on the share
16 drive.

17 [REDACTED]: So I was going to say,
18 where can it be found and accessed? What's the
19 share drive?

20 [REDACTED]: The share drive, you log
21 into - well, here in this building, you log in,
22 you go to I think it's the G drive, double
23 click and you're going to see Lieutenant's log.

24 [REDACTED]: So is it just like a
25 document and you'd go into like a shared folder

1 or would it be on something like a SENTRY or
2 BOPWARE?

3 [REDACTED]: Shared folder.

4 [REDACTED]: A shared folder? So just
5 a document that you create every day --

6 [REDACTED]: Yes.

7 [REDACTED]: -- and you - so it's not
8 actually in a system?

9 [REDACTED]: No.

10 [REDACTED]: All right.

11 [REDACTED]: It's in a shared folder.

12 It's not like on TRUSCOPE or SENTRY or anything
13 like that.

14 [REDACTED]: And at the end of the
15 day, is that then uploaded into some kind of
16 BOP system?

17 [REDACTED]: It stays on the drive and
18 once you log in, you open the Lieutenant's log,
19 you make the changes to the number, you save it
20 and every day it gets saved.

21 [REDACTED]: Okay. And is there
22 anything that's done with that though? Is it
23 then uploaded into something or it just stays
24 in the share folder?

25 [REDACTED]: It stays in the shared

1 folder, from my knowledge.

2 [REDACTED]: Okay. And does anyone
3 aside from Lieutenants have access to change
4 that log?

5 [REDACTED]: No, just the - well, the
6 Captain, the AW and the Warden.

7 [REDACTED]: Yeah.

8 [REDACTED]: But -.

9 [REDACTED]: So Lieutenants and above?

10 [REDACTED]: Correct.

11 [REDACTED]: Nobody below a
12 Lieutenant?

13 [REDACTED]: Nobody below Lieutenant.

14 [REDACTED]: What about the people in
15 Control?

16 [REDACTED]: No, they don't have access
17 to that.

18 [REDACTED]: So even Control doesn't -
19 -

20 [REDACTED]: No.

21 [REDACTED]: -- can't manipulate --

22 [REDACTED]: No.

23 [REDACTED]: -- the Lieutenant's log?

24 [REDACTED]: Correct.

25 [REDACTED]: Okay. And I don't know

1 that you'll be able to answer this, but are the
2 times listed on the Lieutenant's log that you
3 just reviewed accurate?

4 [REDACTED]: I don't know.

5 [REDACTED]: Is it all based upon
6 whoever is entering it?

7 [REDACTED]: Yes.

8 [REDACTED]: Okay. Is there any kind
9 of a verifying process? Like does anybody
10 oversight over that to kind of audit the
11 documents?

12 [REDACTED]: The only way you could
13 verify it and the only thing would be the
14 moves. So if inmate movement in the
15 institution, you could verify it because you go
16 to the PP-38.

17 [REDACTED]: And who creates that
18 document, the 38?

19 [REDACTED]: The 38? You would call
20 Control, "Inmate Joe Smith left today." Or,
21 "Inmate Joe Smith was in 11 South, he was
22 moved." "Okay." I could call downstairs at
23 10:30, that's the time he moved, but it could
24 be off within a couple of - it could be off a
25 few minutes --

1 [REDACTED]: So even -.

2 [REDACTED]: -- because Control has to
3 key it in.

4 [REDACTED]: All right, so, that's
5 something that's created by Control. But what
6 we just said, we were going to use that to
7 verify if Fernandez left at 3:15, if the people
8 in the SHU never called Control to log
9 Fernandez out, would that be listed on the 38?

10 [REDACTED]: No.

11 [REDACTED]: So therefore, that might
12 not actually be the accurate document because
13 if they didn't call, the PP-38 wouldn't
14 (Indiscernible *01:55:27).

15 [REDACTED]: The 38 would only verify
16 the movement and the time that it was keyed in.

17 [REDACTED]: That it was keyed.

18 [REDACTED]: Correct.

19 [REDACTED]: So if it wasn't keyed
20 until midnight, which --

21 [REDACTED]: Then -.

22 [REDACTED]: -- what the Lieutenant
23 said, like, "I found out that this person moved
24 earlier and he's actually in a different
25 location, I needed to make that key change at

1 midnight."

2 [REDACTED]: The time that he --

3 [REDACTED]: That's what --

4 [REDACTED]: -- actually moved?

5 [REDACTED]: -- reflected on the 38.

6 [REDACTED]: Correct. Because it's the

7 time, not the time it was keyed in the

8 Lieutenant's log --

9 [REDACTED]: All right. So there --.

10 [REDACTED]: -- because I can change

11 those logs.

12 [REDACTED]: So in this instance, the

13 38 would actually be incorrect if he wasn't

14 keyed out when he actually moved.

15 [REDACTED]: Correct. It wouldn't be

16 anything because he was never keyed.

17 [REDACTED]: All right. So therefore,

18 this 38 actually would make it even more

19 confusing.

20 [REDACTED]: Not really because it would

21 tell you if he got moved and at what time he

22 got moved.

23 [REDACTED]: All right. So the 38

24 would list probably the same thing in the

25 Lieutenant's log, that's at midnight, Fernandez

1 was moved at 3:15 p.m. to dry - from ZA.

2 [REDACTED]: So the 38 would have the
3 actual time he was keyed in.

4 [REDACTED]: Yeah, the keyed.

5 [REDACTED]: So it would show you -
6 let's say the Lieutenant said she didn't find
7 out or he didn't find out until midnight that
8 this inmate, Fernandez, was moved and never
9 keyed out. She keys him out, now the date on
10 the 38 would be August 10th because it's after
11 midnight.

12 [REDACTED]: Right.

13 [REDACTED]: August 10th, 1:45 in the
14 morning, that's what the 38 would say. But on
15 the log, it would say he got moved at 3:30,
16 because that's when -.

17 [REDACTED]: In the Lieutenant's log.

18 [REDACTED]: Correct.

19 [REDACTED]: So in this case, probably
20 the Lieutenant's log is the more accurate one.

21 [REDACTED]: Yes.

22 [REDACTED]: All right. Good to know.

23 [REDACTED]: Just had a question. If
24 you're moving an inmate, right, doesn't the
25 outer doors of the SHU have to be buzzed by

1 Control?

2 [REDACTED]: Yes.

3 [REDACTED]: When Control - does Control
4 have eyes on --

5 [REDACTED]: Yes.

6 [REDACTED]: -- on - wouldn't they see an
7 inmate being moved?

8 [REDACTED]: Yes.

9 [REDACTED]: And wouldn't they question,
10 "How come he's not keyed in?"

11 [REDACTED]: Well, depending on the
12 time. So like when let's say it was between 8
13 o'clock in the morning and 2 o'clock in the
14 afternoon, inmates are going in and out, in and
15 out, even SHU, like medical, dental, court,
16 attorney visits. So now you have six, seven
17 inmates going in and out, not at all times
18 you're looking, "Oh, is an inmate coming out,"
19 they pop - you know, you call for the door.
20 You probably could just open the door right
21 there, but then have to run to the window, give
22 somebody a set of keys.

23 [REDACTED]: Okay. And then just to
24 clarify on that same question. If that PP-38
25 will show the key in time of when the

1 Lieutenant puts it in, what do you think the
2 Lieutenant or whoever updated that document got
3 the 3:15 time?

4 [REDACTED]: Or she called R&D and said,
5 "Hey, what time this inmate got downstairs?"
6 "Oh, he came around 3:30." "All right. Well,
7 you should have told me, you know, key him
8 out," or whatever.

9 [REDACTED]: At midnight, would that
10 employee that was on shift during evening watch
11 still be on there?

12 [REDACTED]: Yep.

13 [REDACTED]: What was that last
14 question? Was what?

15 [REDACTED]: The employee in R&D, would
16 that person still be on shift at midnight.

17 [REDACTED]: What is the time for the
18 shifts --

19 [REDACTED]: So, it would be --.

20 [REDACTED]: -- in R&D?

21 [REDACTED]: The shifts are 4:00 to
22 12:00, 4:00 to midnight. But usually, if
23 you're on dry cell --

24 [REDACTED]: Yeah.

25 [REDACTED]: -- watching somebody, you

1 would not leave exactly at midnight. You would
2 leave a couple of minutes after unless you were
3 doing a double doing dry cell.

4 [REDACTED]: All right. Let's talk -
5 the fact that that this guy [REDACTED] wasn't
6 specifically tied to Epstein, is there any
7 chance two years later we're going to be able
8 to talk to anybody to verify when he got to the
9 dry cell?

10 [REDACTED]: No. He probably is not
11 even in the institution anymore, [REDACTED].

12 [REDACTED]: That's what I mean. So
13 like even talking to R&D, do you think that
14 there's any way that they'd even remember when
15 this guy placed down there?

16 [REDACTED]: No, because who knows who
17 was in R&D that day, who knows if they're still
18 working here.

19 [REDACTED]: But what about, like for
20 instance, we have the count slips at least for
21 10:00 p.m. Actually, where there was no count
22 slip for him at 4:00 p.m. but we have the count
23 slips for R&D and RA at 10:00 p.m. and
24 midnight. Do you believe that even they would
25 be able to recall if it was [REDACTED] that they

1 watched?

2 [REDACTED]: No. No.

3 [REDACTED]: And why is that?

4 [REDACTED]: Just because a lot of
5 inmate movement.

6 [REDACTED]: How reliable do you
7 believe that that Lieutenant log saying that he
8 left at 3:15, how reliable at this point, us
9 looking at it back then and the person making
10 that change potentially at midnight that night,
11 how reliable do you view that 3:15 time?

12 [REDACTED]: If it's Lieutenant
13 [REDACTED], that's - she's very by the book. I'm
14 not saying that everybody else is not.

15 [REDACTED]: Right.

16 [REDACTED]: But, and she knows her job.

17 [REDACTED]: Do you -.

18 [REDACTED]: So if, that would probably
19 be maybe the only Lieutenant, especially on
20 morning watch, that would catch a mistake like
21 that.

22 [REDACTED]: Okay.

23 [REDACTED]: And she - numbers didn't
24 add up, she went back and changed it, made it
25 accurate

1 [REDACTED]: Okay. And certainly you
2 believe that the institutional count was made
3 accurate by her, but what I guess I'm
4 specifically requesting, you know, wondering,
5 how accurate do you think she would have made
6 the movement of 3:15 moved ZA from - or moved
7 to dry cell from ZA?

8 [REDACTED]: Very.

9 [REDACTED]: Very?

10 [REDACTED]: Very accurate, yes.

11 [REDACTED]: So you believe that that
12 3:15 then is probably the right time?

13 [REDACTED]: Around the time that he got
14 moved, yes.

15 [REDACTED]: Okay. Sounds good. And
16 no one in the SHU has access to the
17 Lieutenant's log?

18 [REDACTED]: No.

19 [REDACTED]: All right. We're going
20 to move on now.

21 [REDACTED]: Oh, sorry.

22 [REDACTED]: What - no, I'm sorry,
23 this is - again, like I said, you're kind of
24 like - when I saw that one page interview
25 report, I was like, "Oh, this is the guy that,

1 you know, has all the answers." But what is
2 the MCC policy on conducting cell searches in
3 the SHU? And let's specifically talk about, if
4 you can remember, in August. So in August of
5 2019, do you remember what the MCC policy was
6 on conducting cell searches in the SHU?

7 [REDACTED]: You got to conduct cell
8 search every time an inmate comes out. I don't
9 know if that's actual policy or not.

10 [REDACTED]: Was it something like
11 some of the shifts you had to do five cell
12 searches --

13 [REDACTED]: Per shift

14 [REDACTED]: -- during that shift?

15 [REDACTED]: Yes.

16 [REDACTED]: Or if the person may be,
17 you know, in the day watch, maybe if someone
18 went to rec, you're supposed to -.

19 [REDACTED]: So, the way we did it, you
20 came out to the shower, that was our cell
21 search.

22 [REDACTED]: Okay.

23 [REDACTED]: So, every Monday, Wednesday
24 and Friday we showered everybody, everybody's
25 cell was searched.

1 [REDACTED]: So every Monday,
2 Wednesday and Friday everyone's cell was
3 searched?

4 [REDACTED]: Yes, because everybody got
5 a shower. So we took that as okay -.

6 [REDACTED]: And officers would
7 actually go in and search their cells?

8 [REDACTED]: Yes.

9 [REDACTED]: Okay. And what about the
10 non-shower days, how would you do searches or
11 would you -.

12 [REDACTED]: When somebody went to rec,
13 when somebody went to R&D, if somebody has to
14 go to medical, we'll bring you out and we
15 search the cell.

16 [REDACTED]: Okay. And then, what is
17 the responsibility of the SHU OIC with regard
18 to SHU cell searches, if anything?

19 [REDACTED]: To make sure they're logged
20 in and make sure they get conducted.

21 [REDACTED]: Okay. So like, is the
22 OIC the one - were you the one that would
23 actually log them into like TRUSCOPE?

24 [REDACTED]: Well, anybody could log
25 them in but most the time I did it or I was

1 searching the cell myself.

2 [REDACTED]: And what is the
3 responsibility of the SHU Lieutenant with
4 regard to cell searches, if any?

5 [REDACTED]: To make sure the OIC got it
6 done.

7 [REDACTED]: Okay. And were cell
8 searches being conducted and logged in to
9 TRUSCOPE for the SHU in August of 2019?

10 [REDACTED]: They should have. Yes.

11 [REDACTED]: All right. So we
12 requested to - just because we're going to get
13 into what was found in Epstein's cell later,
14 but you're the one who logged this in, but we
15 only found one cell search for June 9, 2019.

16 [REDACTED]: August 9th.

17 [REDACTED]: Or sorry, August 9 - is
18 that June 9th or August 9th? What does that
19 say?

20 [REDACTED]: August 9th.

21 [REDACTED]: Okay. August 9, 2019.
22 Does that - would that be normal that there
23 would only be one logged in?

24 [REDACTED]: No. Again, it's depending
25 on what was going on during the day -.

1 [REDACTED]: So that would have been
2 one of those shower days, I guess, though.

3 [REDACTED]: And I worked - yes, from
4 1:00 - I worked until 2 o'clock that day.

5 [REDACTED]: But do you believe that
6 there was only one cell search conducted or do
7 you believe that there were more?

8 [REDACTED]: There was one cell search
9 probably logged in.

10 [REDACTED]: Okay. But all of them
11 were conducted?

12 [REDACTED]: Should have been conducted,
13 yes.

14 [REDACTED]: And do you believe that -
15 I know we're talking two years ago. Do you
16 believe that all of them were conducted?

17 [REDACTED]: The majority.

18 [REDACTED]: Yeah.

19 [REDACTED]: The majority.

20 [REDACTED]: Any reason - do you know
21 if Epstein's cell would have been searched on
22 August 9th?

23 [REDACTED]: It should have been because
24 him and [REDACTED] both left at the same time.

25 [REDACTED]: Right. And who would

1 have done that cell search?

2 [REDACTED]: Well, took them out to the
3 shower.

4 [REDACTED]: Okay. And is that like
5 everybody? Does everybody - how does that
6 work? Who -.

7 [REDACTED]: So, technically the OIC is
8 not supposed to - he has the big set which is
9 the keys to the - on the ranges and the door
10 and everybody else goes in and out the tiers.

11 [REDACTED]: Okay.

12 [REDACTED]: But we were all involved.
13 We all moved inmates from this tier to another
14 tier. Okay, "You two on that side, okay, bring
15 them out," search their cell. If I'm on this
16 side, I'm going to bring them out, do the cell
17 search.

18 [REDACTED]: Okay. And this isn't -
19 I'm not trying to be an I gotcha, at all at any
20 moment, I'm just trying to get a greater
21 understanding. So if all of the cells were
22 searched, why would only one search be entered
23 for that day?

24 [REDACTED]: I'm busy during the day.

25 [REDACTED]: And was that like, does

1 that happen often though, like it's too busy to
2 actually log the searches in?

3 [REDACTED]: The system is kind of a
4 pain in the butt because you've got to do one
5 by one by one, you know, unless you do all of
6 them. I mean, unless you do one, then enter,
7 then another one and enter. It's not like you
8 could do multiple cell searches or click them
9 that you did them at one time.

10 [REDACTED]: Okay. Now it's my
11 understanding that after you left, the night
12 watch is then responsible for conducting, on
13 every shift, five cell searches, correct?

14 [REDACTED]: Yes.

15 [REDACTED]: And who would have logged
16 that in?

17 [REDACTED]: Anybody could have logged
18 it.

19 [REDACTED]: Anyone?

20 [REDACTED]: But it should be the OIC.

21 [REDACTED]: So that would have been
22 [REDACTED] who should have done that?

23 [REDACTED]: Correct. [REDACTED]. Yes.

24 [REDACTED]: All right. And does the
25 fact that you had your one that you entered

1 earlier in the day, the fact that there's none
2 for the rest of the day, is that problematic in
3 your opinion?

4 [REDACTED]: Not really because
5 throughout the day, we pretty much do the
6 showers. So we went into every single cell.

7 [REDACTED]: Okay.

8 [REDACTED]: Now maybe it should have
9 been keyed so it could reflect because if
10 there's no cameras, you can say, "Yeah, all
11 right," --

12 [REDACTED]: Right.

13 [REDACTED]: -- you only did one because
14 you keyed in one. But, you know, they should
15 because they also have rec at night time. When
16 you bring back an inmate or you bring them out
17 to attorney visit, you're still bringing the
18 inmates out.

19 [REDACTED]: Okay.

20 [REDACTED]: So they should have been
21 keyed in.

22 [REDACTED]: So although they were not
23 keyed in, do you believe that they were being
24 conducted on August 9, 2019?

25 [REDACTED]: Yes.

1 [REDACTED]: Yes?

2 [REDACTED]: Yes.

3 [REDACTED]: What about after you
4 left, do you believe that there would have been
5 - the five cell searches would have been
6 conducted on 2019 at this point?

7 [REDACTED]: They should have because I
8 know we had legal visits and maybe we had
9 regular like visits for the inmates with their
10 family members.

11 [REDACTED]: Do you recall, what is
12 the policy at least in August of 2019 related
13 to what inmates are allowed to have in their
14 cells?

15 [REDACTED]: Well, no contraband of
16 course. Five hard cover books only.

17 [REDACTED]: What about like medical?

18 [REDACTED]: Two sheets, one blanket.
19 If you have the CPAP machine, you can get that.

20 [REDACTED]: How - and just for the
21 record, how do you spell that? What is it?
22 That machine?

23 [REDACTED]: What, the CPAP?

24 [REDACTED]: Is it CPAC or CPAP?

25 [REDACTED]: CPAP, CPAP.

1 [REDACTED]: Is it for snoring?
2 [REDACTED]: Yes.
3 [REDACTED]: That's what you're
4 talking about? So you can breathe better?
5 [REDACTED]: Yes.
6 [REDACTED]: Okay.
7 [REDACTED]: So CPAP, right?
8 [REDACTED]: I actually don't know.
9 [REDACTED]: Is it?
10 [REDACTED]: That's why I was asking.
11 [REDACTED]: Is it C-P-A-P?
12 [REDACTED]: I think that's what it is.
13 Not even sure. But it was a machine that you
14 use to help you breathe in the middle of the
15 night --
16 [REDACTED]: I just know --.
17 [REDACTED]: -- and you go to sleep with
18 it.
19 [REDACTED]: (Indiscernible *02:08:22).
20 [REDACTED]: I just know the
21 transcriber for this would be like, "What the
22 heck is he saying?"
23 [REDACTED]: Is that for sleep apnea?
24 [REDACTED]: Yes. That's - I think it
25 helps you - it clears your whatever it is, your

1 nose or your throat so you can be able to
2 breathe better in the middle of the night.

3 [REDACTED]: And I did interrupt, I
4 apologize, when you were getting into the
5 linens. How many sheets and blankets and all
6 that? Can you -.

7 [REDACTED]: It should be - if it's
8 August, it should be two sheets, one blanket.

9 [REDACTED]: Two sheets, one blanket.
10 That's for each individual --

11 [REDACTED]: Yes.

12 [REDACTED]: -- inmate. So, for each
13 cell, if there's two inmates, it would be four
14 sheets and two blankets.

15 [REDACTED]: Correct.

16 [REDACTED]: Okay.

17 [REDACTED]: And the wintertime, it's
18 two sheets, two blankets.

19 [REDACTED]: Okay. Was Epstein
20 authorized to have pills in his cell within the
21 SHU?

22 [REDACTED]: Well, if you have
23 medication, yes, you can have your own
24 medication.

25 [REDACTED]: And that's - okay.

1 [REDACTED]: We don't set a number on
2 that.

3 [REDACTED]: Who is responsible for
4 determining what medication inmates have?

5 [REDACTED]: The Medical Department.

6 [REDACTED]: And do they provide it to
7 them?

8 [REDACTED]: Yes.

9 [REDACTED]: And then they're able to
10 just keep it in their cell and take it?

11 [REDACTED]: Yes.

12 [REDACTED]: Is there ever a problem
13 with like overdose or anything like that?

14 [REDACTED]: I mean, we've had inmates
15 take more than they're supposed to take.

16 [REDACTED]: Is it dependent upon what
17 type of medication if they can have it in their
18 cell or not?

19 [REDACTED]: So, certain medication, the
20 pill line, which is Medical, they'll come
21 around and give it to you daily if that's what
22 - you're only supposed to have it daily,
23 Medical Department will come around and give it
24 to the inmates themselves.

25 [REDACTED]: Okay.

1 [REDACTED]: Anything else, if you have
2 your own medication, it would be in your cell.

3 [REDACTED]: Okay. I'm going to just
4 show you some pictures of August 10th and I
5 just wanted, if you can just kind of let me
6 know what I'm looking at. Is this L Tier, is
7 that where Epstein would have been housed?

8 [REDACTED]: Yes.

9 [REDACTED]: Okay. And then another
10 picture of L Tier. This wasn't his cell there.

11 [REDACTED]: No.

12 [REDACTED]: Do you remember what cell
13 number he was in?

14 [REDACTED]: I know exactly. It was the
15 first one to the right, 221 maybe?

16 [REDACTED]: 221 or maybe 222 or
17 something?

18 [REDACTED]: (Indiscernible *02:10:30).

19 [REDACTED]: All right. I think it's
20 220, but is this his tier?

21 [REDACTED]: That's L Tier, yes, here on
22 the right.

23 [REDACTED]: Does this look like it
24 would have been - it looks like it would have
25 been 220.

1 [REDACTED]: Yeah.

2 [REDACTED]: But would that have been
3 Epstein's cell?

4 [REDACTED]: Yes.

5 [REDACTED]: All right. So 220 was
6 the first door on the right when you're walking
7 down the --

8 [REDACTED]: Yes.

9 [REDACTED]: -- the tier?

10 [REDACTED]: When you walk into - yes.

11 [REDACTED]: All right. So, I want to
12 just - I'll let you look through these. Can
13 you just let me know if this looks like an
14 abnormal amount of linens and blankets and
15 clothing? And we don't know, so that's why
16 we're asking. And that's again, not a gotcha,
17 I don't know if it's more than should be or
18 what.

19 [REDACTED]: No, I think this was his
20 and his bunkie's.

21 [REDACTED]: So does that make you
22 believe that his bunkie's was never removed?
23 And when should have they been removed?

24 [REDACTED]: As soon as they figure out
25 that he's not coming back.

1 [REDACTED]: So at either 4:00 p.m. or
2 certainly before 8:00 p.m.?

3 [REDACTED]: Yes.

4 [REDACTED]: Would it have been when
5 Epstein was returned to attorney client visit,
6 definitely at that time, should have they made
7 sure -.

8 [REDACTED]: Well, by 8 o'clock, they
9 should - while walking Epstein back into the
10 cell, they should have said, "Oh shit, he
11 doesn't have a bunkie," and, "Oh shit, his
12 bunkie is gone."

13 [REDACTED]: All right. So by looking
14 at those photos, you just believe that that was
15 actually both Epstein and Reyes's?

16 [REDACTED]: Yes.

17 [REDACTED]: Okay.

18 [REDACTED]: It probably -.

19 [REDACTED]: So it does look like more
20 than one inmate so it looks like that would be
21 the amount of linens and clothing for two
22 inmates?

23 [REDACTED]: Well, probably a couple of
24 extra sheets in there.

25 [REDACTED]: And do you know if

1 Epstein was provided extra sheets than he was
2 supposed to have been provided?

3 [REDACTED]: He shouldn't have.

4 [REDACTED]: Can you just explain to
5 me, how does that work? How does the process -
6 .

7 [REDACTED]: Well, when the inmate comes
8 into the Special Housing Unit, we give them two
9 sheets, one blanket. When they do the showers,
10 we should go in there - initial these two?

11 [REDACTED]: Please. Not all of them,
12 we just need the top picture.

13 [REDACTED]: When we should go - when we
14 go in there when we bring them out to the
15 shower, we should go in there and shake it
16 down, that's when we go in there and take
17 anything extra that they're not supposed to
18 have.

19 [REDACTED]: So if he took a shower
20 that day on August 9th - so you believe from
21 looking at those pictures, he actually had even
22 more than if it were just him and [REDACTED], he had
23 some extra --

24 [REDACTED]: Yes, he probably had like
25 two extra blankets.

1 [REDACTED]: Is that an issue?

2 [REDACTED]: They should never have
3 that.

4 [REDACTED]: Okay. So, if that cell
5 was searched on August 9th, at that point,
6 someone should have removed them?

7 [REDACTED]: Yes. Somebody should
8 remove all the extra, left him with what he's
9 supposed to have and nothing more.

10 [REDACTED]: And on that date, who
11 would have been responsible for doing that?

12 [REDACTED]: When we brought them out to
13 the shower.

14 [REDACTED]: So not only do they bring
15 them out to the shower but they also are
16 responsible for (Indiscernible *02:13:15).

17 [REDACTED]: Correct. Might as well.
18 If you're on the same tier, you put them in the
19 shower, it takes two seconds.

20 [REDACTED]: So where is the shower?
21 Are the showers on the same tier?

22 [REDACTED]: Yes.

23 [REDACTED]: Okay.

24 [REDACTED]: So on that tier, if you
25 look at his cell, right to the right.

1 [REDACTED]: So -.

2 [REDACTED]: This is the shower here.

3 [REDACTED]: Okay. Like there?

4 [REDACTED]: Yeah.

5 [REDACTED]: Okay. So it's kind of

6 like almost in the middle or the start is like

7 almost like the second door.

8 [REDACTED]: Yes.

9 [REDACTED]: This one?

10 [REDACTED]: No, it's actually, see this

11 little gate?

12 [REDACTED]: (Indiscernible

13 *02:13:46).

14 [REDACTED]: You can't really see it.

15 [REDACTED]: Can you see it from here?

16 [REDACTED]: No.

17 [REDACTED]: Like it's the start of

18 the tier?

19 [REDACTED]: Yeah. So if you come in,

20 you walk in, you kind of make a right turn.

21 You see this gate right here?

22 [REDACTED]: Maybe I'll have you - if

23 you can mark it on either SHU map here that

24 we're going to - I'm going to show you for a

25 second just so you can - I'm going to ask you

1 about like the cameras and what cameras should
2 have been in there, that kind of stuff, so you
3 can just show me where. So do you know if
4 Epstein was provided any of these special
5 privileges to have extra clothing or linen?

6 [REDACTED]: No, I know he should not
7 have.

8 [REDACTED]: Okay.

9 [REDACTED]: But he always asked for a
10 clean uniform every time he showered.

11 [REDACTED]: Would he give his other
12 uniform --

13 [REDACTED]: Yes.

14 [REDACTED]: -- back though?

15 [REDACTED]: Yes.

16 [REDACTED]: So what is your belief on
17 why he would have had extra blankets?

18 [REDACTED]: Somebody who doesn't
19 normally work SHU just said, "Okay," or he
20 probably asked for one because he was cold.

21 [REDACTED]: And how would people that
22 worked in the SHU know what the rules were with
23 as far as exchanging your linens and your
24 clothing?

25 [REDACTED]: Well, we talk about it.

1 Two sheets, one blanket.

2 [REDACTED]: Is that not provided at
3 training?

4 [REDACTED]: I don't remember. I don't
5 think that's in the SHU training, but it also
6 tells you not to have an excess of linen inside
7 the SHU.

8 [REDACTED]: The training does?

9 [REDACTED]: Yes.

10 [REDACTED]: Okay. So at training,
11 they do say they're not supposed to have, you
12 know, extra?

13 [REDACTED]: Correct.

14 [REDACTED]: And then, from working in
15 the SHU, would it be the OIC to tell people,
16 (Indiscernible *02:15:10).

17 [REDACTED]: The OIC or anybody who kind
18 of -.

19 [REDACTED]: Works in there?

20 [REDACTED]: Because OIC is not always
21 there, so.

22 [REDACTED]: All right. During
23 showers, who would have been working on August
24 9, 2019 looking at the daily assignment roster?

25 [REDACTED]: Would have been [REDACTED],

1 [REDACTED], Monge and myself.

2 [REDACTED]: Okay. As far as, did you
3 notice that there was an extra mattress in
4 Epstein's cell.

5 [REDACTED]: There's one on the floor.

6 [REDACTED]: Yes. We're told that
7 Epstein actually had two mattresses, one on the
8 floor, one on the bottom bunk and then [REDACTED]
9 had one as well. Would that be abnormal that
10 he was provided two mattresses?

11 [REDACTED]: Definitely shouldn't have
12 happened. Somebody probably felt bad for him
13 because he maybe said his back hurts.

14 [REDACTED]: Do you know where Epstein
15 slept?

16 [REDACTED]: Well, this only shows two
17 right here.

18 [REDACTED]: It's the height of the
19 mattress.

20 [REDACTED]: I think he slept on the bed
21 and [REDACTED] slept on the floor.

22 [REDACTED]: Oh, that's your belief?

23 [REDACTED]: I think so.

24 [REDACTED]: Oh, we were told the
25 opposite.

1 [REDACTED]: Opposite?

2 [REDACTED]: So you believe [REDACTED] was
3 actually on the floor?

4 [REDACTED]: I think so.

5 [REDACTED]: Okay. But if they had -
6 if there in fact were three mattresses in there
7 -.

8 [REDACTED]: There weren't supposed to
9 be three mattresses in there.

10 [REDACTED]: When and how would have
11 that happened?

12 [REDACTED]: Maybe one of them wasn't
13 thick enough, somebody else gave him another
14 one or they just didn't see the mattress
15 because a lot of times, the inmates put it on
16 the wall and if you don't physically go inside
17 the cell, you just give them another mattress.

18 [REDACTED]: So it - how would they
19 explain the fact that they didn't have a
20 mattress?

21 [REDACTED]: One would be standing
22 against the wall.

23 [REDACTED]: But, I mean, would they
24 say like somebody came in and took it?

25 [REDACTED]: No, just sometimes we move

1 mattresses around because we're going to put
2 two inmates over there. They only have one,
3 then we'll take it.

4 [REDACTED]: Okay. Is that a big
5 problem if there are extra mattresses then?

6 [REDACTED]: You're not supposed to, but
7 depending who is in charge that's there --

8 [REDACTED]: Yeah.

9 [REDACTED]: -- and at night time, if
10 you don't want to deal with it - well, not me
11 or - but if some people don't want to deal with
12 it, like, "All right, here's another mattress."

13 [REDACTED]: So what's the purpose of
14 making sure that inmates only have one mattress
15 as well as the correct amount of linens and
16 blankets?

17 [REDACTED]: Well, the linen because
18 just so we can have for everybody. The
19 mattress, the same thing, you only have one
20 mattress, that's all you're allowed.

21 [REDACTED]: Are there any kind of
22 security issues that go along with it?

23 [REDACTED]: Unless it's a troubled
24 inmate, they'll put the mattress to barricade
25 the door.

1 [REDACTED]: No, I mean like is there
2 any security issues that go along with making
3 sure an inmate doesn't have extra linens or
4 doesn't have extra blankets, is something,
5 like, to do with, like, potentially escaping or
6 harming themselves or anything like that. Is
7 that ever taught or do you know anything about
8 that? Or was it more of an administrative
9 thing?

10 [REDACTED]: It's more an administrative
11 thing.

12 [REDACTED]: Okay. So your
13 understanding was administrative, nothing to do
14 with like harming themselves or escaping.

15 [REDACTED]: Right. I don't think the
16 mattress or linen have anything to do with
17 that.

18 [REDACTED]: Okay. Who did you say
19 was responsible for making sure that inmates
20 had the correct amount of linens and mattresses
21 and things?

22 [REDACTED]: Everybody.

23 [REDACTED]: Everybody?

24 [REDACTED]: Everybody.

25 [REDACTED]: Okay. What - can you

1 just explain - we're going to move to the next
2 one. What - did you want to follow up on
3 anything with that?

4 [REDACTED]: No, no.

5 [REDACTED]: Can you explain cell
6 rotations in the SHU for me?

7 [REDACTED]: Cell rotations have to be
8 conducted every 21 days.

9 [REDACTED]: Every 21 days?

10 [REDACTED]: Yes.

11 [REDACTED]: And is that like every 21
12 days from the time that the inmate arrives at
13 the SHU or is it like on a set schedule, this
14 is the day, this is the 21st day?

15 [REDACTED]: From the inmate arrives to
16 the cell.

17 [REDACTED]: Okay. So every inmate is
18 different.

19 [REDACTED]: So if an inmate comes in
20 and he's assigned to cell 101 today, within 21
21 days or at 21 days, he needs to move to another
22 cell that is not cell 101.

23 [REDACTED]: Okay. And who is
24 responsible for kind of making sure that that
25 happens?

1 [REDACTED]: The Lieutenant should
2 oversee but usually we all go and assist them
3 and we have a print out of the 21 - "Oh, this
4 guy is on 18 days, it's time for him to move."
5 "Oh, this guy is on 21 days, let's move him."
6 [REDACTED]: So is it has to be done
7 by 21 days, it can be done prior to 21? Is
8 that what you're saying?
9 [REDACTED]: Yes.
10 [REDACTED]: Okay. So it's not like
11 the OIC's responsibility, it's everybody's
12 joint responsibility?
13 [REDACTED]: Yes. As long as you're not
14 in the same cell for more than 21 days, you can
15 move every 15 and you can move every 10 as long
16 as it doesn't go over 21.
17 [REDACTED]: So, who is like checking
18 to make sure that that's done or is it some
19 kind of an alert that is provided?
20 [REDACTED]: Excuse me. Usually the OIC
21 and the Lieutenant.
22 [REDACTED]: Are the ones saying, "Let
23 these go." Yeah.
24 [REDACTED]: "Hey, we got to move these
25 guys." The Lieutenant goes like, "Hey, OIC,

1 you got to get these guys moved."

2 [REDACTED]: All right. And then
3 after they're moved, who is responsible for
4 keying the movement?

5 [REDACTED]: Well, the OIC could do it -
6 -

7 [REDACTED]: Okay.

8 [REDACTED]: -- but usually we'll call
9 Control.

10 [REDACTED]: So Control or the OIC?

11 [REDACTED]: Yes.

12 [REDACTED]: All right. As the OIC
13 though, is that kind of like your job every 21
14 days to make sure and then you can either call
15 Control or is it -.

16 [REDACTED]: Well, I used to do it on my
17 own because I can -.

18 [REDACTED]: Right, right.

19 [REDACTED]: Instead of calling Control,
20 waiting five minutes for them to pick up, I
21 just do it on my own.

22 [REDACTED]: Now are you aware that
23 Epstein was in the wrong cell on August 9th and
24 10th of 2019?

25 [REDACTED]: No.

1 [REDACTED]: And so he was in cell 220
2 as we just discussed and in the system he's
3 logged in at 206L. Do you know anything about
4 that?

5 [REDACTED]: I actually found that out
6 the week after.

7 [REDACTED]: (Indiscernible *02:20:49)
8 so, if you found out, do you know why that is,
9 like what happened? Because obviously the
10 conspiracy theorists are going to be all over
11 that if that gets out, that he was in the wrong
12 cell. So, do you know if it would have been
13 one of those things that - was he ever moved or
14 was he just moved in the system or vice versa?
15 Do you know how that --

16 [REDACTED]: I think -.

17 [REDACTED]: -- discrepancy happened?

18 [REDACTED]: I think what happened was
19 when he was moved up from suicide watch, he was
20 placed in, let's say, 206. And then, after he
21 went to attorney conference, when they got him
22 with his bunkie - I mean, once, let's say, he
23 went - he did go to attorney conference, "Okay,
24 he's coming back, we're going to put him with
25 this bunkie," we're just going to move him and

1 somebody forgot to key him in to the right
2 cell.

3 [REDACTED]: So do you know if Epstein
4 was ever in a different cell other than 220?

5 [REDACTED]: No. He was actually with
6 Tartaglione.

7 [REDACTED]: So that was - so when he
8 was with Tartaglione prior to July 23rd, he was
9 actually in a different cell?

10 [REDACTED]: Yes.

11 [REDACTED]: Is that listed on that?
12 Does it show?

13 [REDACTED]: Trying to remember what
14 cell is downstairs right from above that one.

15 [REDACTED]: Well, I have a list of
16 the SHU map if that helps you out. It's the
17 first and second floor. I can't remember which
18 one is the first page and - I would just assume
19 that whatever L Tier is on, that's the second
20 floor, correct?

21 [REDACTED]: Yes. Now -.

22 [REDACTED]: So the letter corresponds -.

23 [REDACTED]: The numbers are off --

24 [REDACTED]: Yeah.

25 [REDACTED]: -- on that for some

1 reason.

2 [REDACTED]: Definitely.

3 [REDACTED]: And we all - and we can't
4 explain that, why that SHU map shows the wrong
5 letters or the wrong numbers, I mean. Seems
6 like they say the wrong - they show the wrong -
7 or the correct letters although the numbers
8 appear to be wrong.

9 [REDACTED]: This is also - I'm not - is
10 this the second floor?

11 [REDACTED]: Here, let me see.

12 [REDACTED]: I'm not -.

13 [REDACTED]: My understanding would be
14 since this says, "L," that this would be the
15 second floor and this would be the first floor.
16 Is H, K, M, are they on the first floor?

17 [REDACTED]: Yes. H is on the bottom.

18 [REDACTED]: So H is on the - H is not
19 even on the same thing as K and M? Oh yeah --

20 [REDACTED]: They're on -.

21 [REDACTED]: -- because this is
22 showing --

23 [REDACTED]: They're on -.

24 [REDACTED]: -- stairs, so I guess -
25 so is this like - this is what you're - is

1 there like three levels then?

2 [REDACTED]: No, there's only two, but
3 so H is downstairs, GT is right upstairs and
4 then there's J, K, L, M.

5 [REDACTED]: So does this not make
6 sense the way that this is -.

7 [REDACTED]: No, not really.

8 [REDACTED]: So, okay. So even
9 looking at this, this doesn't even add up --

10 [REDACTED]: No.

11 [REDACTED]: -- the way you're looking
12 at it?

13 [REDACTED]: Because this is the
14 officer's station and the office is the second
15 floor G Tier. This is a weird - but he -.

16 [REDACTED]: So this doesn't add up to
17 you? So we're going to have to see about
18 getting a different SHU map.

19 [REDACTED]: No.

20 [REDACTED]: But, from your
21 understanding, does this kind of look right
22 though? If this is the officer's station over
23 there, is this where --

24 [REDACTED]: So -.

25 [REDACTED]: -- Epstein was housed?

1 Looking at it that way?

2 [REDACTED]: No, so this is the office.

3 That probably means the Lieutenant's office

4 which is on the second floor --

5 [REDACTED]: So that's the LT's

6 office?

7 [REDACTED]: -- right next to G Tier.

8 Correct.

9 [REDACTED]: Okay. So that's where --

10 [REDACTED]: And then recreation --

11 [REDACTED]: -- we thought this was --

12 [REDACTED]: -- would be downstairs.

13 [REDACTED]: So this office and this

14 are not even on the same floor?

15 [REDACTED]: No. This is on the second

16 floor and this is downstairs.

17 [REDACTED]: All right.

18 [REDACTED]: So these might be the

19 original blue prints where the rooms might have

20 been changed over time.

21 [REDACTED]: All right. Yeah, we're

22 probably going to have to just ask the SIA to

23 give us a tour. Where -- so if this is -- if

24 we're going to assume that this is the second

25 floor --

1 [REDACTED]: That's if -.

2 [REDACTED]: -- because it has L.

3 [REDACTED]: That's LT and then the
4 officer's station should be right here.

5 [REDACTED]: Right here?

6 [REDACTED]: Because I could look up to
7 the office.

8 [REDACTED]: So I'm going to write
9 this circle where you're pointing and just put
10 OS for Officer's Station. And this would be
11 Epstein?

12 [REDACTED]: Yes.

13 [REDACTED]: I'll write E there.

14 [REDACTED]: And this is the shower --

15 [REDACTED]: Does -.

16 [REDACTED]: -- like I was telling
17 earlier.

18 [REDACTED]: Oh, so this is the shower
19 here? All right, so the shower is actually
20 outside of the tier.

21 [REDACTED]: Yes.

22 [REDACTED]: Shower. And then, if
23 this is 220, where would 206 be?

24 [REDACTED]: 19, 18 --

25 [REDACTED]: It's all the way down?

1 [REDACTED]: -- 17, 16, 15, 14, 13.
2 [REDACTED]: Or is there even? I
3 mean, this sheet says 206 -.
4 [REDACTED]: How many cells are in there?
5 [REDACTED]: There's four on one side
6 and four on the opposite side.
7 [REDACTED]: And would you understand
8 it to mean 206L for 206 L Tier?
9 [REDACTED]: No, 206 is lower. That's
10 the -.
11 [REDACTED]: Oh, so this wouldn't even
12 mean that he was on the L Tier. 206 -.
13 [REDACTED]: Lower and then like upper.
14 [REDACTED]: Because this is where it
15 says, if I'm reading this correctly, does it
16 say that on 8/10/2019 that's where he should
17 have been assigned --
18 [REDACTED]: Correct.
19 [REDACTED]: -- 206 lower? Does that
20 show you at all - it says, "Z range," right?
21 [REDACTED]: Yeah. So -.
22 [REDACTED]: What does that --
23 [REDACTED]: So -.
24 [REDACTED]: -- show you that where
25 it's saying that is that he was assigned? And

1 it seems like he had a lot of assignments in
2 there.

3 [REDACTED]: So H is the suicide watch.

4 [REDACTED]: Okay. So where it says,
5 "H," next to -.

6 [REDACTED]: So he went from 201, which
7 that's G Tier, to suicide watch on the 8th of
8 August, then he went to SHU.

9 [REDACTED]: The 8th of August?

10 [REDACTED]: Of July, I'm sorry, of
11 July. D05.

12 [REDACTED]: So July 23rd is when he
13 should have been placed in the -.

14 [REDACTED]: That's when actually -.

15 [REDACTED]: And July 30th he should
16 have returned.

17 [REDACTED]: July 23rd he was in suicide
18 watch.

19 [REDACTED]: Right.

20 [REDACTED]: July 29th, he went to SHU -
21 -

22 [REDACTED]: What -.

23 [REDACTED]: -- and -.

24 [REDACTED]: What cell was he placed in?

25 [REDACTED]: 206 on July 29th. Then -

1 hmm. He has - so he was never placed in 220.

2 We never keyed him into 220.

3 [REDACTED]: Well, does it show that
4 he was in 206 ever since the time he came back?

5 [REDACTED]: Yeah.

6 [REDACTED]: Could you -.

7 [REDACTED]: So it says the 29th he was
8 in H001 then the next day - the next date would
9 be 206.

10 [REDACTED]: And by the number 206,
11 does that tell you at all where that is in the
12 SHU?

13 [REDACTED]: 206, I have to -.

14 [REDACTED]: I mean, do they - is it -
15 so each tier doesn't have like their own
16 number? Is it just, you know, 206 could be
17 like G Tier or -.

18 [REDACTED]: So I think - little
19 confusing because I think it goes H Tier is
20 one, two, three, four, these are all four, 205,
21 five, six, then this one should be 06, L Tier
22 should be 06.

23 [REDACTED]: L Tier --

24 [REDACTED]: I have to see it.

25 [REDACTED]: -- should be 206?

1 [REDACTED]: I have to see it, sorry.

2 [REDACTED]: Yeah, yeah, and I get it.

3 [REDACTED]: See, because it's a little
4 confusing.

5 [REDACTED]: Trying to - absolutely.

6 [REDACTED]: Because the way they have
7 it is the opposite. Like one is on the bottom,
8 two is on top and then three back to the
9 bottom, four to the top.

10 [REDACTED]: Yeah, so we'll definitely
11 have to check on that. But do you know, was he
12 even ever in 206 after he returned from suicide
13 watch?

14 [REDACTED]: If -.

15 [REDACTED]: So he returned from
16 suicide watch, it sounds like, like you just
17 said, on the 29th of July. I guess I thought
18 it was the 30th based upon that email. So the
19 29th of July through August 9th, 21 days does
20 not even elapse.

21 [REDACTED]: He should be on 220. So he
22 should have got keyed into 220 because that's
23 where --

24 [REDACTED]: So someone --

25 [REDACTED]: -- what it says.

1 [REDACTED]: -- keyed him in
2 incorrectly is what it sounds like?
3 [REDACTED]: Unless they put him there
4 and said, "Oh, shit, he needs a bunkie and then
5 moved him. But once they moved him, he was
6 never keyed into the right cell.
7 [REDACTED]: All right. And do you
8 know who would have keyed in the 206?
9 [REDACTED]: Maybe Control the day they
10 came upstairs? Maybe whoever was working SHU?
11 [REDACTED]: All right, then -.
12 [REDACTED]: So probably maybe even me,
13 but I don't think I would put him in the wrong
14 cell.
15 [REDACTED]: So from the time - and
16 you're the one that put him in the cell?
17 [REDACTED]: Yeah, like, I wouldn't put
18 him - if you came to 205, that's where I would
19 key you into, 205.
20 [REDACTED]: So, are you - but are you
21 the one that placed him initially into 220?
22 [REDACTED]: No.
23 [REDACTED]: Do you know who did?
24 [REDACTED]: I don't remember that.
25 [REDACTED]: Do you know how it was

1 decided that he went into 220? My
2 understanding is he was placed in that cell
3 because you could see - you could all - you
4 could see his door up front.

5 [REDACTED]: They put him there so we
6 can see him, but maybe [REDACTED] was in that cell
7 already.

8 [REDACTED]: Who made the
9 determination to place him in that cell?

10 [REDACTED]: I don't know. Not me.
11 Like I said, maybe because [REDACTED] was already in
12 there.

13 [REDACTED]: Yeah, yeah.

14 [REDACTED]: Could have been in there,
15 so, you know, it's easier to move him in with
16 [REDACTED].

17 [REDACTED]: Oh, yeah. So, that's
18 what I was saying before. I thought the
19 determination was made because from the
20 officer's station, like you said --

21 [REDACTED]: You could -.

22 [REDACTED]: -- where I circled --

23 [REDACTED]: You could see him.

24 [REDACTED]: -- you could see the
25 door.

1 [REDACTED]: Yes.

2 [REDACTED]: So that's why I thought
3 it was decided to put Epstein in that one.

4 [REDACTED]: Right. Because it's right
5 off the -.

6 [REDACTED]: So what I'm asking is, do
7 you know who made that decision?

8 [REDACTED]: Probably between the
9 Captain, AW and the Warden.

10 [REDACTED]: So at that point, he's in
11 220. Who is responsible for making sure that
12 he's coded at 220?

13 [REDACTED]: Well, when he came - when
14 he comes up from suicide watch, it should have
15 been Control.

16 [REDACTED]: So Control apparently put
17 him in, what you're saying, in 206?

18 [REDACTED]: Correct.

19 [REDACTED]: So after he's now in -
20 he's not in 206, he's in 220, who is
21 responsible for making that change?

22 [REDACTED]: Well, whoever notices it or
23 when we conduct the bed book count which most
24 likely we didn't. It regularly should have
25 been me to key him, "Oh, okay, he's there," but

1 I never saw that he was in the wrong cell.

2 [REDACTED]: So that's what I guess,
3 so how would that - so I guess the question is,
4 how would it be noticed that he was in the
5 wrong cell? Is that something that's supposed
6 to be like reviewed or you're supposed to be
7 checking? How does that --

8 [REDACTED]: When you conduct a bed -.

9 [REDACTED]: -- and I don't know, so
10 again -.

11 [REDACTED]: Well, no, when you conduct
12 a bed book count, which now, it happens every
13 week, before, maybe once a month, or the next
14 time you notice would be, "Oh, 21 days to move
15 him," you would have come out that cell and he
16 was never in that cell. But you still see him,
17 you see who is there.

18 [REDACTED]: Yeah, yeah.

19 [REDACTED]: But you just don't verify
20 with the bed book count.

21 [REDACTED]: Now, are you confident
22 that he was always in 220 though from the time
23 he returned from suicide watch?

24 [REDACTED]: That I remember? Yes.

25 [REDACTED]: All right.

1 [REDACTED]: The only time I remember he
2 was in another cell, was when he was in
3 [REDACTED] cell, which that was right before
4 he went to suicide watch.

5 [REDACTED]: Okay. From the time he
6 came back from suicide watch, he was always in
7 220.

8 [REDACTED]: Yes.

9 [REDACTED]: And this, 206, was that
10 just an administrative error?

11 [REDACTED]: That most likely was.

12 [REDACTED]: Okay.

13 [REDACTED]: Because I know he was up
14 there.

15 [REDACTED]: All right.

16 [REDACTED]: So after [REDACTED], which
17 I wasn't even here when that happened, after he
18 was his bunkie, he was placed on suicide watch
19 and I think I came back and he was already up
20 there in the cell.

21 [REDACTED]: All right. So the only
22 two cells that you know of is when he was with
23 [REDACTED] and then when he returned from -.

24 [REDACTED]: Yes.

25 [REDACTED]: So from basically July,

1 at least 30th, the 29th, to August 10th, 220 is
2 the cell he was always in?

3 [REDACTED]: Yes.

4 [REDACTED]: This 206 thing was an
5 administrative error.

6 [REDACTED]: Correct.

7 [REDACTED]: And it would have been
8 caught if there were weekly bed book counts
9 done.

10 [REDACTED]: Yes.

11 [REDACTED]: All right, and that's -
12 other than that bed book count, is there
13 another time that that would have been that
14 that could have been or should have been
15 caught?

16 [REDACTED]: Maybe when, if you were
17 moving him, if you were moving his bunkie, but
18 there's no -.

19 [REDACTED]: Okay, get a note to make
20 sure we ask for Reyes's cell assignment. And
21 he was always from 220 - I mean, from 7/29 to
22 8/10 - July 29th to August 10th, he was always
23 with Reyes?

24 [REDACTED]: Yes.

25 [REDACTED]: Okay. All right. Now

1 we're going to talk about - do you mind just
2 initialing. Now would the Lieutenant have any
3 oversight over this as well?

4 [REDACTED]: If he was there, yes.

5 [REDACTED]: Is that something he
6 suppo- he's, you know, I think it was, we were
7 told that the Lieutenant comes in and audits
8 the books and things like that. Is this
9 something that he would have been auditing?

10 [REDACTED]: I'm not sure if that's -
11 because I haven't worked like as a SHU
12 Lieutenant, but he does have to confirm the
13 rounds. Only way he would order that is
14 probably before the SHU meeting, which the SHU
15 meetings we usually had on Thursdays.

16 [REDACTED]: Okay. Anything more you
17 want to ask on that?

18 [REDACTED]: I don't know if you want him
19 to sign the SHU.

20 [REDACTED]: We're still going to look
21 at that. So, this has been a great confusion
22 too that we're hoping you can help us. What
23 cameras are actually located in the SHU outside
24 of 10 South and G Tier?

25 [REDACTED]: At this point in time.

1 [REDACTED]: So, not at this point in
2 time, in August of 2019.

3 [REDACTED]: So in August we only had --

4 [REDACTED]: I'm sorry, man. Sorry.

5 [REDACTED]: -- one camera at the end of
6 the range. So you walk in through the rear
7 door.

8 [REDACTED]: Can you - again, I guess
9 this is too confusing.

10 [REDACTED]: So -.

11 [REDACTED]: Are you able to determine
12 - if we're saying that this is the second
13 floor, here is L Tier. There is Epstein's cell
14 --

15 [REDACTED]: So there was always --

16 [REDACTED]: -- officer's station.

17 [REDACTED]: -- a camera right here.

18 [REDACTED]: That points down this
19 range?

20 [REDACTED]: Yeah.

21 [REDACTED]: All right. So that
22 should have been at least where Epstein's cell
23 was located.

24 [REDACTED]: Well, it wouldn't - it
25 would see both.

1 [REDACTED]: We have this camera
2 angle. Where is this camera? This is the
3 officer's station.

4 [REDACTED]: That - this is outside of
5 10 South, which is the second floor and this is
6 the other office that I was in, the
7 Lieutenant's office on top.

8 [REDACTED]: Okay. So the
9 Lieutenant's office is here.

10 [REDACTED]: Yes.

11 [REDACTED]: So, LT right there.

12 [REDACTED]: Uh-huh.

13 [REDACTED]: And then this floor
14 though is 10 South?

15 [REDACTED]: Yes. This is the entrance
16 to 10 South.

17 [REDACTED]: 10 - I'm putting 10 South
18 on the door and pointing to the LT's door. Is
19 this the officer's station?

20 [REDACTED]: Yes.

21 [REDACTED]: I'm circling the
22 officer's station. Where would Epstein have
23 been located?

24 [REDACTED]: It's up - you can't see it
25 through there.

1 [REDACTED]: This over here?

2 [REDACTED]: Yeah.

3 [REDACTED]: So I'm going to put E and
4 pointing to it. So that's where Epstein's cell
5 would have been. What is this over here?

6 [REDACTED]: That's on J Tier.

7 [REDACTED]: That would have been G
8 Tier? All right, so I'm going to put G -.

9 [REDACTED]: J, J.

10 [REDACTED]: J? Oh.

11 [REDACTED]: Yeah, J as in Jack.

12 [REDACTED]: J up that way. All
13 right. So that's our point of reference. What
14 other cameras other than this should have there
15 been in the SHU?

16 [REDACTED]: Well, there's another one
17 out here that focused on the whole MPA, which
18 the MPA is this general right here area.

19 [REDACTED]: Okay.

20 [REDACTED]: And then every range, when
21 you walk in, has a camera towards the end.
22 This is --

23 [REDACTED]: So every range --

24 [REDACTED]: -- in August.

25 [REDACTED]: -- is supposed to have a

1 camera?

2 [REDACTED]: Yes. They did. They still
3 have them there.

4 [REDACTED]: So when you call it a
5 range, you're talking about --

6 [REDACTED]: All right, so -.

7 [REDACTED]: -- each tier?

8 [REDACTED]: Yes, each tier. So, I walk
9 into the tier, there's a camera at the end of
10 all of them. Now -.

11 [REDACTED]: So, every one of them
12 should have had a camera.

13 [REDACTED]: Yes. They did have
14 cameras, they are still there.

15 [REDACTED]: That should have been
16 working.

17 [REDACTED]: Correct.

18 [REDACTED]: Ok so.

19 [REDACTED]: They're still there, the
20 cameras.

21 [REDACTED]: Are you able to tell,
22 what is this a picture of?

23 [REDACTED]: That's the Sally port, the
24 visiting elevator.

25 [REDACTED]: On the 9th floor?

1 [REDACTED]: Yep.

2 [REDACTED]: So when you say,
3 "Visiting elevator," what does that mean?

4 [REDACTED]: So you walk in through the
5 first floor and only - if there's visitors, you
6 can come out through there. So -.

7 [REDACTED]: You can visit the SHU?

8 [REDACTED]: Yes.

9 [REDACTED]: Like outsiders?

10 [REDACTED]: Yes. Visit the SHU
11 inmates.

12 [REDACTED]: I didn't know that. So
13 instead of bringing the SHU, the inmates
14 downstairs, the visitors actually --

15 [REDACTED]: Yep.

16 [REDACTED]: -- come into the SHU?

17 [REDACTED]: And they walk into the room
18 in here, they sit down with their visitors.

19 [REDACTED]: So this is called the -.

20 [REDACTED]: 9 Sally - 9 visiting Sally.

21 [REDACTED]: 9 --

22 [REDACTED]: Visiting Sally.

23 [REDACTED]: -- visiting - is Sally,
24 S-A-L-L-Y?

25 [REDACTED]: Yes.

1 [REDACTED]: All right, the second one
2 we just went over. That's from 10 South
3 outside of. What is this?

4 [REDACTED]: That's 10 South.

5 [REDACTED]: This is 10 South? And
6 this again is 10 South?

7 [REDACTED]: Yes.

8 [REDACTED]: And again, 10 South. Is
9 there a reason why - did you want to identify -
10 .

11 [REDACTED]: No, no, it's okay.

12 [REDACTED]: I'm going to actually
13 take those --

14 [REDACTED]: Yeah.

15 [REDACTED]: -- pictures out of this
16 and just look at those three. All right. So
17 the fact that we only have these three camera
18 angles and saying that these are the three that
19 are only working, do you know anything about
20 that? Do you know if all those other cameras
21 should have been working on each of the ranges?

22 [REDACTED]: Well, they should have.

23 [REDACTED]: All right. So, each
24 tier, to your knowledge on every single one,
25 including on L Tier where Epstein was located,

1 should have had a camera that pointed down.

2 [REDACTED]: They should have a working
3 camera. They still have the camera. It works.
4 At that time, I don't know if it did or didn't,
5 but the camera was on the wall. It's there on
6 the wall.

7 [REDACTED]: On the wall of every
8 tier.

9 [REDACTED]: Correct.

10 [REDACTED]: Including Epstein's tier.

11 [REDACTED]: Yes.

12 [REDACTED]: Do you know anything
13 about those cameras not working on August 9th
14 or August 10th?

15 [REDACTED]: No.

16 [REDACTED]: Do you know anything
17 about Epstein's tier, that camera not working
18 on -.

19 [REDACTED]: No.

20 [REDACTED]: Who is responsible for
21 making sure that the cameras were working?

22 [REDACTED]: I think the Com Department.
23 Com Tech.

24 [REDACTED]: And do you remember in
25 August 2019 who was working in the Com

1 Department? Anybody? Is there a Mr. [REDACTED]?
2 [REDACTED]: I think [REDACTED], that's the
3 only one. The only Com Tech that we've had and
4 that we still have.
5 [REDACTED]: And he's still here?
6 [REDACTED]: Yes.
7 [REDACTED]: [REDACTED]? All right, so
8 would [REDACTED] be the person to talk to about
9 this?
10 [REDACTED]: Maybe tell you more or less
11 if what cameras worked or didn't work at that
12 time.
13 [REDACTED]: Okay. But no one ever
14 talked to you? Is there any way that as the
15 OIC or anybody that worked in the SHU that you
16 would have known that the cameras were or were
17 not working?
18 [REDACTED]: No.
19 [REDACTED]: So who - is there anybody
20 that live monitors any of those cameras?
21 [REDACTED]: That I know of? No.
22 [REDACTED]: All right. So you don't
23 know anything else about the cameras? Is this
24 the first you're hearing that these cameras
25 were down?

1 [REDACTED]: I mean, I've heard it in
2 the news, but not from the building.

3 [REDACTED]: Is that - does that raise
4 any suspicion for you the fact that these
5 cameras aren't - they don't have video of these
6 cameras?

7 [REDACTED]: Not really. This building,
8 there's always something going wrong in the
9 building. So, it wouldn't surprise me or
10 didn't surprise me when they said the cameras
11 weren't working.

12 [REDACTED]: All right. But, I mean,
13 that many? If we have how many tiers are in -
14 you just do this top page. That many -.

15 [REDACTED]: In six tiers.

16 [REDACTED]: Six tiers and we don't
17 have any cameras for any of the six tiers then.
18 Is that to you like, "Wait, what?" Does -.

19 [REDACTED]: Not really.

20 [REDACTED]: No?

21 [REDACTED]: No, not really. Like I
22 said, sometimes the lights go off in the tier
23 and we got to reset the breaker, so ever since
24 I started, there's always been a problem with
25 something not working in this building. So the

1 camera doesn't surprise me, it's just another
2 thing that didn't work for the moment.

3 [REDACTED]: So this is where like,
4 it's just like, what are your - what is your
5 opinion on the fact that we got no cameras
6 working on at least, you know, definitely on
7 Epstein's tier, he's in the wrong cell, you
8 know, we could always - you know, the counts
9 are basically, you know, potentially falsified,
10 the counts weren't done. Is there anything
11 that you're seeing here that you're like,
12 "Somebody is covering up for somebody," or,
13 "Somebody is like manipulating things or
14 deleting cameras or taking anything down?" Is
15 there a reason for you to believe any of that?

16 [REDACTED]: Mm, not really. I said,
17 going on seven years now, a lot of stuff has
18 gone wrong in this building and I highly doubt
19 that stuff was on purpose. My -.

20 [REDACTED]: What about even to just
21 cover up --

22 [REDACTED]: My belief -.

23 [REDACTED]: -- from what they were
24 doing administratively? Is there anybody that
25 would have been able to, like, knock cameras

1 out or knock them down or manipulate them?

2 [REDACTED]: No, because -.

3 [REDACTED]: Do Lieutenants have the
4 ability to do that?

5 [REDACTED]: No, the Lieutenants don't
6 and [REDACTED] leaves at like, I think, at 2:00 in
7 the afternoon.

8 [REDACTED]: So like, for instance, if
9 an Ops Lieutenant, would that - would an Ops
10 Lieutenant be able to --

11 [REDACTED]: Go somewhere --

12 [REDACTED]: -- manipulate the
13 cameras --

14 [REDACTED]: -- and turn the syst-.

15 [REDACTED]: -- or anything?

16 [REDACTED]: No.

17 [REDACTED]: No?

18 [REDACTED]: No.

19 [REDACTED]: Even from like the camera
20 room or anything like that?

21 [REDACTED]: No, we don't have access to
22 the camera room.

23 [REDACTED]: Okay.

24 [REDACTED]: We could log in to the
25 camera system, but we can't turn on or turn off

1 any camera.

2 [REDACTED]: So who has the ability to
3 turn on and turn off cameras?

4 [REDACTED]: That should be the Com
5 shop.

6 [REDACTED]: All right, so just

7 [REDACTED] --

8 [REDACTED]: Yes.

9 [REDACTED]: -- is the only person
10 that can do it? Okay. Do you know who BOP
11 employee [REDACTED] [REDACTED] is?

12 [REDACTED]: He's a case manager here.

13 [REDACTED]: Okay. Still here?

14 [REDACTED]: Yes.

15 [REDACTED]: All right. Are you aware
16 on August 9, 2019, when [REDACTED] worked and what
17 his responsibilities were, like in - I don't
18 even know if he's on here, let me see.

19 [REDACTED]: I didn't even think he was
20 here that day.

21 [REDACTED]: He was. Yeah, okay. So,
22 if you can find him on there and tell me if you
23 can figure out what his role and
24 responsibilities were, looking at the daily
25 assignment roster.

1 [REDACTED]: [REDACTED]?

2 [REDACTED]: Yes.

3 [REDACTED]: He's Unit Team, he wouldn't
4 be on this roster.

5 [REDACTED]: Well, if you look at the
6 bottom, you'll find his name at least.

7 [REDACTED]: That's [REDACTED].

8 [REDACTED]: That's a different one?

9 [REDACTED]: Correct.

10 [REDACTED]: All right. So Unit Team,
11 does that mean he's non-custody?

12 [REDACTED]: Yes.

13 [REDACTED]: Okay. And what were his
14 roles and responsibilities, do you know?

15 [REDACTED]: He's a Case Manager, pretty
16 much serving incident reports, referring them
17 to DHO, give out legal phone calls.

18 [REDACTED]: Okay.

19 [REDACTED]: Deal with some --

20 [REDACTED]: Legal phone calls --

21 [REDACTED]: -- kind of legal --

22 [REDACTED]: -- is one of things that
23 --.

24 [REDACTED]: -- legal paperwork.

25 [REDACTED]: Okay. So --

1 [REDACTED]: Make copies.

2 [REDACTED]: -- did you have any
3 conversations with [REDACTED] on August 9, 2019
4 regarding Epstein?

5 [REDACTED]: No.

6 [REDACTED]: Did you ever - did you
7 remember ever talking with [REDACTED] about
8 Epstein?

9 [REDACTED]: Huh-uh.

10 [REDACTED]: Do you know anything
11 about [REDACTED] allowing Epstein to make a
12 telephone call on the evening of August 9,
13 2019?

14 [REDACTED]: No.

15 [REDACTED]: Did you hear anything
16 about that after the fact?

17 [REDACTED]: No, and that's new.

18 [REDACTED]: So do you know anything
19 about Epstein being authorized a telephone call
20 from the SHU?

21 [REDACTED]: No.

22 [REDACTED]: You ever hear anything
23 about Epstein making a telephone call from
24 inside the shower area?

25 [REDACTED]: No.

1 [REDACTED]: Do you know about inmates
2 in general ever making telephone calls from
3 that shower?

4 [REDACTED]: They're not supposed to.

5 [REDACTED]: They're not supposed to?

6 [REDACTED]: No.

7 [REDACTED]: Is there a jack there
8 though?

9 [REDACTED]: There's no jack close to
10 the shower. Usually for a phone call, we plug
11 in the phone to the jack and give them the
12 phone through the slot. They make their phone
13 call, 15 minutes are up, you take the phone
14 back.

15 [REDACTED]: So Epstein placed a
16 telephone call from the shower, they plugged in
17 the thing, gave Epstein the telephone and then
18 closed the shower doors I guess and allowed him
19 to speak in there. Has that ever happened
20 before?

21 [REDACTED]: The only place that I think
22 that would reach would be G Tier. Because
23 they're inside the tiers, the jacks weren't
24 working.

25 [REDACTED]: And am I saying that

1 correctly?

2 [REDACTED]: Yeah, I think the shower was
3 in the G Tier. I think one -.

4 [REDACTED]: It was a shower in the G
5 Tier --

6 [REDACTED]: Yeah.

7 [REDACTED]: -- not in the L Tier, so
8 he placed a telephone call from a shower, not
9 necessarily the L Tier shower. So he placed a
10 telephone call from the shower, a shower and it
11 was plugged into a non-recorded line.

12 [REDACTED]: Well, those are the legal
13 phone calls because we can't listen to the - or
14 the attorney phone calls aren't supposed to be
15 on a recorded line, from my understanding.

16 [REDACTED]: All right. So is that
17 something that you would allow inmates to do?

18 [REDACTED]: Personally, I put them
19 downstairs.

20 [REDACTED]: When you say,
21 "Downstairs," where is that?

22 [REDACTED]: In the recreation area, the
23 law library.

24 [REDACTED]: So outside of the SHU?

25 [REDACTED]: Correct. No, it's actually

1 inside the SHU --

2 [REDACTED]: Okay.

3 [REDACTED]: -- but it's like a cage
4 that where the computers were and plug in the
5 phone in the tier and make it reach all the way
6 downstairs.

7 [REDACTED]: Is it abnormal --

8 [REDACTED]: Not the shower.

9 [REDACTED]: -- that they allowed
10 Epstein to place a call from the shower,
11 whichever shower it was, it sounds like G Tier
12 and use a legal line?

13 [REDACTED]: Not really, unless there's
14 no - couldn't put him on the library or you
15 couldn't put him in the rec cage then.

16 [REDACTED]: What if you told the officer
17 that he wanted to call his mother?

18 [REDACTED]: You got social calls for
19 that and those calls, they would be recorded.

20 [REDACTED]: And what would be a
21 reason why that it would be on a legal line to
22 call his, quote, unquote, mother?

23 [REDACTED]: There shouldn't be.

24 [REDACTED]: There shouldn't be?

25 [REDACTED]: There shouldn't be. Use

1 your minutes.

2 [REDACTED]: So you hadn't heard
3 anything about this?

4 [REDACTED]: No.

5 [REDACTED]: This is the first you're
6 hearing of it?

7 [REDACTED]: Yes.

8 [REDACTED]: Okay. Would it be
9 abnormal that [REDACTED] would have set this up
10 for him to be able to call his mother from the
11 shower then and plug it in the legal line?

12 [REDACTED]: Unless he told him he was
13 calling his attorney, but even with that,
14 you've got to verify the attorney, "This is -
15 is this attorney such and such?" "Yes, okay,
16 I'm going to put your client on the phone."
17 That's how it should have been.

18 [REDACTED]: And even at that, is
19 someone supposed to monitor that telephone
20 call?

21 [REDACTED]: Well, he can't sit there
22 and listen to it, but once your time is up
23 then, "All right, give me the phone back."

24 [REDACTED]: Okay. So no one is
25 actually supposed to sit there and actually

1 monitor the call even though it's not recorded?
2 [REDACTED]: Correct.
3 [REDACTED]: They are not?
4 [REDACTED]: They are not because of,
5 it's a legal call.
6 [REDACTED]: Okay. And it's only a
7 legal call that's not supposed to be monitored?
8 [REDACTED]: Correct.
9 [REDACTED]: As far as a call to his
10 mother or anybody other than a legal call, it
11 should have been recorded?
12 [REDACTED]: Yes. On a recorded line,
13 yes.
14 [REDACTED]: And does everybody in the
15 SHU know that?
16 [REDACTED]: Yes.
17 [REDACTED]: Should [REDACTED] known
18 that?
19 [REDACTED]: Definitely.
20 [REDACTED]: Okay. And when inmates
21 place calls from the SHU, how is that - how do
22 you keep track of that, if at all?
23 [REDACTED]: Well, we have - on SENTRY,
24 we have the TRUFONE, so we just print that or
25 in SHU we should - I don't know if they're

1 still doing it, they had a log book so you
2 request for the phone, I give it to you, I fill
3 it - I put your name down that you had a phone
4 call.

5 [REDACTED]: So I guess that's what -
6 is it tr- Epstein didn't actually have one of
7 those like keypad things.

8 [REDACTED]: PAC and PIN.

9 [REDACTED]: Oh, he didn't have one?

10 [REDACTED]: So if he didn't have one,
11 how would he place a call?

12 [REDACTED]: He can't.

13 [REDACTED]: So the only way he could
14 place a call is from an actual -.

15 [REDACTED]: Unit Team, yes.

16 [REDACTED]: So if the - if, in those
17 cases, are the calls supposed to be monitored?

18 [REDACTED]: Yes.

19 [REDACTED]: So in this case, if
20 Epstein placed a call and was told, like - my
21 understanding is [REDACTED] got the approval to
22 allow him to place a call but left him in the
23 shower area, left the unit, and no one
24 monitored the call. Is that a problem?

25 [REDACTED]: Yes. So --

1 [REDACTED]: Who -.

2 [REDACTED]: -- if it's -.

3 [REDACTED]: Who should have been
4 responsible for monitoring that call?

5 [REDACTED]: He should have.

6 [REDACTED]: [REDACTED]?

7 [REDACTED]: Yes. He should just not
8 stand there and listen to his conversation, but
9 he should have verified --

10 [REDACTED]: Even if it's not a legal
11 call.

12 [REDACTED]: Well, if he said -.

13 [REDACTED]: So he doesn't have one of
14 these PAC and PINs, or whatever it's called and
15 they said he -.

16 [REDACTED]: Then it's not going to be a
17 social call, then it's going to be a legal
18 call.

19 [REDACTED]: No, no, no. What I'm
20 saying is, he doesn't have the ability to make
21 a social call, but he's provided the approval,
22 "Yes, allow him to make this call, but monitor
23 it," stood there?

24 [REDACTED]: He should have stood by
25 there.

1 [REDACTED]: And [REDACTED] is the one
2 who should have done that?

3 [REDACTED]: Yes. Because he's the one
4 who put him on the phone.

5 [REDACTED]: All right. And he
6 shouldn't have passed that responsibility off
7 to someone in the SHU?

8 [REDACTED]: Correct.

9 [REDACTED]: Okay.

10 [REDACTED]: So if, for instance, the
11 Warden says, "Give Mr. Smith a phone call, a
12 five minute phone call but make sure you stand
13 there and monitor it," then, "Here's the phone,
14 it's going to be on a non-recorded line," but I
15 am going to stand there and listen to your
16 conversation because it's not a legal phone
17 call --

18 [REDACTED]: Right.

19 [REDACTED]: -- it's just kind of like a
20 courtesy phone call, you're given the
21 opportunity to call your family. "Okay, you're
22 phone call is done? Thank you." Hang up the
23 phone and walk away.

24 [REDACTED]: And how are those calls
25 allowed, did you say?

1 [REDACTED]: Should be a book.
2 [REDACTED]: In a written book?
3 [REDACTED]: A log book. Yes.
4 [REDACTED]: Okay. Not in anything in
5 like a TRUSCOPE or anything --
6 [REDACTED]: No.
7 [REDACTED]: -- like that? SENTRY?
8 [REDACTED]: You could put it on
9 TRUSCOPE, just to kind of - in case something
10 like this happens, cover yourself.
11 [REDACTED]: Okay.
12 [REDACTED]: Let's say an order like that
13 did come down. Are they allowed to call any
14 person they wanted or does it have to be a
15 specific number off a list?
16 [REDACTED]: It has to be a legal phone
17 call only.
18 [REDACTED]: No, no, no. If -.
19 [REDACTED]: Only to your attorneys.
20 [REDACTED]: If he doesn't have the
21 ability to make a social call and they say
22 that, "Yes, allow him to have this social
23 call," would he even have a list if he never -.
24 [REDACTED]: No. No, he could just call
25 whoever he wants to on the phone.

1 [REDACTED]: Okay.

2 [REDACTED]: But I guess though, I
3 want to make sure you're understanding that
4 question. When you're given the ability to
5 make phone calls, they vet people and you have
6 a list of people that you're allowed to call,
7 correct?

8 [REDACTED]: Right.

9 [REDACTED]: Like the monitored calls.
10 If you're never given that - what's it called?
11 PAC and -.

12 [REDACTED]: PIN and PAC.

13 [REDACTED]: PIN and PAC, if you're
14 never given a PIN and PAC, do we even have a
15 list of people that you -.

16 [REDACTED]: No.

17 [REDACTED]: So he wouldn't actually
18 have a list.

19 [REDACTED]: Correct.

20 [REDACTED]: If you want to follow up
21 on that --

22 [REDACTED]: No, no, no.

23 [REDACTED]: -- that's fine. But do
24 you know if he had a list or not?

25 [REDACTED]: There was a - I think that

1 someone has mentioned that there was a list,
2 but I'm not aware, I haven't seen a list, so I
3 just wondered if he would know.

4 [REDACTED]: But if he doesn't have
5 the PIN and PAC, no list would have ever --

6 [REDACTED]: Just nothing would --

7 [REDACTED]: -- been generated, right?

8 [REDACTED]: -- exist.

9 [REDACTED]: Right.

10 [REDACTED]: Unless his list of
11 attorneys, that would be the only list he
12 should have.

13 [REDACTED]: Okay.

14 [REDACTED]: When inmates are brought into
15 the MCC, are they asked for a list of people
16 that they would like to call or keep as a
17 contact, anything like that?

18 [REDACTED]: So you're asked for an
19 emergency contact, and that's it. When you see
20 Unit Team, you give Unit Team a list of family
21 members or whoever you want to call, they put
22 it into the system.

23 [REDACTED]: Okay.

24 [REDACTED]: If it's attorneys, they
25 also have a list of attorneys that you can call

1 and you only make that phone call with Unit
2 Team there present.

3 [REDACTED]: If he did give that name to
4 the Unit Team, where would they put it?

5 [REDACTED]: That would be Unit Team. I
6 don't know where they have -.

7 [REDACTED]: Or it's not like in -.

8 [REDACTED]: No, it's not in SENTRY --

9 [REDACTED]: Okay.

10 [REDACTED]: -- like that.

11 [REDACTED]: And to you, though, is
12 that extremely abnormal? Have you ever heard
13 of something like that before? Somebody being
14 provided a phone call?

15 [REDACTED]: It's happened before.

16 [REDACTED]: Not having one of these
17 PAC and PINs and then walking away and letting
18 them just speak?

19 [REDACTED]: Well, it's happened where
20 they've given inmates a phone call or transfer
21 a phone call when they don't have a PIN and
22 PAC, but most of the time it's a five minutes
23 call whoever you're going to call, just like if
24 the Chaplain receives a death notification in
25 the family, he brings you up, he gives you that

1 five minute phone call, but he's sitting there
2 next to you listening to your phone call. Once
3 your phone call is done, "Okay, go back to your
4 cell."

5 [REDACTED]: But as far as, if this in
6 fact happened where [REDACTED] gave him a call,
7 leaves the tier, after 15 minutes calls
8 somebody in the SHU and says, "Hey, let Epstein
9 know his telephone call is done and get the
10 phone back." Is that --

11 [REDACTED]: It's --.

12 [REDACTED]: -- pretty problematic or
13 is it just --.

14 [REDACTED]: It shouldn't happen, but
15 it's happened.

16 [REDACTED]: Okay.

17 [REDACTED]: It's happened.

18 [REDACTED]: Do you think it's because
19 it was Epstein, he was a guy - "I want to give
20 him his privacy because he's got this --" you
21 know, "--he's --

22 [REDACTED]: Mm.

23 [REDACTED]: -- he's got this air
24 around him, he's a big deal," or why do you
25 think [REDACTED] would have done that?

1 [REDACTED]: Probably a million things
2 on his head to do.

3 [REDACTED]: Okay. How severe do you
4 believe that that would be though or if at all?

5 [REDACTED]: Should not have did that
6 because of what happened.

7 [REDACTED]: Right.

8 [REDACTED]: But if it didn't happen,
9 then it would be another regular inmate.

10 [REDACTED]: Okay. Anything more on
11 that? How - we're getting - we're almost
12 there, I promise. How was Epstein's
13 interactions with other inmates?

14 [REDACTED]: Well, he only spoke to two,
15 which was [REDACTED] and [REDACTED].

16 [REDACTED]: Never really any other
17 dealings?

18 [REDACTED]: Everybody was always trying
19 to talk to him.

20 [REDACTED]: But he wouldn't talk
21 back?

22 [REDACTED]: Just regular conversation,
23 nothing crazy.

24 [REDACTED]: Well, how, I guess, how
25 were his interactions, I guess, with his cell

1 mates then, [REDACTED] and [REDACTED]?

2 [REDACTED]: Well, he always got along
3 with [REDACTED] --

4 [REDACTED]: He did?

5 [REDACTED]: -- that I understood. They
6 were both always talking. They never had issue
7 with each other.

8 [REDACTED]: What about with [REDACTED]?

9 [REDACTED]: None either.

10 [REDACTED]: Okay. So both seemed to
11 get along fine?

12 [REDACTED]: Yes.

13 [REDACTED]: Okay. When was the last
14 time you interacted with or saw Epstein?

15 [REDACTED]: That should have been,
16 what, August 9th.

17 [REDACTED]: So August 9th, the day
18 you left work - last - what was his state of
19 mind at that time?

20 [REDACTED]: He seemed calm.

21 [REDACTED]: Yeah? Anything --

22 [REDACTED]: He actually --

23 [REDACTED]: -- any -.

24 [REDACTED]: -- joked around because he
25 asked for a new jumper and I told him, "No."

1 And he said, "Why not?" I was like, "It's a
2 jail, this is what you got to do. Nobody else
3 gets a jumper, it's not Versace," you know.
4 He's, "Ha, ha, ha, ha," he laughed and that's
5 it. I brought him downstairs to attorney
6 visit.

7 [REDACTED]: Okay. Nothing abnormal
8 though or out of the ordinary?

9 [REDACTED]: No.

10 [REDACTED]: Okay.

11 [REDACTED]: He was very polite.

12 [REDACTED]: Was he complaining about
13 anything?

14 [REDACTED]: No.

15 [REDACTED]: Aside from the jumper?

16 [REDACTED]: Not really.

17 [REDACTED]: Did he talk about any
18 other inmates or anything?

19 [REDACTED]: No, he just, like normal.

20 [REDACTED]: Express that he was in
21 fear or anything like that?

22 [REDACTED]: No. He was just, you know,
23 always worried about his attorney visit.

24 [REDACTED]: Were any threats made to
25 Epstein that you're aware of?

1 [REDACTED]: No.

2 [REDACTED]: Do you know why Epstein
3 was in prison?

4 [REDACTED]: Because of - what is it,
5 the child molestation and a bunch of other
6 stuff according to the news.

7 [REDACTED]: And did you have any
8 specific feelings with regard to why he was in
9 prison?

10 [REDACTED]: Not really, to me, just an
11 inmate.

12 [REDACTED]: And would you have pretty
13 frequent conversations with Epstein?

14 [REDACTED]: Mornings, I mean, "What's
15 up? You all right?" "Yeah, I'm good."
16 "Okay."

17 [REDACTED]: Anything of substance
18 other than just, "Hello?"

19 [REDACTED]: No.

20 [REDACTED]: No? And you said you
21 didn't work on August 10th, correct?

22 [REDACTED]: Correct.

23 [REDACTED]: When was your next shift?

24 [REDACTED]: Monday, whatever date the
25 Monday was.

1 [REDACTED]: And did you speak with
2 BOP employees at that time about Epstein's
3 death?

4 [REDACTED]: Everybody was talking a
5 lot, like, "Oh, shit, you hear what happened?"
6 "Yeah." That's like regular - nothing into
7 details.

8 [REDACTED]: What was your
9 understanding of how he died?

10 [REDACTED]: According to what I heard
11 and they said it was a suicide.

12 [REDACTED]: Suicide? And do you know
13 anything about anyone else taking Epstein's
14 life?

15 [REDACTED]: No.

16 [REDACTED]: Do you know anything
17 about others assisting with taking Epstein's
18 life?

19 [REDACTED]: Definitely, no.

20 [REDACTED]: Do you believe that
21 Epstein took his own life?

22 [REDACTED]: Yes.

23 [REDACTED]: Did Epstein act alone in
24 taking his own life?

25 [REDACTED]: Yes.

1 [REDACTED]: What would have prevented
2 Epstein's death?

3 [REDACTED]: If he was still on suicide
4 watch.

5 [REDACTED]: So you believe he should
6 have still been on suicide watch?

7 [REDACTED]: If he was still on suicide
8 watch, he would have had 24/7 supervision.

9 [REDACTED]: On that note, do you
10 think he was appropriately placed in SHU or
11 should have he been on like 10 South or G Tier?

12 [REDACTED]: Well, if he was on 10
13 South, he would have been alone. If he was on
14 G Tier, he still would have been alone.

15 [REDACTED]: And you think it was very
16 important because of Psychology that he was
17 with someone else?

18 [REDACTED]: Correct.

19 [REDACTED]: Okay.

20 [REDACTED]: I feel, if he already tried
21 once, what's the chances he's going to not try
22 again.

23 [REDACTED]: And do you believe he
24 should have still been on suicide watch?

25 [REDACTED]: Yes.

1 [REDACTED]: You do?

2 [REDACTED]: I think it was, what, two
3 weeks maybe or one week and then he came into
4 population --

5 [REDACTED]: Well, how --.

6 [REDACTED]: -- or he came to Special
7 Housing.

8 [REDACTED]: How often are inmates
9 typically on suicide watch or psych
10 observation?

11 [REDACTED]: Well, if you actually
12 committed or did the noose and all that stuff,
13 then at least two weeks.

14 [REDACTED]: So at least two weeks --

15 [REDACTED]: At least two weeks.

16 [REDACTED]: -- he should have been?

17 [REDACTED]: Yes.

18 [REDACTED]: And what is your belief,
19 why did they release him early from suicide
20 watch or psychological --?

21 [REDACTED]: Because he was Epstein.

22 [REDACTED]: So you think it was
23 because he requested it?

24 [REDACTED]: Yes. Well, this is my --
25 he's, according to everybody, very important,

1 so.

2 [REDACTED]: Right. And with all that
3 we talked about and like, you know, again,
4 speaking about the cameras, the, you know,
5 logs, the count, shifts, you know, all this
6 kind of stuff, do you believe there's any
7 suspicious activity at play with regards to
8 Epstein's death?

9 [REDACTED]: I think, maybe when he came
10 to maybe a round or a count sheet, yes, could
11 have been stuff messed up, but any foul play
12 with staff, I don't think so.

13 [REDACTED]: What about even with like
14 Psychology placing him into the SHU a little
15 early? I know you said it's because he was
16 Epstein, but do you think that it had anything
17 to do with people hoping he killed himself?

18 [REDACTED]: I don't think so.

19 [REDACTED]: No?

20 [REDACTED]: I don't think so. I think
21 this building is always under the radar with
22 everything so instead of attracting attention,
23 "Let's get him out of -" - because if not, his
24 lawyer is going to eat MCC alive, that's what a
25 lot of, I feel. This building is worried about

1 being on the paper.

2 [REDACTED]: Okay.

3 [REDACTED]: And what happens? They
4 were on the paper.

5 [REDACTED]: Right. Now -.

6 [REDACTED]: If I'm not mistaken,
7 another institution the same day, two inmates
8 also committed suicide.

9 [REDACTED]: Oh wow, right.. Now what
10 about, did anyone ever approach you, either
11 inside or outside the institution about Epstein
12 while he was here?

13 [REDACTED]: No.

14 [REDACTED]: With regard to harming
15 him or assisting him?

16 [REDACTED]: No.

17 [REDACTED]: No? Okay. What are some
18 of the systematic problems inside the MCC and
19 specifically the SHU that allowed for Epstein
20 to die?

21 [REDACTED]: The shortage of staff.
22 Staff constantly working doubles with little
23 sleep in between. I think that's - we don't
24 have enough equipment, like, you know, we don't
25 have enough tools to make this SHU specifically

1 succeed.

2 [REDACTED]: What about if you're told
3 that people weren't doing counts and rounds, do
4 you think that played into it as well?

5 [REDACTED]: Yes.

6 [REDACTED]: Do you think if rounds
7 were actually conducted, he would at least be
8 alive on August 10th?

9 [REDACTED]: It takes three minutes for
10 a person to - when that's something look the
11 line. If he wanted to commit suicide, he would
12 have whether the staff would conduct the rounds
13 or not.

14 [REDACTED]: What about if he had a
15 cellmate with him?

16 [REDACTED]: Depending who the cell mate
17 is and how the cell mate sleeps, because [REDACTED]
18 also had medical problems. I think it would
19 have been more of a chance for him to be alive
20 if he had a cellmate. Not that --

21 [REDACTED]: So on that note -.

22 [REDACTED]: -- he definitely would not
23 have tried.

24 [REDACTED]: Right. So on that note,
25 who out of all the people here, who do you

1 believe holds the most responsibility for
2 reassigning Epstein with a cellmate?

3 [REDACTED]: I think everybody played a
4 little bit of part.

5 [REDACTED]: And can - and this will
6 be the last question, tell me what people -
7 what part people played in like how that could
8 have been rectified as far as getting him a new
9 cellmate?

10 [REDACTED]: Um -.

11 [REDACTED]: Where it should have
12 begun, where should it have ended?

13 [REDACTED]: So it started with his
14 bunkie leaving. So, yes, I told my relief he
15 needs a bunkie. Maybe R&D should have called,
16 say, "Hey, this is Epstein's -" - the whole
17 building knew who Epstein's bunkie was. R&D
18 should -.

19 [REDACTED]: So is it acceptable for
20 anybody to say, "I had no idea who Reyes was
21 and I didn't know that Reyes was Epstein's
22 bunkie?"

23 [REDACTED]: No.

24 [REDACTED]: Did everybody in the
25 building at the time know?

1 [REDACTED]: Everybody in the building.
2 [REDACTED]: And how did they know
3 that?
4 [REDACTED]: Just word.
5 [REDACTED]: Word of mouth?
6 [REDACTED]: Everybody talks and it's
7 not that many of us in this building, so.
8 [REDACTED]: Okay. And I apologize
9 for interrupting, I just wanted to ask this.
10 [REDACTED]: That's known.
11 [REDACTED]: Sorry.
12 [REDACTED]: So, R&D, "Hey, we're losing
13 this guy, Reyes is leaving." The Lieutenant,
14 "Hey, Psychology, Reyes is leaving."
15 Everybody, and since it was a Friday -.
16 [REDACTED]: So who should have
17 notified the Lieutenants?
18 [REDACTED]: I think maybe I should have
19 said, "Hey, sir, Reyes is leaving."
20 [REDACTED]: And do you -
21 [REDACTED]: "We got to get him a
22 bunkie." Instead of, "Hey, sir, you know,
23 Reyes is leaving today, Epstein needs a
24 bunkie," and just me leaving.
25 [REDACTED]: And do you believe that

1 you did tell a Lieutenant?

2 [REDACTED]: Oh, I definitely, without a
3 doubt, strongly believe I told more than one
4 person that Reyes was leaving.

5 [REDACTED]: I know you have the memo
6 saying that you specifically told [REDACTED] as well
7 as [REDACTED] and [REDACTED] were present, but as far
8 as Lieutenants, do you have that belief that
9 you, without saying I can actually put myself
10 there, do you believe that you told a
11 Lieutenant?

12 [REDACTED]: Yes. I think I spoke to
13 [REDACTED] and [REDACTED].

14 [REDACTED]: And what do you believe
15 you told them?

16 [REDACTED]: "[REDACTED] is leaving, Epstein
17 is going to need a bunkie."

18 [REDACTED]: All right. So if they
19 say, "We knew Reyes left, but we didn't know
20 that he wasn't coming back," do you think that's
21 true?

22 [REDACTED]: Yes. Because, like I
23 explained before, there's a lot of WABs that go
24 downstairs and within one hour, two hours,
25 sometimes right before the 10 o'clock count,

1 they end up coming back. Or they say they're
2 going to court, they'll spend two, three hours
3 in R&D and come back. So it's not always
4 because it says WAB on the paper, a hundred
5 percent guarantee that they're not going to
6 come back. Whether they take all their stuff
7 or not.

8 [REDACTED]: So you think it's
9 extremely likely you told, not only [REDACTED], but
10 also [REDACTED]? Should they have made the
11 notification to either the Captain or to the
12 relief?

13 [REDACTED]: Maybe they did. I'm sure
14 they did because of --

15 [REDACTED]: Well, if I can tell you -
16 -

17 [REDACTED]: -- who Lieutenant -.

18 [REDACTED]: -- nobody notified the
19 Captain. Should have they notified the
20 Captain?

21 [REDACTED]: Yeah.

22 [REDACTED]: If it's claimed that they
23 didn't tell their relief, should have they
24 notified their relief?

25 [REDACTED]: Yes.

1 [REDACTED]: All right.

2 [REDACTED]: So something everybody,
3 especially being Epstein, you pass it down.

4 [REDACTED]: Okay. Now let's say this
5 is a unique situation. Let's say [REDACTED], he's
6 working from 6:00 to 2:00.

7 [REDACTED]: Correct. He leaves the
8 same time I leave.

9 [REDACTED]: [REDACTED], his relief, she's
10 on a regular time shift until 4:00 so she can't
11 start the Activities Lieutenant until 4:00.

12 [REDACTED]: Correct.

13 [REDACTED]: What would happen with
14 those two hours in between? He leaves at 2:00,
15 she starts at 4:00. Was he supposed to stay
16 until 4:00 --

17 [REDACTED]: No.

18 [REDACTED]: -- until he's relieved or
19 can he leave at 2:00 and then just the
20 Activities Lieutenant goes unfilled for two
21 hours?

22 [REDACTED]: He could leave at 2:00
23 because you have Operations Lieutenant until 4
24 o'clock.

25 [REDACTED]: Okay. So because - well,

1 I thought both Activities and [REDACTED] - I thought
2 they both stopped at 2:00.

3 [REDACTED]: No, one is 6:00 to 2:00,
4 another was 8:00 to 4:00.

5 [REDACTED]: Okay. So at that time
6 when someone is doing the -

7 [REDACTED]: Somebody has to be in that
8 position until the next Lieutenant comes in and
9 takes over, and -.

10 [REDACTED]: But [REDACTED], at that time,
11 they're allowing the Ops Lieutenants to leave
12 two hours earlier than their shift due to
13 traffic. So the Ops Lieutenant actually is
14 leaving at 2:00 as well --

15 [REDACTED]: No.

16 [REDACTED]: -- and then he's being
17 replaced by [REDACTED] who is, although the
18 assignment says 4:00, he actually comes in at
19 2:00.

20 [REDACTED]: So, if -.

21 [REDACTED]: Because [REDACTED] is there,
22 can [REDACTED] and [REDACTED] both leave?

23 [REDACTED]: Yes, because [REDACTED] is
24 still in the building.

25 [REDACTED]: Although [REDACTED] doesn't

1 take on Activities shift until 4:00?
2 [REDACTED]: Until 4 o'clock, correct,
3 yes.
4 [REDACTED]: So there can be just one
5 Ops Lieutenant from 2:00 to 4:00?
6 [REDACTED]: Yes.
7 [REDACTED]: Okay.
8 [REDACTED]: Just like now, there's only
9 one Ops Lieutenant from 6:00 to 10:00 --
10 [REDACTED]: Okay.
11 [REDACTED]: -- by themselves.
12 [REDACTED]: So, [REDACTED] and [REDACTED], if
13 they both knew, they didn't notify the Captain
14 or their relief, what should have happened
15 next? Should --
16 [REDACTED]: If they did not --.
17 [REDACTED]: -- at the 4 o'clock
18 count, is that when -- so you're saying you kind
19 of could take a little bit of responsibility
20 but you also believe that you not only notified
21 your relief, but you also passed it up the
22 chain, correct?
23 [REDACTED]: Correct.
24 [REDACTED]: So now it gets passed up
25 the chain and nothing happens. When should --

1 what should have happened next with regard to
2 the cellmate? When should have the next time
3 this thing have been brought back up? The 4:00
4 -.

5 [REDACTED]: Whenever - whoever was -
6 the first person that found out that [REDACTED] was
7 not coming back, that person should have passed
8 it down to everybody again.

9 [REDACTED]: And that would have been,
10 you believe somebody like [REDACTED] or one of
11 those?

12 [REDACTED]: It could have been [REDACTED].
13 It could have been R&D that the first person
14 pretty much, like, "Oh, you know, Reyes is not
15 coming back." "Okay." Let's say R&D found out
16 first, then they should have called the Captain
17 or even they should have just notified the
18 Lieutenant. If Reyes found out -.

19 [REDACTED]: So R&D would actually go
20 straight to the Captain?

21 [REDACTED]: Or most likely the
22 Lieutenant first, then, "Okay, I did my part,
23 that's pretty much - I did my part, I told the
24 Lieutenant," that's, the rest is on - it's on
25 them because I did my part in notifying

1 somebody.

2 [REDACTED]: Now, if we're told that
3 R&D usually just goes direct to the SHU, does
4 that sound right to you or do they usually go
5 first to like the Ops or Activity and then
6 somebody else -.

7 [REDACTED]: Like inform?

8 [REDACTED]: Yeah, so if they know,
9 "Hey, Reyes isn't - we now know he didn't come
10 back, he was released." R&D is the first
11 person to get that word. What is their typical
12 procedure? Do they contact both the SHU and
13 the Lieutenant or do they contact one or the
14 other?

15 [REDACTED]: Depending who is working.
16 Sometimes they'll tell both of them, sometimes
17 they'll call SHU, sometimes they'll just call
18 the Lieutenant, the Lieutenant calls SHU and
19 says, "Hey, this guy is not coming back." Or
20 if they call SHU, then SHU would fix it on the
21 computer or SHU would call Control, say, "Can
22 you take [REDACTED] off the count?"

23 [REDACTED]: And would the person that
24 got contacted in R&D, you said everybody knew,
25 would the person in R&D know that [REDACTED] was

1 Epstein's cellmate?

2 [REDACTED]: I would assume they did.

3 [REDACTED]: And are they on this

4 form?

5 [REDACTED]: Are they, no.

6 [REDACTED]: How would we find out who

7 was working at approximately 4:00 - what does

8 their shift go from? You said 2:00 to 10:00?

9 [REDACTED]: Yes. Think -.

10 [REDACTED]: How would we find out --

11 [REDACTED]: There was one that -.

12 [REDACTED]: -- who was - do we know

13 who was working --

14 [REDACTED]: It's -.

15 [REDACTED]: -- 2:00 to 10:00?

16 [REDACTED]: They're 6:00 to 2:00 --

17 [REDACTED]: Not for R&D.

18 [REDACTED]: -- 2:00 to 10:00 and 12:00

19 to 8:00, R&D. 6:00 to 2:00, 12:00 to 8:00 and

20 2:00 to 10:00, that's R&D's schedule.

21 [REDACTED]: So the 2:00 to 10:00

22 would be the people that would have found out,

23 I'm assuming.

24 [REDACTED]: Yes.

25 [REDACTED]: How do we find out at

1 this point who was working in R&D from 2:00 to
2 10:00?

3 [REDACTED]: You would have to get with
4 an R&D supervisor.

5 [REDACTED]: Who is an R&D supervisor
6 that we can get with right now?

7 [REDACTED]: Is that [REDACTED]?

8 [REDACTED]: [REDACTED] doesn't know. We
9 reached out already.

10 [REDACTED]: Oh.

11 [REDACTED]: She said she doesn't know
12 but wouldn't they keep track of like who worked
13 -.

14 [REDACTED]: Rosencrance already did and
15 she didn't seem to know. Is there like a
16 schedule? Do they keep it somewhere?

17 [REDACTED]: That - because, this is our
18 schedule and that goes back for years, so.

19 [REDACTED]: That's why I would think
20 that also R&D would have something similar.

21 [REDACTED]: But with them --

22 [REDACTED]: So let's get with --

23 [REDACTED]: -- they're not -.

24 [REDACTED]: -- [REDACTED], let's ask
25 her --

1 [REDACTED]: Okay.

2 [REDACTED]: -- about that.

3 [REDACTED]: They're not on our -
4 they're not on a roster. The only time they
5 would be on a roster if it's - if they're doing
6 overtime with us.

7 [REDACTED]: Uh-huh.

8 [REDACTED]: So we could say they do
9 night off, then we would put them on our roster
10 for night off.

11 [REDACTED]: Okay. So it sounds like
12 you have very limited liability because you do
13 believe, in fact, you not only - and you're
14 confident you passed it to [REDACTED]?

15 [REDACTED]: I'm very.

16 [REDACTED]: Under oath, like, "Yes, I
17 did," or is it like, "I believe I did?"

18 [REDACTED]: No, like, very, very, very
19 confident.

20 [REDACTED]: Like you can actually
21 recall passing that information?

22 [REDACTED]: Yes. The same thing with
23 [REDACTED] being there too.

24 [REDACTED]: So you specifically
25 recall, like almost like you can see, you can

1 remember --

2 [REDACTED]: See --

3 [REDACTED]: -- I said this.

4 [REDACTED]: -- I'm in SHU, [REDACTED] is
5 walking in, we're there, "Make sure this guy
6 gets a bunkie." "All right, G."

7 [REDACTED]: You said, "Make sure
8 Epstein," or, "This guy?" What did you say?

9 [REDACTED]: Well, Epstein

10 [REDACTED]: Okay. And [REDACTED] is the
11 one that said, "All right, G?"

12 [REDACTED]: Uh-huh.

13 [REDACTED]: All right. And you
14 believe, although you can't recall with such
15 clarity, that you passed it to the Lieutenants.

16 [REDACTED]: Correct.

17 [REDACTED]: Okay.

18 [REDACTED]: If [REDACTED] or [REDACTED] or any one
19 of them turns around and says that, "Hey
20 listen, you never told them," would they be
21 lying?

22 [REDACTED]: Most like, I don't think
23 they would tell you that, but -.

24 [REDACTED]: No, no, but I'm asking, I
25 said, you know, I have to cover both sides.

1 [REDACTED]: Yeah.

2 [REDACTED]: Would they be lying if they -
3 .

4 [REDACTED]: They - I strongly believe
5 they wouldn't tell you that --

6 [REDACTED]: Okay.

7 [REDACTED]: Because, again, it's a
8 little bit of people, we're always - it was
9 only us throughout the whole time. So I
10 strongly, strongly believe that I spoke to -
11 [REDACTED], I even forgot [REDACTED] was there, but,
12 [REDACTED] and [REDACTED], yes.

13 [REDACTED]: On the same note, if we ask
14 the same thing towards [REDACTED] or
15 [REDACTED] --

16 [REDACTED]: I didn't speak to [REDACTED].
17 I don't even remember seeing him that day.

18 [REDACTED]: But [REDACTED]?

19 [REDACTED]: But [REDACTED] and
20 [REDACTED], yes.

21 [REDACTED]: They would say that you spoke
22 to them about it?

23 [REDACTED]: Yeah.

24 [REDACTED]: Okay.

25 [REDACTED]: Although, if they claim,

1 "Yeah, we know he went but we didn't know that
2 he was not coming back," that also holds
3 weight?

4 [REDACTED]: I was actually - because,
5 again, not everybody has WAB.

6 [REDACTED]: Sure.

7 [REDACTED]: Doesn't -.

8 [REDACTED]: So could have you - could
9 have a new cellmate been assigned to Epstein
10 prior to 4:00 p.m.?

11 [REDACTED]: Only if it was confirmed
12 that Reyes is not coming back.

13 [REDACTED]: But a new cellmate can
14 not be - so, a new cellmate cannot be assigned
15 to Epstein until it's confirmed that Reyes
16 isn't coming back?

17 [REDACTED]: I mean, you could assign
18 them even with Reyes being there.

19 [REDACTED]: I know, but I'm just
20 saying, like in this case, that's his cellmate.

21 [REDACTED]: That's his cell. He's -.

22 [REDACTED]: So you -.

23 [REDACTED]: He's keyed into that cell.

24 [REDACTED]: Right.

25 [REDACTED]: So until we know for a

1 fact, "You know what? [REDACTED] is not coming
2 back, we're going to key him out," then, "Shit,
3 let's get him -" - now we have from let's say
4 we found out [REDACTED] left the building at 1
5 o'clock in the afternoon, we have until 8
6 o'clock to get him a bunkie because he's in
7 attorney visit.

8 [REDACTED]: And was it confirmed that
9 [REDACTED] wasn't coming back while you were on
10 duty?

11 [REDACTED]: No.

12 [REDACTED]: So no one ever told you
13 he was not --

14 [REDACTED]: No.

15 [REDACTED]: -- coming back.

16 [REDACTED]: All I saw was that WAB and
17 I assumed he's not.

18 [REDACTED]: You assumed, but, yeah,
19 but you didn't - but you be- --

20 [REDACTED]: But I didn't know for sure.

21 [REDACTED]: -- but you didn't believe
22 you should -.

23 [REDACTED]: Get him a bunkie because,
24 "Hey, there's still a chance this guy could
25 come back."

1 [REDACTED]: Okay.

2 [REDACTED]: If I would have known for a
3 fact, we wouldn't even be here I think.

4 [REDACTED]: And is that the reason
5 why you told [REDACTED]? Did you also say, "Hey, if
6 Reyes doesn't come back, get him a bunkie," or
7 did you just say, "Hey, Reyes isn't coming
8 back, get him a bunkie?"

9 [REDACTED]: No, I know I didn't tell
10 him he is not coming back because I didn't
11 know.

12 [REDACTED]: Right.

13 [REDACTED]: So -.

14 [REDACTED]: So what do you think you
15 actually said?

16 [REDACTED]: "Hey, you know, if Reyes
17 doesn't come back, he needs a bunkie."

18 [REDACTED]: Okay.

19 [REDACTED]: Which he already knows
20 Epstein needs a bunkie.

21 [REDACTED]: And you said that? You
22 believe you said the same thing to both [REDACTED]
23 and [REDACTED]?

24 [REDACTED]: Yeah.

25 [REDACTED]: And that would have been

1 probably, believing, [REDACTED] doing his rounds at
2 about 11:30? Would have that been when you
3 told him or do you believe you would have
4 called?

5 [REDACTED]: No, probably when he's
6 doing his rounds.

7 [REDACTED]: Doing his rounds? And
8 you said you actually do remember speaking with
9 [REDACTED] that day?

10 [REDACTED]: [REDACTED], I remember him being
11 there and just told him, I always talk to him.

12 [REDACTED]: Would it be like talking
13 to him in the SHU?

14 [REDACTED]: Yeah.

15 [REDACTED]: So both [REDACTED] and [REDACTED]
16 would have visited -.

17 [REDACTED]: One at a time.

18 [REDACTED]: But they both would do
19 it?

20 [REDACTED]: They both would have walked
21 over, yes.

22 [REDACTED]: And are they both
23 actually required to do it or just one?

24 [REDACTED]: No, they're both required
25 to do the rounds.

1 [REDACTED]: Oh, they are?

2 [REDACTED]: Yeah.

3 [REDACTED]: All right. I thought it
4 was one or the other. So looking at that
5 sheet, was also [REDACTED] on it? Would he had to
6 have logged in like something, when he did a
7 round in the SHU? Can you get me that
8 Lieutenant's log? So both the Activities and
9 the Ops Lieutenant are both required to do a
10 round in the SHU.

11 [REDACTED]: Correct. At least once per
12 shift.

13 [REDACTED]: And that was also the
14 case in August of 2019?

15 [REDACTED]: Yes. But like on the round
16 sheets, if one signed it, the other is not
17 going to sign over it.

18 [REDACTED]: (Indiscernible *03:15:35).

19 [REDACTED]: There it is.

20 [REDACTED]: It's right here, sorry.

21 [REDACTED]: So is [REDACTED] on this at
22 all? You can ask, but I don't remember him
23 there.

24 [REDACTED]: No, he's actually not.

25 [REDACTED]: So --

1 [REDACTED]: Unless -.

2 [REDACTED]: -- should have there been
3 a -.

4 [REDACTED]: Unless because [REDACTED] did
5 it. He didn't do it. Just like on -.

6 [REDACTED]: Because we were told if
7 the Ops Lieutenant is too busy, he just tells
8 Activities Lieutenant to go do it. But you
9 believe --

10 [REDACTED]: I mean - I mean --

11 [REDACTED]: -- they actually both -.

12 [REDACTED]: -- physically and you
13 actually, both Activities and Operations have
14 to walk and do the rounds.

15 [REDACTED]: And you actually - not
16 together though.

17 [REDACTED]: Not together.

18 [REDACTED]: Separately.

19 [REDACTED]: That's - and one or the
20 other fills it in on TRUSCOPE.

21 [REDACTED]: Okay. So is it
22 surprising you to see that [REDACTED] doesn't even
23 have anything logged on this day?

24 [REDACTED]: No, not really.

25 [REDACTED]: No? And does this

1 suggest - when they sign this, does it show
2 where it was signed from?

3 [REDACTED]: No.

4 [REDACTED]: No? Just they can change
5 like this -.

6 [REDACTED]: Well, wherever you logged
7 it from, that, I don't even know how it shows
8 up somewhere else.

9 [REDACTED]: Okay. Because aren't
10 they supposed to actually log it from the
11 actual unit themselves?

12 [REDACTED]: Well, now, if as long as
13 you do it one, you could log in from
14 downstairs, let's say the Lieutenant's office
15 and logged in a unit.

16 [REDACTED]: But are you supposed -
17 like if someone visits the SHU, aren't they
18 supposed to actually log the round from the
19 SHU?

20 [REDACTED]: Yes, log it in the computer
21 and log it in.

22 [REDACTED]: Yeah, yeah, yeah, that's
23 what I was - okay. Did I get - so we said the
24 cellmate - so you said, told at least [REDACTED] and
25 you remember that specifically. You believe

1 that the other two, [REDACTED] and them, they should
2 have - once it was actually verified that he
3 wasn't coming back, that's when it really
4 should have been done though.

5 [REDACTED]: Correct.

6 [REDACTED]: But we just don't know
7 exactly when it was verified or how it was
8 verified.

9 [REDACTED]: Correct.

10 [REDACTED]: And you believe R&D - how
11 does R&D receive that verification?

12 [REDACTED]: I think through the
13 Marshals.

14 [REDACTED]: So the Marshals tell them
15 and then they're supposed to make the proper
16 notifications? Are they supposed to go, you
17 said it depends on who is in R&D but they're
18 supposed to notify the appropriate housing
19 unit?

20 [REDACTED]: No, they can just call the
21 housing unit, "Hey, this guy is not coming
22 back," or call Control.

23 [REDACTED]: And let Control know.

24 [REDACTED]: Correct.

25 [REDACTED]: All right. And do we

1 know who at - let me see that August 9th one -
2 who in Control - would Control always be in the
3 loop with that?

4 [REDACTED]: Not really because there's
5 times that R&D would call SHU and if there's
6 somebody in SHU that has enough knowledge to
7 just key him back in, they'll key them back in,
8 or R&D would key them back in. So now, you
9 don't need to speak to R&D, I mean, you don't
10 need to speak to Control because the inmate is
11 walking back up to SHU and R&D already keyed
12 him back into the building.

13 [REDACTED]: All right. And then,
14 what is the - what about like when Noel and
15 Thomas are working on their morning shift,
16 should they have recognized that Reyes wasn't
17 there?

18 [REDACTED]: Definitely by that time
19 they - by 10 o'clock, it's way after, they
20 should have known that he's not coming back.

21 [REDACTED]: But I just mean the start
22 of a new shift now. Now midnight starts a new
23 shift, we're now on morning watch. Should they
24 have recognized, "Hey, Epstein is by himself."

25 [REDACTED]: Yes.

1 [REDACTED]: And when and how?

2 [REDACTED]: Yes.

3 [REDACTED]: No, when should have they
4 noticed and how?

5 [REDACTED]: Right on their first round
6 on morning watch.

7 [REDACTED]: So, during a round they
8 should have -.

9 [REDACTED]: You have to do a count at
10 midnight, so, at that time you should have saw
11 he was by himself. That's a little light
12 should have went off in your head saying -.

13 [REDACTED]: So immediately, right
14 away, midnight, Epstein is by himself. If the
15 count was done, they would have known, "We've
16 got to make this notification?"

17 [REDACTED]: Yes.

18 [REDACTED]: And would have they known
19 that that notification needed to be made?

20 [REDACTED]: Yes.

21 [REDACTED]: And do you believe that
22 both Thomas and Noel knew that Epstein was
23 required to have a cellmate?

24 [REDACTED]: They should have known,
25 yes.

1 [REDACTED]: And how should have they
2 known?

3 [REDACTED]: Due to the little paper I
4 had there and -.

5 [REDACTED]: Well, the paper said, "Do
6 rounds," right?

7 [REDACTED]: And supposedly somebody
8 else had another paper there saying that he
9 needed a bunkie, but -.

10 [REDACTED]: Now, so this - so you
11 know of a different paper that was -.

12 [REDACTED]: No, from what you told me
13 earlier.

14 [REDACTED]: No, that was somebody
15 saying that you created another paper saying
16 that he -.

17 [REDACTED]: Oh, that I don't remember.

18 [REDACTED]: So you don't remember
19 ever creating a paper saying he needed a
20 bunkie.

21 [REDACTED]: Maybe I did, but I don't
22 remember doing it.

23 [REDACTED]: Okay.

24 [REDACTED]: I remember this just
25 because it has the God phrase and it was kind

1 of funny to us.

2 [REDACTED]: Yeah, yeah, yeah.

3 [REDACTED]: But we all know that if an
4 inmate comes from suicide watch, he has to have
5 a bunkie.

6 [REDACTED]: And everybody knows that.

7 [REDACTED]: Everybody knows that.

8 [REDACTED]: All right. Any other
9 questions?

10 [REDACTED]: Just a couple follow ups. Do
11 you know why [REDACTED] was in the SHU?

12 [REDACTED]: If - I think he got into
13 a fight or somebody hit him while he was in 11
14 South.

15 [REDACTED]: So he -.

16 [REDACTED]: On that time.

17 [REDACTED]: So he was put in there for
18 his own protection or did he --

19 [REDACTED]: Yes.

20 [REDACTED]: -- assault somebody end up in
21 that?

22 [REDACTED]: So, I think he had a fight
23 or somebody assaulted him and they both ended
24 up in SHU.

25 [REDACTED]: What about Reyes?

1 [REDACTED]: [REDACTED], I think it was
2 because of smoking, I think. No.

3 [REDACTED]: Contraband?

4 [REDACTED]: Yeah, contraband. Nothing
5 that I can remember.

6 [REDACTED]: You got something else?

7 [REDACTED]: The only other question I
8 would say is, outside of the SHU, now we got
9 [REDACTED] and we got [REDACTED] and then we also have
10 [REDACTED]-[REDACTED] later on. If they were actually
11 conducting rounds as they should have, would
12 have they at that time known Epstein was by
13 himself and needed a cellmate? Should have
14 they known if they're conducting rounds after
15 4:00 p.m.?

16 [REDACTED]: Yes.

17 [REDACTED]: So all of them have some
18 liability then too to know, "Hey, this guy -
19 where is Epstein's cellmate?"

20 [REDACTED]: Well, maybe at 4 o'clock,
21 depending what time they did the rounds, no,
22 because Epstein was always downstairs in his
23 attorney visit until 8 o'clock at night.

24 [REDACTED]: But if no one is actually
25 in Epstein's cell, wouldn't they notice that?

1 [REDACTED]: They would notice that it
2 was empty, but, "Hey, where's Epstein?" "Oh,
3 he's in -" - because you - people don't ask for
4 Reyes usually.

5 [REDACTED]: Right.

6 [REDACTED]: "Where's Epstein?" "He's
7 in his legal visit." "Oh, okay." And the
8 Lieutenant, the Lieutenant's office is like ten
9 steps away from the attorney conference so you
10 would know that Epstein is still there and you
11 got to approve the out count.

12 [REDACTED]: All right. And when you
13 were there, do you recall that the Activities
14 and the Ops Lieutenant were actually conducting
15 rounds in the SHU?

16 [REDACTED]: I know [REDACTED] for a fact
17 and then [REDACTED], he always just
18 walked around to see what was going on.

19 [REDACTED]: Who would?

20 [REDACTED]: [REDACTED].

21 [REDACTED]: So he wouldn't actually
22 do the -.

23 [REDACTED]: No, he would walk around
24 just to see what was going on because he --

25 [REDACTED]: What -.

1 [REDACTED]: -- was the SHU Lieutenant
2 before too.

3 [REDACTED]: What about [REDACTED]?

4 [REDACTED]: [REDACTED], he's always
5 walking, but I didn't see him that day.

6 [REDACTED]: What about [REDACTED]-
7 [REDACTED]?

8 [REDACTED]: I know for a fact she
9 always does her rounds.

10 [REDACTED]: So if she says that she
11 wasn't required to walk the tier, she just
12 needed to check in, do you think that - what
13 would you say to that?

14 [REDACTED]: Maybe she knows something I
15 don't know. Because, I mean, I'm a new
16 Lieutenant, I still - I walk around every
17 range, every tier.

18 [REDACTED]: But when you were the SHU
19 OIC, you recall all these Lieutenants coming in
20 and actually walking the tiers?

21 [REDACTED]: Yes, because that round
22 sheet, on the bottom of it, it says,
23 "Operations Lieutenant."

24 [REDACTED]: And, yeah.

25 [REDACTED]: If you look at it.

1 [REDACTED]: Yes. And that actually
2 is for conducting rounds of the tiers, not just
3 doing rounds with your -.

4 [REDACTED]: In the Special Housing
5 Unit, correct.

6 [REDACTED]: Yeah, yeah, yeah. I
7 guess what I'm saying is, some people are
8 saying, "No, it's, I'm doing a round with my
9 staff. I'm not doing a round on inmates, it's
10 the staff's members doing the rounds on
11 inmates, I'm doing a round with my staff."

12 [REDACTED]: But, again, that bottom --

13 [REDACTED]: That bottom.

14 [REDACTED]: -- little square says,
15 "Operations Lieutenant," which even if you
16 don't know anything about it, if you read it,
17 it says, "Operations Lieutenant."

18 [REDACTED]: Doing a round of the
19 actual inmates?

20 [REDACTED]: Or does it also mean that
21 they're certifying that those other rounds by
22 the COs were conducted?

23 [REDACTED]: It could be that, but
24 regardless, you got to sign it and go down the
25 range.

1 [REDACTED]: Yeah, that's where I
2 wasn't sure if this was signed to make sure
3 that you guys were doing your job.

4 [REDACTED]: I understand as to make
5 sure you did your round.

6 [REDACTED]: Okay. Now, let's do
7 that.

8 [REDACTED]: That the Lieutenant.

9 [REDACTED]: Lieutenant.

10 [REDACTED]: Lieutenant.

11 [REDACTED]: Yes.

12 [REDACTED]: Okay.

13 [REDACTED]: Okay. I'm sure we could
14 sit here and just pick your brain all day long,
15 but we've been here a long time, so, are we
16 missing anything?

17 [REDACTED]: No. That's it. I hope,
18 you know, everybody takes this as a learning
19 experience, you're fucking up, stop fucking up.
20 Excuse my language.

21 [REDACTED]: Now, do you think one
22 person fucked up more than another in this?

23 [REDACTED]: No, I mean, I think it was
24 going to happen if you wanted it to happen,
25 regardless whether rounds were done, whether he

1 had a cellmate, maybe less likely that he would
2 have with a cellmate, but also, a cellmate
3 could go to the law library, you know. Thirty
4 minutes is a long time, 40 minutes is a long
5 time, so.

6 [REDACTED]: Yeah, so, but you do
7 believe it's the cellmate thing that would have
8 actually helped keep him alive.

9 [REDACTED]: I think it would have
10 helped a little bit.

11 [REDACTED]: Right.

12 [REDACTED]: If he wanted to do it, he
13 was going to do it.

14 [REDACTED]: Uh-huh. And you think
15 everybody from the point that you left on plays
16 a large responsibility in the fact that he
17 wasn't assigned a new cellmate, especially
18 since you specifically told people, "Make sure
19 he gets a bunkie if Reyes doesn't come back."

20 [REDACTED]: I mean, I don't blame
21 anybody. I think everybody should maybe passed
22 the information a little more. Maybe it got
23 lost in miscommunication.

24 [REDACTED]: All right.

25 [REDACTED]: No, that's it.

1 [REDACTED]: But you don't believe
2 that the people that you told will actually
3 admit that they were told it?

4 [REDACTED]: Correct.

5 [REDACTED]: Right. And you are
6 swearing, again, under oath, under penalty of
7 perjury of law that you did tell them that?

8 [REDACTED]: I'm very, very confident
9 that I told more than one person.

10 [REDACTED]: And who are you confident
11 that you told?

12 [REDACTED]: I told [REDACTED], [REDACTED] was
13 there. Lieutenant [REDACTED] saw Reyes leaving,
14 but even Reyes we weren't sure -.

15 [REDACTED]: So [REDACTED] actually saw
16 Reyes leaving?

17 [REDACTED]: He was downstairs, I think,
18 --

19 [REDACTED]: Okay.

20 [REDACTED]: -- and saw. But, again, I
21 don't blame anybody and it's just unfortunate
22 everybody got to go through this.

23 [REDACTED]: Yeah. Okay. You good?

24 [REDACTED]: I'm good.

25 [REDACTED]: Anything else you want to

1 add for us?

2 [REDACTED]: That's it.

3 [REDACTED]: Thank you, sir.

4 [REDACTED]: Thank you for --

5 [REDACTED]: I can't thank you enough.

6 [REDACTED]: -- taking three hours of my
7 day. What time is it now?

8 [REDACTED]: You got a nice cozy seat,
9 you know, we gave you the most comfortable one
10 we had.

11 [REDACTED]: Turn up the heat.

12 [REDACTED]: 4:39.

13 [REDACTED]: All right. It's 4:40
14 p.m. on Wednesday, July 14, 2021. This is
15 Senior Special Agent [REDACTED] and I'm
16 turning off the recorder.

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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

