

DIGITALLY RECORDED

SWORN STATEMENT

OF

[REDACTED]

OIG CASE #:

2019-010614

DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

OCTOBER 13, 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]: How are you?
2 [REDACTED]: Good.
3 [REDACTED]: Hey. Thanks for taking the
4 time. I also have Senior Special Agent [REDACTED]
5 [REDACTED] on the line also.
6 [REDACTED]: Okay.
7 [REDACTED]: Hi, sir. How're you
8 doing?
9 [REDACTED]: Good. Good.
10 [REDACTED]: Okay. [REDACTED], thank you
11 very much for taking the time out of your day -
12 -
13 [REDACTED]: Yeah.
14 [REDACTED]: -- to speak with me.
15 [REDACTED]: Right.
16 [REDACTED]: As I mentioned to you
17 yesterday, my name is [REDACTED]. And I am
18 a Special Agent with the Department of Justice,
19 Office of the Inspector General.
20 [REDACTED]: All right.
21 [REDACTED]: Also on the phone is DOJ/OIG
22 Senior Special Agent [REDACTED]. As I
23 believe you are aware, we - the OIG is
24 conducting an investigation into the death of
25 [REDACTED] Epstein, and --

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: -- the circumstances
3 surrounding his death.

4 [REDACTED]: Okay.

5 [REDACTED]: And the core of our
6 investigation is related to job performance
7 failure and security failure of BOP employees
8 who worked at the MCC.

9 [REDACTED]: Okay.

10 [REDACTED]: Also, as I believe you
11 already are aware, this is a voluntary
12 interview. And you do not have to answer any
13 of our questions.

14 [REDACTED]: Right.

15 [REDACTED]: And in addition, this
16 interview is being recorded, as all of our
17 interviews are recorded, as required under this
18 investigation.

19 [REDACTED]: Correct.

20 [REDACTED]: All of that okay, and do you
21 have any questions?

22 [REDACTED]: No.

23 [REDACTED]: Okay. Okay. Great. Thank
24 you. Is your name [REDACTED], or [REDACTED]
25 [REDACTED]?

1 [REDACTED]: No. [REDACTED]. [REDACTED] [REDACTED]
2 [REDACTED].
3 [REDACTED]: [REDACTED]?
4 [REDACTED]: Mm-hmm.
5 [REDACTED]: And the last name is spelled,
6 [REDACTED]?
7 [REDACTED]: That is correct.
8 [REDACTED]: I understand that you are
9 currently retired from the BOP. Is that
10 correct?
11 [REDACTED]: Yes.
12 [REDACTED]: When did you retire?
13 [REDACTED]: December of, I mean, 2019.
14 [REDACTED]: December 2019. Okay. How
15 long did you work for the BOP?
16 [REDACTED]: May of '92. So, whenever
17 that is. I guess short, 27, 28. 27 years.
18 [REDACTED]: Wow. And what was your
19 position when you retired?
20 [REDACTED]: A Regional Direction.
21 [REDACTED]: How long were you the
22 regional director for?
23 [REDACTED]: So, it's '19. I think it was
24 September of '18, maybe. I don't know exactly,
25 but it was somewhere in that timeframe.

1 [REDACTED]: So, about a year?

2 [REDACTED]: A year. A year and a half.

3 [REDACTED]: And you were the regional
4 director in August 2019 then?

5 [REDACTED]: Correct.

6 [REDACTED]: What did your duties as
7 regional director entail?

8 [REDACTED]: Oversighted of the prisons,
9 the facilities in the northeast region.

10 [REDACTED]: And did this northeast region
11 also have oversight over the MCC? That's the
12 Metropolitan Correctional Center.

13 [REDACTED]: Yes. Everything in the
14 northeast. Including the MCC.

15 [REDACTED]: So, who reported to you
16 directly from the prisons?

17 [REDACTED]: The warden.

18 [REDACTED]: Okay. When we started our
19 investigation, we actually obtained a copy of
20 after-action report that you were apparently
21 off reviewing. Do you recall the after-action
22 report, in regards to inmate [REDACTED] Epstein?

23 [REDACTED]: You know, I completely forgot
24 there even was one until you said there was
25 one.

1 [REDACTED]: Do you - and I know you
2 forgot - do you recall being part of it,
3 participating in that at all?

4 [REDACTED]: No. I don't. The regional
5 director wasn't involved in the after-action.
6 They just finalize the report.

7 [REDACTED]: Okay. So, you had -. Do you
8 recall reviewing the report?

9 [REDACTED]: I didn't even recall there
10 was one. So, no.

11 [REDACTED]: Okay. Well, some of our
12 questions are based on the fact of the after-
13 action report. So, I will --

14 [REDACTED]: Okay.

15 [REDACTED]: -- speaking to the fact that
16 you don't recall it, I will go passed it.

17 [REDACTED]: That's fine.

18 [REDACTED]: And I will go through the
19 incidents, and go through - if you recall - any
20 part of it.

21 [REDACTED]: Sure.

22 [REDACTED]: Do you recall an incident
23 involving [REDACTED] Epstein and inmate
24 [REDACTED] on July 23rd, 2019?

25 [REDACTED]: I don't recall the incident.

1 I know that there was a previous incident. I
2 don't know who the cellmate was. I mean, to
3 say I recall, that's what I told you yesterday,
4 for me to say I recall anything is, I don't
5 want to say I recall because it's been two and
6 a half years. To say I recall is inappropriate
7 just to use that term, because no, I don't
8 recall. I don't remember the incident. I know
9 there was something with him and another
10 cellmate. Whether there was an assault, or
11 another suicide attempt. But to say I recall
12 what it was, no, I don't.

13 [REDACTED]: Okay. And the incident was
14 basically Mr. Epstein was found with a rope
15 around his neck.

16 [REDACTED]: Okay.

17 [REDACTED]: And he claimed that he was
18 assaulted by inmate [REDACTED]. [REDACTED]
19 claims that Epstein tried to hang himself, and
20 [REDACTED] --

21 [REDACTED]: Yeah.

22 [REDACTED]: -- is saying they notified
23 the C.O.s that --

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: -- that Mr. Epstein tried to

1 hang himself. Does that sound like -?

2 [REDACTED]: That all sounds legitimate.

3 I mean, that all sounds legitimate. Yeah.

4 [REDACTED]: In terms of selecting

5 [REDACTED] as Epstein's cellmate, do you know
6 how that selection was made? Were you involved
7 in that?

8 [REDACTED]: I couldn't say that I
9 remember that. No. And typically, what I can
10 say is, typically, a regional director would
11 not be involved in the cellmate selection of
12 any inmate.

13 [REDACTED]: Okay. And being that Mr.
14 Epstein, with the high-profile status of his,
15 do you remember if Warden [REDACTED] reached out
16 to you, to discuss the cellmate assignments,
17 anything like that with you?

18 [REDACTED]: I don't recall that. No.
19 I'm not saying he did or didn't. I just don't
20 recall it. I don't know why we -. I wouldn't
21 treat him any different than any other inmate.

22 [REDACTED]: Okay. And being that you
23 don't recall, my next question was going to be,
24 did you provide any guidance to MCC Warden
25 [REDACTED], or BOP staff, regarding --

1 [REDACTED]: No.

2 [REDACTED]: -- (Indiscernible *00:05:49).

3 [REDACTED]: I don't even recall - I don't
4 recall ever discussing it.

5 [REDACTED]: Okay.

6 [REDACTED]: I'm not saying it didn't
7 happen. But I don't recall it.

8 [REDACTED]: Okay. It is our
9 understanding that following the July 23rd
10 incident, Epstein was placed on suicide watch.
11 Then on psychological observation. On July
12 30th, he was removed from suicide watch with
13 slash psych observation, and placed back in the
14 SHU. Is that correct?

15 [REDACTED]: That sounds correct.

16 [REDACTED]: Was your office consulted
17 when the decision was made, being in regards to
18 Epstein being moved back to the SHU?

19 [REDACTED]: Again, I can't tell you what
20 -. I have no clue.

21 [REDACTED]: Okay.

22 [REDACTED]: You're talking two and a half
23 years ago.

24 [REDACTED]: Understood.

25 [REDACTED]: Yeah.

1 [REDACTED]: Did you or your - you're
2 saying that it, being the two and a half years
3 ago, you don't recall, you yourself do not
4 recall providing any instructions to Warden
5 [REDACTED], or to any MCC staff in regards to
6 Epstein? You said it was (Indiscernible
7 *00:06:52)?

8 [REDACTED]: No. No. I'm saying I don't
9 - I'm not saying whether I did or didn't - I'm
10 saying I don't remember that far back, whether
11 I did or didn't. I'm not saying it didn't
12 happen. But I'm not saying it did. Again,
13 like I told you yesterday, for me to sit here
14 and have a conversation about someone two and a
15 half years ago, I can't tell you what happened
16 because I don't remember.

17 [REDACTED]: I see. I mean, being the
18 fact that, you know, this is such a big
19 incident, with all the press, and all the
20 issues --

21 [REDACTED]: Well, that is, I mean, that
22 is -. I know you're doing your job. But let's
23 be real. This is a political -. I mean, there
24 was a dozen suicides that year, and I can't
25 recall anything about the others, either. But

1 there is no investigation into the other ones.

2 So, obviously --

3 [REDACTED]: Yeah.

4 [REDACTED]: -- there is a reason they're
5 investigating this one and not the others. So,
6 for me to sit here and have an interview about
7 a situation that was two and a half years ago,
8 I don't recall details about this one, but I
9 don't recall details about the other dozen or
10 two dozen, either.

11 [REDACTED]: Okay. I see. I'm going to
12 keep going on, and --

13 [REDACTED]: That's fine.

14 [REDACTED]: -- let me know if there is
15 any parts to this that you recall. If yes, you
16 can provide --

17 [REDACTED]: Sure.

18 [REDACTED]: -- did you, your office, or
19 anyone at the Metropolitan Correctional Center,
20 as far as you recall, receive any recalls, or
21 was anyone contacted by the lawyers or judges,
22 asking for Epstein to be removed from suicide
23 watch, or psychological observation?

24 [REDACTED]: I don't remember anything
25 about that. I mean, I don't know that they

1 would be calling judges and lawyers. They
2 would be calling the institution anyway, not
3 the region.

4 [REDACTED]: Okay. And you haven't heard
5 anything about them calling the institution?

6 [REDACTED]: I'm not saying they didn't.
7 I just don't recall that.

8 [REDACTED]: Okay. There are a few rumors
9 that, around, stating that, hey, listen, the
10 judge or attorneys actually reached out, asking
11 for Epstein to be removed out of the
12 psychological observation and placed back in
13 the SHU. And that's the, recently asked that
14 question.

15 [REDACTED]: Okay. And it may be true.
16 I'm not saying it's not. I just can't sit here
17 and tell you two and a half years ago, or two
18 years later, whether that is true or not.

19 [REDACTED]: Okay. And it is our
20 understanding that, after Epstein was placed
21 back in the SHU, psychology recommended that
22 Epstein be housed with a cellmate. Is that
23 correct?

24 [REDACTED]: Well, that is for any inmate.
25 So, I would say yes.

1 [REDACTED]: Okay. So --

2 [REDACTED]: It's, like, it's been on --

3 Yeah. That's standard procedure.

4 [REDACTED]: Okay. Do you know who made
5 the decision that inmate [REDACTED] would be
6 Epstein's cellmate?

7 [REDACTED]: No, I don't. That would be a
8 local decision at the facility.

9 [REDACTED]: And you also was not involved
10 in that decision?

11 [REDACTED]: If they were, I wasn't aware
12 of it, or don't recall it being so.

13 [REDACTED]: Okay. If Epstein was
14 required to have a cellmate, who is ultimately
15 responsible to make sure that all the SHU staff
16 were aware of this requirement?

17 [REDACTED]: Who is ultimately
18 responsible?

19 [REDACTED]: Yeah.

20 [REDACTED]: I mean, because a lot of
21 people are responsible for that. What do you
22 mean "ultimately"? Like, the last person in
23 the line?

24 [REDACTED]: The last person in line
25 ultimately responsible, in terms of making sure

1 that every C.O. --

2 [REDACTED]: Well, I mean --

3 [REDACTED]: -- (Indiscernible *00:10:02).

4 [REDACTED]: [REDACTED]. [REDACTED]. Before

5 we go on, make --

6 [REDACTED]: Yes.

7 [REDACTED]: -- make sure you are --

8 [REDACTED]: Yes.

9 [REDACTED]: -- make sure you are

10 addressing the findings that were in that

11 report. I understand that [REDACTED] doesn't

12 remember the specific report, but he may

13 remember some of these findings. That might

14 help jog his memory. So, don't skip over those

15 parts in the list of --

16 [REDACTED]: Okay.

17 [REDACTED]: -- questions.

18 [REDACTED]: Okay.

19 [REDACTED]: I'm sorry. Who's speaking?

20 [REDACTED]: I'm sorry. This is

21 Senior Special Agent [REDACTED]. The

22 other individual --

23 [REDACTED]: Oh.

24 [REDACTED]: -- who had --

25 [REDACTED]: Thank you.

1 [REDACTED]: -- I just wanted to --
2 [REDACTED]: Yeah.
3 [REDACTED]: -- make sure that [REDACTED]
4 --
5 [REDACTED]: No.
6 [REDACTED]: -- here knew --
7 [REDACTED]: Appreciate it.
8 [REDACTED]: -- it will help you, I
9 think, to help recall, rather than just to jump
10 into those questions.
11 [REDACTED]: Okay. I apologize. I'm
12 going to read those questions, too, because
13 these are questions that we have on the after-
14 action report. As Senior Special Agent
15 mentioned, that this might actually help jog
16 your memory. So, let me read that out to you,
17 some of the stuff that was put in the,
18 information that was put in that --
19 [REDACTED]: Okay.
20 [REDACTED]: -- after action report, and
21 let me know if that helps. Let's take a step
22 back. In that email to the warden, dated post
23 incident, "The supervisory staff attorney
24 reported details of a conversation with inmate
25 Epstein's attorneys. Inmate Epstein's

1 attorneys requested he be housed in a single
2 cell. The staff attorney stated, 'Inmate
3 Epstein could not be housed alone due to
4 previous suicide attempts and gestures.'" Do
5 you recall that?

6 [REDACTED]: That was an email I sent to
7 someone?

8 [REDACTED]: No, no. It was a -. It was
9 an email that was included inside the after-
10 action report.

11 [REDACTED]: Now, and I'm sorry,
12 [REDACTED], that was probably, I just meant where
13 we were left off. [REDACTED] already
14 answered, saying that it was protocol, you
15 know, standard operating procedure, to house
16 inmates coming off of suicide watch.

17 [REDACTED]: Right. Any inmate coming off
18 of watch has a cellmate. I mean, we try to
19 cell every inmate with a cellmate, but
20 especially ones coming off of watch. It's
21 pretty routine.

22 [REDACTED]: Okay. And the next question
23 that we had was, this is a notation that was
24 made, "No notations concerning a requirement
25 for a cellmate were entered into the SHU

1 program, and subsequently available for SHU
2 officers to reference." What does that mean?

3 [REDACTED]: I'm sorry. You're asking me
4 a question, or are you --

5 [REDACTED]: Yeah. So, this is --

6 [REDACTED]: -- (Indiscernible *00:12:03)
7 the memo.

8 [REDACTED]: -- this is basically loaded
9 inside the -. You see, it's hard when we can't
10 do it face to face, I could show you the after-
11 action report. This is a note that was inside
12 the after-action report. It was, it states as
13 such, "No notations concerning a requirement
14 for a cellmate were entered into the SHU
15 program, and subsequently --

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: -- available for the SHU
18 officers to reference." What does that mean?
19 Like, what is the SHU?

20 [REDACTED]: I guess the - I don't know
21 what they call it anymore - the computerized
22 program they use, there is a form called a 292.
23 I forget what the name of it is. But
24 basically, all the information for each inmate
25 is on that form. But that's not necessarily

1 the only place. I mean, it could be in the
2 memorandum. But yeah. The 292, again, I don't
3 know what they - remember what they call that
4 form. It is where it all information for each
5 inmate in Special Housing is kept.

6 [REDACTED]: Is this, like, the hot list?

7 [REDACTED]: I'm sorry?

8 [REDACTED]: Is this referred to as the
9 hot list, or is it something separate? Or is
10 this something on the system?

11 [REDACTED]: Oh. No. That's a -. It's
12 something separate. So, the hot list is the
13 offenders who have psych concerns. I believe
14 that is what the hot list is. If I remember.

15 [REDACTED]: Okay.

16 [REDACTED]: But the 292 is a form,
17 basically, that lists each offender's name,
18 cell number, and the kind of list
19 (Indiscernible *00:13:26). If they've had
20 recreation, their meals, medical intentions,
21 stuff like that. And there is a place in there
22 where it could be noted that there is that
23 requirement, but the officer would have to put
24 it in there, after they were notified. So,
25 it's not the way to -. I think what you are

1 asking is how would leadership notify the
2 officer's that he has to have a cellmate. And
3 the leadership doesn't put that stuff in there.
4 That's the officers, put that stuff in there.

5 [REDACTED]: Okay. Okay. And how would
6 the leadership have notified? How should the
7 leadership have notified the officers?

8 [REDACTED]: By email or a memo. I would
9 hope.

10 [REDACTED]: Okay.

11 [REDACTED]: Just some formal form of
12 communication. Then the officer could put it
13 onto (Indiscernible *00:14:09) the 292.

14 [REDACTED]: And do you recall if that
15 notification was made, based on (Indiscernible
16 *00:14:15)?

17 [REDACTED]: I remember the warden, and
18 the captain, and the AW saying that they
19 notified down the chain. But I don't recall
20 seeing anything particular, like in writing, or
21 a document, or anything. I'm not saying there
22 is not a document there. There may be one in
23 that report you are looking at. But --

24 [REDACTED]: Okay.

25 [REDACTED]: -- I mean, I can't sit here

1 today and say, yeah, I remember the form, I
2 remember the memo, or if I remember the email.
3 [REDACTED]: Okay. And when you say
4 warden, that's Warden [REDACTED]. The captain was
5 [REDACTED], and the AW, was that [REDACTED]
6 [REDACTED] or [REDACTED]?
7 [REDACTED]: [REDACTED]. [REDACTED] wasn't even there
8 then. I don't think. Was she?
9 [REDACTED]: I think she had just -. So,
10 [REDACTED], you are referring to?
11 [REDACTED]: I don't. I'm just saying in
12 general. That was the chain of command. The
13 warden, the AW, the captain would all be aware,
14 and ensure that was done.
15 [REDACTED]: Okay.
16 [REDACTED]: And so, [REDACTED], [REDACTED] would
17 have just started, sir.
18 [REDACTED]: Okay.
19 [REDACTED]: Just -.
20 [REDACTED]: Yeah. But they are separated
21 by programs and operations. I don't -. I
22 remember, and if [REDACTED] was just there - again,
23 I'm assuming - I'm assuming she wasn't in
24 charge of Special Housing, having just arrived.
25 [REDACTED]: As far as, you said that

1 they would usually tell by email or a
2 memorandum.

3 [REDACTED]: Yeah.

4 [REDACTED]: Who in the SHU - when you
5 said the staff would have entered it in the 292
6 - who would have been responsible for that?
7 Would that be, like, the SHU lieutenant --

8 [REDACTED]: There's --

9 [REDACTED]: -- or the SHU OIC?

10 [REDACTED]: -- yeah. Probably the SHU
11 lieutenant or the OIC.

12 [REDACTED]: And it could be
13 either/or, though? There's not typically one
14 person that would be, like, required to -?

15 [REDACTED]: I mean, I don't think policy
16 specifies which one does it. I'm not sure. I
17 haven't read a BOP policy in two and a half
18 years. But I don't recall it, ever saying who
19 knows that information. Typically, the OIC or
20 the lieutenant one.

21 [REDACTED]: But now, according to
22 this, this note, and again, the reason, the
23 primary reason we wanted to talk to with you is
24 based upon this after-action report. It's
25 just, we had to do a number of email reviews,

1 and within the emails, it looked like you were
2 involved with a lot of the, at least back and
3 forth, with finalizing this thing.

4 [REDACTED]: Yeah.

5 [REDACTED]: You know, helping to
6 coordinate it. So, with regard to that, our
7 understanding, through talking with a lot of
8 the staff, would be, it would be more like the
9 hot list that would list, you know, what
10 inmates needed to be, you know, housed with --

11 [REDACTED]: Yeah.

12 [REDACTED]: -- another inmate.

13 [REDACTED]: So, your question was, is
14 there a place to put it, and there is a place.
15 You can put that on the 292. I'm not saying it
16 has to be on there.

17 [REDACTED]: Correct.

18 [REDACTED]: But the answer is, but the
19 hot -. There is a hot list for psych inmates.
20 Yes.

21 [REDACTED]: Right. So, yeah. So, we
22 were just getting back to the fact that it's in
23 this notation, within the after-action report.
24 The specific quote was, "No notations
25 concerning a requirement for a cellmate were

1 entered into the SHU program, and subsequently
2 available for SHU officers to reference." So,
3 when they are saying the SHU program, they are
4 referencing the 292?

5 [REDACTED]: Yes. Typically, that is what
6 someone is referencing. When they say the SHU
7 program, it's the program that allows the staff
8 to enter information on the 292s.

9 [REDACTED]: And -.

10 [REDACTED]: But there is also a hot list
11 that is developed by psychology services, for
12 those inmates that have psych concerns, and
13 restrictive housing.

14 [REDACTED]: Okay. Great. Go ahead,
15 [REDACTED].

16 [REDACTED]: But to sit here and say that
17 that has to be on the 292, I can't say that
18 that there is anywhere in writing that says
19 that is required by policy anywhere.

20 [REDACTED]: Yeah. No. Our specific
21 question was just, what did it mean by SHU
22 program?

23 [REDACTED]: Yeah. Okay. I gotcha.

24 [REDACTED]: Okay. Do you know if any
25 plan was made on how to address the situation,

1 if Epstein's cellmate, [REDACTED], was
2 removed as Epstein's cellmate?

3 [REDACTED]: Well, I mean, any inmate
4 requiring a cellmate is still the - whether
5 it's on the 292 or on the hot list - that
6 information is still, would still be there.
7 So, the staff and the SHU would still be
8 required to provide a cellmate.

9 [REDACTED]: And what was that something
10 that you were - I know you mentioned already
11 you were not involved - but that is not
12 something you were aware of, that if there was
13 a secondary plan, hey, just in case [REDACTED] gets
14 removed, there's some actions that we need to
15 take?

16 [REDACTED]: No. I mean, I do remember -
17 I'm trying to remember if this was before or
18 after - but I do remember that the warden had
19 already identified a couple of people, if the
20 cellmate was ever removed. But I can't tell
21 you who they were, or when that conversation
22 happened. I mean, that could have been months
23 before. I don't know.

24 [REDACTED]: Okay. And you were aware
25 that -. Has the warden spoke to you about

1 this, or you found out later?

2 [REDACTED]: That's what I'm saying. I
3 just remembered that conversation. Whether it
4 was before or after, I don't know. I don't
5 remember the details of it. But I do remember
6 having a conversation with him, at some point,
7 whether it was before they had already
8 identified him, or if it was after that he had
9 said he had already identified him. That, I
10 can't tell you, and I don't want to put words
11 in his mouth.

12 [REDACTED]: And as far as you know, there
13 were a couple of inmates, other inmates, that
14 he already had chosen, --

15 [REDACTED]: It seems that --

16 [REDACTED]: -- just in case that --?

17 [REDACTED]: -- yeah. He had already
18 identified either one or two, it seems like.
19 Whether - again --

20 [REDACTED]: Okay.

21 [REDACTED]: -- whether that conversation
22 was that he told me after the fact, or if he
23 told me before. That, I can't remember.

24 [REDACTED]: And you don't recall if he
25 mentioned the names of those inmates to you,

1 either. Right?

2 [REDACTED]: He may have, but I don't
3 recall that.

4 [REDACTED]: Now, let me ask you this,
5 sir. So, our understanding, through talking
6 with other people, was that the captain
7 provided a list to the warden, and the warden
8 contacted you, and you guys kind of hashed out
9 who should be with him. I think you were --

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: -- you guys had, like, a
12 list of, like, three different people.

13 [REDACTED]: That sounds - but I mean, I'm
14 not saying that didn't happen - that sounds
15 legitimate.

16 [REDACTED]: So, are you thinking that
17 the plan was probably if there were a list of
18 three people, if one person was selected, then
19 one of the other two people would probably be
20 the next person, or would there be a whole
21 separate other conversation with regards to
22 that?

23 [REDACTED]: I mean, no, I mean, I would
24 imagine - and again, we're just having a what-
25 if conversation here, because I can't tell you

1 the details of what happened two, two and a
2 half years ago - if he had a list of three
3 names, it was probably an assurance that at
4 least one of them was still there, or because
5 it's a jail, so people were constantly being
6 released. As an example, if his cellmate got
7 released that day. So, my guess is, the warden
8 probably did have two or three names already,
9 just in case one of them - or two of them - was
10 released by a judge at some point.

11 [REDACTED]: Awesome. Thank you.

12 [REDACTED]: Should those names have been
13 provided to the SHU lieutenant, or the OIC,
14 just in case, in case [REDACTED] got removed, should
15 they have been aware who those inmates were?

16 [REDACTED]: I mean, is there a
17 requirement to? No. Because the hot list
18 would have told them to make sure he had a
19 cellmate.

20 [REDACTED]: Okay.

21 [REDACTED]: At that point, they would
22 have to figure out who that cellmate would be.

23 [REDACTED]: Yeah.

24 [REDACTED]: Now, I don't know if they had
25 the names, or if it was provided to them. But

1 to say policy says they must be provided,
2 that's not written anywhere.

3 [REDACTED]: Okay. The after-action
4 report. It lists that, on August 9th, at 8:00
5 a.m., inmate [REDACTED], the cellmate, departs for
6 court. Inmate [REDACTED] does not return to the
7 institution.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: Based on your understanding,
10 do you know if [REDACTED] was actually, like,
11 actually went to court, or was he transferred
12 out of the institution?

13 [REDACTED]: Well, that information was
14 provided to me by whoever did the after-action.
15 So --

16 [REDACTED]: Okay.

17 [REDACTED]: -- I mean, I don't know.
18 Whoever actually did the leg work of the after-
19 action, onsite, which was a team of staff I
20 sent there, they would have looked at the
21 documents to make that determination.

22 [REDACTED]: Okay. But you don't recall,
23 at this point, your understanding was he, did
24 he go to court, or was he transferred?

25 [REDACTED]: I don't have a clue.

1 [REDACTED]: Okay.

2 [REDACTED]: I don't. I don't know.

3 [REDACTED]: The reason we ask is, based
4 on what we looked at, it looks - based on our
5 investigation - we identified that the [REDACTED].
6 Marshals Service had sent emails to the MCC, on
7 August 8th, saying that [REDACTED] was being
8 transferred to the GEO prison, on August 9th.

9 [REDACTED]: Okay.

10 [REDACTED]: And being that Epstein was
11 required to have a cellmate, what should have
12 happened once that notification was made, that
13 [REDACTED] was being transferred?

14 [REDACTED]: I think you are talking about
15 two different departments. That information
16 was probably sent to the Receiving and
17 Discharge Department. Someone in R&D is not
18 going to know whether an inmate is required to
19 have a cellmate, or that he is even a cellmate
20 of Epstein.

21 [REDACTED]: But doesn't R&D do court
22 list, or the take out list for the day, they
23 put an inmates name, inmate [REDACTED]' name, along
24 with the words WAB - With All Belongings - next
25 to it. That's our understanding what

1 transpired. And they would have sent that over
2 to the SHU. And if an inmate was --

3 [REDACTED]: I don't --

4 [REDACTED]: -- released from --.

5 [REDACTED]: -- I don't know. I don't
6 know how - I've never worked at MCC - so, I
7 don't know how they do that there.

8 [REDACTED]: Okay.

9 [REDACTED]: That would be an internal
10 process.

11 [REDACTED]: Now, if that notification was
12 made, let's just say that was the process, they
13 did notify the SHU --

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: -- that an inmate was
16 leaving, and --

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: -- leaving WAB means With All
19 Belongings. Who is responsible to make sure
20 that Epstein had a new cellmate?

21 [REDACTED]: On the 8th? He still had a
22 cellmate, right?

23 [REDACTED]: On the 8th, he had. This
24 will be the 9th morning.

25 [REDACTED]: Oh, the day he left.

1 [REDACTED]: The day he left.

2 [REDACTED]: The OIC would be.

3 [REDACTED]: The OIC would be?

4 [REDACTED]: Whoever was in charge of SHU
5 at the time that his cellmate was removed
6 should be reviewing for, to find him a new
7 cellmate.

8 [REDACTED]: Okay. And on the after-
9 action report, this is quoted in there, "On
10 August 9th, 2019, during a shift change in SHU,
11 the SHU number three, 6:00 a.m. to 2:00 p.m.
12 officer, briefed his 2:00 p.m. to 10:00 p.m.
13 relief, and the other two 8:00 a.m. to 4:00
14 p.m. officers of the likelihood inmate [REDACTED],
15 Register Number [REDACTED], would not be
16 returning, and that inmate Epstein would
17 require a cellmate upon returning --

18 [REDACTED]: Okay.

19 [REDACTED]: -- from attorney visit.

20 [REDACTED]: Okay.

21 [REDACTED]: Inmate Epstein was not placed
22 with a cellmate upon his return to the SHU."

23 [REDACTED]: All right. So, they were
24 notified that his cellmate wasn't back?

25 [REDACTED]: Yes. He was notified that he

1 would not - inmate ██████ - would not be
2 returning, and Epstein would require a cellmate
3 when he returned back from his attorney visit.

4 ██████: Well, no, that's --

5 ██████: See, but he wasn't in SHU.

6 ██████: -- just to clarify,
7 ██████, it doesn't actually say that he wasn't
8 returning. It said, "The likelihood that he
9 wasn't returning." So, our question more
10 surrounds - and it sounds like you are going to
11 point back to your investigators - but how did
12 they know, how did they get this information?
13 Or do you know?

14 ██████: How did they get -?

15 ██████: So, this information that
16 is reported in the after-action report, our
17 investigation shows that it is inaccurate. So,
18 we are just trying to reconcile some of this
19 information.

20 ██████: Okay.

21 ██████: For instance, our
22 understanding is that, when ██████ left the SHU,
23 he was listed was WAB, With All Belongings.
24 When the OIC actually escorted both Epstein and
25 ██████, together, Epstein to attorney

1 conference, and [REDACTED] to Receiving and
2 Discharge, they actually had a conversation,
3 saying, don't worry, the OIC telling them, I'm
4 going to get you a new inmate. I'm going to
5 get you a new cellmate. I'm sorry.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: And [REDACTED]' response was,
8 "Yes. Make sure you get him a new cellmate."
9 And it was known, at that time, that he wasn't
10 coming back. So --

11 [REDACTED]: Got it.

12 [REDACTED]: -- we're trying to
13 reconcile, because there is a lot of people
14 that are saying that inmate [REDACTED] went to
15 court. However, we have emails from August
16 8th, to both, two different --

17 [REDACTED]: Right.

18 [REDACTED]: -- emails from the
19 Marshals Service. One that went to just
20 Receiving and Discharge, and another that went
21 to a number of people in the institution,
22 including all of the lieutenants.

23 [REDACTED]: Mm-hmm.

24 [REDACTED]: And that happened on
25 August 8th, and it went that, within it, it

1 said that he was being transferred to GEO.

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: So, our question just
4 kind of was, with regard to this specific
5 point, if you knew how they obtained that
6 information. And then, the second part of that
7 would be, on August 8th, with the people that
8 did receive this information, that was actually
9 part of custody and not Receiving and Discharge
10 --

11 [REDACTED]: Mm-hmm.

12 [REDACTED]: -- should have --

13 [REDACTED]: Yeah.

14 [REDACTED]: -- should have they taken
15 any action, and if so, what actions should have
16 they taken?

17 [REDACTED]: Well, one, I don't know where
18 they got that information. I would assume -.
19 I mean, other than the actual report, there is
20 attachments of documents with that, correct?

21 [REDACTED]: With the -. Yeah. So --

22 [REDACTED]: Okay.

23 [REDACTED]: -- well, with the --

24 [REDACTED]: -- (Indiscernible *00:27:00).

25 [REDACTED]: -- with the after-action

1 report? No. We did not have any --
2 [REDACTED]: Yeah.
3 [REDACTED]: -- that is correct.
4 [REDACTED]: Okay.
5 [REDACTED]: Right, [REDACTED]? We don't
6 have any -. It just has the information --
7 [REDACTED]: Okay.
8 [REDACTED]: -- and a lot of the
9 points after it says, "Because we didn't have
10 video, we weren't to verify things with video,"
11 and because --
12 [REDACTED]: Right.
13 [REDACTED]: -- we didn't have --
14 [REDACTED]: Right.
15 [REDACTED]: -- this, I mean, and
16 because it seemed like they had a limited kind
17 of ability to --
18 [REDACTED]: Well --
19 [REDACTED]: -- really verify --
20 [REDACTED]: -- yeah --
21 [REDACTED]: -- some of this stuff.
22 [REDACTED]: -- (Indiscernible *00:27:20)
23 positive, this turned into such a large scale
24 investigation with the OIG and the FBI, they
25 were limited on what they could do. They had

1 limited access, unfortunately. So, their
2 investigation was (Indiscernible *00:27:31).
3 Their after-action review was pretty limited.
4 Based on their access to a lot of stuff, I
5 would imagine. I'm sorry. The other part you
6 asked was?

7 [REDACTED]: So, yeah. The first part
8 --

9 [REDACTED]: (Indiscernible *00:27:42).

10 [REDACTED]: -- and again, the, kind
11 of the reason why we are doing this is, one) to
12 find out if we are missing anything; and two)
13 we just don't want to totally contradict the
14 BOP report --

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: -- and to see if, like,
17 hey, where it's, like, let - we wanted to say -
18 let's talk to the regional director at least to
19 see if he knew anything. Like, did he learn
20 anything after, maybe, this report was
21 finalized, or if maybe if he can help us kind
22 of, like, at least clear up how some of this
23 could have, you know --

24 [REDACTED]: Right.

25 [REDACTED]: -- the discrepancies

1 could have taken place. But the follow up to
2 that was that, we -. Hold on. What - [REDACTED] -
3 what was my question? Now, I've even lost
4 track of my own train of thought.

5 [REDACTED]: Yeah. Somehow, I think, if I
6 remember, you said something about all the
7 lieutenants were aware that he was leaving the
8 next day --

9 [REDACTED]: Oh. Correct.

10 [REDACTED]: -- so, when should they
11 start?

12 [REDACTED]: Go back --

13 [REDACTED]: Or -?

14 [REDACTED]: -- yeah. Going back to
15 the --

16 [REDACTED]: Okay.

17 [REDACTED]: -- email --

18 [REDACTED]: But I don't remember two and
19 a half years ago, but I do remember what you
20 just asked (Indiscernible *00:28:36).

21 [REDACTED]: Yeah.

22 [REDACTED]: (Indiscernible *00:28:37).

23 So, you are saying they were all aware the 9th
24 and the day before.

25 [REDACTED]: Well, we're not --

1 [REDACTED]: That he was -.

2 [REDACTED]: -- we're not saying
3 necessarily they were aware. We're saying that
4 we have emails saying that they received an
5 email from the Marshals Service, and within
6 that email was an attachment that said that he
7 was being transferred.

8 [REDACTED]: Okay.

9 [REDACTED]: So, based upon, you know,
10 all of the lieutenants, and other custody staff
11 receiving that email, should have they known
12 that he was being transferred, based upon --

13 [REDACTED]: The day before?

14 [REDACTED]: -- the day before, on
15 August 8th. Correct.

16 [REDACTED]: No. Not necessarily. I
17 mean, that changes - especially in a detention
18 center - that changes hourly. I mean, they
19 could have showed up that morning to pick up
20 everybody and said, oh, disregard on -. I'm
21 sorry. What did you say the other inmates name
22 was?

23 [REDACTED]: [REDACTED].

24 [REDACTED]: [REDACTED]. Yes.

25 [REDACTED]: Yeah, they could have --

1 [REDACTED]: [REDACTED].

2 [REDACTED]: -- the Marshals could have
3 shown up that morning and said [REDACTED] is not
4 going, and changed the intake, or the - I don't
5 even remember what they call those forms
6 anymore - discharge form. So, to make plans
7 the day before, I mean, if you want to go above
8 and beyond, sure. But is there a requirement
9 to? No. The requirement is that he had a
10 cellmate. He had a cellmate until the next
11 day. And technically, he wasn't even in the
12 SHU, because you said he was at, with his
13 lawyer, right?

14 [REDACTED]: Right. So, he was with
15 his lawyer up until, you know, that nighttime.
16 Probably about 7:00 p.m. --

17 [REDACTED]: Right.

18 [REDACTED]: -- and that's been a lot
19 of people's excuses --

20 [REDACTED]: So --

21 [REDACTED]: -- saying that, hey, we
22 had until --

23 [REDACTED]: Right.

24 [REDACTED]: -- 7:00 p.m. to get him
25 there, but --

1 [REDACTED]: Right.

2 [REDACTED]: -- our investigation is
3 kind of, you know, revealed that they knew -
4 and when I say "they," I mean at least the OIC
5 --

6 [REDACTED]: Right.

7 [REDACTED]: -- and -.

8 [REDACTED]: Yeah. Once he was actually,
9 technically, once he was removed from SHU, they
10 knew he was removed and transferred, yeah, then
11 someone should have started taking action at
12 that point.

13 [REDACTED]: And then, or a lot of
14 these people are saying, well, we didn't know
15 if he was technically going to return because
16 he went to court. But we've learned that, at
17 least institutionally, and I don't know if this
18 is a BOP --

19 [REDACTED]: Right.

20 [REDACTED]: -- thing or not. But
21 when it's listed as, "With All Belongings,"
22 that means, at least at the MCC, that they are
23 leaving --

24 [REDACTED]: Yeah.

25 [REDACTED]: -- the MCC, they will be

1 -. And then, it says, it says pre-removed on
2 the PP-38. So, it is showing --

3 [REDACTED]: Yeah.

4 [REDACTED]: -- that they are actually
5 being removed from the institution. They are
6 not expected to come back.

7 [REDACTED]: Yeah.

8 [REDACTED]: By any means.

9 [REDACTED]: With All Belongings is a
10 local lingo. And that is an internal thing.
11 So, that is not really a technical, Umm, term.
12 It would be - like you said - if it said
13 transferred, that's one thing. If it says for
14 court, that would be another thing. Well, it
15 just depends on how that is coded on there.
16 With All Belongings, that doesn't - I mean,
17 I've never even heard that term before. So --

18 [REDACTED]: No, that's good that --

19 [REDACTED]: -- in 28 years.

20 [REDACTED]: -- no, that's great to
21 know. But are you familiar with, like, the PP-
22 38s, though?

23 [REDACTED]: It's been a while. I mean, I
24 remember some of it. But it's been a little
25 while.

1 [REDACTED]: Okay.

2 [REDACTED]: What was his --

3 [REDACTED]: Hmm.

4 [REDACTED]: -- what was his -?

5 [REDACTED]: It just, it listed him as

6 pre-remove at 8:38 a.m. And then, R&D

7 explained to us that pre-remove means that he

8 was taken off of the, you know, the

9 institutional count, or roster.

10 [REDACTED]: Right.

11 [REDACTED]: And he wasn't going to be

12 coming back. And based upon that pre-remove,

13 they knew that they would have wrote WAB,

14 which, you know --

15 [REDACTED]: Okay.

16 [REDACTED]: -- good to know that is -

17 -

18 [REDACTED]: Yeah.

19 [REDACTED]: -- that is an MCC thing,

20 not a BOP thing. But --

21 [REDACTED]: Right.

22 [REDACTED]: -- and everybody that we

23 spoke to said, yes, we knew WAB means he wasn't

24 coming back.

25 [REDACTED]: Right. So, if they knew that

1 locally, then yes, they probably should have
2 started making a decision at that point.

3 [REDACTED]: All right. And then,
4 going back to who was ultimately responsible,
5 at least, it sounds like the OIC? Especially
6 since the OIC said he knew he was WAB. He is
7 the one --

8 [REDACTED]: Yeah.

9 [REDACTED]: -- who really should have
10 started that process?

11 [REDACTED]: He should have at least
12 reached out to the SHU lieutenant and made them
13 aware of it, then they would have started that
14 process.

15 [REDACTED]: And this is where it
16 becomes convoluted, and a little - because the
17 SHU lieutenant wasn't there that day.

18 [REDACTED]: Yeah.

19 [REDACTED]: So then, you know, then
20 it is, like, all right, should he have told the
21 activities --

22 [REDACTED]: Right.

23 [REDACTED]: -- lieutenant, the
24 operations lieutenant? Should he have gone
25 straight --

1 [REDACTED]: Yeah.

2 [REDACTED]: -- to the captain?

3 [REDACTED]: Everybody has a supervisor.

4 [REDACTED]: Right. So, who would
5 have been his direct --

6 [REDACTED]: Yeah.

7 [REDACTED]: -- supervisor? Would it
8 be the activities, ops, or -?

9 [REDACTED]: It would be the - I mean, he
10 has two, really - activities lieutenant,
11 operations lieutenant, would be his direct.

12 [REDACTED]: Okay.

13 [REDACTED]: Really, the operations
14 lieutenant would be his direct supervisor.
15 Activities, really, isn't a direct supervisor.
16 So.

17 [REDACTED]: All right. So, he should
18 have notified them, and then, they should have
19 - I'm assuming --

20 [REDACTED]: And that would have probably
21 got --

22 [REDACTED]: -- notified --

23 [REDACTED]: -- that probably would have
24 got --

25 [REDACTED]: -- the captain.

1 [REDACTED]: -- the ball rolling, at that
2 point.

3 [REDACTED]: Okay. And if they
4 didn't, so, if they also knew. So, let's say
5 there is this individual named [REDACTED],
6 who was the operations lieutenant that day.
7 You said he was --

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: -- he also knew that
10 [REDACTED] was Epstein's cellmate, and that [REDACTED]
11 did leave the institution. But he is the one
12 who said - and this is what lines up what your
13 after-action report said - that [REDACTED] went to
14 court, and he didn't know if he was coming back
15 or not.

16 [REDACTED]: So, did he --

17 [REDACTED]: He also said that he --

18 [REDACTED]: -- I'm sorry. It may be in
19 there because he was, he may have told the
20 after-action team that, and that might be why
21 it's in there.

22 [REDACTED]: Okay. And so, they
23 probably got it based upon those interviews.

24 [REDACTED]: Yeah. It could have been
25 just simply an interview. For the reason.

1 [REDACTED]: Okay. So, I think the
2 warden would probably be more appropriate to
3 speak with the specific WAB term, then, because
4 our understanding is that the operations
5 lieutenant would have had that production list,
6 that would have listed [REDACTED] as WAB. So, him
7 saying that he knew that --

8 [REDACTED]: Right.

9 [REDACTED]: -- he was leaving, if he
10 saw the WAB, he should have known, well, he
11 wasn't coming back.

12 [REDACTED]: Right. Yeah. If that's what
13 they use it for, and he was aware of it, then
14 yes. I agree.

15 [REDACTED]: Okay. And you think that
16 would be more of an operations lieutenant thing
17 and not an activities lieutenant?

18 [REDACTED]: Yeah. Operations. I mean,
19 they both work together, but operations is
20 responsible for the shift, and the activities
21 is just kind of responsible for going around
22 and reviewing documents, and policy, and you
23 know, just kind of make sure everybody is doing
24 their job, so to speak.

25 [REDACTED]: Okay. Great. And what

1 is your thought of the fact that -. So, [REDACTED],
2 who was the operations lieutenant, he knew this
3 information, but he didn't pass it along to his
4 relieving operations lieutenant, who was Mr.
5 [REDACTED]. Do you think that would, that is
6 pretty problematic, the fact that he said that
7 he knew [REDACTED] was gone, but didn't know if he
8 was, or wasn't coming back? Should have he
9 notified his relief?

10 [REDACTED]: On the day of?

11 [REDACTED]: Correct. On the 9th.

12 [REDACTED]: That - yeah, I agree - that's
13 -. I mean, if knew that, he is telling us he
14 knew that he needed a cellmate, and he was
15 aware of it, and they hadn't had anybody by the
16 end of his shift, he should have passed that
17 onto his relief.

18 [REDACTED]: Okay. Sounds great. All
19 right, [REDACTED]. Back to you.

20 [REDACTED]: Is there anything else on
21 that topic? Because I think the next topic
22 jumps.

23 [REDACTED]: No. I think that we are
24 onto the next topic.

25 [REDACTED]: Hey, [REDACTED], before I go

1 forward --

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: -- you mentioned that the
4 after-action team, that they might have got the
5 information from [REDACTED]. Do you know if they
6 did any interviews?

7 [REDACTED]: I don't know what --

8 [REDACTED]: (Indiscernible *00:35:41).

9 [REDACTED]: -- I mean, without looking at
10 the actual report, and the documents that he
11 used, I couldn't tell you.

12 [REDACTED]: Okay. No problem.

13 [REDACTED]: Yeah. I mean, I haven't seen
14 that thing since whatever the date of it is. I
15 never looked at it again after that day.

16 [REDACTED]: Understood. I'm going to go
17 ahead and jump into the next topic. What is
18 your understanding of what happened with the
19 MCC cameras, and why they weren't recording in
20 the SHU on August 9th and 10th?

21 [REDACTED]: My understanding was the,
22 what they call the DVRs, the recording devices,
23 were not operating properly.

24 [REDACTED]: Okay.

25 [REDACTED]: But I don't know, I mean, I

1 don't know - still don't know - the end result
2 because I know they were still trying to -
3 what's the word? - retrieve some of the data
4 off of, because it's digital, it's not tapes.
5 So, the last I heard, before I retired, or not
6 before I retired, it's the last I heard right
7 after the incident, I know, I think the FBI or
8 you guys, somebody had the recorders, and kept
9 trying to see what they could recover from
10 them, but I don't know the end result of that.
11 So, I don't, I really don't know even what
12 footage they got.

13 [REDACTED]: Okay. Well, based on our
14 investigation, we've learned that the MCC, SIS
15 Lieutenant Doctor, and the AW [REDACTED] became aware
16 on August 8th, 2019, that at least some of the
17 MCC cameras were not recording.

18 [REDACTED]: Okay.

19 [REDACTED]: They contacted the Comtech,
20 [REDACTED], and they had also notified
21 Captain [REDACTED], that the cameras were
22 not working.

23 [REDACTED]: Okay.

24 [REDACTED]: Are you aware if this is
25 accurate?

1 [REDACTED]: I'm not. I mean, if they
2 were, they became aware on the August 8th, and
3 they reported it on August 8th?

4 [REDACTED]: Is this the first time you're
5 hearing about this, that this notification was
6 made and the cameras were not working on August
7 8th, the day before the incident?

8 [REDACTED]: I mean, I don't recall it.
9 I'm not saying it wasn't told to me after the
10 incident with it. Been told to me on August
11 8th. That would be anything to report. But
12 was I made aware after the fact? I don't know.
13 I can't remember that.

14 [REDACTED]: Okay. Were you or your
15 office notified about the cameras not working
16 at the MCC, prior to August 10th, 2019?

17 [REDACTED]: You would have to go back in
18 the work orders and look at that. I have no
19 clue. I mean, you are talking 19 facilities,
20 and you get calls every day. It's not the only
21 place that we had to replace cameras in. So.

22 [REDACTED]: Well, let me be specific.
23 Were you aware if the MCC cameras were
24 scheduled to be replaced?

25 [REDACTED]: I don't know.

1 [REDACTED]: Okay. Well, based off of
2 work orders, and the email communications that
3 we've reviewed, the MCC ordered new cameras and
4 DVRs and system parts, and to have them
5 delivered to the MCC in approximately October
6 2018. These were --

7 [REDACTED]: All right.

8 [REDACTED]: -- the cameras that were
9 installed immediately after Epstein's death.

10 [REDACTED]: Okay.

11 [REDACTED]: In August 2019. Is that
12 accurate?

13 [REDACTED]: Sounds good. I mean, I don't
14 know.

15 [REDACTED]: Okay.

16 [REDACTED]: It sounds -. If you are
17 saying that's documented, then it is.

18 [REDACTED]: Yeah, well, based on what we
19 found out, it looks like, it sounds like the
20 system had a history of failure.

21 [REDACTED]: Okay.

22 [REDACTED]: And based on that prior year,
23 based on that --

24 [REDACTED]: Wait, you're saying they had
25 already requested and received the

1 replacements, then?

2 [REDACTED]: Yes. And it was sitting --

3 [REDACTED]: Okay.

4 [REDACTED]: -- there since October 2018.

5 [REDACTED]: Okay.

6 [REDACTED]: Yeah.

7 [REDACTED]: Yeah. I mean, that sounds
8 legit. I don't get -. The Regional Director
9 is not involved in that detail, I mean, that
10 was something that the facilities Comtech, or
11 the facilities administrator would have looked
12 it. We would have made a decision based on
13 need. So, it sounds like we did the right
14 thing and got them what they needed.

15 [REDACTED]: Yeah. Now, you said who
16 would have been responsible, the facilities
17 manager, and -?

18 [REDACTED]: So, if they needed the
19 cameras, and they sent up a request, it would
20 come up through the facilities officer in the
21 region, and then up through the central office,
22 and then, they would send out the money, which
23 sounds like they did.

24 [REDACTED]: Okay. And then, did you see,
25 it says 2018 --

1 [REDACTED]: Yes.

2 [REDACTED]: -- a year before --

3 [REDACTED]: Okay.

4 [REDACTED]: -- they actually had it

5 sitting --

6 [REDACTED]: Yeah.

7 [REDACTED]: -- they had everything

8 sitting there --

9 [REDACTED]: Okay.

10 [REDACTED]: -- at (Indiscernible

11 *00:39:38), they already had it sitting there,

12 but when should have the new camera system have

13 been installed?

14 [REDACTED]: I mean, I'm not a Comtech. I

15 don't know the -. I don't know if there were

16 parts that they still needed. I don't know. I

17 mean, there is a lot of questions, leading

18 questions there for me to ask before I say when

19 they should be installed. Just because they

20 showed up today doesn't mean they could be

21 installed tomorrow. Now, a year later sounds a

22 little extreme. But again, I don't know if

23 they had run conduit. They needed to buy wire.

24 If they didn't have a Comtech. There is a

25 million questions to ask before when should be

1 installed.

2 [REDACTED]: Well, based on our
3 conversations with SigNet and you, do you know
4 who SigNet is?

5 [REDACTED]: No.

6 [REDACTED]: The company that works as -.
7 That is the company that services the camera
8 system for the MCC.

9 [REDACTED]: Okay.

10 [REDACTED]: And the techs out there, the
11 last time we spoke with them, they said that
12 all the parts were already ordered, and --

13 [REDACTED]: Okay.

14 [REDACTED]: -- they were just waiting on
15 a phone call from the representatives at -.

16 [REDACTED]: Yeah. I'm not saying they
17 shouldn't have been installed. I'm saying I
18 don't know because I don't know all the details
19 of the situation of that work order. If they
20 had everything in place, and they had all the
21 wires run --

22 [REDACTED]: Yeah.

23 [REDACTED]: -- I think it would have been
24 installed long before that incident.

25 [REDACTED]: And that was my question.

1 Due to the fact that there was a history of
2 failure with the DVR, with the camera system,
3 and the fact that they had a replacement system
4 already waiting --

5 [REDACTED]: Yeah.

6 [REDACTED]: -- (Indiscernible *00:40:58)
7 some kind of priority -?

8 [REDACTED]: Now, without knowing the
9 details, yes. I mean, without knowing the
10 unknown, if there was something there I'm not
11 aware of, but there is nothing there that I am
12 not aware of, yes, I would think it should be
13 installed by that point. Unless there is some
14 unusual circumstance that I'm just, you know, I
15 don't know about, at this point.

16 [REDACTED]: And based on your experience,
17 if that everything was there at the MCC, who
18 would have been responsible to make sure the
19 new system was installed?

20 [REDACTED]: The facilities manager,
21 supervisors, that would be communications tech
22 does the actual work.

23 [REDACTED]: Okay.

24 [REDACTED]: And they would have to
25 coordinate that, also, with the captain. So,

1 to take cameras down, so they would have to
2 coordinate with the captain if there was areas
3 that were shut down for short periods of time,
4 stuff like that.

5 [REDACTED]: And based on what you told me
6 so far --

7 [REDACTED]: Uh-huh.

8 [REDACTED]: -- you're not, you said there
9 is a lot of variables, but if all the parts
10 were there, and everything was available --

11 [REDACTED]: Yeah. Without --

12 [REDACTED]: -- (Indiscernible *00:41:58).

13 [REDACTED]: -- yeah, without --

14 [REDACTED]: (Indiscernible *00:41:58).

15 [REDACTED]: -- without some very unusual
16 circumstance, that is, I don't know why they
17 wouldn't have been installed at that point.

18 [REDACTED]: I see. Well, the other way
19 to explain it is, based on a conversation with
20 SigNet, they were there a couple of days after
21 this incident.

22 [REDACTED]: Yeah.

23 [REDACTED]: Mr. Epstein, after the FBI
24 took the cameras.

25 [REDACTED]: Yeah.

1 [REDACTED]: And they were able to set up
2 all the cameras.

3 [REDACTED]: So, that sounds like they
4 could have been installed at that time. Again,
5 I don't want to put words in people's mouths,
6 because I'm not there to say, you know, that
7 they installed them. That, you know, was the
8 Comtech there? Did they have a Comtech? There
9 is a lot of questions to answer, not being
10 onsite. I don't know why they would not be
11 installed, is what I'm saying.

12 [REDACTED]: Okay.

13 [REDACTED]: And it sounds like they
14 should have been. But if there is some
15 information I'm not aware of that could lead to
16 them not being installed, I'm not aware of that
17 information.

18 [REDACTED]: Based on what we have found
19 out, and you asked, in terms, you know, we
20 (Indiscernible *00:42:52), but our
21 understanding is, the system actually stopped
22 recording as of July 29th.

23 [REDACTED]: Okay.

24 [REDACTED]: And so, there is no
25 recordings in the system. So, there was - the

1 cameras were not recording. And on August 8th,
2 it looks like Lieutenant Doctor and AW [REDACTED]
3 tried to review video footage.

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: And they realized they
6 couldn't go back.

7 [REDACTED]: Hmm.

8 [REDACTED]: And --

9 [REDACTED]: Okay.

10 [REDACTED]: -- they told Com Tech Daniel,
11 and supposedly also told Captain Darden.

12 However, the system was not fixed. And when,
13 after the incident happened on August 10th --

14 [REDACTED]: Hmm.

15 [REDACTED]: -- the question was, how come
16 the system wasn't fixed? If everything was
17 there, and --

18 [REDACTED]: Right.

19 [REDACTED]: -- they were notified on the
20 8th. If the notification came out, hey,
21 listen, how important is it for the camera
22 system to work at a prison facility?

23 [REDACTED]: You're asking me that?

24 [REDACTED]: Yes.

25 [REDACTED]: Oh, I mean, I think this

1 incident explains it all. Honestly, they are
2 extremely important. I mean, there was a time
3 in the Bureau we didn't have cameras.
4 Honestly, there were no cameras in the
5 institutions. But now that we have them, we've
6 come to rely on them for everything. To say
7 how important it is, I mean, there is not a
8 document that says somewhere that they will be
9 here, they will be there. That's, you know,
10 the facility decides where they need them at,
11 and then, they are approved up the chain from
12 there, but they are an important part of our
13 security, because basically, they are reviewed
14 any time there is any incident. So, whether
15 there is a fight, assault, accusations of
16 sexual assault, you name it, any kind of
17 significant event, the first thing the facility
18 does is pull all the cameras, in those areas,
19 and reviews it.

20 [REDACTED]: And just to clarify, I mean,
21 based on what our knowledge is, it looks like
22 you could live view the cameras, but none of it
23 was recording. Now, being that they found out
24 on August 8th that the cameras were not
25 recording.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: Should they have made a
3 (Indiscernible *00:44:48) a few days, one to
4 two days to fix it, or should it have been
5 fixed immediately?

6 [REDACTED]: I mean, it would have been a
7 priority, yes.

8 [REDACTED]: Okay.

9 [REDACTED]: One or two days, I don't
10 think that is a long period. I mean, if I was
11 a warden and my Comtech came to me and says,
12 hey, the cameras on this range are not working,
13 I would tell them to get them fixed. Now, if
14 it has been a week later, and they are still
15 not fixed, I would probably ask why. But if it
16 is not fixed the next day, you know, I'm giving
17 them time to work on it first. I don't know
18 what the problem is. And the wardens at the
19 facilities are not Comtech experts, and not
20 experts in communication equipment. So, to
21 say, you know, you got the next two hours to
22 get it fixed, that seems to be extreme. If it
23 has been a while, that is probably a question
24 of why is it -? Why -? I guess my answer
25 would be, if it has been a couple days, they

1 should at least ask the status of it, at that
2 point.

3 [REDACTED]: Okay. Understood. [REDACTED],
4 do you have any other questions on the cameras?

5 [REDACTED]: Nope.

6 [REDACTED]: Okay. I'm going to move on
7 to the next topic. On the after-action report,
8 there was a summary for August 9th, 2019. "At
9 7:00 p.m., Epstein was provided a social call
10 by the institution duty officer. This would
11 have been" --

12 [REDACTED]: I'm sorry. I'm sorry.

13 [REDACTED]: -- oh.

14 [REDACTED]: On what day now?

15 [REDACTED]: This is on August 9th, 2019.

16 [REDACTED]: This the day before
17 Epstein was --

18 [REDACTED]: Okay. Gotcha.

19 [REDACTED]: Yeah.

20 [REDACTED]: Found.

21 [REDACTED]: Yes.

22 [REDACTED]: Correct.

23 [REDACTED]: Gotcha.

24 [REDACTED]: "7:00 p.m., Epstein was
25 provided a social call by the institution duty

1 officer. This call was done on an unmonitored
2 line.

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: It is extremely concerning
5 why this call would have been placed, and why
6 it would be done on an unmonitored line.

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: Without further interviews,
9 it is not possible to determine the reason for
10 this call." Why is it extremely concerning?

11 [REDACTED]: Because all inmate phone
12 calls are recorded. So, why would an employee
13 go on their own and provide a phone call to an
14 offender that is not on the inmate system? I
15 forget what they call that system, but on the
16 inmate telephone system.

17 [REDACTED]: Okay. So, I will give you a
18 basic understanding of what --

19 [REDACTED]: And they probably, I'm
20 assuming, they didn't interview the person that
21 gave the call because of the OIG investigation.

22 [REDACTED]: Okay.

23 [REDACTED]: (Indiscernible *00:47:14)

24 [REDACTED]: And [REDACTED]. Yeah.

25 [REDACTED]: And does the report suggest

1 they didn't interview him, right?

2 [REDACTED]: Yeah. It says they didn't do
3 the interview. But we were able to interview
4 the person, and this is what our understanding
5 was of what transpired.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: That on August 9th, that is
8 the day before Epstein was found dead --

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: -- "Epstein made a request to
11 the MCC unit manager, [REDACTED] --

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: -- and provided him with the
14 phone call.

15 [REDACTED]: Okay.

16 [REDACTED]: So, that he - so that Epstein
17 - could call his mother.

18 [REDACTED]: Okay.

19 [REDACTED]: [REDACTED] checked Epstein's
20 pack and PIN and found out that it was not set
21 up yet. Therefore, [REDACTED] took Epstein to a
22 shower area in the SHU, and plugged a phone
23 into the legal line. [REDACTED] dialed the
24 number, a man answered, he handed the phone to
25 Epstein, and then [REDACTED] left for the day.

1 [REDACTED]: Okay.

2 [REDACTED]: [REDACTED] stated that the SHU
3 C.O.s were around, and he did not specifically
4 instruct anyone of them to monitor the phone
5 call. Instead --

6 [REDACTED]: Okay.

7 [REDACTED]: -- he called the SHU after he
8 departed from the MCC, to make sure that the
9 phone was taken away from Epstein after his
10 allotted time." Do you recall hearing about
11 this prior, or is this the first time you are
12 hearing about this?

13 [REDACTED]: The only thing I heard is
14 what you just, was in the report. All of that
15 is new.

16 [REDACTED]: Okay. So --

17 [REDACTED]: What I should say is, as I've
18 been saying, is I don't recall hearing that,
19 but that sounds like something I hadn't heard
20 before.

21 [REDACTED]: Okay. So, a couple things
22 that stood out to us is the fact that, you
23 know, the phone call. He asked --

24 [REDACTED]: Yeah.

25 [REDACTED]: -- to speak with his mother,

1 and the phone was plugged into the legal line,
2 there was no -. Are inmates allowed to make
3 phone calls on the legal line? Are they ever
4 given an opportunity on the -?

5 [REDACTED]: For legal calls. He was -.
6 How long had he been there? His - I mean, I
7 don't have access to this - I'm assuming he has
8 made previous calls, and his PIN number would
9 have been issued to him the day he arrived.

10 [REDACTED]: So, that is the thing, we
11 found out that, the pack and PIN was never set
12 up. Because he was always in attorney
13 conference.

14 [REDACTED]: Oh. He never set it up
15 because he was never in there during the time
16 to do it.

17 [REDACTED]: Yeah.

18 [REDACTED]: Okay.

19 [REDACTED]: So, [REDACTED] allowed him to
20 make the phone call on the legal line, and we
21 were told, sometimes people make phone calls on
22 the legal line, but you would have a
23 correctional officer sitting next to them, and
24 then monitor the phone call.

25 [REDACTED]: Yeah. Someone should have

1 been there. Especially the fact that it wasn't
2 a legal call. So, someone should have been
3 there. Honestly, it should have been done on a
4 speaker phone, since it wasn't a legal call.
5 And it should have been in a log somewhere. I
6 mean, I'm not saying it wasn't logged, but
7 there should be some record of that call.

8 [REDACTED]: So, we were told by the
9 captain that he instructed, he had a
10 conversation in regards to this, with [REDACTED],
11 and he told [REDACTED] to log it and monitor the
12 call.

13 [REDACTED]: Which what I just --

14 [REDACTED]: (Indiscernible *00:49:52).

15 [REDACTED]: -- exactly what I just told
16 you.

17 [REDACTED]: Yeah. But there was no log
18 kept about it, and there was no one monitored
19 the call.

20 [REDACTED]: Yeah. Yeah.

21 [REDACTED]: But [REDACTED] made the phone
22 call. Epstein had to say that he wanted to
23 speak to his mother, except his mother was
24 deceased.

25 [REDACTED]: Ahh.

1 [REDACTED]: So, now, and the person who
2 picked up was a male that picked up the phone.
3 [REDACTED]: Okay.
4 [REDACTED]: And the phone was handed off.
5 How -? Is this a serious concern, or the
6 safety, and a sign of a safety violation?
7 [REDACTED]: Yeah. I mean, you described
8 the situation. We don't know what happened on
9 that phone call. It could have potentially led
10 to the incident, but we don't, we will never
11 know. Yeah. All inmate phone calls are
12 supposed to be monitored. And I believe - and
13 I could be completely wrong - but I believe
14 every Special Housing has a monitored phone
15 that is not - that doesn't require a PIN for
16 that purpose. Now, I could be completely
17 wrong.
18 [REDACTED]: (Indiscernible *00:50:52).
19 [REDACTED]: Yeah. It seems I recall -
20 and again, I have been out of the game for a
21 long time - but it seems like they were
22 requiring all of the Special Housings to have a
23 phone, and you would have to check with the
24 central office on this, but it seems like every
25 Special Housing was required to have a phone,

1 that could be monitored, that was recorded, but
2 did not require the PIN, and that is why I said
3 the log, because it seems like they had to have
4 a log in there. It was for incidents like
5 that, where the phone system is not working, or
6 --

7 [REDACTED]: Yeah.

8 [REDACTED]: -- they don't have access to
9 it. And it was more of a family emergency.
10 Now, I could be completely off. I could be
11 wrong. But it seems like there was something
12 in place that there could be monitored calls
13 done when not using the inmate PIN, in the
14 Special Housing.

15 [REDACTED]: You said it was required. Is
16 this policy? If you recall.

17 [REDACTED]: Again, I'm telling you
18 something that I believe to be accurate, but it
19 was two and a half years ago.

20 [REDACTED]: Understood.

21 [REDACTED]: And it could be simply
22 something and it does, seems legit in my head
23 and it's not. But --

24 [REDACTED]: Okay.

25 [REDACTED]: -- I seem to recall that

1 there was always, in the Special Housing Units,
2 a phone in an office that could be recorded,
3 that was not part of the inmate telephone
4 system.

5 [REDACTED]: Who would be the best person
6 for me to get information, in regards to that?

7 [REDACTED]: Oh, I don't even know who
8 works in the Bureau anymore. Probably the
9 head, the correctional services administrator
10 in the central office.

11 [REDACTED]: Okay.

12 [REDACTED]: Whoever that might be now. I
13 have no clue.

14 [REDACTED]: Okay. I appreciate that.

15 [REDACTED]: And I think the assistant
16 director of that division is still [REDACTED]
17 [REDACTED] (Phonetic Sp. *00:52:32), but I
18 don't know that he is still there or not.

19 [REDACTED]: Okay.

20 [REDACTED]: Again, that could be
21 completely inaccurate, but - and I'm just going
22 back to, when I was a warden, before a regional
23 director, and it seems like I had a phone in
24 the Special Housing that they could use for
25 those type of phone calls. For recording when

1 an inmate didn't have access to his PIN for
2 some reason. But that could be completely off,
3 too. I can't remember now.

4 [REDACTED]: Understood.

5 [REDACTED]: But going back to your
6 question. Yes, that would be concerning
7 because all phone calls should be recorded, or
8 at least monitored, that are not legal calls.

9 [REDACTED]: What could happen if a call
10 like that is not monitored? I understand if
11 Epstein, but if other inmates were allowed to
12 make the same type of phone call.

13 [REDACTED]: Mm-hmm. Anything could. I
14 mean, you name it, it could happen. I mean,
15 stake plots (Phonetic Sp. *00:53:21), drug
16 deals. I mean, anything that shouldn't be --

17 [REDACTED]: Understood.

18 [REDACTED]: -- happening in the prison
19 could be happening on the phone call.

20 [REDACTED]: Okay. [REDACTED], you got
21 anything else on the -?

22 [REDACTED]: No.

23 [REDACTED]: Okay. [REDACTED], do you
24 know anything about Epstein changing his will
25 prior to his death?

1 [REDACTED]: No. Not really. I mean, if
2 somebody mentioned it after the fact, I may
3 have, but I don't recall that conversation with
4 anybody.

5 [REDACTED]: Is that -.

6 [REDACTED]: You said --

7 [REDACTED]: -- is that -.

8 [REDACTED]: -- you said he changed it
9 just prior to his death?

10 [REDACTED]: Yeah. Just prior to his
11 death.

12 [REDACTED]: Oh.

13 [REDACTED]: So, that is rumors we heard.
14 We don't know. That is something we heard. We
15 know -. We believe that it happened, but we
16 try to clarify --

17 [REDACTED]: Right.

18 [REDACTED]: -- where that information
19 came from.

20 [REDACTED]: Right.

21 [REDACTED]: Who was aware of it.

22 [REDACTED]: Yeah.

23 [REDACTED]: Do you know anything about
24 that information?

25 [REDACTED]: Do I know what?

1 [REDACTED]: Do you know, do you recall
2 how you learned about that information, that he
3 changed his will?
4 [REDACTED]: I don't remember even if I -.
5 You are saying, do I remember someone telling
6 it to me. I don't know that I even know that.
7 [REDACTED]: Okay.
8 [REDACTED]: That doesn't sound familiar,
9 but I am not saying it didn't.
10 [REDACTED]: Okay.
11 [REDACTED]: Is there something in the
12 after-action that he changed it?
13 [REDACTED]: No. That is a separate
14 question that we had. It is not in the after -
15 . I mean, [REDACTED], is that in the after-action?
16 [REDACTED]: Not that I recall. So,
17 did you --
18 [REDACTED]: Gotcha.
19 [REDACTED]: -- had you heard about
20 this, and you are saying you never heard about
21 this? Is that right?
22 [REDACTED]: I don't remember hearing
23 about it. No.
24 [REDACTED]: Okay. No. That's fine.
25 We can move on, [REDACTED].

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: Okay. During our
3 investigation, we reviewed --

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: -- a number of emails. We
6 came across one email from you to Warden
7 [REDACTED].

8 [REDACTED]: Okay.

9 [REDACTED]: Dated August 10th, 2019. The
10 email reads - this is the day that he was found
11 - and Epstein was found, it says, "Why did the
12 count change from 73 to 72 between 12:00 a.m.
13 and 3:00 a.m." Do you recall this email?

14 [REDACTED]: No.

15 [REDACTED]: Do you recall if there was an
16 incident, there was an issue with the count?

17 [REDACTED]: Not really.

18 [REDACTED]: That day.

19 [REDACTED]: No. Was there a count
20 incident that night, too?

21 [REDACTED]: This is August 10th. So,
22 this is the morning of. This is between -
23 yeah. So, Epstein --

24 [REDACTED]: Yeah.

25 [REDACTED]: -- or [REDACTED] was removed on

1 August 9th. Epstein was allowed to make a
2 phone call that night, on August 9th. He was
3 placed back in his cell. And he was found on
4 August 10th, Saturday morning --

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: -- at approximately 6:30 a.m.

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: So, when he was found, this
9 is the day. On the day of that, you send an
10 email out, asking why the count, from midnight,
11 between 12:00 a.m. and 3:00 a.m. on August 10th
12 --

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: -- why did the count change
15 from 73 to 72?

16 [REDACTED]: Okay.

17 [REDACTED]: Do you recall there being an
18 issue with the count?

19 [REDACTED]: I mean, honestly, if I sent
20 an email, there was. But I don't recall why I
21 sent it, or what I saw to make me send it.

22 [REDACTED]: Okay. Well -.

23 [REDACTED]: I mean, on that day, as you
24 can imagine, that day was pretty hectic. So,
25 asking the, I mean, I probably sent a million

1 emails that day.

2 [REDACTED]: Okay. Do you -. What did
3 you learn with regard to the activities of the
4 MCC SHU counts and rounds on August 9th and
5 10th. In 2019.

6 [REDACTED]: I couldn't begin to guess
7 what I learned on that day. I have no clue.

8 [REDACTED]: Okay. Do you recall there
9 afterwards, do you recall any, knowing that
10 there was any issues with the rounds or the
11 counts that were conducted?

12 [REDACTED]: On the day of?

13 [REDACTED]: On the day of.

14 [REDACTED]: Well, I think we found they
15 didn't do the rounds.

16 [REDACTED]: That would be the overnight
17 counts. The overnight rounds. Right?

18 [REDACTED]: Right. The night that he -
19 whatever time he committed suicide. I mean, I
20 think part of that was finding they didn't do
21 rounds.

22 [REDACTED]: Okay. Were you aware that,
23 aware of the SHU counts and rounds, were or
24 were not conducted by the SHU staff on August
25 9th and 10th? So, I'm now asking about both

1 days.

2 [REDACTED]: Well, no.

3 [REDACTED]: (Indiscernible *00:57:10).

4 [REDACTED]: Right.

5 [REDACTED]: [REDACTED], first ask him.

6 So, sorry, sir, I'm just going to have to

7 interrupt --

8 [REDACTED]: No. That's fine.

9 [REDACTED]: -- here.

10 [REDACTED]: That's fine.

11 [REDACTED]: So, you said you are
12 aware that they learned that the rounds weren't
13 conducted. Do you know how that information
14 came about? How did you guys learn that the
15 rounds were not conducted?

16 [REDACTED]: I couldn't begin to guess. I
17 wasn't aware of that.

18 [REDACTED]: Okay.

19 [REDACTED]: I mean, that is -. I mean, I
20 have no -. You are asking me how did I learn
21 something two and a half years ago, and what
22 particular date, or who told me. I -.

23 [REDACTED]: No. And the reason --

24 [REDACTED]: I think the whole world -.

25 Oh, go ahead.

1 [REDACTED]: -- the problem, the
2 reason is, again, with this email review, it
3 was just, this email came up from you to the
4 warden, and just saying what happened with the
5 counts. But there was, he obviously, you guys
6 must have spoken about it afterwards, because
7 there is no response from him. So, the --

8 [REDACTED]: Okay.

9 [REDACTED]: -- follow up would be
10 that, like, he probably got on the phone with,
11 and probably explained it to you.

12 [REDACTED]: Yeah. Mm-hmm. I'm assuming.
13 I probably talked to him a thousand times that
14 day. So.

15 [REDACTED]: Totally.

16 [REDACTED]: Yeah, yeah.

17 [REDACTED]: So, and one of the
18 points, within the after-action report, was
19 that it was discovered that rounds and counts
20 were not conducted. So --

21 [REDACTED]: Okay.

22 [REDACTED]: -- the question to you is
23 just if you recalled what the conversation you
24 had, if any, with the warden, with regards to
25 the counts, and if you know how it was learned

1 that these counts and rounds were in fact not
2 conducted.

3 [REDACTED]: I really don't -. I mean, I
4 mean, I don't even want to begin to guess.
5 Probably, they sent me the counts for the night
6 before, because it would be something that I
7 would have asked for. In an incident like
8 that. Something pretty routine to request.
9 And I was probably looking at them, and noticed
10 that something changed. I don't know which
11 counts you said --

12 [REDACTED]: Well, it did. So --

13 [REDACTED]: -- it would have been, like,
14 (Indiscernible *00:58:42).

15 [REDACTED]: -- so, as background on
16 the lieutenant's log, it shows that there were
17 73 inmates assigned to the SHU at 11:59 --

18 [REDACTED]: Oh, see, I was --

19 [REDACTED]: -- p.m.

20 [REDACTED]: -- looking at the
21 lieutenant's logs.

22 [REDACTED]: Probably. And then --

23 [REDACTED]: Yeah.

24 [REDACTED]: -- at 12:00 a.m., it
25 shows that there is only 72. So --

1 [REDACTED]: Okay.

2 [REDACTED]: -- there is a change from

3 --

4 [REDACTED]: Okay.

5 [REDACTED]: -- from one day to the

6 next, showing 73 --

7 [REDACTED]: A change in the log.

8 [REDACTED]: -- to 72.

9 [REDACTED]: So, what that would be is if

10 I saw the 73 at the beginning of the log, and

11 if I saw 72 at the end, I would have went

12 through each line in the log to see where the

13 change was. So, it must have not been put in

14 the log somewhere, what the change was.

15 [REDACTED]: Yeah. And we, and most

16 of these questions, we know the answers to. We

17 are just trying - again, we don't want to jump

18 to a conclusion of maybe you know something

19 that we, you know, we don't. So, we just

20 wanted to know if you --

21 [REDACTED]: Mm-hmm.

22 [REDACTED]: -- if you had any

23 recollection of what the response was, or if

24 the warden, or whomever was able to provide you

25 any additional information with regard to that.

1 But it sounds like --

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: -- you can't recall.

4 [REDACTED]: Yeah. Yeah.

5 [REDACTED]: That's okay. [REDACTED], you
6 can move on now.

7 [REDACTED]: Okay.

8 [REDACTED]: Can I ask you real quick
9 about how much longer this is?

10 [REDACTED]: [REDACTED], just fly --

11 [REDACTED]: Because this is a lot now.

12 [REDACTED]: -- through these. Do you
13 want me to take over, [REDACTED]?

14 [REDACTED]: Yeah. Go ahead. If you're
15 going to go through it quicker.

16 [REDACTED]: All right.

17 [REDACTED]: Yeah. I just have some
18 people to meet for dinner, and they are
19 probably going to be waiting on me soon.

20 [REDACTED]: Yeah. Absolutely. Now,
21 do we have about 20 minutes. Would that be
22 okay?

23 [REDACTED]: Yeah. That's fine.

24 [REDACTED]: All right. So, the next,
25 one of the other things that was in the after-

1 action report, it shows that the institution
2 duty officers. Now, what is an institutional
3 duty officer? What -?

4 [REDACTED]: The institutional duty
5 officer. So, it's a supervisor. I need to
6 walk out. I want to make sure there is nobody
7 in here. So, the institution duty officer is a
8 supervisor. Typically, the department head,
9 and they just are at the facility at non-duty
10 hours. So, typically, they stay until 8:00 or
11 9:00 at night during the week, and they are
12 there on the weekends. And just kind of
13 monitor the operations of the facility. On
14 behalf of the warden.

15 [REDACTED]: Okay. So --

16 [REDACTED]: And yeah. They

17 (Indiscernible *01:00:49).

18 [REDACTED]: -- so, are they -.

19 [REDACTED]: They just kind of report what
20 they saw or heard during the weekend.

21 [REDACTED]: So, is an IDO something
22 different than, like, the operations lieutenant
23 or the AW, or -?

24 [REDACTED]: Yeah.

25 [REDACTED]: Is it?

1 [REDACTED]: Yeah.

2 [REDACTED]: It's a totally different

3 --

4 [REDACTED]: Yeah. So, the operations -.

5 Yeah. The duty officer is more the eyes and

6 ears of the warden when the warden is not

7 there.

8 [REDACTED]: Okay. And it say, "IDOs

9 do not routinely visit SHU each day, as

10 required by the institution supplement," and

11 then, it gives a number. It says,

12 "Additionally, the IDO reports consistently

13 document the condition of SHU as satisfactory

14 when observations have shown the SHU to be less

15 than satisfactory." So, our main question

16 there was just, who was this IDO that you are

17 referring to? So, that is an actual position

18 title?

19 [REDACTED]: Yes. No, no, no. Each

20 department head, typically it's, at facilities,

21 in every facilities in there, there's somewhere

22 that will have a list of positions that require

23 you to cover as the IDO. So, like, your

24 education department head, your food service

25 administrator, your unit managers. Those are

1 all department heads. And so, they have to
2 rotate through the duty officer schedule. And
3 say, I want to say it is a Tuesday to Tuesday
4 schedule. In most facilities. And so, they
5 come in Tuesday afternoon. They will stay
6 until 9 o'clock each night. And they work
7 straight through to the next Tuesday. And just
8 kind of reporting to the warden if there is any
9 concerns. If any incidents happened at the
10 institution. The duty officers want it,
11 reports it to the warden. That kind of stuff.

12 [REDACTED]: Great. So, we will have
13 to --

14 [REDACTED]: Yeah. It is an --

15 [REDACTED]: -- talk to the warden.

16 [REDACTED]: -- it is an assignment that
17 comes around. It usually comes around maybe
18 two or three times a year. To each department
19 head.

20 [REDACTED]: Okay. So, this
21 transitions to lieutenant rounds. We have been
22 hearing different things about what a
23 lieutenant round actually entails. Do you know
24 if --

25 [REDACTED]: Yeah.

1 [REDACTED]: -- when a lieutenant
2 conducts a round in the SHU, are they required
3 to conduct a round of the actual inmates
4 themselves, or does a lieutenant round just
5 consist of them checking in with the SHU staff
6 officers to make sure everything is okay?

7 [REDACTED]: You say required? I don't
8 know what the policy specifically says. The
9 expectation is they should be doing rounds on
10 every range, because they are supposed to be
11 monitoring the facility itself. So, how are
12 they going to know what's happening if they
13 don't go down range?

14 [REDACTED]: Sure. So, the
15 expectation would be that a lieutenant is
16 actually conducting a round the same way that a
17 staff member would be conducting a round?

18 [REDACTED]: Not necessarily the same way.
19 They are not doing cell by cell, you know,
20 counts and stuff like that. But they should be
21 going up and down the range, checking on
22 inmates. I'm not, you know, I'm not going to
23 say they are going to expect them to stop at
24 every cell and talk to every inmate. But they
25 should be going down range, and if inmates

1 holler at them, they need something, or they
2 stop in and check on them from time to time,
3 that is part of it.

4 [REDACTED]: Now, and that is what
5 most lieutenants are telling us, but we have a
6 select few that are trying to tell us that, no,
7 lieutenants aren't required to do that. All a
8 lieutenant is supposed to do is to make sure
9 that the staff members are okay, and that they
10 have everything that they need. Do you think
11 that that is -?

12 [REDACTED]: I would say it's a pretty
13 poor to average lieutenant, then.

14 [REDACTED]: Okay.

15 [REDACTED]: Yeah.

16 [REDACTED]: And then, let me see,
17 what is this purpose for?

18 [REDACTED]: If want to check on the
19 officer, because they can just call them. They
20 don't have to go down and see if they are okay.

21 [REDACTED]: Right. Exactly. So, I
22 guess that is the good point. They could just
23 call on --

24 [REDACTED]: Right.

25 [REDACTED]: -- the phone, they

1 wouldn't have to actually do that.

2 [REDACTED]: Yeah.

3 [REDACTED]: Do you know if, when they
4 sign, like, there is a - on their round sheets
5 - there is, like, a lieutenants' signature.
6 And it says that they conducted the round in
7 the SHU. Do you think that that, then, means
8 that they actually conducted a round, going
9 down range?

10 [REDACTED]: It means actually going -
11 yeah - to me, that means actually doing rounds.

12 [REDACTED]: Okay.

13 [REDACTED]: Yeah.

14 [REDACTED]: All right.

15 [REDACTED]: And there have been, and I
16 will tell you, there have been lieutenants in
17 the past that have got significant discipline
18 for having the logbooks brought to the
19 lieutenants office, because they wouldn't even
20 go to the units. For that very reason. They
21 have to go to the location and actually look
22 around, and see what is going on, to make sure
23 everything is okay.

24 [REDACTED]: Okay. Great. [REDACTED],
25 I'm going to skip ahead. I'm going to skip

1 some of this since we're on --

2 [REDACTED]: Okay.

3 [REDACTED]: -- tough on time. Let's
4 see. So, here is one. So, we have a, there
5 was a timeline in the after-action report. And
6 this is the actual incident itself. It says,
7 "On August 10th, 2019, at 6:33 a.m., a body
8 alarm is activated in the Special Housing Unit.
9 SHU staff reported that Epstein was
10 unresponsive in his cell." It says, "Sentry
11 does not reflect this accurately. Staff
12 entered the cell and attempted to wake inmate
13 Epstein. Control center announced a medical
14 emergency, and CPR was initiated." It says,
15 "At 7:36 a.m., inmate Epstein was pronounced
16 dead by the emergency room physician." Do you
17 know - and this is where we get a confusing
18 information - do you know if Epstein showed any
19 signs of life between 6:33 a.m., when he was
20 found, until 7:36, when he was pronounced dead?

21 [REDACTED]: No. I don't. I don't recall
22 ever hearing anything about his status between
23 the time that they found him to the time they
24 pronounced him.

25 [REDACTED]: Now, is there any

1 unofficial policy, saying that an inmate can't
2 or shouldn't be pronounced dead at the
3 institution? Because that just causes
4 problems, and you should always wait to get to
5 the hospital?

6 [REDACTED]: I mean, there is, you hear
7 those rumors. I mean, I remember when I was an
8 officer, and no inmates dies in prison type of
9 thing. But no, I mean, you try to resuscitate,
10 but there have been inmates, from time to time,
11 very rarely, that are pronounced inside the
12 facility. And typically, what happens in that
13 situation is the rescue squad arrives. They
14 start, you know, resuscitation or whatever, and
15 they determine that this person has expired,
16 they will call the, you know, whatever is
17 required at that jurisdiction, the doctor, and
18 the doctor will pronounce them, based on the
19 information provided from the rescue squad.
20 I'm not sure what the requirement is in New
21 York on that.

22 [REDACTED]: Okay. Now, going on in
23 the report, it says - this is after the
24 timeline - it says, "SHU has multiple cells
25 equipped with video recording capability.

1 Inmate Epstein was not housed in one of these
2 cells. And there appears to be no set guidance
3 on when to utilize these cells." Do you know
4 if Epstein should have been placed in one of
5 these cells, with the -?

6 [REDACTED]: No. Those cells should not
7 even have existed. Those were left over from
8 9/11. After 9/11, when they started bringing in
9 all the terrorists. There is actually
10 requirements not to have those areas recorded
11 because it's a PREA violation. So, most
12 facilities only have one or two cells that will
13 have a camera. And that is typically only for
14 an inmate who may be placed in four-point
15 restraints, for continuous monitoring. Or in a
16 suicide watch cell. But just for general
17 cells, that facility just had a lot of them
18 because they were never removed after 9/11.

19 [REDACTED]: All right. So, the fact
20 that this says this in the after-action report,
21 you kind of disagree with that?

22 [REDACTED]: The fact that it was, I mean,
23 the fact that it was available, could they have
24 used it? Sure. But is it required? No.

25 [REDACTED]: All right. And do you

1 believe that it should not have been utilized?
2 It just sounds like it shouldn't, because you
3 said, it sounded like there was some
4 violations, the only reason they are there for,
5 like, more like terroristic things.

6 [REDACTED]: Well, I'm sorry. What does
7 it say again?

8 [REDACTED]: The specific point says,
9 "SHU has multiple cells equipped with video
10 recording capability. Inmate Epstein was not
11 housed in one of these cells, and there appears
12 to be no set guidance on when to utilize these
13 cells."

14 [REDACTED]: Right.

15 [REDACTED]: So, it doesn't really say
16 anything, but it is addressed in your after-
17 action report.

18 [REDACTED]: And the reason is because
19 they were there. And the reason of that, they
20 did the investigation for me, was aware they
21 were there. And basically just saying is, you
22 got this, this technology, you need to have
23 something in writing about when and how you can
24 use it. And since, it is not saying they
25 should have used it.

1 [REDACTED]: No. And that's right.

2 [REDACTED]: (Indiscernible *01:09:05).

3 [REDACTED]: And that's where my
4 question to you, should have they?

5 [REDACTED]: I don't think so because,
6 especially, you know, unfortunately, with who
7 he was, and the kind of money he has, he could
8 have used that against us. For violating some
9 kind of privacy right or something. And so,
10 that is why, typically, those cells are not
11 used. In very rare instances they are used.
12 And I don't even think they exist now. I think
13 they were removed some time later. Or
14 disconnected. But I think his point was, you
15 have them, you need to have something in
16 writing saying how they are used.

17 [REDACTED]: Okay. So, this is going
18 to be my last thing, because you've got to run,
19 and this is, I'm going to read you kind of a
20 more, it's a whole paragraph, so it's a little
21 bit of a lengthy. So, just bear with me, if
22 you don't mind.

23 [REDACTED]: Sure.

24 [REDACTED]: This is from the after-
25 action report. It says, "He was also an inmate

1 who had risk factors for assault by other
2 inmates, and did require careful selection for
3 appropriate cellmates.

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: Although these issues
6 were noted, well-documented, and communicated,
7 a failure still occurred by allowing inmate
8 Epstein to be placed in a cell alone.

9 [REDACTED]: Right.

10 [REDACTED]: Although feasible for an
11 inmate to effectuate suicide while housed with
12 a cellmate, the odds --

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: -- of this occurring are
15 significantly lowered when housed with another
16 inmate."

17 [REDACTED]: Correct.

18 [REDACTED]: The report then
19 continues. "It is apparent various staff at
20 the institution made a point of ensuring inmate
21 Epstein had an assigned cellmate.

22 [REDACTED]: Mm-hmm.

23 [REDACTED]: The captain personally
24 instructed the lieutenants, individually. A
25 mass email was distributed by psychology. And

1 it is apparent some SHU officers were aware.
2 Although many people acknowledged this is an
3 important fact, ultimately, the final staff
4 responsible did not ensure the requirement was
5 met. Including vital directives, such as
6 cellmate requirements, and a mass email, does
7 not ensure those who truly need that
8 information do in fact receive it timely. In
9 this case, inmate Epstein was actually placed
10 with a cellmate when removed from psychology
11 observation. After that moment, it is clear
12 there was no additional written directive, or a
13 fail safe system, established to ensure inmate
14 Epstein would have a cellmate going forward."
15 Did you follow all that?

16 [REDACTED]: Yeah. I did.

17 [REDACTED]: It seems like that's your
18 kind of ultimate conclusion, or the - not yours
19 personally --

20 [REDACTED]: Right.

21 [REDACTED]: -- but I mean, like, the
22 after-action sounds like --

23 [REDACTED]: Right.

24 [REDACTED]: -- the ultimate
25 conclusion there was, hey, if he actually had a

1 cellmate, this would have much less -. This
2 would have --

3 [REDACTED]: Unlikely.

4 [REDACTED]: -- wouldn't --

5 [REDACTED]: That less likely happened.

6 [REDACTED]: -- correct. And is that
7 --

8 [REDACTED]: Yeah.

9 [REDACTED]: -- what your kind of
10 overall understanding --

11 [REDACTED]: Yeah.

12 [REDACTED]: -- of the after-action
13 was?

14 [REDACTED]: I mean, yeah, that is the
15 Bureau's stance on that is, with any suicide,
16 is the chances of suicide are much more
17 diminished when they have a cellmate. Doesn't
18 mean it's not going to happen, because it has
19 happened. But it is less likely that that
20 would be the outcome.

21 [REDACTED]: So, and on, I know that
22 that is a really, there is a lot of different
23 ways you can answer this question, but, like --

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: -- ultimately, in this

1 case, from what you recall, and from just what
2 we've talked about today, who ultimately was
3 responsible for making sure that that -? I
4 mean, I know we talked about the OIC --

5 [REDACTED]: Right.

6 [REDACTED]: -- is the one who knew --.

7 [REDACTED]: I mean, and to conclude your
8 investigation.

9 [REDACTED]: Yeah, yeah, yeah. I just
10 mean, because, I mean, the OIC knew he was WAB.
11 That Ops Lieutenant is saying that he knew he
12 was gone. But just didn't know he wasn't
13 coming back. But then, that Ops Lieutenant
14 didn't provide that information --

15 [REDACTED]: Yeah. (Indiscernible
16 *01:12:38).

17 [REDACTED]: -- to the --.

18 [REDACTED]: From what you told me, what
19 conversation we've had for the last hour, and
20 the information you provided me, it sounds
21 like, one) that a lieutenant, at some point, I
22 don't know which one, or how many, failed to
23 follow up on the information they had; and two)
24 it sounds like an OIC on one or multiple shifts
25 failed to follow up, as well.

1 [REDACTED]: Now, and that sounds like
2 what we are in agreement to. I just didn't
3 know, well, you know --

4 [REDACTED]: Okay.

5 [REDACTED]: -- we wanted to ask the
6 question, being that you are the regional
7 director. You were the --

8 [REDACTED]: Right.

9 [REDACTED]: -- regional director at
10 the time. To see if, like, you agreed --

11 [REDACTED]: Right.

12 [REDACTED]: -- with that. That it
13 sounds like it was a failure of the OIC, as
14 well as of the lieutenant. Not to pass it --

15 [REDACTED]: Yeah.

16 [REDACTED]: -- up to the captain or
17 to his relieving shift.

18 [REDACTED]: Yeah. I mean, especially if,
19 you told me that the lieutenant was made aware
20 of it that day, that he was relieved and moved
21 out. Then it sounds like there should have
22 been some steps started, at that point.

23 [REDACTED]: All right. Great. So,
24 would you, from what you know, think that, you
25 know, if the counts and rounds weren't

1 conducted, as well as the Epstein not being
2 housed with a cellmate, those would be the two
3 most contributing factors of the reason why he
4 --

5 [REDACTED]: Oh, those are.

6 [REDACTED]: -- died?

7 [REDACTED]: Those are. Other than others
8 I may not know, the not doing your rounds, not
9 doing your counts, and not putting a cellmate
10 in with him, those are definitely the two
11 things that led to this.

12 [REDACTED]: Great. And then, my -
13 sorry, I did say that was my last question - my
14 I guess final, overall conclusion, or overall
15 question would be, do you know, is there any
16 reason to believe that Epstein didn't take his
17 own life?

18 [REDACTED]: I have no information or
19 reason to believe that. No.

20 [REDACTED]: All right. Great.

21 [REDACTED], do you have anything further?

22 [REDACTED]: No. That's it.

23 [REDACTED]: I can't thank you enough
24 for taking the time --

25 [REDACTED]: Okay.

1 [REDACTED]: -- we know you are --

2 [REDACTED]: Well --

3 [REDACTED]: -- doing this on your
4 personal --.

5 [REDACTED]: -- sorry I couldn't be more
6 helpful, but this has been a long time since
7 then, and --

8 [REDACTED]: No. You're --

9 [REDACTED]: -- but I tried. I
10 intentionally tried to forget most of it, but
11 after all that happened.

12 [REDACTED]: I know. I totally
13 understand. We can't thank you enough.

14 [REDACTED]: Yeah.

15 [REDACTED]: Again, this is an ongoing
16 investigation --

17 [REDACTED]: Okay.

18 [REDACTED]: -- so, we can't tell you
19 not to, but if you could just not discuss this
20 --

21 [REDACTED]: Oh, of course.

22 [REDACTED]: -- this stuff, we would
23 greatly appreciate it.

24 [REDACTED]: Yup. I hear enough of it on
25 the news. I don't need to hear it from other

1 people.

2 [REDACTED]: Right. [REDACTED] is the
3 case agent, so if you have anything, you know,
4 you can go through him, or if you need to a get
5 hold of me --

6 [REDACTED]: Okay.

7 [REDACTED]: -- you can go through
8 him.

9 [REDACTED]: And just, I was going to tell
10 you, so, [REDACTED], as I mentioned to you, my
11 phone doesn't take calls from any number that
12 is not in my contacts. So, I did --

13 [REDACTED]: Right.

14 [REDACTED]: -- I did add your cell number
15 to my contacts.

16 [REDACTED]: Okay.

17 [REDACTED]: But that is the only number
18 that it will come through.

19 [REDACTED]: Understood. Okay. Because,
20 you know what? My number is blocked when I -.
21 Automatically blocked. So, if I have to reach
22 out to you, I know that it's got to be
23 unblocked before I give you a call.

24 [REDACTED]: Okay. Not a problem.

25 [REDACTED]: Thank you very much, sir.

1 [REDACTED]: Thank you. (Indiscernible
2 *01:15:25).
3 [REDACTED]: Thank you.
4 [REDACTED]: Enjoy your dinner.
5 [REDACTED]: All right. Thanks, guys.
6 All right. Bye.
7 [REDACTED]: Bye.
8 [REDACTED]: It is currently 6:25 p.m.
9 on October 13th, 2021, and the interview has
10 concluded.
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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]



Brianna Rose Burton, Transcriber

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