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DIGITALLY RECORDED
SWORN STATEMENT
OF

[REDACTED]

OIG CASE #:
2019-010614

DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL
OCTOBER 27, 2021

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

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APPEARANCES:

OFFICE OF THE INSPECTOR GENERAL

BY: [REDACTED]

BY: [REDACTED]

WITNESS:

[REDACTED]

OTHER APPEARANCES:

[REDACTED]

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

7 [REDACTED]: Okay. Mm-hmm.

8 [REDACTED]: This interview with
9 Federal Bureau of Prisons employee - is it
10 [REDACTED]?

11 [REDACTED]: [REDACTED].

12 [REDACTED]: Is being conducted as
13 part of an official U.S. Department of Justice,
14 Office of the Inspector General investigation.
15 Today's date is October 27th, 2021, and the
16 time is 1:53 p.m. This interview is being
17 conducted - what is the -? Is it 1515?

18 [REDACTED]: 515.

19 [REDACTED]: 515?

20 [REDACTED]: Yes.

21 UNKNOWN MALE: Madison Avenue. 31st
22 floor.

23 [REDACTED]: Okay. 515 Madison
24 Avenue, 31st floor. New York, New York. Also
25 present is DOJ/OIG Special Agent [REDACTED].

1 As well as --

2 UNKNOWN MALE: Edward Hayes.

3 [REDACTED]: -- [REDACTED]

4 attorney. I'm sorry. What is it?

5 MR. HAYES: Edward Hayes. H-A-Y-E-S.

6 First name E-D-W-A-R-D.

7 [REDACTED]: Thank you, sir. Who is
8 representing [REDACTED]. This interview will

9 be recorded by me, [REDACTED]

10 [REDACTED]. could everyone please identify
11 themselves for the record, and spell your last

12 name? To start, again, I am DOJ/OIG Senior

13 Special Agent, [REDACTED]. [REDACTED]

14 [REDACTED].

15 [REDACTED]: This is DOJ Special Agent

16 [REDACTED]. [REDACTED]. And these are my
17 credentials.

18 [REDACTED]: Okay. And I am --

19 MR. HAYES: I can't --

20 [REDACTED]: -- [REDACTED] --

21 MR. HAYES: -- I can't show you any

22 credentials.

23 [REDACTED]: -- [REDACTED]. First name --

24 [REDACTED]: Okay.

25 [REDACTED]: -- [REDACTED], [REDACTED]. And

1 last name [REDACTED], [REDACTED],
2 apostrophe, [REDACTED].

3 [REDACTED]: Thank you, sir. Do you
4 happen to one --

5 MR. HAYES: I still don't know how he
6 pronounces his name. Is it -? Yeah. And I'm
7 so arrogant that I don't carry identification.
8 You know what I mean?

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

10 MR. HAYES: Yeah. But you are sitting
11 down here, you are willing to pay the fee.

12 [REDACTED]: Yeah.

13 MR. HAYES: You know who I am.

14 [REDACTED]: So, I am looking at Mr.
15 [REDACTED] law enforcement officer credentials.
16 And it has a picture. And a signature of the
17 gentleman sitting in front of me. Thank you,
18 sir. And his attorney, do you mind - and
19 again, it's Edward --

20 MR. HAYES: Edward --

21 [REDACTED]: -- Hayes.

22 MR. HAYES: -- Hayes. And I'm sorry, I
23 don't have -. I really --

24 [REDACTED]: No. That's quite all
25 right.

1 MR. HAYES: -- as I say --

2 [REDACTED]: But you are --

3 MR. HAYES: -- Edward Hayes. I'm his
4 lawyer.

5 [REDACTED]: -- perfect, and we're in
6 your office.

7 MR. HAYES: Right.

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

15 [REDACTED]: Yes, I will.

16 [REDACTED]: Thank you, sir. This is
17 the form that we have to do all interviews,
18 interviewees.

19 MR. HAYES: Is that form B?

20 [REDACTED]: This is the OIG form III-
21 226/2.

22 MR. HAYES: Yeah.

23 [REDACTED]: Okay.

24 [REDACTED]: But it says is - I'm
25 going to read it for you - United States

1 Department of Justice, Office of the Inspector
2 General, Warnings and Assurances to Employee
3 Requested to Provide Information on a Voluntary
4 Basis. It says, "You are being asked to
5 provide information as part of an investigation
6 being conducted by the Office of the Inspector
7 General. This investigation is being conducted
8 pursuant to the Inspector General Act of 1978,
9 as amended. This investigation pertains to job
10 performance failure, and security failure."
11 And this is what we are writing for everyone
12 that we speak to, just because we're looking at
13 it as a --

14 [REDACTED]: Right.

15 [REDACTED]: -- whole of what
16 happened. "This is a voluntary interview.
17 Accordingly, you do not have to answer
18 questions. No disciplinary action will be
19 taken against you if you chose not to answer
20 questions. Any statements you furnish may be
21 used as evidence in any future criminal
22 proceedings, or agency disciplinary
23 proceedings, or both." And there is a waiver
24 section. It says, "I understand the Warnings
25 and Assurances stated above, and I am willing

1 to make a statement and answer questions. No
2 promises or threats have been made to me, and
3 no pressure or coercion of any kind has been
4 used against me." If you would like to take a
5 look at it, you may. If you agree to it, if
6 you want your attorney to look at it, he may,
7 as well.

8 [REDACTED]: Okay.

9 [REDACTED]: You can sign where it
10 says "Employee Signature." And then, also
11 write your name. I did read it verbatim.

12 MR. HAYES: I'm sure you did. Okay.
13 There is no place that said attorneys --

14 [REDACTED]: No, no, no.

15 MR. HAYES: -- signatures.

16 [REDACTED]: It's not for you to sign.
17 It's for him, myself, and the witness. It's
18 just if you wanted to review it, or ask any --

19 MR. HAYES: No, that's all right.

20 [REDACTED]: -- questions about it.

21 MR. HAYES: That's all right. I do have a
22 question.

23 [REDACTED]: Where do you want me to
24 sign?

25 MR. HAYES: In other words, if you say to

1 him --

2 ██████████: Oh, so, where it says --

3 ██████████: Right side.

4 ██████████: -- "Employee Signature."

5 MR. HAYES: Do you have sex with ducks?

6 And so, I'm not going to answer that question.

7 That's the - he can't get in trouble for that?

8 ██████████: I won't be asking that
9 question.

10 MR. HAYES: I mean, (Indiscernible

11 *00:04:18).

12 ██████████: (Indiscernible *00:04:20).

13 MR. HAYES: (Indiscernible *00:04:22).

14 ██████████: (Indiscernible *00:04:21).

15 Okay.

16 ██████████: Under the interview that
17 we are doing right now, for voluntary
18 interviews, he doesn't have to answer our
19 questions.

20 ██████████: Okay. Great.

21 ██████████: All right. So, thank you
22 for signing that, sir. Did you have any
23 questions on the form?

24 ██████████: No, I don't.

25 ██████████: All right. So, I'm

1 signing as the signature of the Office of the
2 Inspector General, Special Agent. I'm printing
3 my name.

4 MR. HAYES: Oh, one thing. So,
5 ordinarily, I would take notes. I've been at
6 Jim Rad (Phonetic Sp. *00:04:49) for 50 years,
7 as you saw, to which my body is falling apart.

8 [REDACTED]
9 [REDACTED] I can't really
10 basically write. So, that's why --

11 [REDACTED]: Sure.

12 MR. HAYES: -- I'm not taking notes. But
13 I have a pretty good memory, so, yeah.

14 [REDACTED]: All right. Great.

15 [REDACTED], can you just sign as the witness?

16 [REDACTED]: Oh.

17 [REDACTED]: Put your name and take
18 care of the rest of the form.

19 [REDACTED]: This is Special Agent [REDACTED]
20 [REDACTED]. I'm signing as the witness, and dating
21 it.

22 [REDACTED]: All right. Before
23 starting the interview, I would like to place
24 you under oath. [REDACTED], can you please
25 raise your right hand?

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: Do you swear to tell the
3 truth and nothing but the truth during this
4 interview?

5 [REDACTED]: I do.

6 [REDACTED]: Thank you, sir. What is
7 your current home address?

8 [REDACTED]: [REDACTED]
9 [REDACTED].

10 [REDACTED]: And what is your date of
11 birth?

12 [REDACTED]: [REDACTED].

13 [REDACTED]: And what --

14 MR. HAYES: Jesus Christ.

15 [REDACTED]: -- what is the --

16 MR. HAYES: I'm old.

17 [REDACTED]: -- what are the last four
18 of your social security number?

19 [REDACTED]: [REDACTED].

20 [REDACTED]: Is it correct that you
21 were interviewed regarding the Epstein matter
22 on August 19th, 2019?

23 [REDACTED]: Yeah.

24 [REDACTED]: Or in August of 2019.

25 [REDACTED]: I know it was some time in

1 August.

2 [REDACTED]: Correct. Okay. How long
3 have you worked for the BOP?

4 [REDACTED]: 30 years. And August,
5 September, October, November. 30 years and
6 three months.

7 [REDACTED]: All right. And what is
8 your current position with the BOP?

9 [REDACTED]: I'm [REDACTED] at FCI Fort
10 Dix.

11 [REDACTED]: Okay. And what are your
12 -. You are [REDACTED], you said?

13 [REDACTED]: Yes.

14 [REDACTED]: Were you previously a
15 regional director?

16 [REDACTED]: I was the [REDACTED]
17 [REDACTED].

18 [REDACTED]: And how long have you
19 been [REDACTED] at FCI Fort Dix?

20 [REDACTED]: About two or three weeks.
21 Two weeks.

22 [REDACTED]: Oh, so --

23 [REDACTED]: Yeah.

24 [REDACTED]: -- it's a brand --

25 [REDACTED]: Yeah.

1 [REDACTED]: -- new position?

2 [REDACTED]: It just got there. Yeah.

3 [REDACTED]: Okay. How long were you

4 the [REDACTED]?

5 [REDACTED]: I got it in February.

6 [REDACTED]: Okay.

7 [REDACTED]: Of 2021.

8 [REDACTED]: Okay. And as the [REDACTED]

9 [REDACTED], what were your duties and
10 responsibilities?

11 [REDACTED]: Monitoring he activities of
12 the 20 institutions in the region, and, you
13 know, managing the administratives within the
14 [REDACTED], and, you know, showing that
15 institutions were running in an orderly
16 fashion.

17 [REDACTED]: Now, did you supervise
18 the various wardens at those institutions?

19 [REDACTED]: Yes. I was over there. I
20 was the rating official on some of the
21 evaluations.

22 [REDACTED]: And were you a warden
23 prior to that position?

24 [REDACTED]: Yes, I was.

25 [REDACTED]: Where were you a warden?

1 [REDACTED]: In New York. MCC. The
2 Metropolitan Correctional Center in New York.

3 [REDACTED]: And how long were you a
4 warden there?

5 [REDACTED]: I came from [REDACTED]
6 [REDACTED]
7 [REDACTED]. I forget what it was.

8 [REDACTED]: Okay. [REDACTED]
9 [REDACTED] --

10 [REDACTED]: Yeah.

11 [REDACTED]: -- when you became the
12 regional director?

13 [REDACTED]: No. The position --

14 [REDACTED]: Yeah.

15 [REDACTED]: -- prior to that, I was
16 given --

17 [REDACTED]: Okay.

18 [REDACTED]: -- was [REDACTED]
19 [REDACTED]. And then, I went into the
20 [REDACTED].

21 [REDACTED]: Okay. Sounds good. And
22 August of 2019, though, were you [REDACTED] at
23 the MCC New York?

24 [REDACTED]: Yes, I was.

25 [REDACTED]: Thank you, sir. And are

1 you familiar with inmate Jeffrey Epstein, who
2 was housed within the MCC in July and August of
3 2019?

4 ██████████: Yes.

5 ██████████: Yes. Okay. Great. What
6 I have here is an after-action report that was
7 written by the BOP.

8 ██████████: Mm-hmm.

9 ██████████: Have you seen this?

10 ██████████: I have not seen that.

11 ██████████: All right. So, this is
12 not something that you are actually familiar
13 with?

14 ██████████: No, I am not.

15 ██████████: No one discussed any
16 findings or anything like that with you?

17 ██████████: No one.

18 ██████████: All right. I'm going to
19 set this aside just in case we need to, you
20 know, reference it. So, no role in the after-
21 action report?

22 ██████████: Nothing. I wasn't
23 interviewed. I wasn't spoken to.

24 ██████████: All right. Do you know
25 of anybody interviewed, or I mean, talked to

1 and at least about, like, providing the
2 information that they utilized to this report?

3 [REDACTED]: No.

4 [REDACTED]: No. Okay. Fair enough.
5 After the incident occurred, what was your role
6 with determining what happened and what didn't
7 happen after Epstein was found on August 10th,
8 2019?

9 [REDACTED]: Well, I responded to the
10 institution. At the time, when I got there, he
11 was at the hospital. So, I didn't go up to the
12 unit, as far as - because it was a crime scene,
13 and I've always been trained, if it was a crime
14 scene, if you weren't particularly there, the
15 least amount of people that, you know, that go
16 through that crime scene, just don't go into
17 it. So, I didn't go into it, but you know,
18 basically gathering information on what
19 happened, notifying the region, notifying the
20 FBI. The IG.

21 MR. HAYES: (Indiscernible *00:09:28).
22 He's already got that phone call.

23 [REDACTED]: Oh.

24 MR. HAYES: Oh, yeah, you know what I
25 mean? Jeffrey Epstein --

1 [REDACTED]: Mm-hmm.

2 MR. HAYES: -- like, fuck it, I'm going to
3 sell. Oh, okay.

4 [REDACTED]: Yeah.

5 MR. HAYES: That's why we do it for the
6 next six months.

7 [REDACTED]: So, there was a lot of
8 notification on what happened. Trying to find
9 out the status of inmate Epstein. And things
10 more along those lines.

11 [REDACTED]: Now, did you help with
12 gathering information, up until a certain
13 point, and then, were you told not to anymore,
14 or did you continue to gather -?

15 [REDACTED]: No, like, my boss was
16 calling me [REDACTED]. They needed
17 information. You know, starting a timeline on
18 what happened. So, I had [REDACTED]
19 [REDACTED] there, and, you know, we would just
20 gather any information, and just, you know,
21 making sure that, you know, things that were
22 requested were being provided to them, any
23 information.

24 [REDACTED]: And who was the regional
25 director at the time?

1 [REDACTED]: It was [REDACTED], at the
2 time.

3 [REDACTED]: Okay. And then, who was
4 your executive assistant?

5 [REDACTED]: [REDACTED].

6 [REDACTED]: Okay.

7 [REDACTED]: [REDACTED]?

8 [REDACTED]: [REDACTED].

9 [REDACTED]: Now, as part of our
10 investigation, we have to review everyone's
11 emails, with regard to the incident.

12 [REDACTED]: Right.

13 [REDACTED]: So, you mentioned that
14 you provided [REDACTED] with timelines --

15 [REDACTED]: Yeah.

16 [REDACTED]: -- and things like that.
17 So, these are just some timelines from - again,
18 Mr. Epstein, I believe, was found around 6:33
19 a.m.

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: In the Special Housing
22 Unit. This is a timeline starting with, it
23 looks like, August 10th, 2019, at 11:04 a.m.
24 So, a few hours after the fact. It just says,
25 it says, "See below. Just to ensure you know

1 what is being relayed to DOJ." Now, is this -.
2 And then, what I have behind it is, these are
3 different timelines that are all updated
4 throughout the day.

5 ██████████: Mm-hmm.

6 ██████████: Here is one that was at
7 2:21 p.m. Same date. And then, the next one
8 was 3:42 p.m. And the next one was August
9 12th. And then, the final one that we have is
10 the August 13th. So, these, do these look like
11 the timelines that you would have been
12 gathering information and providing to Mr.
13 ██████████?

14 ██████████: Okay. It looks like it.

15 ██████████: Now, where were you
16 actually obtaining this information from? You
17 said ██████████ was obtaining it for you?

18 ██████████: He was the ██████████, we recall,
19 and in that, I'm not too familiar on the
20 specifics on how we get it, because there was
21 so much going on.

22 ██████████: Mm-hmm.

23 ██████████: That, you know, I don't
24 recall if it was from the logbooks, or, you
25 know, calling around and trying to find out.

1 So, I don't really recall the specifics.

2 [REDACTED]: All right. Well, rather
3 than get into each one of these, because it
4 will take too long, I'll just do the very first
5 one. It says, it just says, "7/23/2019, at
6 1:27 a.m., Epstein found in fetal position in
7 cell, breathing, but would not acknowledge
8 staff initially." So, that is referring to the
9 first initial attempt that Epstein may have had
10 on his life?

11 [REDACTED]: Let me see which one. Are
12 we talking the day of, or -?

13 [REDACTED]: No. This is --

14 [REDACTED]: This is July.

15 [REDACTED]: -- yeah, July,

16 (Indiscernible *00:12:40) 27.

17 [REDACTED]: Oh, no. This is July.

18 [REDACTED]: Yeah.

19 [REDACTED]: This is the --

20 [REDACTED]: So, this is the --

21 [REDACTED]: -- no, the --

22 [REDACTED]: -- timeline.

23 [REDACTED]: -- this would -. We would
24 have probably got this from the SIS
25 investigation.

1 [REDACTED]: Okay.

2 [REDACTED]: From that. I thought you
3 were referring to the actual suicide. This is
4 --

5 [REDACTED]: No. What I meant was --

6 [REDACTED]: -- this is -.

7 [REDACTED]: -- just the information
8 that was all put in there, as far as --

9 MR. HAYES: This was his first attempt.

10 [REDACTED]: -- well, it's everything.
11 So, so, it starts July 23rd. The next one is
12 July 29th. And it goes 8/9/2019. And then,
13 and then, until -. So, it's only - there is
14 only a few. That's why I was going to read it,
15 just because there is only, like, three
16 paragraphs, four or five, four or five
17 paragraphs.

18 [REDACTED]: So, this looks to me like we
19 sent the information to [REDACTED] -
20 -

21 [REDACTED]: Mm-hmm.

22 [REDACTED]: -- and what he did was,
23 compile this information to send to DOJ.

24 [REDACTED]: Okay. Oh, you're right.

25 [REDACTED]: Yeah.

1 [REDACTED]: [REDACTED] --

2 [REDACTED]: This is not --

3 [REDACTED]: -- sent this to you. So,
4 he is saying --

5 [REDACTED]: -- yeah, this thing.

6 [REDACTED]: -- "see below --

7 [REDACTED]: Right.

8 [REDACTED]: -- just ensure you know."

9 [REDACTED]: so, this is compiled off of
10 several different documents --

11 [REDACTED]: Okay.

12 [REDACTED]: -- which he condensed.

13 [REDACTED]: So --

14 [REDACTED]: From --

15 [REDACTED]: -- he sent it to you.

16 I'm sorry. I read that incorrectly. So,
17 looking at this, then, let's just review it and
18 make each point, just make sure that it's what
19 you understand. It says, "On July 23rd, 2019,
20 Epstein was found in a fetal position in cell,
21 breathing, but would not acknowledge staff
22 initially."

23 [REDACTED]: Right.

24 [REDACTED]: "After removed, he
25 interacted with staff and speaking to staff.

1 Neck was red. Placed on suicide watch, and
2 medical evaluation. Epstein receive daily
3 psychological evaluations while on suicide
4 watch." Was that your recollection, too?

5 [REDACTED]: Yeah. That is what is in
6 the report. But I want to --

7 [REDACTED]: Sure.

8 [REDACTED]: -- clarify what we went -.
9 You know, when I, when you first read it to me
10 --

11 [REDACTED]: Mm-hmm.

12 [REDACTED]: -- I thought you meant the
13 day of.

14 [REDACTED]: Yup, yup.

15 [REDACTED]: So --

16 [REDACTED]: Well, we have that, too.
17 That's --

18 [REDACTED]: Right.

19 [REDACTED]: -- that one is here. And
20 this one is from you, and this is what I
21 thought it was starting with, as well.

22 [REDACTED]: Right.

23 [REDACTED]: Because it said timeline
24 on it. From you to [REDACTED]. This initial
25 one actually talks about Friday, August 9th,

1 2019. It starts with, "8:00 a.m., inmate Reyes
2 Efrain, reg number 85993-054, departs for
3 court. WAB-USMS-SDNY. Reyes is Epstein's
4 cellmate."

5 ██████████: Right.

6 ██████████: So, just starting with
7 that, then, I do have, we're going to get into
8 that later, but what does that tell you, if it
9 says inmate Reyes is departing for court, but
10 it also says WAB-USMS-SDNY?

11 ██████████: So, that would mean With All
12 Belongings.

13 ██████████: So, that means he's not
14 returning. Correct?

15 ██████████: Yes.

16 ██████████: All right. So, at 8:00
17 a.m., Efrain Reyes is actually leaving, not
18 coming back to the MCC.

19 ██████████: Mm-hmm.

20 ██████████: All right. Great. And
21 then, it just goes on from there, what happens
22 throughout that day. And we're going to get
23 into these things more in detail, so I don't
24 want to go through each thing, because we're
25 going to have to get into it later. But so,

1 this information is stuff that you guys were
2 compiling, and you were providing to Mr.
3 ██████████.

4 ██████████: That would probably be
5 information that we sent up to him.

6 ██████████: Okay. Great. And then,
7 this is all the updates that occurred
8 afterwards. Let's see. Why is that
9 highlighted? So, here is something. Why, do
10 you know why in this one, it would be updated?
11 This one is 7:00 p.m., 7:00 p.m., and then,
12 "7:32 a.m., PIO notified of incident by the
13 warden." Is that just, put that in the wrong
14 place or something, and it says, "Inmate Reyes
15 released from court."

16 ██████████: (Indiscernible *00:16:27).

17 ██████████: (Indiscernible *00:16:30)
18 just in the wrong spot. It was made for August
19 10th.

20 ██████████: Mm-hmm. (Indiscernible
21 *00:16:34).

22 ██████████: Yeah. Okay. So, the
23 next one, that is the big discrepancy here. It
24 just shows the next update, you have that under
25 August - or Saturday - August 10th.

1 [REDACTED]: This can't be -. This
2 doesn't make -. I don't know. Because it
3 says, "PIO notified of incident by [REDACTED]."
4 I was off that day, on Friday. I wasn't at
5 work.

6 [REDACTED]: Yeah. So, that's why I
7 think that they -. So, the next one I'm
8 looking at shows that that point is now under
9 Saturday, August 10th.

10 [REDACTED]: Yeah. I don't know why it
11 would be --

12 [REDACTED]: So --

13 [REDACTED]: -- under Friday, because I
14 wasn't --

15 [REDACTED]: -- yeah. Okay.

16 [REDACTED]: -- I wasn't working.

17 [REDACTED]: So, you were actually off
18 --

19 [REDACTED]: I was off --

20 [REDACTED]: -- off on August 9th?

21 [REDACTED]: -- on Friday. Yes.

22 [REDACTED]: All right. You and
23 everyone else.

24 [REDACTED]: Huh?

25 [REDACTED]: Everybody was off that

1 day.

2 [REDACTED]: Yeah. I didn't come back to
3 work until, when I got called, there was a
4 suicide at the (Indiscernible *00:17:28).

5 [REDACTED]: Okay. So, all of this.
6 So, if I can have that back, if you don't mind.
7 So, all of this. All right. Is it safe to
8 assume that, as this went on, and specifically,
9 the last one that we have is Tuesday, August
10 13th, 2019. The Tuesday 13th, August 13th,
11 would be the most accurate timeline?

12 [REDACTED]: It should be, but I don't
13 want to attest to it. I mean --

14 [REDACTED]: Yeah, yeah.

15 [REDACTED]: -- yeah.

16 [REDACTED]: I'm just saying, based -
17 is there any reason for you to believe that the
18 timelines that were provided, or in any way, it
19 was determined that, you know, we should add a
20 point that actually didn't occur? Or is it
21 safe to assume that, the last one that was sent
22 would be the most accurate one?

23 [REDACTED]: That's how it typically
24 works. At, you know, but I can't, I can't
25 attest to it --

1 [REDACTED]: And yeah.

2 [REDACTED]: -- of whether it was
3 accurate, but typically, the last one that you
4 send usually, you know, if you have to make
5 corrections, you make the corrections. Add
6 information, if you have to.

7 [REDACTED]: Sure. Okay. Great.
8 When I show you things, it's not attesting to
9 it, but --

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: -- I'm going to ask you
12 just to initial and date, and that's just to
13 say, specifically, that this is the document we
14 looked at when we spoke. It is absolutely not
15 attesting to it.

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: It's not saying that this
18 stuff is accurate.

19 [REDACTED]: And so, I write the date --

20 [REDACTED]: If you could --

21 [REDACTED]: -- and put reviewed on it,
22 or -?

23 [REDACTED]: -- nope. Just your
24 initial and date. I'm just going to do this
25 last one, just the top of it. I'm not going to

1 have you do every single one. And I'm going to
2 put this in a pile, back in a paper clip, and
3 I'm going to hand it to my friend over here.

4 ██████████: What's the date? The 18th?

5 ██████████: 27th.

6 ██████████: 27th.

7 ██████████: 10/27/21.

8 ██████████: Thank you, sir, for
9 initialing and dating that. All right. I'm
10 going to just actually, because it's the
11 timeline, I'm going to keep it in front of me
12 because we might have to reference it.

13 MR. HAYES: I can tell --

14 ██████████: All right.

15 MR. HAYES: -- this is going to be a long-
16 ass interview.

17 ██████████: It's going to be pretty
18 long. That's where I was trying to --

19 MR. HAYES: Yeah. Just -.

20 ██████████: -- you know? All right.
21 So, July 23rd incident. That was, what do you
22 recall what happened on July 23rd with inmate
23 Tartaglione and Mr. Epstein? Do you recall?

24 ██████████: I recall the investigation
25 that couldn't determine if they had an

1 altercation, or I believe if it was an attempt
2 at suicide.

3 ██████████: All right. So --

4 ██████████: Yeah.

5 ██████████: -- so, something happened
6 on the July 23rd --

7 ██████████: Something happened --

8 ██████████: -- where Mr. --

9 ██████████: -- in his cell.

10 ██████████: -- Epstein was found
11 with, like, a - was it a noose around his neck?

12 ██████████: It wasn't determined. It
13 was, you know, that he was laying in his cell,
14 but I don't recall the specifics of the report.
15 But I know it went back and forth where there
16 was a suicide attempt, or an issue with inmate
17 --

18 ██████████: Tartaglione.

19 ██████████: -- with - yeah -

20 Tartaglione. Yeah.

21 ██████████: All right. So, these are
22 emails that we reviewed with regard --

23 ██████████: Mm-hmm.

24 ██████████: -- to that incident.

25 ██████████: Mm-hmm.

1 [REDACTED]: So, this one is
2 specifically from, it says [REDACTED]
3 [REDACTED]. Was that --
4 [REDACTED]: Yeah.
5 [REDACTED]: -- your [REDACTED]?
6 [REDACTED]: That is the [REDACTED].
7 [REDACTED]: Send it to you?
8 [REDACTED]: Right.
9 [REDACTED]: And this is a memo from,
10 it says [REDACTED], is the
11 [REDACTED].
12 [REDACTED]: Yeah. [REDACTED]. [REDACTED]
13 [REDACTED].
14 [REDACTED]: Right. This is where I
15 wanted to ask you if you knew --
16 [REDACTED]: Mm-hmm.
17 [REDACTED]: -- about this. It
18 specifically says, so, it was originally, I
19 guess, sent from [REDACTED] to [REDACTED]-
20 [REDACTED] --
21 [REDACTED]: Mm-hmm.
22 [REDACTED]: -- from [REDACTED] to
23 you.
24 [REDACTED]: Mm-hmm.
25 [REDACTED]: And her note to you says,

1 "From the memo attached, the information I
2 received is not what I was told happened."

3 [REDACTED]: Right.

4 [REDACTED]: So, what I wanted to know
5 is, and I guess, would you like me just to
6 refresh your memory, to really quickly read
7 what she said happened, so we can figure out
8 what it is that didn't happen?

9 [REDACTED]: Okay. Yeah.

10 [REDACTED]: All right. So, this is
11 subject, "Possible suicide attempt." Again,
12 July 23rd, 2019. It says, "On July -". Let me
13 just sit back so you can just kind of read
14 along with me. Would you mind if I sit next to
15 you?

16 [REDACTED]: No. No problem.

17 [REDACTED]: I'm vaccinated, just so
18 you know. It says, "On July 23rd, 2019, at
19 approximately 1:27 a.m., a call for assistance
20 on the Special Housing Unit was announced by
21 the control center. Upon my arrival, I was
22 informed that an inmate had attempted suicide
23 and proceeded to cell Z05-124LAD. I observed
24 inmate Epstein, Jeffrey, number 76318-054,
25 lying in the fetal position on the floor of his

1 cell, wearing a t-shirt and boxers.

2 He was breathing heavily, and was snoring.

3 I called out to inmate Epstein and observed him
4 flicker his eyes, and continued snoring. His
5 neck was red with no abrasions. I observed no
6 further injuries to his person. An attempt was
7 made to get the inmates, to get the inmate to
8 stand on his own, with negative results. The
9 inmate was placed in hand restraints, and staff
10 was directed to retrieve the stretcher.

11 As inmate Epstein was being placed on the
12 stretcher by responding staff, he would open
13 his eyes and observe staff. When staff made
14 eye contact with him, he would hurriedly shut
15 his eyes. The inmate was taken to HA-Unit."
16 Was it that? The health care?

17 [REDACTED]: Health. Health Services.

18 [REDACTED]: "Dressed in a suicide
19 smock, and placed on suicide watch. While
20 awaiting the arrival of an inmate companion,
21 inmate Epstein sat on the [REDACTED] of the bed and
22 began moving forward, as if was attempting to
23 fall over, head first. When I looked away, he
24 straightened up. As I turned to look at him
25 again, he attempted the same act. I laid him

1 down on the bed, and directed him to cease his
2 action or he would be placed in restraints for
3 his safety.

4 At that moment, he stated, 'Okay. I won't
5 do it again.' And gave the thumbs up. Because
6 of his unpredictable behavior, the decision was
7 made to have the staff member observe inmate
8 Epstein. I had left HA-Unit in order to make
9 staff notifications. Moments later, I spoke
10 with Officer Clark, who stated that Inmate
11 Epstein was alert and had indicated that his
12 cellmate, Tartaglione, Nicholas, number 78514-
13 054, had attempted to kill him, and had been
14 harassing him.

15 He stated that the inmate had indicated
16 that he had informed his attorney of this
17 matter. I photographed and spoke with inmate
18 Tartaglione, Nicholas, who stated that he was
19 asleep with his headphones on when he felt
20 something hit his legs, and said, 'Jeff. What
21 are you doing?' He didn't answer. So, he got
22 up, turned on the light," or - so, yeah - "He
23 got up, turned on the light, and saw him with a
24 string around his neck.

25 He stated that he then called the guards,

1 and they ran down. Upon further questioning,
2 inmate Tartaglione stated that he sleeps on the
3 bottom bunk, but gave it to inmate Epstein
4 because he's old. He stated that he sleeps on
5 the floor, on a mattress. He stated that, when
6 he got up, he couldn't remember if he sat up or
7 stood up to check on Epstein. He stated that
8 Epstein was sitting on the floor, leaning to
9 the side, with his eyes opened, but wasn't
10 responding.

11 He stated that the last time he saw him,
12 he was snoring really loud. Inmate Epstein
13 stated that he comes in from a legal visit at
14 approximately 8:00 p.m., and staff handed him a
15 copy of the Daily News. Nick was on the floor
16 reading the Daily News. He stated that he had
17 given it to him. He stated that Tartaglione
18 mentioned that he had been in court all day, in
19 Westchester (Phonetic Sp. *00:25:00), and was
20 carrying on.

21 At that point, inmate Tartaglione paused,
22 as if he was making the story up, as he went
23 along, and stated that Tartaglione stated,
24 'These fucking N-I-G-G-E-R-S. This place is
25 inhumane. I wish I could report it. [REDACTED],

1 Officer, that N-I-G-G-E-R, hobbit
2 motherfucker.' He then turned to a page in the
3 Daily News that had his picture on it, and
4 stated that Epstein was worth 77 million
5 dollars.

6 Epstein then stated that he took his
7 picture, balled it up, and threw it in the
8 garbage. I asked inmate Epstein what happened
9 prior to staff's arrival. He stated that at
10 approximately 1:00 a.m., he had gotten up to
11 get a drink of water, as he gets up every 30
12 minutes. He remembered walking back to his
13 bunk, and waking up with staff there, in his
14 cell. I asked if he had waken up and seen
15 staff, why didn't he respond when we were
16 calling out to him.

17 He stated that he only remembered hearing
18 himself making a noise like snoring. When
19 asked about the allegations against his
20 cellmate, he stated that he was told if he hurt
21 him, staff wouldn't care. Duty medical doctor
22 -" how do you pronounce that name?

23 ██████████: Beaudouin.

24 ██████████: B-E-A-U-D-O-U-I-N. "Was
25 notified and briefed. It was determined that

1 no further medical attention was needed. A
2 medical assessment was not conducted at the
3 time of this incident, due to the fact there
4 was no medical staff available after 10:00 p.m.
5 Upon their arrival of medical staff, inmate
6 Epstein was examined and treated by M-L-P-Y."

7 [REDACTED]: Joaquin.

8 [REDACTED]: Joaquin. J-O-A-Q-U-I-N.
9 "For a circular line of arrhythmia, at the base
10 of his neck. One section on the front, with
11 marks of friction, and a small arrhythmia on his
12 left knee." So, sorry that that was so
13 lengthy. But so, again, the question would be,
14 is this, is this, does anything in here strike
15 you as inaccurate?

16 [REDACTED]: No.

17 [REDACTED]: So, when [REDACTED]
18 [REDACTED] says that in the attached memo, "The
19 information I received is not what I was told
20 happened." Do you know what she is referring
21 to?

22 [REDACTED]: I think she - if I recall -
23 that she told, that said that it was an
24 attempted suicide, but then she got any
25 additional information that it might have been

1 Epstein and Tartaglione having an issue in his
2 cell.

3 [REDACTED]: And what, and my
4 understanding is that SIS came up with
5 inconclusive findings.

6 [REDACTED]: In the investigation.

7 [REDACTED]: What is your belief that
8 happened?

9 [REDACTED]: I can't speculate.

10 [REDACTED]: You don't -.

11 [REDACTED]: I don't want -. I mean, I
12 don't know, you know, with the injuries on the
13 neck, I don't know if it was a suicide, and I
14 don't know, based on Epstein's statement, that
15 was something done to him. So, couldn't prove
16 what it was.

17 [REDACTED]: Okay. And is it, is
18 there any reason for us to know or believe that
19 it was one or the other, though? I know you
20 are trying not to speculate, but -.

21 [REDACTED]: I mean, I would, you know,
22 you have there be the medical department, who
23 did an assessment, and, you know, typically,
24 you could say you come to a conclusion from
25 injuries, from physical injuries, but we

1 weren't even able to do that.

2 ██████████: So, according to the
3 medical assessment, your understanding is that
4 they weren't able to tell if someone -?

5 ██████████: That, from what I - if I can
6 - and I don't know - I read it - but I don't
7 know -. I remember on the report, they were
8 unable to conclude what would, you know, what,
9 what -. Did he attempt suicide, or was he
10 assaulted?

11 ██████████: And were you satisfied
12 with that response, or did you think that they
13 missed something?

14 ██████████: I think they looked into it.
15 And I think it was, you know, you couldn't look
16 into it any further. I mean, either --

17 ██████████: Okay.

18 ██████████: -- it was a suicide, or it
19 was assault. So, we separated them.

20 ██████████: Okay. But there is -.
21 So, it didn't say, like, keep digging, or you
22 weren't, you know -?

23 ██████████: I mean, they interviewed
24 them. They asked the questions. You had the
25 medical assessment. So, I don't know what

1 other --

2 [REDACTED]: Sure.

3 [REDACTED]: -- conclusions could have
4 been drawn from it.

5 [REDACTED]: And what happened with
6 inmate Epstein after July 23rd? Or on July
7 23rd.

8 [REDACTED]: I don't specifically
9 remember what happened. I know we separated
10 the both of them. He wasn't - and then, I know
11 he was on suicide watch. They placed him on a
12 watch. And then had psychology talk to him.

13 [REDACTED]: Okay. So, just so, that
14 is just so you know, if you don't mind just
15 initialing and dating that one, that we just
16 read. Okay. So, this next one is from

17 [REDACTED] to a [REDACTED].

18 (Phonetic Sp. *00:30:05).

19 [REDACTED]: She's a psychologist.

20 [REDACTED]: Okay. And then, with
21 UCC.

22 [REDACTED]: Right.

23 [REDACTED]: It says, "SW,
24 chronological log, re: Epstein." It says,
25 "[REDACTED] was assigned to staff watch.

1 However, the wrong book was used. I am
2 companion log, in lieu of staff suicide watch
3 log."

4 ██████████: Mm-hmm.

5 ██████████: Was that something
6 normal? Was that an easy mistake?

7 ██████████: yeah, I could see it
8 happening because we have a log that the
9 inmate, you have an inmate companions that
10 watch inmates. So, they use the log. And
11 then, you have, if staff are going to sit on
12 someone, then they use a certain log. But the
13 fact that, you know, the documentation took
14 place, it was just, you know, it was just an
15 error.

16 ██████████: Okay.

17 ██████████: But they did document, so.

18 ██████████: Now, ██████████. Is
19 this ██████████ that you, are you aware?

20 ██████████: I had ██████████. I don't
21 know which one it was.

22 ██████████: Okay. So, if I tell you
23 it was --

24 ██████████: No, no, no. It had to be
25 ██████████, because if it was ██████████,

1 he would have been - his title is [REDACTED]
2 [REDACTED].

3 [REDACTED]: Okay. So, you don't
4 believe it was actually [REDACTED]?

5 [REDACTED]: No. I think it was the
6 [REDACTED]

7 [REDACTED]: It was [REDACTED]
8 [REDACTED]. Just from our records and from
9 speaking --

10 [REDACTED]: Okay.

11 [REDACTED]: -- with [REDACTED].

12 [REDACTED]: Can I see the log --

13 [REDACTED]: Sure.

14 [REDACTED]: -- how he opened the log?

15 [REDACTED]: That is correct, right,
16 [REDACTED]?

17 [REDACTED]: Where does it show that he
18 started his shift? Because usually, when you
19 come on shift, you write --

20 [REDACTED]: This is what --

21 [REDACTED]: -- the name.

22 [REDACTED]: -- was attached to that
23 email.

24 [REDACTED]: Yeah. Typically, when you
25 start your shift, your start off, you know,

1 you're putting your name, if you are relieved,
2 or you assume suicide watch.

3 ██████████: So, here is the next
4 email, so you might be able to show me an
5 example of what you are referring to. It's
6 this email, is it the same thing you were CC'd,
7 and this is, like, maybe this is the real log
8 that maybe he should have been using. But
9 here, it shows all the other logs.

10 ██████████: So, this is -.

11 ██████████: Hmm.

12 ██████████: See, this is what I mean by
13 when someone comes on duty, but this is what
14 they leave --

15 ██████████: This is the -.

16 ██████████: -- they mix the book up.
17 But they must have wrote it in the suicide log.
18 But typically, when you come on, let's say the
19 shift starts at 8:00, you will state your full
20 name, as assuming the duties.

21 ██████████: Okay.

22 ██████████: And you typically say who
23 you relieved on there.

24 ██████████: All right. So, it looks
25 like they maybe didn't fill it out correctly.

1 [REDACTED]: They didn't fill it out
2 correctly.

3 [REDACTED]: And so, our investigation
4 shows that it was [REDACTED] --

5 [REDACTED]: Okay.

6 [REDACTED]: -- that was on him on the
7 23rd.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: And that wasn't an "I
10 gotcha," whatsoever. My question was actually,
11 [REDACTED] is the one that actually found
12 him on August 10th. Correct?

13 [REDACTED]: Yes.

14 [REDACTED]: And is that suspicious at
15 all to you, that he was the one that was
16 watching him on suicide watch, and then that he
17 is the one that found him on the 10th?

18 [REDACTED]: No. I mean, typically, we
19 had so much overtime in the institution, that -
20 and we go by when you sign up for it. So,
21 there is a program that you sign up for, and I
22 don't know how the [REDACTED] did. They might
23 have called them, then he signed up for it.
24 So, I don't know. I can't say if it was
25 suspicious or not.

1 [REDACTED]: Sure. And then, all
2 these documents that we're reviewing right
3 here, on these two emails, what are they?

4 [REDACTED]: Which one?

5 [REDACTED]: Both of them.

6 [REDACTED]: The suicide watch log?

7 [REDACTED]: Yeah. So, is this
8 suicide watch log, as well as this?

9 [REDACTED]: Yeah. The suicide
10 observation log, and this is, appears to be the
11 cover of a logbook, for suicide watch.

12 [REDACTED]: Perfect.

13 [REDACTED]: Okay.

14 [REDACTED]: All right. Do you mind
15 just initial and dating this? And again, these
16 aren't trick questions --

17 [REDACTED]: Okay.

18 [REDACTED]: -- I just don't want to,
19 like, put answers in your -. If I think it is
20 something, but maybe it's not, you might be
21 able to tell me what it actually is.

22 [REDACTED]: This one, too?

23 [REDACTED]: Yes, please. Thank you,
24 sir. And this is, this says psych ops. So,
25 this is another one of those emails. This one

1 is from [REDACTED] to you. Also dated August 10th,
2 2019. It says, "Psych ops is discontinued on
3 7/30/2018." I think she means 2019. Correct?

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: At 8:15 a.m.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: So, is this also part of
8 the suicide watch log?

9 [REDACTED]: That is a log you would also
10 use.

11 [REDACTED]: Okay. Great. And does
12 it say in there, I guess right here, "8:15
13 a.m., psych observation is being
14 discontinued."?

15 [REDACTED]: Yes.

16 [REDACTED]: Okay. Awesome. Do you
17 mind just initial and dating this? And [REDACTED],
18 as I am giving these to you, can you try to
19 keep these in order with regard to --

20 [REDACTED]: I've just been stacking them.

21 [REDACTED]: -- making a note. Don't
22 stack them on top, though, keep them, like,
23 bundled together, so we know this is psych.
24 This is, like, the psych observation logbook.

25 [REDACTED]: Okay.

1 [REDACTED]: So, if you can keep them,
2 and then write a note on them.

3 [REDACTED]: Okay.

4 [REDACTED]: So that when we are -.
5 After this thing is transcribed, we can keep
6 things in order. This one is regarding the
7 first attempt, and the one we read from [REDACTED]
8 [REDACTED]. And can you tell me, sir, what
9 this is? This is July 30th. So, it is that
10 same date that he came off of -. What am I
11 looking at here?

12 [REDACTED]: So, this is -. Date, name,
13 signature. Inmate name. Reg number. This is
14 -. Is this a entrance log to the Special
15 Housing Unit?

16 [REDACTED]: I'm not sure. That's
17 what I'm saying.

18 [REDACTED]: I'm just, I don't know. It
19 might be an entrance log. This is 7/30.

20 [REDACTED]: These are all dates, but
21 at least up until 7/30, that he was in the
22 Special Housing Unit, but this says J. Epstein.
23 So, I don't know if he would sign himself in.

24 [REDACTED]: No, no.

25 [REDACTED]: So -.

1 [REDACTED]: I don't know. It might be
2 an entrance --

3 [REDACTED]: Or is it to the attorney
4 visits or something?

5 [REDACTED]: -- it might be attorney
6 visits. Let me see. 7/30. G tall (Phonetic
7 Sp. *00:36:57). Signature. Inmate name.
8 Name. This might be an attorney log. Name.
9 Fall. Signature. Yeah. This might. This is
10 probably an attorney --

11 [REDACTED]: Mm-hmm.

12 [REDACTED]: -- the log into the attorney
13 room. I think that's probably it.

14 [REDACTED]: Here is Epstein again.
15 It shows 7/30, 7/30, 7/30.

16 [REDACTED]: The different attorneys.
17 He, you know, he could have had one attorney
18 that comes in early in the morning --

19 [REDACTED]: Okay.

20 [REDACTED]: -- and then, any time a new
21 one comes in, they have to sign in, saying who
22 you came to see.

23 [REDACTED]: Okay.

24 [REDACTED]: So, he had multiple --

25 [REDACTED]: So, this is --

1 [REDACTED]: -- (Indiscernible

2 *00:37:46).

3 [REDACTED]: -- an attorney log.

4 [REDACTED]: This is an attorney log. He
5 usually had multiple attorneys.

6 [REDACTED]: So, it wasn't Epstein
7 signing his name. They are --

8 [REDACTED]: No, no.

9 [REDACTED]: -- saying they were
10 visiting this person.

11 [REDACTED]: Whoever comes and visits has
12 to put who --

13 [REDACTED]: Okay.

14 [REDACTED]: -- they are visiting.

15 [REDACTED]: So, the visitor logs were
16 for attorneys.

17 [REDACTED]: Attorneys. Yeah.

18 [REDACTED]: All right. You mind just
19 initial and dating that? And again, [REDACTED], if
20 you want to write on here, just --

21 [REDACTED]: Okay.

22 [REDACTED]: -- attorney logbook
23 visit. So, again, so that we can keep track of
24 what it is these things are. Now, is this the
25 same thing we just looked at? This looks like,

1 again, it says, "Inmate companion assumed
2 duties from staff on 7/23/19, at 7:00 until
3 7/24/19, at 8:45 a.m. Epstein was transferred
4 to psych observation on 7/24/2019, at 8:45 a.m.
5 until 7/30/2019 at 8:15 a.m. Inmate companion
6 was utilized."

7 ██████████: Mm-hmm.

8 ██████████: So, this one says July
9 23rd, 24th. And this one, again, suicide watch
10 chronological log.

11 ██████████: Mm-hmm.

12 ██████████: Inmate companion logs.
13 Does this tell you anything more about ██████████
14 ██████████, or anything different? What is this?
15 This one is the PP-37. What does that tell us?
16 That's just he's on it?

17 ██████████: Yeah. It just says, you
18 know, (Indiscernible *00:39:01), let me see.
19 You got category. I don't know what the MDS
20 is, but typically, it's an assignment. Like, I
21 could put in and do a PP-37 and say where he
22 was housed at. So, I could put quarters. So,
23 this must be a medical term. Concerning his
24 medical status.

25 ██████████: Okay. Great. And then,

1 this is the first page, it looks like, of the
2 logbook. Does this tell you --

3 ██████████: Mm-hmm.

4 ██████████: -- anything different
5 than what we looked at before, or is this the
6 same thing?

7 ██████████: It's the same. It's an
8 inmate suicide watch --

9 ██████████: Okay.

10 ██████████: -- log.

11 ██████████: So, it doesn't say
12 ██████████ on it, it just --

13 ██████████: No. It says inmate
14 companion was watching him.

15 ██████████: Okay. You said inmate -.
16 Oh, so, this is an inmate companion instead of
17 --

18 ██████████: Yeah, yeah.

19 ██████████: -- the actual. Okay.

20 ██████████: You have --

21 ██████████: I got you. So, whatever,
22 does it tell us which, who the inmate was, that
23 was his companion?

24 ██████████: Inmate companion Esteban
25 (Phonetic Sp. *00:39:51), and it has his number

1 right there.

2 [REDACTED]: Okay. Great.

3 [REDACTED]: Assumed responsibility for
4 inmate Epstein on -.

5 [REDACTED]: Perfect.

6 [REDACTED]: So, that's why I was telling
7 you, the staff one should read just like that,
8 too.

9 [REDACTED]: All right. So, this one
10 is 7/23 is the actual inmate that was --

11 [REDACTED]: Mm-hmm.

12 [REDACTED]: -- Epstein's companion on
13 7/23 until 7/24. Do you mind just initial and
14 dating that?

15 [REDACTED]: And this is right after the
16 incident. The first incident, right?

17 [REDACTED]: This is - so, July 23rd
18 or the 24th - yes, this is when he was on
19 suicide watch, not on observation.

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: And this is that, it
22 looks like this one is, again, it's from you to
23 [REDACTED].

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: It says psych ops/suicide

1 watch. And it looks like it's the difference
2 between the two.

3 [REDACTED]: Right.

4 [REDACTED]: In laymen's terms, what
5 is the difference between suicide watch and
6 psychological observation at the MCC, during
7 this time period when Epstein was on it?

8 [REDACTED]: So, suicide watch is when we
9 have determined, or there is a possibility,
10 through what an individual is saying, that they
11 might cause self-harm to themselves. Psych ops
12 is, that person might not admit it, and we
13 might not have anything to say to put them on
14 suicide watch, so we just put them on what we
15 call psychological observation.

16 [REDACTED]: And now, it was my
17 understanding --

18 [REDACTED]: (Indiscernible *00:41:11).

19 [REDACTED]: -- it's basically the
20 same thing, aside from what the inmate is
21 allowed to have, such as clothes.

22 [REDACTED]: That, too.

23 [REDACTED]: Okay. So, is it same
24 unit, same room, same --

25 [REDACTED]: Same.

1 [REDACTED]: -- same procedures?

2 [REDACTED]: Yes.

3 [REDACTED]: Okay. The one thing that
4 I've learned more recently is, though, during
5 psychological observation, or I guess I should
6 ask for them. During suicide watch, as well as
7 psychological observation, is the inmate
8 allowed to have attorney visits?

9 [REDACTED]: If they are on that watch,
10 no.

11 [REDACTED]: What about during
12 psychological observation?

13 [REDACTED]: I think it would be the same
14 thing, that they are not allowed to have. And
15 I'm not sure. Don't quote me to it. Because
16 typically, when they are on that, we don't have
17 it.

18 [REDACTED]: Okay. Do you recall if
19 either yourself or anyone at the institution
20 was contacted by anyone, such as a judge or
21 Epstein's attorneys, asking that he be removed
22 from either psychological observation or
23 suicide watch, so that he, for any reason?

24 [REDACTED]: They will always call. I
25 mean, they would. There was always a number

1 subject, whether it was to place him in general
2 population. So, I don't, you know, recall -.

3 [REDACTED]: Do you remember ever
4 being called by a judge?

5 [REDACTED]: No, I don't. I don't
6 recall.

7 [REDACTED]: Okay.

8 [REDACTED]: Speaking with a judge.

9 [REDACTED]: All right. Because that
10 was the rumor we heard, was that a judge
11 contacted you and said they wanted him removed
12 from one or the other.

13 [REDACTED]: No. Judges wouldn't
14 typically call for that.

15 [REDACTED]: But the attorneys
16 frequently would?

17 [REDACTED]: Yeah, frequently, they
18 would, you know, call our legal department,
19 saying, you know, why can't he go to general
20 population. Why is he, you know, being housed
21 here? And just not him, if there was any type
22 of equipment that was requested. Those are the
23 type of requests you get from the attorney.

24 [REDACTED]: Okay. And do you know if
25 those attorneys were made, though, when he was

1 on either suicide watch or psychological
2 observations?

3 [REDACTED]: I don't recall that.

4 [REDACTED]: You don't recall.

5 [REDACTED]: No.

6 [REDACTED]: Sure. That's fine.

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: Do you know - I know you
9 said that, and you didn't think that inmates
10 typically could - but do you know if Mr.
11 Epstein visited with his attorneys during that
12 time, between the 23rd and the 30th of --

13 [REDACTED]: I don't know --

14 [REDACTED]: -- (Indiscernible
15 *00:43:28)?

16 [REDACTED]: -- if he was on that status,
17 then he would not have been --

18 [REDACTED]: You don't believe so?

19 [REDACTED]: -- I don't believe so.

20 [REDACTED]: Okay.

21 [REDACTED]: No. I don't believe so.

22 [REDACTED]: No problem. All right.

23 So, this, this one again. Oh, do you mind
24 initial and dating that?

25 [REDACTED]: Mm-hmm.

1 [REDACTED]: Okay, [REDACTED], you can
2 file that accordingly. This one just goes back
3 to that first initial timeline, that looked
4 like it may have been a little messed up. The
5 initial email from you, it looks like it's a
6 psych ops. "The logbook shows he was released
7 on July 30th. He had an attorney visit,
8 starting at 8:20 a.m.

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: He was there all day. I
11 will send the attorney log next." And then,
12 [REDACTED] response was, "The timeline we
13 sent DOJ says 7/29. Where did we get that
14 date?" So, are we confident that he stayed
15 until the 30th?

16 [REDACTED]: He stayed until the 30th.

17 [REDACTED]: Okay. So, was this just
18 an incorrect --

19 [REDACTED]: I think that was a typo.

20 [REDACTED]: -- okay. Oh, sorry. Do
21 you mind initial and dating?

22 [REDACTED]: Well, this answers your
23 previous question.

24 [REDACTED]: What's that?

25 [REDACTED]: About being on psych ops and

1 seeing an attorney. He didn't go until after
2 he got off.

3 ██████████: Well, it says that he had
4 an attorney visit --

5 ██████████: Right.

6 ██████████: -- starting at 8:20 a.m.,
7 but it doesn't say if he had any prior to that
8 time.

9 ██████████: Right. Oh, because he was
10 released on July 30th.

11 ██████████: Right.

12 ██████████: Okay.

13 ██████████: So, just saying, like,
14 yeah, he was released and --

15 ██████████: Mm-hmm.

16 ██████████: -- he was visiting with
17 his attorneys.

18 ██████████: Mm-hmm.

19 ██████████: And that's something
20 we've had a little bit of a conflicting
21 information.

22 ██████████: Mm-hmm.

23 ██████████: We've heard that he
24 actually did have attorney visits during that
25 time. And we've heard that he didn't. So,

1 that's why I was wondering if you would be able
2 to clear that up at all, but you're not --

3 ██████████: Mm-hmm.

4 ██████████: -- to your recollection -
5 -

6 ██████████: No.

7 ██████████: -- he wouldn't have?

8 ██████████: Yeah. Typically, if you are
9 on that, you're not going to have an attorney
10 visit.

11 ██████████: And just talking to
12 psychology, they would, they said that, no, we
13 always try to afford an inmate - they have a
14 right to attorney visits - so, we try to afford
15 that right. But do you think that maybe they
16 were mistaken?

17 ██████████: I'm just going from my
18 experience, like any other of the inmates that
19 we've had on suicide watch have not gone to an
20 attorney visit.

21 ██████████: Okay. Now, this,
22 speaking of psychology, that's the next point.
23 Let me just make sure that all the information
24 is on that incident. So, as far as
25 Tartaglione, or Tartaglione, however it is -.

1 How do you think it's -?

2 ██████████: Tartaglione.

3 ██████████: Okay.

4 ██████████: Yeah.

5 ██████████: Okay. So, did you have
6 any involvement with selecting Tartaglione as
7 Epstein's cellmate?

8 ██████████: We did.

9 ██████████: Okay. And how was that
10 selection made?

11 ██████████: So, we weren't able to get a
12 whole lot of people, you know, think that how
13 we could house him to be safe. Tartaglione was
14 a white male. Another high-profile case. So,
15 and he is not, you know, there is this
16 misconception that he was a big hulking
17 bodyguard, but he lost over 100 something
18 pounds. So, he was smaller in stature and
19 frame. So, we said that would have been an
20 appropriate cellmate for him.

21 ██████████: And who made the
22 decision?

23 ██████████: To put them together?

24 ██████████: Mm-hmm.

25 ██████████: I did.

1 [REDACTED]: Okay. Was it in
2 coordination with both the captain, as well as
3 [REDACTED]?

4 [REDACTED]: Everyone - yeah - would
5 discuss it, like, you know, I, obviously, I
6 sent it up the chain, to say, look who we're
7 going to make him his cellmate, and what was
8 the reasoning.

9 [REDACTED]: So --

10 [REDACTED]: Yeah.

11 [REDACTED]: -- in talking with the
12 captain, his recollection was that he brought
13 the three names, you discussed it with [REDACTED]
14 [REDACTED], he was present for that discussion, and
15 [REDACTED] is the only one who said, I want
16 Tartaglione, put him with Tartaglione. Do you
17 recall it to be that way, or do you recall it
18 to be -?

19 [REDACTED]: Which -? Well, are we
20 talking about Tartaglione?

21 [REDACTED]: Oh, did that happen with
22 Reyes?

23 [REDACTED]: Well, Reyes and - what do
24 you call it? - Reyes and, there were two names.
25 So, I talked to my boss about it. They wanted

1 to see the names. So, I don't know who they
2 talked to at Main Justice. So, I sent the
3 email, and stuff, with all the break down of
4 the two inmates to the director's office.
5 Kevin Pistro (Phonetic Sp. *00:47:45). And
6 because he was the chief of staff at the time.
7 And I sent it up, you know, I put my input in,
8 about as far as if we had to choose between who
9 was going to get it, was the - what was it? -
10 the Spanish, the older gentleman who left, like
11 --

12 [REDACTED]: Efrain Reyes?

13 [REDACTED]: -- Reyes, that Reyes would
14 be the most appropriate because we couldn't
15 find anybody.

16 [REDACTED]: Okay. So --

17 [REDACTED]: And then, they went up, and
18 then, I got word back that, to go with Reyes.

19 [REDACTED]: Okay. So, Reyes was when
20 the -. So, your superiors actually made the
21 selection, but for --

22 [REDACTED]: Tartaglione.

23 [REDACTED]: -- Tartaglione, that was
24 you?

25 [REDACTED]: I mean, it was in

1 conjunction. I sent it up and told, you know,
2 the powers that be that this is who we're going
3 to be, and it came back and said, you know,
4 we're good for that.

5 [REDACTED]: Okay. Do you know what
6 Tartaglione was in for?

7 [REDACTED]: He had - I know it was a big
8 drug case involving drug dealers, and stuff
9 like that. So, and - so, yeah, (Indiscernible
10 *00:48:45) --

11 MR. HAYES: Some kind of narcotics.

12 [REDACTED]: -- huh?

13 MR. HAYES: Some kind of narcotics.

14 [REDACTED]: Some kind of narcotics. So,
15 he - and then, I don't - and I recall there was
16 murder involved, too.

17 MR. HAYES: Yeah.

18 [REDACTED]: But he was a high-profile
19 case. So, I could -. I had gentlemen in there
20 that were trying to get in there, but you know,
21 they would have probably harmed him. I had
22 another pedophile in there, and everybody in
23 the unit, they know who's in the unit, I'm not
24 taking him as a cellmate. You know? So, we
25 can't just arbitrarily force another inmate

1 into the cell upon them. So, Tartaglione was,
2 you know, the best --

3 MR. HAYES: The other inmates --

4 ██████████: -- inmates -.

5 MR. HAYES: -- would not accept Epstein,
6 nor would not accept a pedophile.

7 ██████████: They weren't going to -.
8 They just weren't going to stab Epstein
9 *00:49:29). I don't know the reasons. But I
10 mean, I can't make the decisions and say, all
11 right, I'm going to force you to take this, and
12 then something happens to him, and then -.

13 ██████████: So, someone actually
14 spoke with Tartaglione and he said he was
15 willing to do it?

16 ██████████: And I'm not sure on there -
17 who spoke to him, but I don't know.

18 ██████████: Okay.

19 ██████████: It might have been. But I
20 know we said we were going to put him in, and
21 this is, this is what -. And he didn't have
22 any issues.

23 ██████████: Okay. And if someone did
24 speak with him, who would that have been?
25 Would that have been ██████████?

1 [REDACTED]: It might have been the
2 [REDACTED] Shoot, (Indiscernible *00:50:02).
3 But it probably would have been the [REDACTED]
4 but -

5 [REDACTED]: Okay.

6 [REDACTED]: -- you know, typically, you
7 know, we're going to make a move, and we're
8 putting somebody in there, we're not going to,
9 you know, sit down and consult with an inmate,
10 if that's okay with you. I mean --

11 [REDACTED]: Sure.

12 [REDACTED]: -- we just have a feel of
13 the unit --

14 [REDACTED]: No.

15 [REDACTED]: -- that, who is appropriate
16 to go in there, okay, I'm not going to put a
17 drug dealer in there with him. So, you know,
18 typically, another high-profile inmate would be
19 appropriate.

20 [REDACTED]: Okay. Now, do you have
21 any reason to believe that Tartaglione did, in
22 fact, try to harm Epstein on July 23rd?

23 [REDACTED]: Again, I can't speculate on
24 that.

25 [REDACTED]: Sure. Just because -

1 [REDACTED]: I mean -.

2 [REDACTED]: -- it would be pure
3 speculation, if you did?

4 [REDACTED]: Yeah. It would be. I would
5 be speculating on that.

6 [REDACTED]: Okay.

7 [REDACTED]: I can't -.

8 [REDACTED]: Okay.

9 [REDACTED]: Yeah.

10 [REDACTED]: And you just prefer not
11 to do that?

12 [REDACTED]: Yeah. I don't want to
13 speculate.

14 [REDACTED]: Okay. Now, so, our
15 assessment from other people has been that --

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: -- Tartaglione was trying
18 to beat his case --

19 [REDACTED]: Mm-hmm.

20 [REDACTED]: -- and that he had every
21 reason in the world not to harm Epstein. And
22 that Tartaglione was actually the person who
23 notified the guards that Epstein was in need of
24 help. Is that what you -? Is that a correct
25 assessment?

1 MR. HAYES: Tartaglione wasn't in the cell
2 at the time.

3 [REDACTED]: So --

4 [REDACTED]: On July 23rd, he was.

5 [REDACTED]: -- he was. So, he --

6 MR. HAYES: He was. Oh, I --

7 [REDACTED]: -- yeah.

8 MR. HAYES: -- yeah, right.

9 [REDACTED]: Yeah. So, here's how I'm
10 going to put this. As far as Tartaglione, we
11 and his behavior in the institution, he wasn't
12 a model prisoner. I mean, we caught him, you
13 know, with a cellphone. You know, making
14 calls, you know, and circumventing his case,
15 and whatever. But so, I don't, I can't
16 speculate on, you know, whether he would do
17 something, or he wouldn't do something. So,
18 that was, you know, my dealings with
19 Tartaglione, when I was aware of him. Plus,
20 you know, his case.

21 [REDACTED]: Mm-hmm.

22 [REDACTED]: And the request from his
23 attorneys.

24 [REDACTED]: Okay. So, following
25 Epstein's time on suicide watch and

1 psychological observation, was he placed back
2 in the SHU?

3 ██████████: Yes.

4 ██████████: Okay. So, and I
5 apologize to read all these, but this is just -
6 again - we're not going to through them one by
7 one, but just to show what it is that we have
8 here. So, this one says it's from an ██████████
9 ██████████ to ██████████. Did I get this from you?
10 I think this is something that forwarded on.

11 MR. HAYES: She say even gave your own
12 drinking --

13 ██████████: This one says, "Can you
14 send me notes on Epstein? On his suicide
15 attempt. Thanks." That was from ██████████.
16 ██████████ ██████████, it looks like, sent it up. So,
17 ██████████ said, "I need this ASAP." And it
18 says, "Here are his notes."

19 ██████████: So, he said ██████████ (Phonetic
20 Sp. *00:52:59). I guess the regional is
21 requesting it.

22 ██████████: Okay. So, the region
23 wanted this?

24 ██████████: Yeah.

25 ██████████: So, this, is this what

1 this is? Is this the psychology file of
2 Epstein?

3 ██████████: Those are clinical notes.

4 ██████████: So, these are all
5 clinical notes --

6 ██████████: Yeah.

7 ██████████: -- here?

8 ██████████: Mm-hmm.

9 ██████████: Would this have been,
10 like, okay, it starts with, it looks like July
11 31st, and then goes back, July 30th. So, it
12 looks like these are clinical notes from the
13 day he got there --

14 ██████████: Mm-hmm.

15 ██████████: -- up until July 31st.

16 ██████████: Right.

17 ██████████: I wonder why. Why would
18 they only send until July 31st? Do you know?

19 ██████████: You said --

20 ██████████: Not August.

21 ██████████: -- they sent from where?

22 ██████████: Well, it --

23 ██████████: From -?

24 ██████████: -- started from the day
25 that he arrived, it looks like, on, it's July

1 8th, 2019.

2 [REDACTED]: Right.

3 [REDACTED]: To July 31st, 2019.

4 [REDACTED]: It's any encounter you have
5 with him. Any medical --

6 [REDACTED]: So, did they not --

7 [REDACTED]: -- (Indiscernible
8 *00:53:53).

9 [REDACTED]: -- have any encounters
10 after July 31st, 2019?

11 MR. HAYES: Do you know?

12 [REDACTED]: No. I am not aware of that
13 because it would only - they would only
14 annotate if they had encounters with him.

15 [REDACTED]: Okay. So, you are
16 unaware of, after July 31st, if anyone had any
17 kind of, any psychology had any interactions
18 with him?

19 [REDACTED]: No. If it's not in the BEMR
20 notes, and that, I guess they didn't have any.

21 [REDACTED]: So, you would assume that
22 --

23 [REDACTED]: Yeah.

24 [REDACTED]: -- there wouldn't be?

25 Okay. Do you mind initialing? And do you know

1 why that would be?

2 ██████████: Hold on. If an inmate is
3 cleared off of - so, and you have to talk them
4 about it - but most inmates didn't, once you
5 are cleared off of suicide watch, they have
6 other things that they do. You can come down
7 and they give you some (Indiscernible
8 *00:54:42) coping courses to take. So, they
9 have other types of therapy, but it doesn't
10 necessarily have to be entered in as a medical
11 encounter.

12 ██████████: Okay. So, this is, so,
13 psychology could have been still meeting with
14 them, just not noted as a medical encounter?

15 ██████████: Yeah. You - I mean - you
16 see them, and you can just, like, if you have
17 patients, you will go, how is everything going?
18 You doing all right? Yeah. I'm fine. I'm
19 okay. So, it doesn't have to be noted as a
20 medical encounter.

21 ██████████: Okay. So, your
22 involvement with this, being that he came off
23 of psychological observation on July 30th,
24 should psychology had interacted with him more
25 in that type of setting, where they would have

1 been writing clinical notes? Or do you --

2 ██████████: No. I think they --

3 ██████████: -- or -?

4 ██████████: -- did everything. Because
5 they cleared him at the time. I mean, based on
6 the SIS investigation, it was inconclusive
7 whether he committed, you know, tried to --

8 ██████████: Sure.

9 ██████████: -- attempted to commit
10 suicide, and I didn't read all the reports, but
11 if he's sitting in the report, saying, no, I
12 wasn't trying to kill myself, and I didn't do
13 it, that's their assessment of it.

14 ██████████: Right. No. I guess what
15 I'm saying is that, I know you're not a
16 psychologist, but if the 30th was the day that
17 they cleared him to go back to the SHU --

18 ██████████: Mm-hmm.

19 ██████████: -- do you think that they
20 should have continued at least checking with
21 him, or no?

22 ██████████: Well, they probably did. I
23 mean, when --

24 ██████████: Okay.

25 ██████████: -- you make your SHU rounds.

1 You know, seeing him in other parts of the
2 institution. So, and you would have to ask
3 them. But there were probably encounters with
4 him.

5 ██████████: Okay.

6 ██████████: But that didn't require --
7 MR. HAYES: A report.

8 ██████████: -- a report, and a medical
9 annotation in there.

10 ██████████: Okay. So, this next
11 email, it talks about, it says, ██████████
12 ██████████," and this is from ██████████, and
13 again --

14 ██████████: Mm-hmm.

15 ██████████: -- is he the coordinator?
16 Or, who is he?

17 ██████████: Oh.

18 ██████████: Oh, here it is. National
19 suicide prevention coordinator for the BOP.

20 ██████████: Right.

21 ██████████: It says, "Thank you for
22 supporting our scheduling of the psychological
23 reconstructive for inmate Epstein. I will be
24 joined by ██████████, (Phonetic Sp.
25 *00:56:44) ██████████

1 the [REDACTED]. So, do you know if that
2 was ever completed? The actual suicide
3 reconstruction.

4 [REDACTED]: They might have, but nobody
5 talked to me.

6 [REDACTED]: Okay. They didn't talk
7 to you?

8 [REDACTED]: Nah.

9 [REDACTED]: Okay. Fair enough. And
10 then, behind it, it looks like, just, it looks
11 like a template is attached here.

12 "(Indiscernible *00:57:00 national suicide
13 prevention program, suicide reconstruction
14 materials."

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: Would have you been the
17 one that would have gathered these things for
18 him?

19 [REDACTED]: No. You probably -.
20 Typically, when this happens, this comes from,
21 when I used to do them, I would make contact
22 with someone in the institution, to get it.
23 So, you might --

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: -- have the executive

1 assistant --

2 ██████████: Yeah.

3 ██████████: -- get the information.

4 ██████████: So, it says, "I am
5 attaching a list of materials we use to
6 complete the reconstruction. We routinely take
7 these documents with us, so please ensure that
8 a copy of any documents you also need."

9 ██████████: Right.

10 ██████████: It says, "Your assistance
11 in gathering these documents, appreciate it,
12 will be helpful." So, you would just, you
13 would provide that to, like, ██████████ or
14 someone?

15 ██████████: Yeah. We tell the ██████,
16 hey, I need you to gather this information, and
17 it might not be ██████████. It could be the
18 chief psychologist. Whoever is assigned to do
19 it.

20 ██████████: Okay. But as far as you
21 know, was that completed? Did he show up and
22 do that?

23 ██████████: I wasn't at the institution.

24 ██████████: Oh, okay.

25 ██████████: I --

1 [REDACTED]: So, you --

2 [REDACTED]: -- I was removed from the
3 institution.

4 [REDACTED]: -- when were you removed
5 from the institution?

6 [REDACTED]: Monday.

7 [REDACTED]: Monday, August 12th?

8 [REDACTED]: Yes.

9 [REDACTED]: Okay. That's what I was
10 kind of asking you before. Maybe I wasn't
11 clear with my question. I was wondering if
12 something happened to you after this, that you
13 were removed and no longer --

14 [REDACTED]: No. They just told me, go
15 report to the region.

16 [REDACTED]: -- all right. So, as of
17 Monday, August 12th, 2019, you were no longer
18 at the MCC?

19 [REDACTED]: I was no longer at the MCC.

20 [REDACTED]: And did you ever go back
21 after that?

22 [REDACTED]: No, I didn't.

23 [REDACTED]: Okay. So, that was -.
24 Okay.

25 [REDACTED]: Well, I did today, to go

1 park.

2 [REDACTED]: Okay. But after this
3 instance, and you were not really involved
4 after that, then?

5 [REDACTED]: That was it. I didn't have
6 any -.

7 MR. HAYES: Yeah. You check in today.
8 Did you just say?

9 [REDACTED]: No, I had to park a vehicle,
10 because I had to -. I had the government
11 vehicle, so parking them, I had the prop, so I
12 parked there, and took the train out,
13 (Indiscernible *00:58:46).

14 [REDACTED]: I think when we started, and
15 [REDACTED] asked when you started at the regional
16 office, I think you mentioned 2020.

17 [REDACTED]: So, the problem is, and he
18 was talking about job title. My job title
19 still remained the same.

20 [REDACTED]: As [REDACTED]?

21 [REDACTED]: As [REDACTED] in New York,
22 and it wasn't removed until 2020.

23 [REDACTED]: Okay. Well, now, but as of
24 August 12th, 2019, you started reporting to the
25 region?

1 [REDACTED]: Yeah. DRD (Phonetic Sp.
2 *00:59:14) came. I did my - when was it? - I
3 had an interview at the U.S. Attorney's Office.
4 And then, my boss came and said, hey, I'm, you
5 know, we're signing you up to the regional
6 office. So, I went up, you know, no reason why
7 I was being removed. And I was just told to go
8 up there. So, that's what transpired.

9 [REDACTED]: Was there another [REDACTED] in
10 place?

11 [REDACTED]: They brought another one in.

12 [REDACTED]: So, there was two people with
13 the title of [REDACTED] at that point?

14 [REDACTED]: Well, they had [REDACTED]
15 (Phonetic Sp. *00:59:52), and [REDACTED]
16 (Phonetic Sp. *01:00:01). She is.

17 [REDACTED]: Okay.

18 [REDACTED]: All right. So, if you
19 don't mind, just initialing and dating that.

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: We'll get that out of
22 your way. So, this looks like this answers our
23 question.

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: So, this is an email from

1 [REDACTED] [REDACTED] to yourself.

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: And it just says, "FYI,
4 from Dr. [REDACTED], regarding her last interaction
5 with Epstein, prior to her departure on
6 Thursday."

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: Dr. [REDACTED] was the
9 psychologist at MCC?

10 [REDACTED]: Yes.

11 [REDACTED]: Correct?

12 [REDACTED]: She was the chief
13 psychologist.

14 [REDACTED]: Okay. Great. And it
15 says that, "I visited inmate Epstein in SHU on
16 Thursday." Thursday, meaning August 8th --

17 [REDACTED]: Right.

18 [REDACTED]: -- 2019. "He was getting
19 ready to meet with his attorneys for the day,
20 so I had gone to visit him, right after the SHU
21 meeting.

22 [REDACTED]: Mm-hmm.

23 [REDACTED]: He had a cellmate at the
24 time, with whom I saw him interact with. He
25 did not report any medical, or any mental

1 health concerns, and he denied any suicidal
2 thoughts or intention. He was asking the
3 writer to go to general population and was
4 making requests for various leads he had at the
5 time. He wanted social calls without them
6 being on a speaker phone. He wanted a book he
7 had left in the suicide watch area.

8 His mood was not depressed or anxious.
9 There were no signs of stress. He had planned
10 on meeting with his attorneys to work on his
11 legal situation." So, there is that. And
12 then, there is also, I don't know if this was
13 attached. [REDACTED], I don't know how this was
14 printed, but it also looks like all the
15 contacts. It says, "15 contacts in one month.
16 Starting on July 6, 2019, when Epstein arrived.
17 And after the -". It does say that there was a
18 contact that looks like, on the 31st.

19 MR. HAYES: What does he mean by
20 "contact"?

21 [REDACTED]: A psychology contact.

22 MR. HAYES: Okay.

23 [REDACTED]: And then, here's one,
24 8/1/2019, Dr. Imeri, SRA, was --

25 [REDACTED]: Yeah.

1 [REDACTED]: -- being conducted. What
2 is SRA? Do you know?

3 [REDACTED]: It's a seg group.
4 Segregation review.

5 MR. HAYES: Oh.

6 [REDACTED]: So, it says --

7 [REDACTED]: Yeah.

8 [REDACTED]: -- it says, "Court sent a
9 form. Suicidal tendencies."

10 [REDACTED]: No. That must be a
11 psychological thing. I thought it said SRO.
12 If it says SRA, that must be for SHU.

13 [REDACTED]: Okay. And it says, "On
14 August 1st, 2019, he denied any suicidality,
15 friends (Indiscernible *01:02:07) supportive
16 Jewish against his religion, still denied
17 knowing what happened to him on 7/23/2019, when
18 he was discovered with a string loosely tied
19 around his neck. Said his incident report for
20 self-mutilation was expunged. His cellmate is
21 talkative, but will give it a chance. Noisy in
22 SHU, he lives for fighting this case and going
23 back to his normal life." And again, it say
24 that 8/8/ 2019 was with Dr. [REDACTED], what I just
25 --

1 [REDACTED]: Right.

2 [REDACTED]: -- read. And on

3 8/10/2019. So, I guess they did (Indiscernible

4 *01:02:40), just not in this (Indiscernible

5 *01:02:40).

6 [REDACTED]: Yeah. You don't have to
7 always.

8 [REDACTED]: So, yeah, then maybe
9 those weren't required.

10 [REDACTED]: No.

11 [REDACTED]: Yeah, do you mind, maybe
12 the bottom on this one?

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: That wasn't attached to the
15 email. That was just a separate document.

16 [REDACTED]: Oh, that's a separate
17 document? Okay. There you go. Can you go to
18 psychology? All right. And this is the last
19 one to cover what psychology. This was an
20 email that was sent out by a Darlene Imeri.
21 To, it says, "Suicide watch/psych observation
22 update." On 7/30/2019, at 12:30 p.m., and it
23 says, "Inmate Epstein is being taken off of
24 psych observation and needs to be housed with an
25 appropriate cellmate."

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: Darlene, and it just
3 says everyone who is attached to this sent,
4 this was sent to.

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: Is this something that
7 they normally do, after someone comes off of
8 psych observation or suicide watch? Do they
9 send this out to everyone? Or was it a special
10 case for this?

11 [REDACTED]: No. It's typical.

12 [REDACTED]: That's typical?

13 [REDACTED]: Typical. Because you have
14 to let the lieutenants, the shift lieutenants,
15 everyone know, you know, the person is coming
16 off. And where to house them. Some go back to
17 their units. In his case, he was going back to
18 the Special Housing Unit.

19 [REDACTED]: Okay. Great. Do you
20 mind just initial and dating that? And that
21 was - is it their job to determine if a
22 cellmate has to be housed with another
23 cellmate? I mean, an inmate has to be housed
24 with another inmate.

25 [REDACTED]: Well, typically, I mean,

1 it's just - if there's nothing in policy that
2 sounds, you know, you know, in the correctional
3 setting, if somebody has been on, you know,
4 attempted suicide, or attempted to self-
5 mutilation, you usually put them in with
6 someone.

7 ██████████: Okay. So, were you or
8 your staff involved with the decision to have
9 Epstein removed from suicide watch or
10 psychological observation?

11 ██████████: Psychology makes the
12 determination that the individual is, you know,
13 no longer suicidal. This is for any inmate.

14 ██████████: Sure.

15 ██████████: Is no longer suicidal. And
16 there is no reason for him to be on suicide
17 watch. So, they either get released wherever
18 they came from, whether it was the general
19 population unit, or the Special Housing Unit.

20 ██████████: So, on background on
21 that. So, one of the individuals in psychology
22 department --

23 ██████████: Mm-hmm.

24 ██████████: -- who would meet with
25 Mr. Epstein, she said that she discussed this,

1 one of the steps down with Dr. [REDACTED], as well
2 as [REDACTED].

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: And I was informed that
5 that is kind of pretty routine, that that is
6 conducted in coordination with executive staff
7 members. Is that --

8 [REDACTED]: Right. That is.

9 [REDACTED]: -- so, that's where I
10 want to make sure that I'm understanding --

11 [REDACTED]: We do.

12 [REDACTED]: -- what you are saying.

13 [REDACTED]: But we also do, we have what
14 we call a - and if it is an inmate that is in
15 our Special Housing Unit, we have a weekly
16 meeting, and if there are any issues, that's
17 brought up in the meeting.

18 [REDACTED]: Okay. So, is it solely,
19 though, up to psychology, if the inmate goes
20 from, say, suicide watch to psych observation,
21 and again, psych observation back to a housing
22 unit? Is that their call, or can, does the
23 executive staff, or anyone in the BOP, outside
24 of psychology, have an influence on that?

25 [REDACTED]: Psychology are the subject

1 matter experts. They are the doctors. They
2 release someone off of suicide watch. I can't
3 - if an individual is on suicide watch - I
4 can't turn around and come in there, and say,
5 take him off.

6 [REDACTED]: Sure.

7 [REDACTED]: I'm not a trained
8 psychologist. Now, I can put somebody on
9 there. But then, you know, after hours, or if
10 it is an emergency, or he attempted suicide,
11 any staff member could put him on there.

12 [REDACTED]: Okay.

13 [REDACTED]: But as far as taking him
14 off, you have to have a medical reason, as far
15 as them coming off.

16 [REDACTED]: So, in that interview
17 with that individual, they said the decision
18 was discussed with [REDACTED] and that
19 individual concurred with that decision. If
20 they didn't concur, though, would that matter
21 to them?

22 [REDACTED]: What do you mean, if the [REDACTED]
23 didn't concur with it?

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: I mean, I don't want to use

1 the word "courtesy" as a telling, but they're
2 keeping, they're keeping us informed, saying,
3 okay, we need to take him off of suicide watch.
4 Now, let's say I come in and interject and say,
5 no, I want him on there. What is my reasoning
6 for putting him on there?

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: What medical degree do I
9 have to justify keeping an individual on
10 suicide watch? Because now, it could go the
11 other way. I decide to turn around and do
12 something like that, I would be having a
13 conversation with you about something else.

14 [REDACTED]: Sure.

15 [REDACTED]: So.

16 [REDACTED]: Okay.

17 [REDACTED]: Yeah.

18 [REDACTED]: So, is it more to keep
19 you apprise --

20 [REDACTED]: To keep us apprised --

21 [REDACTED]: -- if anything else?

22 [REDACTED]: -- you know, and saying,
23 hey, this is the way we're removing an
24 individual, and we move forward. I mean,
25 obviously, we will have questions. You know,

1 if we had questions.

2 MR. HAYES: Guys, I want to go for a
3 second. All right?

4 [REDACTED]: Okay.

5 MR. HAYES: I got to go pee.

6 [REDACTED]: Do you want us to
7 continue or wait?

8 MR. HAYES: No, just stay by me. Oh,
9 don't continue. I'll be right back.

10 [REDACTED]: Absolutely. I'm going to
11 pause this recording then. It is currently
12 3:00 p.m. on Wednesday, October 27th, 2021.
13 This is Special Agent [REDACTED], and I
14 am pausing the recording.

15 (Whereupon, the above-entitled matter went
16 off the record and back on the record).

17 [REDACTED]: All right. The recorder
18 is back on. It is 3:04 p.m. after a quick,
19 short break. [REDACTED], just reminding you
20 that you are under oath.

21 [REDACTED]: Okay.

22 [REDACTED]: All right. Sorry.
23 Address these.

24 [REDACTED]: Oh.

25 [REDACTED]: All right. So, the last

1 that we discussed was that psychology said that
2 Mr. Epstein needed to have a cellmate, and this
3 is where we talked a little bit about it. It
4 sounded like the decision to have Efrain Reyes
5 placed as Epstein's cellmate was actually made
6 at a higher level than yourself?

7 ██████████: Yes.

8 ██████████: Okay. And who made that
9 decision?

10 ██████████: I don't know. Listen. I
11 know, I sent it to my supervisor. Actually,
12 the two inmates that, that would kind of
13 figured out there might be a cellmate, we sent
14 those names to the director's office.

15 ██████████: Okay.

16 ██████████: And it was Kevin Pistro was
17 the chief of staff. And because, see, my boss
18 told me that they had to run it up to the
19 department. So, I don't know who was spoken to
20 in the department. And it got back, and my
21 boss said that, too, you know, that's a good
22 choice.

23 ██████████: Okay.

24 ██████████: Yeah.

25 ██████████: And that's ██████████,

1 again?

2 ██████████: Yes.

3 ██████████: Okay. Great. But it was
4 based upon a list that you provided?

5 ██████████: Yeah. There were some
6 names. Because I - fast forward - I got a
7 call, and we were gearing towards getting him
8 out to general population.

9 ██████████: Oh, so, you wanted
10 Epstein to actually be in general pop?

11 ██████████: I didn't want -. That's
12 what typically happens. You know --

13 ██████████: Sure.

14 ██████████: -- you don't want an inmate
15 in segregation. Most of them, we've had a lot
16 of high-profile individuals that come in the
17 institution. You know, we do our intelligence
18 gathering, to see, okay, what would be an
19 appropriate unit for them to be in? And we
20 place them. And then, we monitor them. If,
21 you know, and that is how we move them into
22 general population. I get a call saying, hold
23 up on that. He needs to stay where he's at.

24 ██████████: And who called you?

25 MR. HAYES: Did he qualify as a pedophile?

1 [REDACTED]: I don't -. I didn't -.

2 MR. HAYES: Okay.

3 [REDACTED]: Read. But that's -. We
4 didn't --

5 MR. HAYES: Yeah.

6 [REDACTED]: -- you know, so that's not
7 feasible, why we were able to keep him in. So,
8 get a call, and they said hold up on that. He
9 needs to stay where he's at.

10 [REDACTED]: Okay.

11 [REDACTED]: So.

12 [REDACTED]: And I'm sorry. Who was
13 it that called you to say stay?

14 [REDACTED]: [REDACTED]. And then,
15 that's when I had to send up the names. I
16 guess he had gotten some from the department.
17 I don't know who he talked to in the
18 department.

19 [REDACTED]: Oh, so, coming out of
20 psych observation, you were looking to send him
21 back to general pop.

22 [REDACTED]: No.

23 [REDACTED]: Or not back to. Into.

24 [REDACTED]: When he first came in, the
25 whole process was --

1 [REDACTED]: Oh, I see.

2 [REDACTED]: -- to get him out to general
3 population.

4 [REDACTED]: I gotcha. So, back, you
5 are talking about July 6th through the 8th --

6 [REDACTED]: Yeah, we're talking about --

7 [REDACTED]: -- that timeframe.

8 [REDACTED]: -- the whole thing, and
9 then, even, you know, coming out of psych
10 observations when he got in, the plan was still
11 to get him into general population.

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: I mean, we had the attorneys
14 contacting our legal, why can't he be in
15 general population?

16 [REDACTED]: Sure.

17 [REDACTED]: So, and then, that is when I
18 got the call from my boss, saying - and I don't
19 know who he talked to in the department - but
20 it was, like, hold on.

21 [REDACTED]: And on that note, I guess
22 this would be a good time to talk about this.
23 Being that it was ultimately decided that he go
24 into Nine South, or the Special Housing Unit,
25 was it discussed at all that he be placed on

1 Ten South, for the high, you know, the SAMS
2 inmates?

3 [REDACTED]: So, here's the problems with
4 Ten South. It's the terrorist unit, and
5 there's SAMS things in there. The amount of
6 attorneys he had coming in there, we couldn't
7 have those attorneys coming up to that unit
8 every day, and, you know, breaching the
9 security of it, and then, tying up the movement
10 in there, because when an attorney comes in
11 there. Now, those guys get attorneys, but it's
12 planned, and they are in there. Epstein's
13 attorneys were coming in early in the morning,
14 and weren't leaving until late at night. And
15 it was about four or five of them. So --

16 MR. HAYES: And guess who's paying his
17 bill?

18 [REDACTED]: -- right. That's not an
19 appropriate unit, and that's not what that unit
20 is for.

21 [REDACTED]: Now, what about, like,
22 if, you know, an El Chapo (Phonetic Sp.
23 *01:11:55), or some of the other high levels
24 that weren't terrorists, how did they deal with
25 that, or did they have attorneys visiting them

1 or no?

2 [REDACTED]: They did, but it wasn't to
3 that extent. Like, he, El Chapo would have his
4 attorneys come in, but they came in for a
5 couple hours, they left. As it got close to
6 trial, then they would - you would see them
7 more frequently. But Mr. Epstein, day one the
8 attorneys, they were in there from the
9 beginning to end. We even had complaints from
10 the local attorneys, that they were taking up
11 the rooms.

12 [REDACTED]: Mm-hmm. So --

13 [REDACTED]: So.

14 [REDACTED]: -- the primary reason why
15 he was placed in Nine South was because of the
16 attorney visits?

17 [REDACTED]: Well, not the attorney
18 visits, but that is the SAMS unit.

19 [REDACTED]: Okay.

20 [REDACTED]: And he's not a SAMs inmate.
21 And then -.

22 MR. HAYES: What's a SAMs unit?

23 [REDACTED]: Special Administrative
24 Measures. That means, you know, strict
25 communication. And there's a lot that goes on

1 with that unit. So, he wasn't appropriate to
2 be up there.

3 [REDACTED]: Now, were some of those
4 other high-profile inmates, though, such as El
5 Chapo, and who were some of the people that
6 were in there?

7 [REDACTED]: Yeah. The terrorists up
8 there.

9 [REDACTED]: But the non-terrorists.
10 Meaning, the people that -. There was a few --

11 [REDACTED]: Well, you had Schulte, but
12 he was in for espionage, and had a SAMs on him.
13 So, he --

14 [REDACTED]: Now, did El Chapo have a
15 SAMs on him?

16 [REDACTED]: -- he had -. No. His
17 status was based on, and I know there was
18 (Indiscernible *01:13:18), his escape status --

19 [REDACTED]: Sure.

20 [REDACTED]: -- and stuff. So, he was a
21 high profile person that had escaped from
22 another prison before --

23 [REDACTED]: Mm-hmm.

24 [REDACTED]: -- so, that was an
25 appropriate place to place him.

1 [REDACTED]: I see.

2 [REDACTED]: Schulte was in general
3 population, and a SAMS was placed on him by his
4 attorney --

5 MR. HAYES: What was the other name again?

6 [REDACTED]: -- Schulte. And he was
7 placed up there.

8 MR. HAYES: Can I ask you --

9 [REDACTED]: Yeah.

10 MR. HAYES: -- a totally irrelevant
11 question?

12 [REDACTED]: Mm-hmm.

13 MR. HAYES: What was El Chapo like?

14 [REDACTED]: Just like any other inmate.

15 MR. HAYES: Is that right?

16 [REDACTED]: Yeah. Just like any other
17 inmate.

18 MR. HAYES: Polite?

19 [REDACTED]: Polite. You know, no
20 problems. But that wasn't the appropriate unit
21 to be housing inmate Epstein.

22 [REDACTED]: Now, did you even have
23 the authority to place him in Ten South, if you
24 wanted to?

25 [REDACTED]: I mean, I could have, but I

1 would have had to have, you know, some
2 justification as to why I'm, I'm putting him up
3 there. And there would have been push back
4 from his attorneys.

5 ██████████: Okay. Because some
6 people had mentioned that, saying ██████████
7 doesn't even have the ability to do that. That
8 comes from a higher level.

9 ██████████: I mean --

10 ██████████: Is that --

11 ██████████: -- in essence --

12 ██████████: -- accurate, or -?

13 ██████████: -- in essence, it does
14 because I would have had to explain and justify
15 why, you know, certain inmates with certain
16 crimes are placed up there. Why am I placing
17 him?

18 ██████████: Mm-hmm.

19 ██████████: And then, the fact that, you
20 know, he is a pre-trial individual, and needs
21 access to his attorneys, that unit is just too
22 restrictive for that.

23 ██████████: Now - and this is a total
24 Monday morning quarterback --

25 ██████████: Mm-hmm.

1 [REDACTED]: -- do you stand by the
2 decision that he would be in Nine South, or do
3 you think he should have been in Ten South, or
4 what are your thoughts on that?

5 [REDACTED]: I think he was appropriately
6 placed.

7 [REDACTED]: Okay. So, Nine South --

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: -- was the --

10 [REDACTED]: That was the appropriate --

11 [REDACTED]: -- appropriate place for
12 him?

13 [REDACTED]: -- place for him.

14 [REDACTED]: Okay.

15 [REDACTED]: Quick question.

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: Do you recall if there were
18 inmates in Ten South during that time?

19 [REDACTED]: Where?

20 [REDACTED]: In --

21 [REDACTED]: Yes, there were.

22 [REDACTED]: -- yeah. Do you know who
23 those inmates were?

24 [REDACTED]: El Chapo had left. I got
25 the one that ran the call with people in

1 Brooklyn. He was there.

2 MR. HAYES: What was his name?

3 [REDACTED]: I forget.

4 MR. HAYES: What did he do? What was he
5 in there for?

6 [REDACTED]: That's the one that killed
7 the pedestrians in lower Manhattan and ran --

8 MR. HAYES: Oh, yeah.

9 [REDACTED]: -- the vehicle into them.

10 MR. HAYES: Yeah, and then the guy kicked
11 the gun out of his hand. Right? Some guy --

12 [REDACTED]: Yeah.

13 MR. HAYES: -- (Indiscernible *01:15:28).

14 [REDACTED]: He was there. I remember
15 Schulte. There was another guy that was, it
16 had something to do with Osama Bin Laden.

17 MR. HAYES: Mm-hmm.

18 [REDACTED]: Who else? We had a younger
19 terrorist that was in there. So, we had, it
20 was -. They were all terrorists in, on
21 espionage charges.

22 [REDACTED]: All right. So, this is
23 along what we were just discussing. It says
24 that, this is from an [REDACTED], who's just
25 a supervisory staff attorney.

1 [REDACTED]: Right.

2 [REDACTED]: What does this CLC stand
3 for?

4 [REDACTED]: It's the Combined -. He,
5 he, he's the supervisory attorney for Brooklyn
6 and New York.

7 [REDACTED]: Okay.

8 [REDACTED]: At the time.

9 [REDACTED]: So, he's kind of, like,
10 the general counsel for Brooklyn and New York?

11 [REDACTED]: Yeah. He was the
12 supervisory attorney. So --

13 [REDACTED]: Okay.

14 [REDACTED]: -- he was in charge.

15 [REDACTED]: All right. So, this was
16 to you, and it was on Saturday, August 10th,
17 2019. It says, [REDACTED] per our conversation,
18 I spoke to two of his attorneys yesterday,
19 August 9th, 2019, primarily in relation to his
20 request for access to water in attorney
21 conference."

22 [REDACTED]: Right.

23 [REDACTED]: "Attorney Mariel Colon,"
24 so, M-A-R-I-E-L. Next word, C-O-L-O-N. "With
25 whom I spoke in person in the late morning, had

1 asked, as an aside, whether we would consider
2 housing him in the cadre." What is the cadre?

3 ██████████: Cadre is the camp.

4 ██████████: Is that low level?

5 ██████████: It's like our lower security
6 inmates. Yeah.

7 ██████████: So, you have an actual
8 camp at the MCC?

9 ██████████: It's low security inmates.
10 But remember, they are designated. So, we
11 couldn't put him in that unit because he's pre-
12 trial. We can't mix designated and pre-trial
13 inmates together.

14 ██████████: Okay. It says, "I
15 advised we could not," since he was a pre-trial
16 inmate.

17 ██████████: Right.

18 ██████████: "Later that day, but
19 prior to 1:00, close out meeting, I spoke to
20 attorney ██████████ ██████████ on the phone. He had
21 asked whether we could house Mr. Epstein alone
22 in the SHU, to which I replied that we could
23 not, based on his prior suicide
24 attempt/gesture."

25 MR. HAYES: It's just, I've never heard of

1 his lawyers. You would think that his lawyers
2 would be somebody that I was familiar with.

3 [REDACTED]: Yeah.

4 MR. HAYES: Since they're probably
5 charging him \$2,000 an hour.

6 [REDACTED]: "He acknowledged that he
7 understood. To my recollection, neither
8 attorney referenced consideration for suicide
9 watch or psychological observation during
10 yesterday's conversation. Please let me know
11 if you need any further information." Now, was
12 this just a request to any contact that he had
13 with his attorneys?

14 [REDACTED]: He was just keeping me
15 informed because the attorneys were calling
16 every day, with different types of requests.

17 [REDACTED]: But this was the day,
18 obviously, of when he was found. So, this
19 would --

20 [REDACTED]: Right.

21 [REDACTED]: -- he's talking about
22 context, just literally the previous day --

23 [REDACTED]: Right.

24 [REDACTED]: -- that he was looking
25 for different housing type arrangements.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: But all right. If -.

3 MR. HAYES: That was \$1,000 a phone call.

4 [REDACTED]: Excuse me?

5 MR. HAYES: That was \$1,000 a phone call.

6 (Indiscernible *01:18:25) charging.

7 [REDACTED]: Oh. Now, this answers
8 our question from before. So, this actually
9 says, it's from you to [REDACTED], it says
10 attorney logs. This is that same thing that we
11 were looking at.

12 [REDACTED]: Okay.

13 [REDACTED]: So, it looks like July
14 30th is highlighted, and Mr. Epstein. And
15 again, all these --

16 [REDACTED]: These are the attorney
17 assignment.

18 [REDACTED]: -- (Indiscernible
19 *01:18:43).

20 [REDACTED]: Yeah.

21 [REDACTED]: Yeah. So, that does now
22 clarify what it is, because, previously, there
23 was nothing that was in the subject liner.

24 [REDACTED]: Okay.

25 [REDACTED]: Or the body. Okay.

1 MR. HAYES: Yeah. I'm looking at the
2 stack, and I'm sitting here, just Jesus Christ.

3 [REDACTED]: We're coming to - hey -
4 we're almost halfway through.

5 [REDACTED]: Mm-hmm.

6 MR. HAYES: Well, that's the way you're
7 looking at it. (Indiscernible *01:19:04). A
8 little bit different, fellas. I'm thinking
9 about, I'm going to miss today's workout and
10 tomorrow's.

11 [REDACTED]: Well.

12 [REDACTED]: Now, you've already
13 answered this, but did you work at the MCC on
14 August 9th?

15 [REDACTED]: For that --

16 [REDACTED]: 2019.

17 [REDACTED]: -- was Friday. Friday, I
18 was off.

19 [REDACTED]: What about on August
20 10th, 2019?

21 [REDACTED]: 10th was a Saturday --

22 [REDACTED]: Correct.

23 [REDACTED]: -- I was, I worked on
24 Saturday.

25 [REDACTED]: All right. But did you

1 work in response to this?

2 [REDACTED]: No. I had to respond, if
3 the day of the suicide was August 10th --

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: -- yeah, I had to respond if
6 I came in.

7 [REDACTED]: Okay. So, but you
8 weren't scheduled to work?

9 [REDACTED]: No. I wasn't scheduled to
10 work.

11 [REDACTED]: All right. This is just
12 for - and this is going to be put in here, in
13 case you need to reference it - these are
14 emails that were from you to [REDACTED], with
15 the staff roster.

16 [REDACTED]: Right.

17 [REDACTED]: And the reason I'm using
18 these is because these were literally sent on
19 Sunday, August 11th. So, I know that we can
20 rely on these --

21 [REDACTED]: Mm-hmm.

22 [REDACTED]: -- based upon being so
23 close. So, this one is for Friday, August 9th.
24 It's showing who was working that day. And
25 this one is from Saturday, August 10th. Again,

1 showing who was --

2 [REDACTED]: This is a correctional
3 roster.

4 [REDACTED]: -- correct.

5 [REDACTED]: Okay.

6 [REDACTED]: Correct. This is a
7 correctional roster. Right.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: So, who was, basically I
10 think, involved with Epstein during that date?
11 So, yes. How many rosters would there be,
12 aside from correctional?

13 [REDACTED]: Well, the correctional
14 officers are the only ones that keep a daily
15 roster.

16 [REDACTED]: Like, R&D wouldn't do
17 anything like that?

18 [REDACTED]: No. Because their staff are
19 already assigned to where they are working at.

20 [REDACTED]: Okay.

21 [REDACTED]: Yeah. And they have rosters
22 that show where everyone is working at. But
23 not, like, the correctional officer roster.

24 [REDACTED]: Okay. So, I'm going to
25 have you just initial and date. I'm going to

1 place this, again, here, just in case we need
2 to reference it, and again, it's just if we
3 need to look at who was working, and what
4 position --

5 [REDACTED]: There's two on there.

6 [REDACTED]: -- and what. Yes,
7 please. So, this one would be for the August
8 9th, that one is for August 10th. This
9 actually was not - the August 10th one - was
10 not attached to your email. Right?

11 [REDACTED]: Yeah. You are right.

12 [REDACTED]: So, the August 9th one
13 was attached, but the August 10th wasn't.

14 [REDACTED]: Yeah.

15 [REDACTED]: Yeah. So, we had to pull
16 that from --

17 [REDACTED]: Okay.

18 [REDACTED]: -- just for full
19 disclosure, but just so that we have both. The
20 August 9th one was something that you had sent.
21 All right. Since Epstein was required to have
22 a cellmate, who was ultimately responsible to
23 make sure that all the SHU staff were aware of
24 this requirement?

25 [REDACTED]: That they were notified?

1 [REDACTED]: So, how -. So, Dr. Imeri
2 or Mrs. Imeri sent out that email, saying --

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: -- Epstein is required to
5 have a cellmate. The one that we reviewed.

6 [REDACTED]: Right.

7 [REDACTED]: Who was required to make
8 sure that staff that is working in the SHU is
9 aware of that requirement?

10 [REDACTED]: Well, the captain passes it
11 on to the lieutenants, and the officers are
12 then made aware that he, you know, any inmate,
13 if they are required a cellmate --

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: -- that, you know, that he -
16 they are to require cellmate, if somebody
17 leaves or goes out.

18 [REDACTED]: Now, someone such as an
19 Epstein, who was just coming off of suicide
20 watch, you know, a week, a week and a half
21 prior, should all staff know that that person
22 is supposed to be housed with a cellmate?

23 [REDACTED]: In the Special Housing Unit,
24 anybody working in there would know that he was
25 supposed to have a cellmate.

1 [REDACTED]: Do you believe that there
2 was anybody - especially anybody that's got a
3 quarterly bit of post there --

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: -- but anybody that's
6 working in the SHU on August 9th or 10th, do
7 you believe that there could be a reason why
8 they would say, we didn't know he was supposed
9 to have a cellmate? Do you think that would be
10 an acceptable excuse?

11 [REDACTED]: Because you had the staff
12 that usually work up there, were up there. It
13 should be, it should have been annotated on his
14 - what do you call it? - it's called a 292.

15 [REDACTED]: The hot list, you are
16 referring to, or --

17 [REDACTED]: No. Not the hot list.

18 [REDACTED]: -- or what? Oh, you
19 mean, oh, the 292. You're talking about the
20 SHU --

21 [REDACTED]: Yeah.

22 [REDACTED]: -- file.

23 [REDACTED]: The SHU file. It should be
24 annotated on the SHU file because, when you
25 come in, you have to annotate on there his

1 meals, did he eat, the medical rounds. So, it
2 would have been on there, it would have been on
3 there, too. So.

4 [REDACTED]: Would it have also been
5 on the hot list, though?

6 MR. HAYES: Guys. I need an interpreter.

7 [REDACTED]: Yeah.

8 MR. HAYES: What does the hot list mean?

9 [REDACTED]: It's just --

10 [REDACTED]: That's --

11 [REDACTED]: -- sorry.

12 [REDACTED]: -- yeah. I guess the high
13 risk suicide inmates. Yeah. So.

14 MR. HAYES: Whether it's suicide, or high
15 risk for some other kind of problem?

16 [REDACTED]: It could be -. It's mainly
17 for, like, suicide, just to --

18 MR. HAYES: Medical.

19 [REDACTED]: -- to watch out for. Yeah.
20 Medical. Okay.

21 MR. HAYES: Seizures. You know, stuff
22 like that?

23 [REDACTED]: Yeah. So.

24 [REDACTED]: So, point being is, do
25 you think that, if any staff that is working in

1 that, you know, as we know, Mr. Reyes left - -

2 [REDACTED]: Right.

3 [REDACTED]: -- in the morning of

4 August 9th, Mr. Epstein was found the --

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: -- the morning of August

7 10th.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: SHU staff that is working

10 in there at that time, he's 24 hours basically

11 gone, you know, with no, without a cellmate.

12 Do you think that this is a reasonable excuse

13 for them to say that we didn't know he was

14 required to have a cellmate?

15 [REDACTED]: No, because they did know,

16 because I - from what I understand - someone

17 wrote a memorandum, and had it that day, that

18 they knew.

19 [REDACTED]: Okay. Well, yeah, we can

20 get into that. Now then, so these are -.

21 MR. HAYES: One other question. I want to

22 open a box.

23 [REDACTED]: Absolutely.

24 MR. HAYES: That means I'm going to have

25 to bring a sharp object in here. Is that going

1 to bother anybody?

2 [REDACTED]: No. No.

3 [REDACTED]: No. No.

4 [REDACTED]: No, no, no, no.

5 MR. HAYES: Okay.

6 [REDACTED]: I'm sorry, I thought you
7 were talking about, like, this hypothetical
8 situation of if we were in the MCC or
9 something.

10 [REDACTED]: Yeah.

11 MR. HAYES: Oh, no. No. This is just a -

12 -

13 [REDACTED]: You're just wanting to
14 know if you can use scissors. Yeah. That's
15 fine.

16 MR. HAYES: Yeah.

17 [REDACTED]: I guess we should wait
18 until he gets --

19 [REDACTED]: Mm-hmm.

20 [REDACTED]: -- back again. If we
21 speak loudly, will you be able to hear our
22 questions?

23 MR. HAYES: Yeah.

24 [REDACTED]: All right. We're going
25 to continue, then. The answer was yes.

1 [REDACTED]: I don't know if that was
2 somebody.

3 [REDACTED]: There might be clients in the
4 office.

5 [REDACTED]: Oh.

6 [REDACTED]: Huh?

7 [REDACTED]: Okay.

8 [REDACTED]: That's why.

9 [REDACTED]: Then we will wait.

10 [REDACTED]: He wasn't kidding about the
11 knife.

12 [REDACTED]: Oh.

13 MR. HAYES: You know why I got this? This
14 movie called Gangs of New York.

15 [REDACTED]: That's a great movie.

16 MR. HAYES: And he - and a good movie -
17 and the lead actress was a woman named Cameron
18 Diaz.

19 [REDACTED]: Sure.

20 MR. HAYES: And I had a wild eyed crush on
21 Cameron Diaz, and this is the shiv, the knife -
22 seriously - I found the guy who made the knife
23 that she carried in the show, and I said, I
24 want you to make me an exact duplicate. How
25 sick is that? Of that knife. And so, this is

1 it.

2 [REDACTED]: That's super cool.

3 MR. HAYES: So.

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: Sorry. I'll ask a few
6 more questions before we get into these
7 documents. Were any plans made on how to
8 address this situation for if Reyes was removed
9 as Epstein's cellmate? Like, if he -. Because
10 I know at MCC, inmates certainly leave.
11 (Indiscernible *01:26:13).

12 [REDACTED]: No. I mean, the plan would
13 have been, you know, we would have assessed it,
14 because usually, you get ahead of time, we
15 would have just said, okay, when is -? When
16 Reyes leaves, or you know, when he was leaving,
17 then before he was placed back in that cell, an
18 assessment would have been made.

19 [REDACTED]: Okay. Now, what is your
20 understanding of what happened with inmate
21 Reyes on August 9th, 2019?

22 [REDACTED]: When I got back after the
23 fact, I guess the Marshals came and removed him
24 from the institution.

25 [REDACTED]: Okay. So, there is a lot

1 of people we've talked to thought he went to
2 court, and that at court, it was determined he
3 wasn't coming back. Had you heard that?

4 [REDACTED]: That's what I heard, too. I
5 had heard he was going to court. And then, I
6 guess word got back that he wasn't coming back.
7 That's what I heard. So, I never got
8 (Indiscernible *01:27:00).

9 MR. HAYES: It's either a good day in
10 court, or a bad day in court.

11 [REDACTED]: Yeah. I never got the
12 actual story because I was, I was removed. So.

13 [REDACTED]: Okay. And again, what
14 does WAB mean?

15 [REDACTED]: It means With All
16 Belongings.

17 [REDACTED]: Okay.

18 [REDACTED]: But I don't know, and I
19 don't know if people will say that he left, and
20 then they went and got him from the office.
21 So, I am not sure.

22 [REDACTED]: Okay. So, this is --

23 [REDACTED]: Yeah.

24 [REDACTED]: -- one of those documents
25 that says --

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: -- from [REDACTED] to
3 you.

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: With inmate Epstein as
6 the subject.

7 [REDACTED]: Right.

8 [REDACTED]: And it says, "So far,
9 this is the documentation I have in my
10 possession."

11 MR. HAYES: Wow.

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: And if you see, you know,
14 here, it talks about all the documentation
15 pertaining to him. These look like all the BOP
16 database --

17 [REDACTED]: Right.

18 [REDACTED]: -- things. Then down
19 here, it says, "Documentation re: Reyes, Efrain
20 --

21 [REDACTED]: Mm-hmm.

22 [REDACTED]: -- [REDACTED].
23 Cellmate."

24 MR. HAYES: Right.

25 [REDACTED]: Right.

1 [REDACTED]: It says, "Court
2 documentation regarding WAB 8/09 --

3 [REDACTED]: '19.

4 [REDACTED]: -- '19.

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: And then, also SHU file.
7 So, "Showing court documentation regarding WAB
8 8/09/19." What documentation is she referring
9 to there?

10 [REDACTED]: I guess whatever came
11 through R&D.

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: Our Receiving and Discharge.
14 They might have gotten -. They must have
15 gotten information to release him, and that he
16 was being transferred.

17 [REDACTED]: So, would it be at all- I
18 know R&D creates something called, like, a
19 court production list, or --

20 [REDACTED]: Right.

21 [REDACTED]: -- would that be what
22 she's talking about, the court production list,
23 or would she be, do you think --

24 [REDACTED]: So --

25 [REDACTED]: -- or, like, a PP-38, or

1 something, or whatever -?

2 [REDACTED]: I think, and I'm speculating
3 now, it was probably the court list, and it
4 probably said, we're sending him off to court.
5 And it was a possibility that he might be
6 getting released.

7 [REDACTED]: Because the document that
8 has been eluding me --

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: -- is that court
11 production list. Do you know if that was ever
12 obtained? Do you know, the thing that, that
13 R&D creates this list, they provide it to the -
14 -

15 [REDACTED]: Oh, the court --

16 [REDACTED]: -- different housing
17 units.

18 [REDACTED]: -- list. I don't. I don't
19 know what they do with it.

20 [REDACTED]: They just, they all say
21 they --

22 [REDACTED]: Now --

23 [REDACTED]: -- destroy it after that
24 time.

25 [REDACTED]: Yeah, they do, but --

1 [REDACTED]: But --

2 [REDACTED]: -- with him --

3 [REDACTED]: -- but that's what would
4 have been used by the SHU staff, in order to
5 produce Reyes to the R&D.

6 [REDACTED]: No. Not necessarily. What
7 typically happens is, the R&D staff will call
8 up to SHU, and say, hey, I need Reyes down. He
9 has court. Or he's being released. So, there
10 wouldn't have been a document sent up.

11 [REDACTED]: So, everyone that we
12 talked to said R&D said, yes, we created this
13 document.

14 [REDACTED]: Right.

15 [REDACTED]: And the SHU staff,
16 including the OIC, said, yes, we had
17 documentation showing that he was WAB. So
18 then, and they all said it was because it was
19 this court production list that you sent out
20 emails to -.

21 [REDACTED]: Unless it's sent in the
22 early morning.

23 [REDACTED]: And it's not something
24 that's sent electronically. It's something
25 they said that they generate, print out --

1 [REDACTED]: Right.

2 [REDACTED]: -- and hand to
3 different, the ops [REDACTED] has one, every
4 housing unit has one. Internal goes around and
5 collects people, based upon it or something. I
6 think. And then --

7 [REDACTED]: So --

8 [REDACTED]: -- then they basically
9 destroy it at the end of the day, and nothing
10 is maintained in the system. They just use a
11 template, and create a new one for every day.

12 [REDACTED]: So, that must have been the
13 early court movement. So, I was under the
14 impression that he was, he left in the
15 afternoon. So, when typically in the
16 afternoon, they will just call up and say, hey,
17 we got one that's leaving. So, I assumed he
18 had left that afternoon.

19 [REDACTED]: Okay. So, is it, then,
20 are you not - then to answer that question -
21 are you not sure exactly what she's referring
22 to when she says "court documentation regarding
23 WAB"?

24 [REDACTED]: Like, the way you explained
25 it, then that means they were talking about

1 morning courts.

2 [REDACTED]: Well, that's what they
3 were --

4 [REDACTED]: Yeah.

5 [REDACTED]: -- I'm just talking about
6 --

7 [REDACTED]: Yeah.

8 [REDACTED]: -- specifically, what
9 she's talking about in this email to you. Do
10 you --?

11 [REDACTED]: But when you say WAB, With
12 All Belongings, it depends on the time of day
13 they left.

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: You know? You could have
16 afternoon court, and you don't have that list
17 generated, and they say --

18 [REDACTED]: But if --

19 [REDACTED]: -- we need all his
20 belongings.

21 [REDACTED]: -- this might help --

22 [REDACTED]: Yeah.

23 [REDACTED]: -- and then, we will keep
24 this in front of you --

25 [REDACTED]: Okay.

1 [REDACTED]: -- this might help
2 explain this. So, this is an email that was
3 sent from the U.S. Marshal Service, someone
4 named [REDACTED] (Phonetic Sp. *01:30:50).

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: On Thursday, August 8th,
7 2019, at 10:33 a.m. It says, "Transfer of
8 prisoners from NYM --

9 [REDACTED]: To GEO.

10 [REDACTED]: -- to GEO.

11 [REDACTED]: Okay.

12 [REDACTED]: The following prisoners
13 are to be transferred." The second person
14 listed out of the two is, "Reyes, Efrain."

15 [REDACTED]: Right.

16 [REDACTED]: "85993-054."

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: "Please schedule the
19 transfer for Friday, 8/09/2019. Please include
20 seven days medication with the medical summary.
21 Thank you."

22 [REDACTED]: Right.

23 [REDACTED]: So, this obviously was
24 sent to R&D. Correct?

25 [REDACTED]: Right.

1 MR. HAYES: Do we know what kind of
2 medication he was taking?

3 [REDACTED]: Well, that's Efrain
4 Reyes. We're not talking about -.

5 [REDACTED]: That's Reyes.

6 [REDACTED]: We're not -.

7 MR. HAYES: I know. I just am curious.

8 [REDACTED]: It's not --

9 MR. HAYES: We don't know?

10 [REDACTED]: Yeah.

11 MR. HAYES: -- relevant.

12 [REDACTED]: Yeah.

13 MR. HAYES: Okay.

14 [REDACTED]: I don't think it's
15 relevant. Here is another email that the U.S.
16 Marshal Service sent. This time, it was at

17 [REDACTED] --

18 [REDACTED]: Okay.

19 [REDACTED]: -- [REDACTED]
20 [REDACTED]. It says, "Prisoner production." It
21 looks like it was sent to custody.

22 [REDACTED]: Mm-hmm.

23 [REDACTED]: On Thursday, August 8th,
24 2019, at 3:36 p.m. And this, this document,
25 prisoner schedule report is attached. And --

1 [REDACTED]: You're looking at the second
2 one.
3 [REDACTED]: -- so, for the MCC --
4 [REDACTED]: Mm-hmm.
5 [REDACTED]: -- it shows right here,
6 the second person listed as Efrain Reyes.
7 [REDACTED]: Mm-hmm.
8 [REDACTED]: And it just says, "TF,
9 transfer within. MCC New York." And right
10 here, it says, Judge MCC Tot, T-O-T. GEO.
11 [REDACTED]: Mm-hmm.
12 [REDACTED]: What I was told, that
13 means that he's transferring from the MCC to
14 GEO. Is that --
15 [REDACTED]: Mm-hmm.
16 [REDACTED]: -- your understanding?
17 [REDACTED]: Yes.
18 [REDACTED]: And then, on this one,
19 this is the PP-38. On the third - for
20 8/09/2019 - on the third page, it shows Reyes,
21 from Z06-22. And that means the SHU. Correct?
22 [REDACTED]: Yes. SHU.
23 [REDACTED]: To pre-remove.
24 [REDACTED]: Mm-hmm.
25 [REDACTED]: At 8:38 a.m.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: So, this was 8:38 a.m.

3 He's keyed out of our system. We got these two
4 emails from the U.S. Marshal Service, saying
5 he's being transferred.

6 MR. HAYES: So, wait. Let me get this
7 clear. He's being transferred to what place to
8 what place?

9 [REDACTED]: From the MCC to GEO.

10 MR. HAYES: And what is GEO?

11 [REDACTED]: A contract facility.

12 MR. HAYES: And what is a contract
13 facility?

14 [REDACTED]: A private prison.

15 MR. HAYES: Okay. And you had nothing to
16 do with -? In other words, somebody else
17 decides to go from one place to another --

18 [REDACTED]: Yes.

19 MR. HAYES: -- you (Indiscernible
20 *01:33:11). Okay.

21 [REDACTED]: The Marshals -.

22 MR. HAYES: And would that be the judge or
23 the Marshals?

24 [REDACTED]: The Marshals, I guess. The
25 judge. I don't know how the Marshals work, but

1 they --

2 ██████████: Prosecutors. Marshals.

3 ██████████: Yeah.

4 ██████████: Judge.

5 MR. HAYES: Okay.

6 ██████████: All in coordination, make
7 those determinations. But, and then, here is
8 an email from you to ██████████.

9 ██████████: Mm-hmm.

10 ██████████: With what you are talking
11 about, that memo.

12 ██████████: Right.

13 ██████████: It says, "On Friday,
14 August 9th, 2019," but before we even get into
15 that, now that you have seen this, you have
16 seen these two emails.

17 ██████████: Mm-hmm.

18 ██████████: From the Marshal Service
19 on August 8th. On August 9th, at 8:38, R&D
20 actually keys him out.

21 ██████████: Right.

22 ██████████: All of them say pre-
23 removed or transferred.

24 ██████████: Mm-hmm.

25 ██████████: Does that now tell you

1 anything about this, court documentation
2 regarding WAB?

3 [REDACTED]: Yeah. Now, it explains that
4 they had gotten a court order to have him go
5 out.

6 [REDACTED]: So, what do you think is
7 referred to that court documentation?

8 [REDACTED]: I guess it must be all of
9 these documents right here.

10 [REDACTED]: This?

11 [REDACTED]: Yes.

12 [REDACTED]: So, what we're actually
13 looking at, you think she's referring to?

14 [REDACTED]: That's, I think, that's what
15 she was referring to.

16 [REDACTED]: All right.

17 [REDACTED]: Yeah.

18 [REDACTED]: So, court documentation
19 meaning, documentation from the Marshal
20 Service, saying that he was going to be
21 transferred?

22 [REDACTED]: Right.

23 [REDACTED]: All right. Now, based
24 upon what you are looking at here, specifically
25 from the Marshal Service --

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: -- and the fact that
3 Efrain Reyes, whom -. Is it -? I've been told
4 that everyone at the MCC knew who Reyes was
5 because they knew he was Epstein's cellmate.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: But at the very least,
8 everyone in the SHU should have known who
9 Efrain Reyes was.

10 [REDACTED]: Right.

11 [REDACTED]: Because he was Epstein's
12 cellmate. What should have happened once, on
13 August 8th, as early as 10:33 a.m., and as late
14 as 3:33 p.m., the day before Reyes is
15 transferred, what should have happened?

16 [REDACTED]: As far as Epstein getting a
17 cellmate?

18 [REDACTED]: Correct.

19 [REDACTED]: Right.

20 [REDACTED]: The notification is being
21 made that this person is being transferred,
22 everyone gathers him up. And so, what this,
23 I'm going to read this just to give you more
24 information --

25 [REDACTED]: Right.

1 [REDACTED]: -- on his backtrack.

2 This is a memorandum, dated August the 12th,
3 2019, to [REDACTED] - yourself.

4 [REDACTED]: Right.

5 [REDACTED]: From [REDACTED], who, my
6 understanding is he was the [REDACTED] at
7 the time.

8 [REDACTED]: Right.

9 [REDACTED]: It says, "Subject passed
10 information from Special Housing Unit." So,
11 "On a Friday, August 9th, 2019, at
12 approximately 1:50 p.m., I, [REDACTED],
13 passed onto oncoming staff member, [REDACTED]
14 Davis, and present shift staff, [REDACTED] and
15 Officer Joiner, that inmate Reyes was going
16 WAB, and possibly may not return.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: Also, that inmate Epstein
19 will be needing a cellmate upon arrival from
20 his attorney visit." Now, what this doesn't
21 state is that Officer [REDACTED], or [REDACTED]
22 [REDACTED], walked, I mean, both Epstein --

23 MR. HAYES: I'll go get that.

24 [REDACTED]: -- as well as Reyes, down
25 to R&D --

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: -- with all belongings.

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: Spoke with both Epstein
5 and Mr. Reyes, and stated to Mr. - I think
6 Reyes stated to [REDACTED] - make sure you get
7 him a cellmate.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: I'm not coming back. And
10 [REDACTED], responding to Mr. Epstein, saying,
11 "Don't worry. We're going to get you a new
12 cellmate."

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: Now, with all that
15 information, being that he is the OIC, he's
16 working in the SHU, he knows that he's WAB.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: We've got all this stuff
19 going on.

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: This is the real big
22 reason why I want to talk to you --

23 [REDACTED]: Mm-hmm.

24 [REDACTED]: -- as [REDACTED].

25 [REDACTED]: Mm-hmm.

1 [REDACTED]: This is kind of our
2 primary purpose --

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: -- for us being here.

5 So, I apologize if you're going into that, but
6 I want you to have all the information --

7 [REDACTED]: Right.

8 [REDACTED]: -- before I answer. What
9 should have happened here? So, R&D is
10 contacted the day before, or two days before
11 Epstein, or Epstein is found. One day before
12 Reyes is, you know, gone. They contacted both
13 custody, as well as R&D.

14 [REDACTED]: Right.

15 [REDACTED]: R&D pre-removes him at
16 8:38 on 8/09.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: The SHU OIC walks him
19 down, to R&D --

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: -- and actually has this
22 conversation with Epstein and Reyes, saying, I
23 know you are WAB, we're going to get you a new
24 staff, we're going to get you a new cellmate.

25 MR. HAYES: Which means - WAB means what?

1 [REDACTED]: With All Belongings,
2 means they're not coming back.

3 MR. HAYES: But Epstein is not coming
4 back?

5 [REDACTED]: No.

6 [REDACTED]: His cellmate.

7 [REDACTED]: Reyes.

8 MR. HAYES: Reyes.

9 [REDACTED]: His cellmate.

10 MR. HAYES: So, the theory is, if you are
11 investigating, somebody says that you're not
12 going to have a cellmate anymore, and in that
13 conversation, or present during that
14 conversation, is Epstein?

15 [REDACTED]: Epstein is present. Yes.

16 MR. HAYES: Okay. So, Epstein knows that
17 he's not going to have a cellmate for the
18 immediate future?

19 [REDACTED]: No. Epstein is going to
20 attorney conference. So, he's going to be --

21 MR. HAYES: No, no, but I'm saying --

22 [REDACTED]: -- in attorney conference
23 until about 7:00 p.m..

24 MR. HAYES: -- that Epstein knows that,
25 over the next, say, 24 hours, he's not going to

1 have a cellie.

2 ██████████: No. ██████████, the OIC,
3 tells Epstein, as well as Reyes, that they are
4 going to get him a cellmate. Before he comes
5 back from attorney/client, his attorney visit.

6 MR. HAYES: Okay. So, Epstein would know
7 that he hasn't - going to have a cellmate.

8 ██████████: Yeah, yeah. So, this
9 isn't part of the theory. What my question to
10 your client is, what should have happened based
11 upon the knowledge that he was WAB? The
12 contact with the Marshal Service, telling him
13 that he's being transferred. The fact that
14 R&D, you know, the OIC walked him down to R&D,
15 and R&D actually logged him out of our system.
16 What should have happened?

17 ██████████: So, what should have
18 happened was, this information should have been
19 passed up to the supervisors.

20 ██████████: At what point?

21 ██████████: See, with the, this
22 information coming in, as far as, you know,
23 when R&D --

24 ██████████: Mm-hmm.

25 ██████████: -- typically, it would come

1 up to the Special Housing Unit. Once it got up
2 to that, to the Special Housing Unit, the
3 lieutenants should have been notified.

4 [REDACTED]: Okay. And which
5 [REDACTED]?

6 [REDACTED]: Whoever was the SHU
7 [REDACTED], whoever was the operations
8 [REDACTED].

9 [REDACTED]: Now, on this case --

10 [REDACTED]: If the --

11 [REDACTED]: -- the SHU [REDACTED] is
12 also on leave.

13 [REDACTED]: Right.

14 [REDACTED]: So, we've got the chief
15 psychologist on leave, [REDACTED] on leave, the
16 SHU [REDACTED] on leave. But we do have an ops
17 [REDACTED], we do have an activities
18 [REDACTED]. And we do have a captain.

19 [REDACTED]: So, you should have let the
20 [REDACTED] know, if you didn't have
21 a SHU [REDACTED]. They, in turn, would let the
22 captain know, and the captain would push it up
23 to the execs then. Then, we would have to come
24 to a determination on who we were going to
25 house with Epstein.

1 [REDACTED]: Now, if the operations
2 [REDACTED], his name is Perez.
3 [REDACTED]: Right.
4 [REDACTED]: Carlos --
5 [REDACTED]: Right.
6 [REDACTED]: -- Perez.
7 [REDACTED]: Right.
8 [REDACTED]: If he says, yes, I know
9 Epstein was gone, but I believe that he was at
10 court --
11 [REDACTED]: No. You mean --
12 [REDACTED]: -- and he might be
13 returning back.
14 [REDACTED]: -- Reyes is gone.
15 [REDACTED]: Yes.
16 [REDACTED]: So, Carlos Perez knows
17 that -. Sorry, did I say Epstein?
18 [REDACTED]: Yeah. You said Epstein.
19 [REDACTED]: Yes. Carlos Perez knows
20 that Reyes is gone.
21 [REDACTED]: Mm-hmm.
22 [REDACTED]: But I think he's at
23 court, and then, he might not be coming back.
24 I didn't pass this information onto my relief,
25 who was Cannata (Phonetic Sp. *01:39:59).

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: However, as our
3 investigation has revealed, the ops [REDACTED]
4 also has one of these court production lists,
5 that lists Reyes --

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: -- as WAB.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: With that knowledge, is
10 that a reason that he thinks that he went to
11 court, and might be coming back?

12 [REDACTED]: I can't interpret what his
13 thought process was, but if it said, you know,
14 he was leaving, and I don't know what he was
15 reading at the time.

16 [REDACTED]: Right.

17 [REDACTED]: He could have been reading,
18 because sometimes the inmates do go out to
19 court and come back. So, I don't know. I
20 can't speak to what he read. Or why he made
21 that determination.

22 MR. HAYES: So, listen, wouldn't have most
23 inmates, when they go to court, come back?

24 [REDACTED]: The point being here --

25 [REDACTED]: What I'm saying --

1 [REDACTED]: -- he didn't go to court.

2 [REDACTED]: Yeah.

3 [REDACTED]: He was transferred.

4 [REDACTED]: He was transferred.

5 [REDACTED]: And I know you might have
6 covered this, in your understanding, in your
7 experience at the MCC, if an inmate is listed
8 as WAB --

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: -- With All Belongings --

11 [REDACTED]: Yeah.

12 [REDACTED]: -- what is your
13 understanding? Are they coming back or are
14 they gone?

15 [REDACTED]: That means he's
16 transferring.

17 [REDACTED]: Has there been situations
18 where they come back?

19 [REDACTED]: There have been --

20 [REDACTED]: After WAB?

21 [REDACTED]: -- situations that, you
22 know, they go out and they have to have them
23 sending them back, if there was an issue.

24 [REDACTED]: Is that a unique situation,
25 or it happens quite often?

1 [REDACTED]: No. I wouldn't say. I
2 would say that it's probably unique. But
3 usually, WAB, they're gone.

4 [REDACTED]: So, as the operations
5 [REDACTED], if you see somebody listed as WAB,
6 should he have understood that that person is
7 gone, and not coming back?

8 [REDACTED]: Should have. But then,
9 you're talking off the document. I don't know
10 what document they read. So, I don't want to
11 speculate what, you know, was it, you know,
12 send them to R&D, whether he saw that. I don't
13 know what document. But I'm saying, if it is
14 this document, that clearly stated WAB.

15 [REDACTED]: Okay. But as far as your
16 concern, it doesn't sound like what you were
17 saying is, [REDACTED], who was the OIC at the
18 time, should have he notified the ops
19 [REDACTED]?

20 [REDACTED]: Yes. Whoever is - yeah - in
21 there should have notified the operations
22 [REDACTED], hey, Reyes left, and --

23 MR. HAYES: He needs a cellmate.

24 [REDACTED]: -- he needs a cellmate,

25 [REDACTED]: Okay. So, would it fall

1 solely on the shoulders of [REDACTED]?

2 [REDACTED]: No. I mean, okay, so,
3 here's the other checks and balance. So, what
4 about the other people on the other shift?

5 [REDACTED]: That's my question.

6 [REDACTED]: Yeah.

7 [REDACTED]: So, or --

8 [REDACTED]: I mean --

9 [REDACTED]: -- or the people that are
10 working on his same shift.

11 [REDACTED]: -- yeah. On his own same,
12 shift --

13 [REDACTED]: So, who --

14 [REDACTED]: -- if it was the
15 notification should have been made to the
16 [REDACTED]. Or the captain. And
17 said, hey, cellmate left. He needs a cellmate.

18 [REDACTED]: Okay.

19 MR. HAYES: And that cellmate would now,
20 at some point, he goes back to the cell, but
21 that's at the end of the day.

22 [REDACTED]: At the end of the day.

23 MR. HAYES: Okay. So, nobody is in a
24 position to say, hey, he's in a cell by
25 himself. Until the end of the day.

1 [REDACTED]: Right. But the information
2 is passed onto each other. You know, when you
3 --

4 [REDACTED]: And they are supposed to
5 be doing 30-minute rounds, where they would
6 notice that one cell had zero inmates in it.

7 [REDACTED]: Had zero inmates in it.

8 MR. HAYES: Yeah.

9 [REDACTED]: So, I mean --

10 MR. HAYES: And that's what brings us all
11 to --

12 [REDACTED]: Right.

13 MR. HAYES: -- here today.

14 [REDACTED]: So --

15 [REDACTED]: Uh-huh.

16 [REDACTED]: -- I mean, that's how it
17 would have made, and when that got pushed up,
18 we would have said, okay, we would have to
19 formulate, okay, who can we get a cellmate for,
20 for Epstein?

21 [REDACTED]: And I apologize to ask
22 this because, but, like, so, on each shift
23 would be the OIC, that would be responsible for
24 that. So, for instance, would [REDACTED] be on
25 the day watch shift up until 2:00 p.m., he

1 would be the one to responsible to provide the
2 ██████████, but then, the following shift,
3 would it be --

4 ██████████: Whoever is the --

5 ██████████: -- the next OIC --

6 ██████████: -- right.

7 ██████████: -- or would also the
8 people that are working in that unit, the other
9 SHU staff, would they be responsible? Or is
10 that a chain of command thing? Like, no, the
11 OIC is really the person making that
12 notification.

13 ██████████: Everybody has a
14 responsibility for their safety. Everybody. I
15 mean --

16 ██████████: Sure.

17 ██████████: -- I might be the OIC, but I
18 have some responsibilities. If I know, okay,
19 you know what? They might need a cellmate,
20 because I, in essence, I can have an individual
21 assigned to that post, and they're just filling
22 in for somebody that, the regular person that's
23 up there. And then, I have the regular people
24 working up there, who are familiar with what's
25 going on. So, it's kind of everyone's

1 responsibility. You know?

2 [REDACTED]: So, is everyone kind of
3 equally responsible, then, for this? That was
4 working there and didn't pass the information
5 on.

6 MR. HAYES: Can you say? Don't guess.

7 [REDACTED]: You know what?

8 [REDACTED]: No, as [REDACTED], he
9 would be able to say.

10 [REDACTED]: I mean, it should have been,
11 it should have been passed on. So, I don't
12 know the dynamics to, as far as what was going
13 on that day, who was working up there. What
14 rounds were being made --

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: -- up there. You know, was
17 the lieutenant coming around? Was the captain?
18 How busy they were.

19 [REDACTED]: So, the lieutenant was
20 not on - the lieutenant of the SHU - was not
21 on. However, we do have records that the
22 activities lieutenant at least visited --

23 [REDACTED]: Yeah.

24 [REDACTED]: -- the SHU --

25 [REDACTED]: You have --

1 [REDACTED]: -- at that point.

2 [REDACTED]: -- you have two other
3 lieutenants. Now, I don't know if you are
4 familiar with the Special Housing Unit, but it
5 is a very busy unit.

6 [REDACTED]: Yeah.

7 [REDACTED]: You know, you're giving out
8 showers. You're giving out recreation. You're
9 doing a whole lot of stuff. You, you know,
10 running around all day, and, you know,
11 sometimes things happen.

12 [REDACTED]: Understood. But in this
13 case, wasn't Epstein at your most high-profile
14 inmate? At that time.

15 [REDACTED]: I mean, besides my terrorist
16 inmates that I had up there on Ten South.

17 [REDACTED]: Well, I guess, at least
18 the Nine South.

19 [REDACTED]: I would say he was a high-
20 profile. Yeah. He was a high-profile inmate.

21 [REDACTED]: Is it, I mean, on that
22 note, don't you think that they would have, you
23 know, found it pretty important to notify?
24 Especially they - and I don't know that we
25 brought this today - but there was even signs

1 up that they created, saying, "Mandatory 30-
2 minute rounds on Epstein, signed by God." Or
3 something, you know, along the lines. Not, you
4 know, meaning, like, do this. You know? Like
5 --

6 [REDACTED]: No, that was me.

7 MR. HAYES: Is that right?

8 [REDACTED]: That was me. No. I mean, I
9 mean, but it was emphasized to them. I mean,
10 so, no one could say that they didn't know.

11 [REDACTED]: So, point being, there
12 was, like, signs specific to even Epstein,
13 check on this guy every 30 minutes.

14 [REDACTED]: Right.

15 [REDACTED]: You know, orange signs
16 that are posted up there.

17 [REDACTED]: Right.

18 [REDACTED]: So, point being, with
19 this --

20 [REDACTED]: It should have been passed
21 up.

22 [REDACTED]: -- and that is where -.
23 So, for us, I guess --

24 [REDACTED]: Right.

25 [REDACTED]: -- again, and I know that

1 you are probably trying to, you know, hesitate
2 on maybe saying, like, this person did
3 something wrong, but really, who dropped the
4 ball here? Knowing, though, that you could
5 take a look, the day before, all these people
6 are the ones who received the email --

7 ██████████: Right.

8 ██████████: -- in custody. And so, I
9 know we see ██████████ Rice. I'm sure - I'm
10 assuming ██████████ would be on there.

11 ██████████: I think Perez is on there.

12 ██████████: Who?

13 ██████████: Is Perez on there?

14 ██████████: It's just --

15 ██████████: I didn't see Perez.

16 ██████████: -- maybe.

17 ██████████: But again, this one, that
18 one is not even as clear. This one
19 specifically spells out --

20 ██████████: Yeah.

21 ██████████: -- this one, you would
22 actually have to go in and look at this
23 prisoner's schedule report.

24 MR. HAYES: Okay. Let me just take a
25 look, just so I have, my mind is clear. There

1 is a prisoner's schedule. The prisoner's
2 schedule literally means prisoner's schedule.

3 [REDACTED]: Well, yeah. So, the
4 prisoner's schedule report is something like
5 this, but it will tell you that they are either
6 going to, like, transfer, or they are going to
7 go to court. Whereas this other document that
8 was sent to R&D was just specifically about the
9 transfer.

10 MR. HAYES: Okay. But there is nothing
11 that says recreation, personnel care. It's
12 mostly going to and from court, or leaving the
13 institution.

14 [REDACTED]: Yeah. Because it's a
15 prisoner's schedule.

16 MR. HAYES: Okay.

17 [REDACTED]: Report.

18 MR. HAYES: Okay.

19 [REDACTED]: So, it's, like, what they
20 are scheduled to do. Sorry. Yeah. No. It's
21 not, like, what their daily schedule is. Like,
22 in the institution.

23 MR. HAYES: Right.

24 [REDACTED]: It's a U.S. Marshal
25 Service report that is provided to the BOP, so

1 that they know which inmates --

2 MR. HAYES: Right.

3 ██████████: -- they need to produce,
4 and for what reason.

5 MR. HAYES: Okay. Got it.

6 ██████████: Now, is that correct?

7 ██████████: Yes.

8 ██████████: So, yeah. Based upon
9 what you are looking at here, on the 8th, and
10 then again, what we know about ██████████ at the
11 very least producing, at 8:00, knowing he was
12 WAB, and R&D knowing he was WAB.

13 ██████████: Mm-hmm.

14 ██████████: What should have happened
15 there? Like, who, in your opinion here,
16 dropped the ball?

17 ██████████: I think at all levels, it
18 was the checks and balance. If it went to the
19 lieutenant's office, somebody should have
20 picked it up. Working in the unit. It should
21 have been passed up to the lieutenant's office.
22 So, there were a couple of safety nets that
23 could have caught it.

24 ██████████: So, pretty much everybody
25 dropped the ball?

1 [REDACTED]: I mean, if we're looking at
2 it like this, if you're saying going by an
3 email being sent around.

4 [REDACTED]: Well, not only the email,
5 but I mean, the email, I can understand if
6 people are busy and they don't always, you
7 know, this one --

8 [REDACTED]: Right.

9 [REDACTED]: -- it would be hard to -
10 that one would be hard to --

11 [REDACTED]: Right.

12 [REDACTED]: -- you know, say that you
13 didn't know. This one, I could see maybe, you
14 know, the prisoner's schedule --

15 [REDACTED]: Well, this one, I don't --

16 [REDACTED]: -- (Indiscernible
17 *01:48:52).

18 [REDACTED]: -- I mean, I don't know what
19 gets sent out. I know, if this whole thing, I
20 don't know if it gets sent out to the staff. I
21 think more --

22 [REDACTED]: Well, this is --

23 [REDACTED]: -- of a condensed version.

24 [REDACTED]: -- this is with this.

25 [REDACTED]: Right.

1 [REDACTED]: So, this was what was
2 sent with this. This was sent specifically,
3 just that. It's not a document. That's the
4 body.

5 [REDACTED]: Right. That was sent.

6 [REDACTED]: But that is, again, R&D.

7 [REDACTED]: Right.

8 [REDACTED]: But, which again, R&D -
9 we didn't cover this - R&D is outside of
10 custody. Correct?

11 [REDACTED]: Right.

12 [REDACTED]: But speaking with R&D,
13 they said they would have produced this list,
14 which SHU would have had, as well as ops
15 lieutenant --

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: -- the lieutenant's
18 office, all the housing units, which listed
19 Reyes as WAB.

20 [REDACTED]: Right.

21 [REDACTED]: Do you know if they are
22 actually looking - like, the lieutenant's
23 office, people in the lieutenant's office, or
24 the ops lieutenant, activities lieutenant - are
25 they actually look at that list and saying, or

1 that's just based upon the busyness of their
2 day?

3 ██████████: Yeah. I wouldn't speculate.
4 I mean, I don't know. I can't say what --

5 ██████████: Okay.

6 ██████████: -- lieutenant is looking at
7 stuff. I mean, it's, like, the documents.

8 ██████████: No. I mean, but should
9 have they, I guess is the question?

10 ██████████: As far as what? Emails that
11 are coming through, on who's leaving?

12 ██████████: No, no, no. This would
13 be a physical paper that they were provided.

14 ██████████: Right.

15 ██████████: Internal would go around
16 and provide everybody with this physical paper
17 that they create, and then, they apparently
18 destroy it at the end of the day.

19 ██████████: Right. So, I don't know if
20 the, you know, when internal gets the forms to
21 go, they are dropping it off at different
22 units. So, I don't know if one was passed off
23 to the lieutenant. The lieutenant would - I
24 guess this probably be the only document --

25 ██████████: No, no, no.

1 [REDACTED]: -- they tear up.

2 [REDACTED]: We are being told, by the
3 lieutenants, as well as --

4 [REDACTED]: Right.

5 [REDACTED]: -- by R&D, they all have
6 it, and they all, and it would all - and it
7 would have said WAB. Unfortunately, I haven't
8 found that document to show you this is what
9 I'm referring to. But it's a document they
10 apparently create, which they call the court
11 production list. Are you --

12 [REDACTED]: The court list.

13 [REDACTED]: -- yeah.

14 [REDACTED]: I've heard of the court
15 list.

16 [REDACTED]: But it's like a --

17 [REDACTED]: And it -.

18 [REDACTED]: -- from my understanding,
19 it is an informal document that they are just
20 providing so that, you know, these are the
21 people that we need to produce today.

22 [REDACTED]: For internal, yeah. The
23 internal officer goes around and drops them off
24 at every, you know, every unit, like hey, I
25 need this guy, I need that guy. It's a court

1 list.

2 [REDACTED]: Yeah.

3 [REDACTED]: In the morning.

4 [REDACTED]: Exactly.

5 [REDACTED]: So, yeah, that's not
6 anything that's kept on record.

7 [REDACTED]: Right. So, I guess the
8 question, though, being that they had these
9 court lists, is another one of these checks and
10 balances? Or is that really just for the
11 Special Housing Unit?

12 [REDACTED]: I think they -. You mean as
13 far as the court list, I don't understand your
14 question, but --

15 [REDACTED]: Yeah. It's just getting
16 back to the point of, like, Reyes left. We
17 were notified on the 8th. He left on the
18 morning of the 9th.

19 [REDACTED]: Right.

20 [REDACTED]: Epstein was found on the
21 10th. Didn't have a cellmate for 24 hours, and
22 we knew for almost 48 hours. What should have
23 happened, and who didn't do their job? Is
24 really the question.

25 [REDACTED]: And like I said before, when

1 the notification, whoever was on the unit, knew
2 that he was leaving, it should have been passed
3 up to his supervisor.

4 [REDACTED]: All right.

5 [REDACTED]: This guy is leaving. But
6 then, okay, let's say the supe, or whoever is
7 working in there, doesn't do it, and somebody
8 should have stepped up and said, hey, this guy
9 needs a cellmate. And notified the [REDACTED]
10 that he needs a cellmate.

11 [REDACTED]: And that goes back to my,
12 anyone that was working in the SHU, should have
13 made that notification.

14 [REDACTED]: Should have said it. It
15 doesn't just -. Just because you are not OIC,
16 doesn't mean all the responsibilities falls on
17 you. It's everybody's job up there to say,
18 hey, okay, we need to, you know, this is what
19 we need to do.

20 [REDACTED]: And would that be the
21 case for, when he left during the day shift --

22 [REDACTED]: Right.

23 [REDACTED]: -- the next shift is the
24 night shift, when he would have - I believe
25 during the night shift - he would have come

1 back --

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: -- and again, if they
4 were doing rounds, they would have noticed that
5 Reyes wasn't there in the first place. But
6 also, certainly, when they brought --

7 [REDACTED]: Epstein back.

8 [REDACTED]: -- Epstein back to his
9 cell. There would have been no cellmate in
10 there.

11 [REDACTED]: You should have known he was
12 a cellmate.

13 [REDACTED]: And would it be the same
14 thing for the morning shift? That they would
15 know that Epstein was in there alone?

16 [REDACTED]: Because if the morning shift
17 is doing their 30-minute checks, you would have
18 realized he was in there by himself.

19 [REDACTED]: So, should have every
20 single shift reported it to the ops [REDACTED],
21 that there is no one -?

22 [REDACTED]: Whoever caught it should
23 have, you know, let's say one shift missed it,
24 the next shift should have picked up and said,
25 you know, called and said, [REDACTED], we got a

1 - this guy needs a --

2 MR. HAYES: A cellmate.

3 [REDACTED]: -- a cellmate.

4 [REDACTED]: And again, I know we're
5 Monday morning quarterback because of the
6 result here, but what is your - as [REDACTED]
7 of the institution, on these dates - how do you
8 interpret this? Is this a really significant
9 failure on their part, the not have caught this
10 and passed that information up?

11 [REDACTED]: It's not following the
12 directive. I mean, and then, look at result.

13 [REDACTED]: Right.

14 [REDACTED]: So, I mean, the result is
15 what, you know, caused it to be a serious
16 matter.

17 [REDACTED]: Okay.

18 [REDACTED]: Yeah.

19 [REDACTED]: Now, as far as going back
20 to this memo, do you know why Mr. [REDACTED]
21 wrote this memo.

22 [REDACTED]: I forgot. I might have
23 called -. I might have called [REDACTED]
24 Perez, and said - and I don't know if he was
25 working - said, what happened up there?

1 [REDACTED]: Now, when you say Perez,
2 because he was the ops [REDACTED], or are you
3 talking about Rice, who was the SHU [REDACTED]?

4 [REDACTED]: Perez, who was the
5 operations -. Because first, I know when I got
6 back, somebody told me Rice wasn't at work,
7 because that was my first question. Who was
8 the SHU [REDACTED]? Where they are at. And
9 then, I think I did reach out to Perez, and
10 said, what happened up there?

11 [REDACTED]: Okay.

12 [REDACTED]: And that's when I found that
13 out.

14 [REDACTED]: And did you ever speak
15 with either Perez or [REDACTED] about this?

16 [REDACTED]: No.

17 [REDACTED]: Okay.

18 [REDACTED]: Because by the time I had
19 gotten it, was the day -. That, I got that the
20 day of, when I had to go up to, I think the
21 U.S. Attorney's Office.

22 [REDACTED]: Okay. To speak with them
23 about this?

24 [REDACTED]: When I speak up to them, and
25 them the agent had the memorandum.

1 [REDACTED]: He already had it on him?

2 [REDACTED]: He had it on him. Because
3 he was during the interrogation, he presented
4 it to the U.S. Attorney that was there.

5 [REDACTED]: And was that the first
6 time you had seen it?

7 [REDACTED]: No. I think I -. I don't
8 recall when I first saw it, but I know I had
9 gotten it. And I don't know if I had gotten
10 it, and then sent it up to my boss. And then,
11 given it to the IG. I forgot. I forget his
12 name, and who was handling the case.

13 [REDACTED]: For the IG?

14 [REDACTED]: Yeah.

15 [REDACTED]: Carpenter.

16 [REDACTED]: If you weren't giving it
17 to (Indiscernible *01:55:18), it would have
18 been Dave Carpenter.

19 [REDACTED]: Because he sat in there with
20 us.

21 [REDACTED]: David Carpenter.

22 [REDACTED]: So, he - I remember - he had
23 a copy of it.

24 [REDACTED]: Okay.

25 [REDACTED]: Because we had told him that

1 they knew that they were supposed to -.

2 ██████████: So, not including when
3 you were speaking with the OIG and the FBI, did
4 you discuss this at all with anyone from the
5 BOP, such as Perez or ██████████?

6 ██████████: No. I just got the
7 memorandum, and that was it. Because I was,
8 like, wanting to know, like, what happened.
9 The, you know, the directives were given. What
10 happened?

11 ██████████: And when you asked what
12 happened, was there a verbal response?

13 ██████████: It was a verbal response.

14 ██████████: And what did you -? What
15 were you told?

16 ██████████: That they knew he was
17 supposed to -. That ██████████ had passed it on
18 to other individuals about it.

19 ██████████: Now, do you think that
20 that -. What is your thought process of
21 ██████████, who is the one who actually presented
22 - excuse me - Reyes to R&D and WAB, what is
23 your thought of him now saying, you know, prior
24 to the end of my shift at 2:00 p.m., I passed
25 it on to the next guy, saying that you guys got

1 to do it.

2 [REDACTED]: Now --

3 [REDACTED]: Do you think he should
4 have done it, passed the information on during
5 his shift?

6 [REDACTED]: Yeah. Absolutely. It
7 should have been letting the [REDACTED] know.

8 [REDACTED]: Uh-huh.

9 [REDACTED]: That, hey, this is - we got
10 a guy that needs to be --

11 MR. HAYES: A cellmate.

12 [REDACTED]: -- that needs a cellmate.

13 [REDACTED]: I should clarify that.

14 [REDACTED]: What?

15 [REDACTED]: I think on the elevator it
16 was Monge.

17 [REDACTED]: Right.

18 [REDACTED]: Monge was escorting Reyes
19 down to R&D. And [REDACTED] was escorting
20 Epstein over to attorney conference. They just
21 happened to cross paths, I think --

22 [REDACTED]: Yeah, they were together,
23 though. Right?

24 [REDACTED]: -- yeah, but I think Monge is
25 the one that brought him down to the - Reyes -

1 down to R&D.

2 [REDACTED]: Then that would make sense.
3 Because if Monge is internal, internal takes
4 him to court.

5 [REDACTED]: Okay.

6 [REDACTED]: And then, if somebody is
7 going to R&D, I mean, to attorney visit, then
8 it would be SHU staff taking him.

9 [REDACTED]: All right. So, if Monge
10 is the one who is actually providing him to
11 R&D, did he have a responsibility, that if he
12 was WAB, to make any notifications?

13 [REDACTED]: I don't know if internal -.
14 You know, Monge was internal, and I don't know
15 if he knew, you know, the situation.

16 [REDACTED]: And typically, would it
17 be internal's job - if they come and collect
18 somebody as WAB - would it be their job to tell
19 control, or the ops [REDACTED], to say this guy
20 is off our books, or anything, or -?

21 [REDACTED]: No. Because we have a lot
22 of inmates that move in and out.

23 [REDACTED]: Sure.

24 [REDACTED]: So, he wouldn't be able to
25 keep track of every particular inmate that is

1 going and coming.

2 [REDACTED]: Okay. Basically,
3 everyone had a share of responsibility?

4 [REDACTED]: (Indiscernible *01:57:54).

5 [REDACTED]: All right. Before we
6 belabor this thing anymore, we want to just
7 initial and date these both documents. We can
8 get them out of your way and move on.

9 [REDACTED]: All of them?

10 [REDACTED]: Oh, yeah. Top of this,
11 top of this.

12 [REDACTED]: Okay.

13 [REDACTED]: This guy. You know, this
14 one. All right.

15 [REDACTED]: Let me take this.

16 [REDACTED]: Thank you, sir. Now,
17 prior to this meeting, did you know that Reyes
18 was actually transferred at MCC, and didn't go
19 to court?

20 [REDACTED]: Wait, prior to when?

21 [REDACTED]: This meeting.

22 [REDACTED]: Oh, no. I knew he -. I
23 heard that. You know? After his death, that
24 he was --

25 [REDACTED]: Transferred.

1 [REDACTED]: -- removed. That he was
2 transferred.

3 [REDACTED]: Okay.

4 [REDACTED]: When I came in on Saturday.

5 [REDACTED]: Were you required - or I
6 mean - were you aware that the Marshal Service
7 had sent those emails on August 8th, 2019?

8 [REDACTED]: I was not aware.

9 [REDACTED]: No? Well, did anyone
10 ever, prior to August 10th, did anyone ever
11 make you aware that Reyes was transferred from
12 the institution?

13 [REDACTED]: Prior to October 10th?

14 [REDACTED]: August 10th. 2019.

15 [REDACTED]: I found out when I came in
16 that morning, because I --

17 [REDACTED]: Okay.

18 [REDACTED]: -- was, like, where is his
19 cellmate?

20 [REDACTED]: Okay. So, you didn't
21 know that he didn't have a cellmate on August
22 9th?

23 [REDACTED]: No, I did not.

24 [REDACTED]: Now, who was ultimately
25 responsible to make sure that Epstein has a

1 cellmate?

2 [REDACTED]: I mean, if it's the
3 directive that is given out, I mean, whoever is
4 working decide - passes it up, and then, that
5 ensures, you know, to make sure he has a
6 cellmate. So -.

7 [REDACTED]: So, SHU staff.

8 [REDACTED]: Whoever was working up
9 there.

10 [REDACTED]: Okay. When you say
11 working up there, does that include, like,
12 lieutenants doing [REDACTED] rounds and things
13 like that? Or -?

14 [REDACTED]: Well, yeah, from what
15 transpired, it is obvious the lieutenants
16 didn't know. I mean, they knew he was, based
17 on the email that, you know, they knew he was
18 leaving, but as far as when the finality of it
19 was, when you realize, okay, Reyes is gone.
20 You take Epstein, you bring him back up in his
21 cell, and he doesn't have a cellmate. I mean,
22 something should have went off on somebody to
23 make some notifications.

24 [REDACTED]: Okay. I know we're going
25 to talk about counts.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: Mm-hmm.

3 MR. HAYES: Wait, wait. The notification.
4 Would that go up as high as you? If someone
5 would say?

6 [REDACTED]: They would send it up to the
7 lieutenants, then they would tell the captain.
8 And the captain would let the associate warden
9 know, and then it would get up to me.

10 [REDACTED]: Especially an instance
11 since you have a say in who --

12 [REDACTED]: Right.

13 [REDACTED]: -- gotcha.

14 [REDACTED]: We would have to sit down
15 and say, okay, of all the available individuals
16 that are on the unit now, who can we house
17 Epstein with?

18 [REDACTED]: Now, what about in this
19 case, where as you actually weren't working
20 that day, would that --

21 [REDACTED]: Mm-hmm.

22 [REDACTED]: -- should have they
23 called you --

24 [REDACTED]: Yeah. Whoever is --

25 [REDACTED]: -- on the -?

1 [REDACTED]: -- whoever was the acting
2 warden.

3 [REDACTED]: That would make the
4 determination?

5 [REDACTED]: She would have made the
6 determination to.

7 [REDACTED]: Who was the acting warden
8 that day, do you know?

9 [REDACTED]: I don't know if I left
10 [REDACTED] or [REDACTED] in --

11 [REDACTED]: Okay.

12 [REDACTED]: -- as the acting.

13 [REDACTED]: One of those two.

14 [REDACTED]: It would be one of those
15 two.

16 [REDACTED]: And it wouldn't be the
17 [REDACTED]?

18 [REDACTED]: No. He's the executive
19 assistant.

20 [REDACTED]: Now, what is the
21 difference between, like, an executive
22 assistance and an AW?

23 [REDACTED]: The associate warden is a
24 GS-14, and the executive assistant is a 13.

25 [REDACTED]: Okay. So, they are not -

1 -

2 [REDACTED]: No.

3 [REDACTED]: -- but what, is that
4 executive assistant just mainly to assist you
5 in your functions?

6 [REDACTED]: He assists in the functions.
7 I had also given him some other departments to
8 monitor.

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: So, they manage, also, those
11 other departments.

12 [REDACTED]: Okay.

13 [REDACTED]: I just got a question. I
14 don't know if you may be asked him about the
15 backup list. Was there a backup list of names?

16 [REDACTED]: For?

17 [REDACTED]: I think, I think we did
18 talk about it, but if Reyes - we did --

19 [REDACTED]: Okay.

20 [REDACTED]: -- but --

21 [REDACTED]: Sorry.

22 [REDACTED]: -- when we talked about
23 if Reyes was removed because the institution
24 always has people coming and going --

25 [REDACTED]: Mm-hmm.

1 [REDACTED]: -- so frequently, was
2 there, like, a list that was set in place, that
3 we would now consider these people, or would it
4 be just the whole new -?

5 [REDACTED]: No. Because we would have
6 to base it on who was there.

7 [REDACTED]: Okay.

8 [REDACTED]: Because of the turnover in
9 the unit.

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: All right. Now, we're
12 going to get into counts.

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: So, this is an email sent
15 from you to [REDACTED]. It's the count slips
16 for --

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: -- it was sent on
19 Saturday, August 10th, 2019, at 5:11 p.m.

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: This shows, ZA is the
22 SHU. Correct?

23 [REDACTED]: Right.

24 [REDACTED]: So, this says, at 8:10,
25 it shows that the count for ZA was 73. Signed

1 by M. [REDACTED] and Ms. Noel.

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: And it says, that count
4 was done, it looks like, at --

5 [REDACTED]: 12:01 a.m.

6 [REDACTED]: -- 12:01 a.m. And then,
7 we get the next one is at 3:00 a.m.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: It goes down to 72.

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: At 5:00 a.m., there is
12 72. And here is the count, the institutional
13 count, it shows 72 at - what time? - 12:00 a.m.
14 Or no. This one is 3:00 a.m.

15 [REDACTED]: 3:00 a.m.

16 [REDACTED]: I don't know why this is
17 all out of order. 5:00 a.m. So, at 12:00
18 a.m., this says 72. 72.

19 [REDACTED]: I think that was just an --

20 [REDACTED]: 72.

21 [REDACTED]: -- attachment to that email
22 that you sent.

23 [REDACTED]: So, but as you know, as
24 you notice, one of them said -. So, the count
25 slip said 73 for 12:00 a.m., over the

1 institutional count. And as you see here, for
2 12:00 a.m., it said 72.

3 MR. HAYES: By the institution, you mean
4 the SHU?

5 [REDACTED]: No. The institution.

6 [REDACTED]: It means the whole.

7 [REDACTED]: MCC does a count --

8 [REDACTED]: Yeah.

9 [REDACTED]: -- and --

10 MR. HAYES: Right.

11 [REDACTED]: -- it's what the official

12 --

13 MR. HAYES: The count.

14 [REDACTED]: -- number show --

15 MR. HAYES: Yeah. Okay.

16 [REDACTED]: -- the SHU, these count
17 slips are supposed to be the -. Actually, let
18 you, you can answer my question. What is
19 supposed to be the difference between what
20 happens with the count slip, and what happens
21 with the institutional count? So, I'm not
22 answering your question.

23 [REDACTED]: So, what happens is, on the
24 shift, you call the count, and the different
25 units call in the count to control center.

1 [REDACTED]: And how do they get that
2 count number?

3 [REDACTED]: From counting. They have to
4 go around and count.

5 [REDACTED]: Physically counting an
6 inmate?

7 [REDACTED]: You have to --

8 [REDACTED]: Correct?

9 [REDACTED]: -- physically count the
10 bodies.

11 [REDACTED]: And then, they take that
12 total amount of inmates, and they call that
13 into the control center?

14 [REDACTED]: They call that into the
15 control.

16 [REDACTED]: And where does the
17 control center get their numbers from?

18 [REDACTED]: This is what is called an
19 E1. Which is a print out of the number of
20 inmates in each unit.

21 [REDACTED]: Right.

22 [REDACTED]: So, if an instance, for
23 example, we look at BA unit. So, there is
24 supposed to be 26 in there. If somebody calls
25 it in there, they say, it says 25, they tell me

1 it's a bad count.

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: So, they have to go back and
4 count again.

5 [REDACTED]: So, the E1 is created
6 based upon what inmates are listed within your
7 system.

8 [REDACTED]: Right.

9 [REDACTED]: The count slips are based
10 upon how many inmates they actually count.

11 [REDACTED]: What they count.

12 [REDACTED]: And the purpose of that
13 is what? Why are the inmates counting inmates,
14 and why are they providing that number to
15 control?

16 [REDACTED]: So, we make sure every
17 inmate is in the institution.

18 [REDACTED]: The accountability of the
19 inmates. Correct?

20 [REDACTED]: Yes.

21 [REDACTED]: Great. So, the - so,
22 does that answer your question?

23 [REDACTED]: Mm-hmm.

24 [REDACTED]: So, the next email is
25 sent about one hour later, at 6:13 p.m., on

1 August 10th. It says, "Why did the count
2 change from 73 to 72 between 12:00 a.m. and
3 3:00 a.m.?"

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: Do you remember what your
6 response was to that?

7 [REDACTED]: I don't.

8 [REDACTED]: And then, this one is
9 another one from [REDACTED] to yourself.

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: It says, "The 12:00 a.m.
12 count slip reads 73, and the 12:00 a.m. --

13 [REDACTED]: E1.

14 [REDACTED]: -- E1 says 72."

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: So, those kind of go
17 together. Do you remember what your findings
18 were there?

19 [REDACTED]: I don't remember. Because
20 typically what happens on the count, you are
21 supposed to - the lieutenant is supposed to
22 take one count at night, and then review
23 documentation. So, I don't know what happened
24 with the discrepancy.

25 MR. HAYES: I mean, this isn't really that

1 relevant, because we noted Epstein was there.

2 [REDACTED]: No. It's relevant for
3 our investigation.

4 [REDACTED]: Right.

5 [REDACTED]: All right. So, if you
6 don't mind, just initialing and dating that,
7 and then, we can explain to you why that is
8 relevant. So, you don't, though, recall? You
9 didn't find out what actually happened?

10 [REDACTED]: I don't recall what the
11 response is I gave.

12 [REDACTED]: No? And do you remember
13 looking into it at all?

14 [REDACTED]: When was that sent?

15 [REDACTED]: That was the day --

16 [REDACTED]: When did he send it?

17 [REDACTED]: -- that was the day of.

18 [REDACTED]: The day of.

19 [REDACTED]: The day Epstein was
20 found.

21 [REDACTED]: I don't because it was just
22 so much going on.

23 [REDACTED]: Yeah.

24 [REDACTED]: That I can't really remember
25 what, how I responded to them on that day.

1 [REDACTED]: Do you remember learning
2 anything about the accuracy or inaccuracy of
3 the counts, on the 9th and 10th?

4 [REDACTED]: What do you mean the
5 accuracy and inaccuracy?

6 [REDACTED]: Like, if the counts were
7 actually accurate or not.

8 [REDACTED]: I don't recall that.

9 [REDACTED]: You don't recall --

10 [REDACTED]: No. I can't think of that.

11 [REDACTED]: -- finding out about
12 that?

13 [REDACTED]: No.

14 [REDACTED]: Did you recall, did you
15 find out if the SHU counts and rounds were not
16 conducted by the SHU on August 9th or 10th,
17 2019? By the SHU staff.

18 [REDACTED]: If they did rounds or not?

19 [REDACTED]: Correct. Did you find
20 out if the SHU staff had conducted both 30-
21 minutes rounds, as well as the institution
22 counts on August 9th and 10th?

23 [REDACTED]: I don't know if it was after
24 the fact that I was told that the Officer did
25 make their rounds. And I don't recall if it

1 was, they put it in the logbook, that they made
2 rounds, but that in all actuality, it wasn't
3 done.

4 ██████████: Okay.

5 ██████████: So, that might have been
6 something that came up afterwards.

7 ██████████: But you are not super -.
8 You know, this, you don't really know what
9 happened or didn't happen?

10 ██████████: That day. Because I mean,
11 it happened that weekend, everything was
12 moving, and then, by Monday --

13 ██████████: Right. So --

14 ██████████: -- everything else just
15 changed. So --

16 ██████████: -- but on the 10th or
17 11th, you didn't hear --

18 ██████████: -- I didn't --

19 ██████████: -- find out?

20 ██████████: -- hear anything about,
21 recall anything about that.

22 ██████████: But had you heard that
23 they didn't at least conduct some of their
24 rounds and counts?

25 ██████████: That they didn't?

1 [REDACTED]: That they did not.

2 [REDACTED]: It was - and I don't want to
3 use the word that it was just, you know, an
4 assumption, you know, like, because one of
5 them, I had asked to come up and speak with,
6 but it was [REDACTED], and he wouldn't come up.

7 [REDACTED]: And this was on the 10th
8 in the morning?

9 [REDACTED]: This was on the 10th, when
10 we got him up, because I wanted to speak with
11 him because people were telling me he was
12 distraught.

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: So, I wanted to make sure he
15 was all right. You know? And he just, he
16 didn't want to come up and talk.

17 [REDACTED]: What are your thoughts of
18 [REDACTED] as an employee?

19 [REDACTED]: I've known [REDACTED] a couple
20 years. I never had any issues with him. You
21 know, it was any, you know, like any other
22 employee, you do something, I correct you on
23 the spot, and that's it. But I have never
24 encountered him to do anything, known him not
25 to count, do his job, you know?

1 [REDACTED]: What about Ms. Tova Noel?

2 [REDACTED]: She was new. So, she had
3 just gotten there. You know, she got the same
4 spiel from me that everybody else does. You
5 know? You are new. You can't do the things
6 that somebody at 20, that has 20 years in it.
7 They're not doing their job, you shouldn't be
8 following it.

9 [REDACTED]: And did you --

10 [REDACTED]: So -.

11 [REDACTED]: -- actually speak with
12 her about that?

13 [REDACTED]: Oh, I do that in my
14 (Indiscernible *02:09:22) class, when they
15 first come in.

16 [REDACTED]: Okay. So, that is
17 something --

18 [REDACTED]: And I had -.

19 [REDACTED]: -- you would have said to
20 everyone?

21 [REDACTED]: Oh, I said it clear as day.
22 And same thing I would say in my ART class.
23 Annual Refresher Training.

24 [REDACTED]: Because this is --

25 [REDACTED]: (Indiscernible *02:09:34).

1 [REDACTED]: -- one of her excuses,
2 saying that 20 year guys, I'm following them,
3 they are not doing it, so I'm not doing it. Is
4 that something you clearly entrust --

5 [REDACTED]: So, here's my speech --

6 [REDACTED]: -- to her?

7 [REDACTED]: -- my spiel I used to tell
8 people. I said, go ahead and follow that 20
9 year guy, and you are on probation, guess what
10 happens? He might get some time in the street.
11 You're getting fired.

12 [REDACTED]: And are you confident
13 that Ms. Noel would have heard that speech from
14 you?

15 [REDACTED]: She heard the speech from
16 me.

17 [REDACTED]: Okay.

18 [REDACTED]: Yeah. I'm confident.
19 That's the speech I gave everybody. Same thing
20 in the ART.

21 [REDACTED]: Okay.

22 [REDACTED]: Yeah.

23 [REDACTED]: Good enough.

24 [REDACTED]: So.

25 [REDACTED]: All right. So, this is

1 going to go back. This is just my little list
2 that I wrote of exactly what happened, and then
3 I'll read to you, but --

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: -- I just want just for
6 our purposes, I'm going to just show you, and
7 you can refer to them. On this one, at first,
8 going to be the count on the 9th, that was
9 conducted at --

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

11 [REDACTED]: -- is this 4:00 p.m. Is
12 this the 4:00 p.m. or the 5:00 p.m. here?

13 [REDACTED]: No. This?

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

15 [REDACTED]: 4:00 p.m. count. There's
16 just signed off --

17 [REDACTED]: No. There's no 4:00 p.m.
18 count.

19 [REDACTED]: -- yeah, it's the 5:00.

20 [REDACTED]: 5:00. Sorry.

21 [REDACTED]: Yeah. It's --

22 [REDACTED]: Yeah.

23 [REDACTED]: -- 12:00. 12:00. 3:00.

24 And 5:00.

25 [REDACTED]: No, no. This is afternoon.

1 [REDACTED]: Yeah. So, this is
2 Friday.

3 MR. HAYES: I'd say (Indiscernible
4 *02:10:40)--

5 [REDACTED]: All right. Friday. Is
6 that a --

7 MR. HAYES: -- (Indiscernible *02:10:41)

8 [REDACTED]: -- 4:00 p.m. --

9 [REDACTED]: You told him about overnight.

10 [REDACTED]: -- count?

11 [REDACTED]: Oh, it's a 4:00 p.m. count.

12 [REDACTED]: It's a 4:00 p.m.

13 [REDACTED]: Yeah.

14 [REDACTED]: Okay.

15 [REDACTED]: Then 4:00 p.m. Then
16 there is the 8:00 p.m.

17 [REDACTED]: No, no. 4:00 p.m. 10:00.

18 [REDACTED]: 4:00 p.m. 10:00 p.m.

19 Sorry.

20 [REDACTED]: And midnight.

21 [REDACTED]: 4:00 p.m. 10:00 p.m.

22 Midnight.

23 [REDACTED]: 3:00 and 5:00.

24 [REDACTED]: 3:00. And 5:00. So,

25 these are basically the time period in

1 question. Everywhere from 4:00 p.m. through
2 the 5:00 a.m. count the next day, on August 9th
3 and 10th.

4 [REDACTED]: Okay.

5 [REDACTED]: Here are the lieutenant
6 logs. And these are the emails that, again,
7 I'm going, just going over these just because,
8 so I'm not pulling things out of thin air.
9 These are the --

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: -- yeah, emails that we
12 were able to obtain. So, this was from a
13 [REDACTED] [REDACTED]. Who was the [REDACTED]
14 [REDACTED] at that time.

15 [REDACTED]: Right.

16 [REDACTED]: Fairly regularly.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: And during the morning
19 watch. So, this one was sent, from her, on
20 Saturday, August 10th, 2019, at 9:26 a.m. It
21 says, these are the August 10th, 2019. Daily
22 activity report. And then, we got the daily
23 lieutenant's log here.

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: So, where would this -?

1 This is just out of order. This should have
2 been first. So, Friday, August 9th, 2019, she
3 sends one at -. So, first, I want to ask this
4 question. So, on Friday, August 9th, 2019, she
5 sends one at 5:11 a.m.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: And Saturday, she sends
8 it at August 10th, 2019, at 9:26 a.m.

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: And on Sunday, August
11 11th, 2019, she sends it at 6:15 a.m.

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: Now, reviewing all of the
14 lieutenant logs that came out prior to that
15 time, they are all sent out pretty much between
16 5:00 a.m. and 6:00 a.m. --

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: -- by all the various --

19 [REDACTED]: Right.

20 [REDACTED]: -- ops lieutenants. Do
21 you find it odd that she didn't send this one
22 out until 9:26 a.m., being that, I know Epstein
23 was found at 6:33 a.m., but typically, they
24 were sent out much earlier than that.

25 [REDACTED]: Mm-hmm.

1 [REDACTED]: Is that -? I know she
2 sent it out after the incident, and after, you
3 know, everything happened, but do you think it
4 was weird that she sent that one out at 9:26
5 a.m. versus prior to that 6:33 a.m., when her
6 shift ends at 6:00 a.m.?

7 [REDACTED]: I mean -.

8 [REDACTED]: She was relieved at 5:30 a.m.
9 by [REDACTED]

10 [REDACTED]: That's what I'm saying. She
11 wasn't at the -. When I got there, [REDACTED]
12 [REDACTED] was the lieutenant --

13 [REDACTED]: Correct.

14 [REDACTED]: -- who contacted me
15 regarding -.

16 [REDACTED]: She was supposed to be
17 gone by 5:30 a.m.

18 [REDACTED]: So, yeah. I don't know. If
19 she left at 5:30 or whatever, and I don't know
20 how they (Indiscernible *02:13:07).

21 [REDACTED]: Well, that's when she was
22 relieved. She didn't leave until after this
23 was sent out at 9:26 a.m.

24 [REDACTED]: I don't recall her being in
25 the institution around then.

1 [REDACTED]: She - after Epstein was
2 found - she actually went into the SHU. She
3 helped with feeding. And then, she went back,
4 and she did some things on the computer.

5 [REDACTED]: I thought --

6 [REDACTED]: And she sent it.

7 [REDACTED]: -- I thought [REDACTED] relieved
8 her, and she left.

9 [REDACTED]: At 5:30 a.m., she was
10 relieved. She stuck around because she said
11 she had work to do. After Epstein was found,
12 she came to the SHU, and assisted [REDACTED]
13 [REDACTED], who also wasn't working in the SHU, but
14 was there because he was the Comtech guy. And,
15 at the time, [REDACTED] was gone. Noel was there.
16 But at some point, Noel left.

17 [REDACTED]: And I'm looking at this, but
18 I was under the impression, when [REDACTED] had told
19 me he had relieved her, and she left.

20 [REDACTED]: So, do you find that odd,
21 then, that she was still there until --

22 [REDACTED]: Until 9:30.

23 [REDACTED]: -- at least 9:30 a.m.?

24 [REDACTED]: Yeah. I didn't, I didn't -.
25 Yeah.

1 [REDACTED]: This is the first you're
2 hearing of this?

3 [REDACTED]: Yeah. Because when I was
4 told she was gone. So, unless --

5 [REDACTED]: Because you wanted to
6 talk with her?

7 [REDACTED]: -- no. I mean, he relieved
8 her. So, I guess, technically, when you
9 relieve somebody, then, then it becomes your
10 issue. So, I was talking to [REDACTED] [REDACTED].
11 But I didn't want, you know, I, I assumed she
12 was the one that -. But I heard she had left.
13 I didn't know she had come back.

14 [REDACTED]: She allegedly did not
15 come back. She allegedly was there --

16 [REDACTED]: There.

17 [REDACTED]: -- the entire time.

18 [REDACTED]: So then, that is kind of
19 odd, because usually, your log is completed
20 before you leave.

21 [REDACTED]: Right.

22 [REDACTED]: On your log, you will write
23 on there, I'm relieved by such and such.

24 [REDACTED]: So, is that suspicious to
25 you at all?

1 [REDACTED]: Kind of. Yeah. But I'm
2 curious as to why you didn't log it down
3 something.

4 [REDACTED]: Now, why -? What kind of
5 employee is [REDACTED] [REDACTED]?

6 [REDACTED]: Had some issues with her. I
7 mean, I don't want to -. You know, everything
8 that is going on is an allegation. So, I don't
9 want to go speaking on allegations that I have
10 sent up.

11 [REDACTED]: Was she a problem
12 employee, then?

13 [REDACTED]: I had some issues. Yeah.

14 [REDACTED]: Any reason why she
15 believed that she might be involved with
16 Epstein and his death?

17 [REDACTED]: Oh, no. I wouldn't put it
18 as far as that. I mean, but it is just, I
19 wouldn't. And I don't know --

20 MR. HAYES: She's (Indiscernible
21 *02:15:29) to tell. I mean --

22 [REDACTED]: -- I mean --

23 MR. HAYES: -- (Indiscernible *02:15:29).

24 [REDACTED]: -- that's why I went over -.
25 Can you rephrase your question, like, what are

1 we saying?

2 [REDACTED]: Yeah. I mean, I'm going
3 all the way to -. I just ramped it up to 100
4 miles an hour. I'm just saying all the way to
5 --

6 [REDACTED]: I can't --

7 [REDACTED]: -- to probably, could you
8 -. Was there any reason to believe that she
9 could be potentially involved with this?

10 [REDACTED]: As far as doing harm to him?

11 [REDACTED]: Keeping his cell door
12 open. And letting another cell door open for
13 someone else. You know --

14 [REDACTED]: I wouldn't --

15 [REDACTED]: -- anything like that.

16 [REDACTED]: -- I wouldn't see that.

17 [REDACTED]: No?

18 [REDACTED]: I couldn't see that. No.

19 [REDACTED]: No reason to believe it
20 would go that far, just maybe insubordination
21 is the highest that she goes?

22 [REDACTED]: Yeah. I would, you know, I

23 --

24 [REDACTED]: She --

25 [REDACTED]: -- she has the allegations

1 up. I know you guys were seeing the
2 allegations. So, I, yeah, but I wouldn't go
3 that far. But I can't -.

4 MR. HAYES: Well, is she in a position to
5 do something like that?

6 [REDACTED]: What?

7 MR. HAYES: To leave the door open, or
8 something that's egregious?

9 [REDACTED]: She does [REDACTED]
10 rounds.

11 [REDACTED]: Yeah.

12 [REDACTED]: She's the [REDACTED] [REDACTED].

13 MR. HAYES: She is in position to do that.

14 [REDACTED]: But remember, when you are
15 going down range and the range door keys, you
16 can't have both. Somebody would have to let
17 her down there.

18 [REDACTED]: Okay.

19 [REDACTED]: And those keys. Those keys
20 go down.

21 [REDACTED]: Do you know if she was
22 particularly friendly with either Noel or
23 [REDACTED]?

24 [REDACTED]: I don't know what their
25 relationship was. She was the shift

1 [REDACTED]. So, I don't know what
2 relationships. Who she's had (Indiscernible
3 *02:16:48).

4 [REDACTED]: For the 8th, I just realized
5 we might not have the daily log for it.

6 [REDACTED]: Fortunately, I brought
7 backups of different things. So, I think I got
8 --

9 MR. HAYES: Jesus Christ.

10 [REDACTED]: The 9th and the 10th is in
11 there.

12 MR. HAYES: I keep looking at this pile.
13 I think those eff'ing sons a bitches are
14 working hard.

15 [REDACTED]: I don't think the 9th is
16 in there.

17 [REDACTED]: Yeah.

18 [REDACTED]: Just the 10th.

19 MR. HAYES: Yeah.

20 [REDACTED]: No, no. It's the second set.

21 [REDACTED]: No, that's the 10th.

22 [REDACTED]: No, the dates are --

23 [REDACTED]: Can I say --?

24 [REDACTED]: -- the following dates.

25 Sorry.

1 [REDACTED]: Can I see the time

2 (Indiscernible *02:17:14)?

3 [REDACTED]: Just, I just want to confirm
4 with that.

5 [REDACTED]: Of course. Yeah, yeah.
6 Okay. That's the August 9th.

7 [REDACTED]: Yeah.

8 [REDACTED]: Okay. Great.

9 [REDACTED]: So, those two.

10 [REDACTED]: Yeah.

11 [REDACTED]: That's the previous date we
12 don't have.

13 [REDACTED]: All right.

14 (Indiscernible *02:17:25) right now. All
15 right. So, what did you want to see?

16 [REDACTED]: I wanted to see that 9:26
17 one.

18 [REDACTED]: Yeah. So, that is --

19 [REDACTED]: Mm-hmm.

20 [REDACTED]: -- and this is what we
21 were going to show you, is the count numbers,
22 that's what we are getting at next.

23 [REDACTED]: Wait. Which is the one -?

24 [REDACTED]: So, this is from Friday,
25 August 9th.

1 [REDACTED]: Okay. This is at what time?
2 [REDACTED]: This just, that says morning
3 watch.
4 [REDACTED]: Ish.
5 [REDACTED]: Yeah, but why is it saying
6 the 10th?
7 [REDACTED]: So, it was, the email was
8 sent out on the 10th morning. Right? But when
9 --
10 [REDACTED]: So, she was -. Her --
11 [REDACTED]: -- she included everything -
12 -
13 [REDACTED]: -- shift --
14 [REDACTED]: -- everything from the
15 previous day.
16 [REDACTED]: Yeah, but this is August
17 9th.
18 [REDACTED]: They sent it out the day
19 after.
20 [REDACTED]: Epstein is back.
21 [REDACTED]: So, see this one? This
22 one is sent out on Sunday, August 11th, for the
23 day prior, starting --
24 [REDACTED]: Right. So --
25 [REDACTED]: -- Saturday, August 10th.

1 [REDACTED]: -- no, I get that. So, she
2 started. Her shift was morning watch on
3 Friday. Okay? So, she goes to 12:00. So, she
4 is relieved by [REDACTED]
5 [REDACTED]: So, no, no.
6 [REDACTED]: No, this is -. This should
7 be Thursday into Friday.
8 [REDACTED]: Yes.
9 [REDACTED]: Okay. No. I --
10 [REDACTED]: So then, it goes --
11 [REDACTED]: -- yeah. See. I thought
12 this was --
13 [REDACTED]: -- into day watch.
14 [REDACTED]: -- the day of. Then you go
15 to day watch, and it goes to evening watch.
16 Now, what is the -? Which log is it for the
17 day of?
18 [REDACTED]: So, this is the day of.
19 [REDACTED]: Mm-hmm.
20 [REDACTED]: Okay.
21 [REDACTED]: And this is, we are going
22 to get into. So, this one is the day before,
23 August 9th, when Reyes left, and we can look to
24 see on here, as well, where it says -. So, if
25 we go to this 8:38 on the lieutenant's log, it

1 says that Reyes is pre-removed. Right here.

2 "Reyes to pre-remove at 8:38 a.m."

3 [REDACTED]: Okay. So --

4 [REDACTED]: That is August 9th, 2019.

5 So, we're going to go all the way down to -.

6 The one thing, I guess --

7 [REDACTED]: So, the count --

8 [REDACTED]: -- we want to look at is,

9 here, we got this individual, Iam Fernandez

10 (Phonetic Sp. *02:19:31). Who is on dry cell

11 with staff in R&D watch.

12 [REDACTED]: Right.

13 [REDACTED]: From the SHU. So, if you

14 look at the count -. Where the heck is the -?

15 [REDACTED]: Okay. So, I just want to go

16 back to clarify something with --

17 [REDACTED]: Yup.

18 [REDACTED]: -- with [REDACTED].

19 So, we are saying this is at 9:23, she did it.

20 Right?

21 [REDACTED]: 9:26.

22 [REDACTED]: So - 9:26 --

23 [REDACTED]: She did it.

24 [REDACTED]: -- this was on --

25 [REDACTED]: The 10th morning. Saturday

1 morning.

2 [REDACTED]: -- this is when she sent it
3 out.

4 [REDACTED]: Correct. Like, three
5 hours after Epstein was found.

6 [REDACTED]: And this is --

7 [REDACTED]: (Indiscernible
8 *02:20:03).

9 [REDACTED]: -- Friday's log.

10 [REDACTED]: Correct.

11 [REDACTED]: That that's --.

12 [REDACTED]: But they - the same
13 thing, though - they all seem to sending it out
14 the day before.

15 [REDACTED]: The day before. And then,
16 she sent the day before logs out on Saturday.
17 Yeah.

18 [REDACTED]: She combined it. If you look
19 through it, it has everything combined.

20 [REDACTED]: Right.

21 [REDACTED]: It goes from morning watch,
22 day watch, evening watch, into --

23 [REDACTED]: Right. But I'm just --.
24 That should have been done the day before.
25 Okay.

1 [REDACTED]: I don't think you're
2 right, bud. I think she's just doing the 9th.
3 The next day does the 10th.
4 [REDACTED]: Yeah. That's right.
5 [REDACTED]: Yeah. Okay.
6 [REDACTED]: (Indiscernible *02:20:41)
7 combined.
8 [REDACTED]: Yeah. That's what --
9 [REDACTED]: Okay.
10 [REDACTED]: -- that's why I'm a little
11 confused about.
12 [REDACTED]: Yeah. No. She's not --
13 [REDACTED]: Because when she came --
14 [REDACTED]: -- she does the day
15 before.
16 [REDACTED]: -- she came on shift at 10:00
17 p.m.
18 [REDACTED]: She started her shift at
19 10:00 --
20 [REDACTED]: 10:00 p.m.
21 [REDACTED]: -- p.m.
22 [REDACTED]: Of the 9th --
23 [REDACTED]: And worked until --
24 [REDACTED]: -- evening.
25 [REDACTED]: -- 6:00 a.m., but got

1 relieved at 5:30. So --

2 [REDACTED]: That's right.

3 [REDACTED]: -- yeah.

4 [REDACTED]: The lieutenants were working
5 from 10:00. 10:00 to 6:00.

6 [REDACTED]: Correct. Because the, we
7 were told because of traffic issues --

8 [REDACTED]: Yeah.

9 [REDACTED]: -- or something else.

10 [REDACTED]: And short -. Yeah.

11 [REDACTED]: So, what we want to, and
12 I want to kind of reference here is, I am
13 Fernandez on dry cell, with SHU staff and R&D.

14 [REDACTED]: Right.

15 [REDACTED]: And the end of this shows
16 72.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: So, on August 9th, 2019,
19 at 11:59 a.m. - or August 10th, 2019, at 12:00
20 a.m. - there is supposed to be 72 inmates,
21 according to this log that [REDACTED] sent
22 out.

23 [REDACTED]: Right.

24 [REDACTED]: There is supposed to only
25 be 72 inmates there.

1 [REDACTED]: Right.

2 [REDACTED]: Now, look at the shift
3 for August 10th, when this person started their
4 shift, there was 73.

5 [REDACTED]: So --

6 [REDACTED]: And the institutional
7 logs --

8 [REDACTED]: -- right.

9 [REDACTED]: -- show at 12:00 a.m.,
10 there were - or so, that looks like - so, there
11 is -. Let's go. So, for ZA, there shows 75 at
12 the 4:00 p.m. count. The 10:00 p.m. count,
13 there shows 73. And then, at the midnight
14 count, there it says 72. However, the count
15 slips, if you recall --

16 [REDACTED]: 73.

17 [REDACTED]: -- where are the count
18 slips? So, it is --

19 [REDACTED]: The counts.

20 [REDACTED]: -- it says the SHU
21 submitted a count slip for 73 at 12:00 a.m.
22 Here you go. So, that is not the count. Oh,
23 yeah. There. So, see? 12:00 a.m., they
24 submit it. [REDACTED]/Noel submitted 73.
25 Although, the institutional count says 72.

1 Now, not [REDACTED], but the next one
2 shows that, the next ops lieutenant shows that
3 73 is what is written in this. She went back
4 and changed 72, the day before, with the 9:30,
5 because it was determined --

6 [REDACTED]: That he was on the outcount,
7 and on --

8 [REDACTED]: -- oh, yeah.

9 [REDACTED]: -- (Indiscernible
10 *02:22:57).

11 [REDACTED]: And so, Fernandez was
12 never removed -. So, look at -. It shows it
13 on this. "One SHU correction. Fernandez dry
14 cell." So, at 12:35 a.m., and we do have
15 Fernandez right here.

16 [REDACTED]: Looking back.

17 [REDACTED]: Okay. So, this just
18 says, this is what happened with him. He was
19 found to have contraband, that he was providing
20 to a visitor in the SHU, at approximately,
21 like, I think 1:00 p.m. on August 9th. He was
22 moved from the SHU to dry cell. And he was
23 never --

24 [REDACTED]: Keyed in.

25 [REDACTED]: -- keyed out.

1 [REDACTED]: What - yeah - what they
2 should --

3 [REDACTED]: Keyed out of the SHU.
4 So, the institutional counts were reflecting --

5 [REDACTED]: 73.

6 [REDACTED]: -- 73. That is what the
7 SHU continued reporting. 73. Because that is
8 what - that's what, according to the system,
9 was supposed to be in there. But if they had
10 physically --

11 [REDACTED]: Counted.

12 [REDACTED]: -- counted --

13 [REDACTED]: They would have known --

14 [REDACTED]: -- it would have --

15 [REDACTED]: -- he wasn't there.

16 [REDACTED]: -- been 72. Correct?

17 [REDACTED]: Right.

18 [REDACTED]: So, with this
19 information, and I guess as [REDACTED], would
20 that suggest to you that they were not actually
21 conducting their counts?

22 [REDACTED]: They weren't counting. And
23 then, there is no count slip here for the
24 inmate that was on dry cell in R&D.

25 [REDACTED]: Right.

1 [REDACTED]: There should have been a
2 count slip for him over there. So, what should
3 have happened was, the inmate - him - he should
4 have been outcounted in R&D. And then, the
5 R&D, you would have seen one. So, there was a
6 count slip. Whoever is sitting and watching
7 him should have did a count slip on him. And
8 then, whoever his back up was should have done
9 a count slip.

10 [REDACTED]: And this is, from my
11 review of everything --

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: -- this is what I found.
14 I don't want to put my words into [REDACTED]
15 mouth, but let me know if this makes sense to
16 you. It says, "Count discrepancy on the August
17 9th, 2019. Per the daily activity report dated
18 August 10th, 2019, and the attachment
19 [REDACTED] log from August 9th, 2019." So,
20 that's what we are looking at here.

21 [REDACTED]: Mm-hmm.

22 [REDACTED]: "The day began with 77
23 inmates assigned to ZA." Or the SHU. "The
24 5:00 a.m. E1 institution count, respective ZA
25 SHU count slips, eyes on count shows 77. At

1 8:38 a.m., inmate Reyes is pre-removed from ZA
2 for count, and taken off the lieutenant log.
3 The accurate ZA SHU count moves down to 76.
4 Reyes was removed from the institution and does
5 not - and should not - appear on any counts at
6 this time.

7 At 3:15 p.m., inmate Fernandez was placed
8 on RA dry cell from ZA, which moves the
9 accurate ZA count down to 75 on the lieutenant
10 log. The 4:00 p.m. E1 shows a total of 76
11 inmates assigned to ZA." With one in attorney
12 conference, which was Epstein. "This indicates
13 that Fernandez was not keyed out of the SHU,
14 and keyed into RA. The ZA eyes on count slip
15 shows 75. Inaccurate.

16 It should have reflected 74 because,
17 although there were 75 inmates assigned to the
18 SHU, Epstein was in attorney conference. There
19 were no inmates assigned to RA on the E1
20 institutional count, and there was no count
21 slip for RA, eyes on count." This is where the
22 problem begins.

23 ██████████: Mm-hmm.

24 ██████████: "At 6:34 p.m., inmate
25 Hemingway is moved to ZA, and brings it down to

1 74. 6:47 p.m., inmate Reed (Phonetic Sp.
2 *02:26:10) is moved from ZA to ES, bringing it
3 down to 73. At 8:21 p.m., Felix (Phonetic Sp.
4 *02:26:15) and William moved to ZA, to suicide
5 watch, bringing the accurate count down to 71.
6 At 8:28 p.m., inmate Garcia Pina (Phonetic Sp.
7 *02:26:23) is moved from K into ZA, bringing
8 the accurate count up to 72.

9 The 10:00 p.m. E1 shows a total of 73
10 inmates assigned to the ZA, but zero inmates
11 assigned to RA. The ZA eyes on count slip
12 shows 73." Oh, this is another one. I don't
13 think we brought this. "One of the counts
14 actually shows 73 plus one." Do we have that
15 in there?

16 ██████████: The 10:00 p.m.

17 ██████████: Okay.

18 MR. HAYES: I admire your guys'

19 (Indiscernible *02:26:48).

20 ██████████: Yeah. You would also --

21 This is all probably --

22 ██████████: 73 (Indiscernible *02:26:52).

23 ██████████: -- all Chinese to you.

24 ██████████: That's how our count slips -

25 -

1 [REDACTED]: -- now, I did foreign
2 language --

3 MR. HAYES: I don't understand --

4 [REDACTED]: -- should be done.

5 MR. HAYES: -- the fuck are you talking
6 about.

7 [REDACTED]: Yeah, yeah, yeah.

8 [REDACTED]: Huh.

9 [REDACTED]: This is --

10 MR. HAYES: All these initials, and this,
11 and that.

12 [REDACTED]: -- but the count --

13 [REDACTED]: So, which is interesting
14 is all of these are, as you notice, crossed
15 off.

16 [REDACTED]: -- right.

17 [REDACTED]: These two are not crossed
18 off. This one says 9S + 1. This one says 73 +
19 1. The question had been, when did this
20 happen?

21 [REDACTED]: Yeah.

22 [REDACTED]: When did they put these
23 plus ones, or why weren't they crossed out?

24 [REDACTED]: But you can't do a -. This
25 is an inaccurate count slip. Because you are

1 supposed to have the accurate count. You can't
2 do -. If this is $73 + 1$, then you should have
3 74 on there.

4 ██████████: Or, in this case, it
5 should be 73 minus one because the accurate
6 count was actually 72.

7 ██████████: No, but you wouldn't write
8 minus one on there. You would write the actual
9 count on there.

10 ██████████: Right.

11 ██████████: So --

12 ██████████: Okay.

13 ██████████: -- either it was 72 or 74.

14 ██████████: Right.

15 ██████████: But there is no --

16 MR. HAYES: All right. Guys, I'm going to

17 --

18 ██████████: -- such thing as --

19 MR. HAYES: -- splash water on my face
20 again.

21 ██████████: -- okay. There is no such
22 thing --

23 MR. HAYES: You guys are getting ready to
24 kill me.

25 ██████████: -- there is no such thing as

1 plus one on the --

2 [REDACTED]: Right.

3 [REDACTED]: -- on that.

4 [REDACTED]: You're not allowed to
5 ghost count. Correct?

6 [REDACTED]: No. No. There should have
7 been an outcount done. So, and this should
8 have been caught, whoever the shift lieutenant
9 was, because they have to, you know, on each
10 shift, conduct a count, and review the count
11 slips.

12 [REDACTED]: Does this tell you
13 anything, though, that these were crossed off,
14 and these weren't?

15 [REDACTED]: Yeah. Unless, I don't know
16 why --

17 [REDACTED]: Do you think that they
18 were replaced at a later date, or -?

19 [REDACTED]: I mean, it gives the
20 appearance. Because at first, I would want to
21 know, why you cross out. Why these --

22 [REDACTED]: They cross out because,
23 as things come in --

24 [REDACTED]: No.

25 [REDACTED]: -- you check it off.

1 [REDACTED]: So, that's what I want to
2 know. Like, whose habit is this? Like, okay,
3 I'm looking at -.

4 [REDACTED]: So, basically, I think it's
5 standard practice, as a control officer?

6 [REDACTED]: No. I mean, I've worked
7 control, and what I would do is, I would do the
8 check off, if I'm doing this. I've never -.
9 And that's people's style.

10 [REDACTED]: Okay.

11 [REDACTED]: That might be their style.
12 So, I just want to know -.

13 [REDACTED]: This one is Cale
14 (Phonetic Sp. *02:28:46), I believe.

15 [REDACTED]: Huh?

16 [REDACTED]: Cale.

17 [REDACTED]: So then --

18 [REDACTED]: This one.

19 [REDACTED]: -- then that's how Cale does
20 it. So, my question is then, why isn't this
21 done --

22 [REDACTED]: Right.

23 [REDACTED]: -- like that. I mean,
24 this, if Cale does it like that, then that's
25 his consistent way of checking it out. But if

1 this is all on that shift -.

2 ██████████: But point being, you will
3 agree, this indicates that, from 4:00 p.m. on,
4 the counts were not conducted. Correct?

5 ██████████: No. They weren't done
6 right.

7 ██████████: The SHU counts?

8 ██████████: Yeah.

9 ██████████: Okay. Then we don't need
10 to really go into too much --

11 ██████████: Mm-hmm.

12 ██████████: -- detail with that. Is
13 this the first that you are seeing this?

14 ██████████: Yeah. I haven't seen that
15 before.

16 ██████████: Okay.

17 MR. HAYES: This was still on the counts?

18 ██████████: No.

19 ██████████: Now, we're going to move
20 on because the warden agrees that there is not
21 really reason to really dig further, because he
22 agrees this clearly shows that the counts were
23 not conducted in the SHU, from a certain time
24 on.

25 ██████████: Do you want to ask about the

1 Fernandez key?

2 ██████████: What about it?

3 ██████████: Who's responsible?

4 ██████████: So, Fernandez -. Oh, can
5 you just - sorry - would you mind signing,
6 initialing and just dating? If Fernandez was
7 actually removed from the SHU --

8 ██████████: Mm-hmm.

9 ██████████: -- and placed onto R, you
10 know, RA dry cell, or R&D dry cell, oh, RA and
11 R&D are interchangeable. Correct?

12 ██████████: RA --

13 ██████████: Because RA for - RA, I
14 believe, is what it shows in the count slip,
15 but it stands for the R&D --

16 ██████████: That's the R&D --

17 ██████████: -- right?

18 ██████████: -- area. I believe. Yeah.

19 ██████████: So, if he's actually
20 moved there around the 3:00 p.m., on August
21 9th, 2019, who would have been responsible for
22 keying him out of the SHU, and placing him into
23 the RA, so that the count would be accurately
24 reflected?

25 ██████████: SHU would have notified

1 control center, that we are moving one over to
2 R&D.

3 [REDACTED]: And by that notification,
4 do they also say, can you please key him out,
5 and into? Or is that just automatically done
6 by control?

7 [REDACTED]: Well, the notification is
8 made to control that inmate such and such is
9 being placed on dry cell in R&D. And then, you
10 key the inmate to that area.

11 [REDACTED]: Sure.

12 [REDACTED]: So, I'll give you a quick
13 background. It looks like [REDACTED] --

14 MR. HAYES: Who is that?

15 [REDACTED]: Right.

16 [REDACTED]: -- witnessed this.

17 [REDACTED]: (Indiscernible

18 *02:31:02).

19 [REDACTED]: Uh-huh.

20 [REDACTED]: And he wrote up the shot.

21 [REDACTED]: Right.

22 [REDACTED]: And he called the lieutenant.

23 He requested the lieutenant.

24 [REDACTED]: Right.

25 [REDACTED]: And it looks like he

1 requested the lieutenant, but he never notified
2 control --

3 [REDACTED]: Okay.

4 [REDACTED]: -- that an inmate was being
5 moved. Right? If - and I'm (Indiscernible
6 *02:31:20).

7 [REDACTED]: Well, no, no, no, no. I
8 wouldn't (Indiscernible *02:31:21) --

9 [REDACTED]: He doesn't recall --

10 [REDACTED]: -- I wouldn't --.

11 [REDACTED]: But then, while the counts
12 are going on, there is somebody in R&D. So,
13 whoever is sitting in R&D should know that I
14 need to do a count slip because I have an
15 inmate down there.

16 MR. HAYES: Is this where somebody
17 disappears, that we're looking for?

18 [REDACTED]: Right.

19 [REDACTED]: Again, I told you, this
20 was more of an administrative thing. Just to
21 say what does the warden, you know, and the
22 boss of this place, what is his take on these
23 matters? Because as you have gathered, a lot
24 of things went wrong this day. So, we need to
25 figure out why these things went wrong. So,

1 this is -. Let me just make sure, before we
2 move on, that I got everything. All right?
3 So, first, before we get into rounds, when a
4 lieutenant conducts a round in the SHU --

5 ██████████: Mm-hmm.

6 ██████████: -- are they required to
7 conduct a round of the inmates going up and
8 down the different tiers, or does the round
9 consist of just checking in with the officers
10 to make sure everything is okay?

11 ██████████: Well, you check the officer
12 to make sure they are all right, and you check
13 the documentation. So, you check, you know,
14 you edit, you would have to review the post
15 orders also. To state what their duties are.
16 I mean, all of us had different, you know, I
17 was a lieutenant, so it was different things
18 you did, but I always checked the 292s, to make
19 sure, you know, the officers checked off, you
20 know, if the person ate or not. Any medical.
21 I would check to see if medical came up. So,
22 it would factor and depend on what shift you
23 went on. You know, the day shift, the inmates
24 are up, so you're going, you know, you can go
25 around. Evening shift, you can see what's

1 going on. The midnight shift, they're
2 sleeping. But you are definitely checking a
3 30-minute log, to see if the inmates are doing
4 their 30-minute checks. And, you know, just
5 documentation.

6 ██████████: Now, as ██████████, did
7 you expect your lieutenants, though, to go down
8 range when they were doing their lieutenant
9 visits in the SHU? Their rounds. And this is
10 specifically when they are, like, signing off
11 on the different, like, on, as you can see,
12 this is what I'm going to be showing you.
13 These are round sheets that --

14 ██████████: Mm-hmm.

15 ██████████: -- you sent to Mr.
16 ██████████, where it shows the different
17 lieutenants signed on/off that they did their
18 round.

19 ██████████: But what does --

20 ██████████: So, what does that -?

21 ██████████: -- what the lieutenants are
22 checking for is accuracy of the officer's
23 rounds.

24 ██████████: Okay. This is -.

25 ██████████: So, what they are checking

1 is, okay, were the 30-minute infrequent checks
2 done? Now, if there is an easy, that they are
3 not being done, you know, so, you know, then it
4 needs to be annotated and said, okay, this is
5 what the issue was. But if they are signing
6 it, they are kind of acknowledging that, you
7 know, that the time that the round will put
8 down, that they were down.

9 [REDACTED]: Now, what would be -?
10 This is the round, it looks like for 8/8. Can
11 you think of a reason why these wouldn't be
12 done? But they would be signed off on right
13 here?

14 [REDACTED]: Let me see. So, if a
15 lieutenant made rounds and saw this thing was
16 empty like this, then it is a problem.

17 [REDACTED]: Because you have this
18 8/8. And then, there is zero rounds showing
19 that they were conducted, but this lieutenant
20 signed it.

21 [REDACTED]: That's a problem.

22 [REDACTED]: The same thing. We go,
23 this whole thing. So, this whole shift looks
24 like they didn't even sign it until here. On
25 8/8.

1 [REDACTED]: Wait. Did you print these
2 off the logbook, or -?

3 [REDACTED]: This is what you sent to
4 [REDACTED].

5 [REDACTED]: Right.

6 [REDACTED]: On Saturday, August 10th,
7 at 6:21 p.m.

8 [REDACTED]: Now, the only other thing I
9 can think of, and when I had gathered
10 something, I might have said, because the
11 checks are done at, like -. No, these are 30-
12 minute checks, so they --

13 [REDACTED]: This is also --

14 [REDACTED]: -- you know, these are --

15 [REDACTED]: -- this is the day, this
16 is two days before Epstein was found.

17 [REDACTED]: -- no, this is -. No. I
18 was thinking of the log. The log did it
19 electronic. But this, no. This --

20 [REDACTED]: We have the electronic
21 version.

22 [REDACTED]: -- yeah. This is --

23 [REDACTED]: Which one?

24 [REDACTED]: -- no, this is -. That
25 means --

1 [REDACTED]: So, this is just wrong?

2 [REDACTED]: -- yeah. This is wrong.

3 [REDACTED]: Should have this

4 [REDACTED] signed that?

5 [REDACTED]: No. He should have signed

6 it. They should have put something --

7 [REDACTED]: Okay.

8 [REDACTED]: -- listed as some

9 discrepancy, why the checks weren't done.

10 [REDACTED]: And on these, whereas it

11 looks like, this lieutenant is signing, it

12 looks like probably because these are done. Do

13 you think that is the reason why this

14 individual hadn't signed these? Because these

15 weren't correct?

16 [REDACTED]: Probably. I can't speculate

17 on that.

18 [REDACTED]: Because it says --

19 [REDACTED]: I can't.

20 [REDACTED]: -- reviewed by morning

21 watch [REDACTED]. Where they do that, well,

22 that [REDACTED] does start signing it here,

23 where they are now filled out.

24 [REDACTED]: Right.

25 [REDACTED]: For the same date.

1 [REDACTED]: So, this looks - hey, I
2 don't know who it was - but this looks
3 (Indiscernible *02:36:10) worked it.

4 [REDACTED]: Okay.

5 [REDACTED]: Let me see how those 30-
6 minute. That's the same one. I don't know who
7 it was. Who it was.

8 [REDACTED]: Okay. So, that was
9 (Indiscernible *02:36:19). Certainly go look,
10 but whomever it was during those shift. And
11 then, we get into, it looks like,
12 (Indiscernible *02:36:30) still. And these.
13 Here is the 8/9. Where --

14 [REDACTED]: Right.

15 [REDACTED]: -- it's signed off,
16 signed off, until 2:00 p.m.

17 [REDACTED]: That's a problem.

18 [REDACTED]: After that, no sign off.
19 Same thing.

20 [REDACTED]: Yeah.

21 [REDACTED]: That's just when I think
22 [REDACTED] left his shift, or somewhere around
23 that time. So -.

24 MR. HAYES: The point of this, if I may
25 ask, is we got a miscount, right?

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: We're not --

3 MR. HAYES: This is --

4 [REDACTED]: -- we've moved on from
5 counts. Now we're on rounds.

6 MR. HAYES: Okay. Now, counts. The
7 significance of the counts is, at some point,
8 Reyes disappears?

9 [REDACTED]: No. The significance of
10 the counts is that, if inmates - or if the
11 staff members aren't conducting counts and -
12 counts are to the accountability of the
13 inmates, to make sure everybody is there.

14 MR. HAYES: Right.

15 [REDACTED]: Rounds --

16 MR. HAYES: Mm-hmm.

17 [REDACTED]: -- are basically to make
18 sure everyone is alive and breathing. Is that
19 correct, sir?

20 [REDACTED]: You are right. Counts are
21 accountability, and then, the 30-minute checks
22 are basically safety checks.

23 [REDACTED]: So, the point of these
24 questioning is, it looks like at - what we just
25 finished was counts - we have shown that the

1 staff members were not conducting their counts.

2 [REDACTED]: Right.

3 MR. HAYES: Right. Because that is why
4 you have 72 when it should be --

5 [REDACTED]: Now we are doing rounds.

6 MR. HAYES: -- (Indiscernible *02:37:41).

7 [REDACTED]: To find out were the
8 staff members conducting their rounds.

9 MR. HAYES: Got it.

10 [REDACTED]: And again, we have, in
11 this case, a very high-profile inmate that was
12 deceased. Became deceased at some point.

13 MR. HAYES: And they think --

14 [REDACTED]: And --

15 MR. HAYES: -- plus it's whether they --

16 [REDACTED]: -- yeah, it --

17 MR. HAYES: -- noticed on their rounds
18 that the guy was deceased.

19 [REDACTED]: -- if they were
20 conducting --

21 MR. HAYES: Or --.

22 [REDACTED]: -- rounds at all. And if
23 they were conducting rounds, would that be -
24 and this is a question to you, like, we'll ask
25 you now, since I'm making that explanation - if

1 they were conducting their rounds, would that
2 be a way to at least try to help ensure that
3 inmates such as Epstein were alive and well? I
4 know it's not going to prevent it in every
5 case, but is that part of the reason, to make
6 sure that, if they are conducting a round, you
7 are checking to see if they are alive, and they
8 are breathing.

9 ██████████: It is true, but I mean, and
10 because I mean, an inmate can, you know, you
11 can do your 30-minute rounds, and if they want
12 to do their harm to themselves, they are going
13 to do it.

14 ██████████: Right. And that goes
15 into play with why --

16 MR. HAYES: They just --

17 ██████████: Right.

18 MR. HAYES: -- they just look, they do
19 rounds by looking in their cell.

20 ██████████: Right.

21 MR. HAYES: So, if you want to --

22 ██████████: To check.

23 MR. HAYES: -- do harm, you just wait
24 until they go passed your cell.

25 ██████████: Right. And then, you kind

1 of figure out the timing of the route. But the
2 fact remains, if you are not showing on the
3 form that you did your rounds, then that's,
4 that's a problem.

5 [REDACTED]: So, when you are looking
6 at these rounds that you sent [REDACTED], are
7 you finding problems because they are not
8 completed correctly? You know, what we just
9 looked through. In fact, you know, these are
10 August 10th. (Indiscernible *02:39:09),
11 they're not signed off. There's blocks that
12 are not filled in.

13 [REDACTED]: Yeah. Looking at them now?

14 [REDACTED]: Right.

15 [REDACTED]: What is the question?

16 [REDACTED]: Well, does it show you
17 that, at least this paperwork doesn't appear to
18 be filled out correctly?

19 [REDACTED]: Yes.

20 [REDACTED]: And that is for the 8th,
21 as well?

22 [REDACTED]: Right.

23 [REDACTED]: Okay. So, that was --

24 MR. HAYES: And that is something, it was
25 your job to pass that on to [REDACTED]?

1 [REDACTED]: No. He requested --

2 [REDACTED]: No, no, no, no.

3 [REDACTED]: -- the information.

4 [REDACTED]: This is just to show that

5 --

6 [REDACTED]: Yeah.

7 [REDACTED]: -- what the round sheets

8 that [REDACTED] sent to [REDACTED]

9 were these rounds. So, it's just a matter of,

10 hey, do you know if these rounds were -? It

11 has nothing to do with his, you know, if he did

12 it right or not. It's, what his staff members

13 --

14 MR. HAYES: Right.

15 [REDACTED]: -- doing it right.

16 MR. HAYES: Right.

17 [REDACTED]: And who was responsible

18 to make sure the round sheets are done

19 correctly?

20 [REDACTED]: Well, the staff working up

21 there are responsible. And then, the

22 supervisor is supposed to ensure that they are

23 doing it.

24 [REDACTED]: And what is this? This

25 was also attached. What is that right there,

1 that we are looking at?

2 ██████████: Hmm.

3 ██████████: TruScope logs?

4 ██████████: Yeah. This looks like

5 TruScope. This looks like the log. And so,

6 like, if they are doing what areas they search.

7 ██████████: And these are searches?

8 ██████████: Yeah. These looks like

9 searches.

10 ██████████: Okay.

11 ██████████: Let me see that. Search.

12 Did the areas. Visiting. Strip room.

13 Recreation area. Yeah. These are --

14 ██████████: Okay.

15 ██████████: -- these are search areas.

16 ██████████: Does it show anywhere in

17 there that there was any cells that were

18 searched, or are they just all, like, common

19 areas?

20 ██████████: No. They searched it. Look

21 how -. What is this? Nine South. SHU.

22 Completed all. These are, these looks like

23 everything they have done in there. The fire

24 and safety checks. This is - it looks like the

25 log.

1 [REDACTED]: Okay. So, this goes with
2 you.

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: So, all to this. This is
5 something else that we asked for the BOP to
6 print out for us, and this one specifically one
7 we asked. When you send us the cell searches
8 that were conducted on 8/9/2019 --

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: -- we got back one. By
11 Mr. [REDACTED].

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: It say that it was
14 conducted at 12:36 p.m.

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: On 8/9/2019.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: Is that a problem? That
19 only one cell search was conducted in the SHU?
20 According to, at least according to TruScope.

21 [REDACTED]: Because I believe the post
22 orders state it is supposed to be - and don't
23 quote me on it --

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: -- you have to look at the

1 post orders - but they state, I think five a
2 shift. A minimum of five.

3 [REDACTED]: It's five, I believe --

4 [REDACTED]: Yeah.

5 [REDACTED]: -- for the night watch.

6 The day watch, I believe, is more. And the
7 morning --

8 MR. HAYES: They're supposed to do five --

9 [REDACTED]: -- watch is just

10 (Indiscernible *02:41:59).

11 MR. HAYES: -- cell searches?

12 [REDACTED]: No, no. Each shift is a
13 minimum of five.

14 [REDACTED]: I don't think --

15 [REDACTED]: And then --

16 [REDACTED]: -- that includes that
17 morning watch, though --

18 [REDACTED]: -- the morning watch is --

19 [REDACTED]: -- because there's --

20 [REDACTED]: -- area.

21 [REDACTED]: -- right.

22 [REDACTED]: Yeah. You are --

23 [REDACTED]: Common areas.

24 [REDACTED]: -- picking the common area.

25 MR. HAYES: So, let me get this clear.

1 [REDACTED]: Yeah.

2 MR. HAYES: You are supposed to do five
3 cell shifts, five cell searches per shift?

4 [REDACTED]: Yes. That is -.

5 MR. HAYES: All right. And in this case,
6 there is only an indication that they did one?

7 [REDACTED]: One. Right?

8 [REDACTED]: One the whole day.

9 [REDACTED]: One the day whole.

10 [REDACTED]: Not per shift. The whole
11 day.

12 MR. HAYES: Okay. Now, whose job is it --

13 [REDACTED]: No.

14 MR. HAYES: -- to say why aren't you doing
15 those? I was going to use the F word. Why
16 aren't you doing all the cell shifts?

17 [REDACTED]: Well, this is, this is my
18 question to [REDACTED] is, is that a problem,
19 that there was only one logged into TruScope?

20 [REDACTED]: Mm-hmm. It is a problem.

21 [REDACTED]: Does that indicate that
22 the cells were not being searched, to you? Or
23 that they just weren't logging them in?

24 [REDACTED]: And again, whoever was
25 working that day, you're going to have to ask

1 them. I mean --

2 ██████████: And we have.

3 ██████████: -- looking at --

4 ██████████: And it was just --

5 ██████████: -- looking on paper, I mean,
6 it shows you didn't, you didn't conduct your
7 searches.

8 ██████████: Okay.

9 ██████████: I mean, now, there might
10 have been a reason where the person said, okay,
11 the computers were down or whatever, but it is
12 highly unlikely for --

13 MR. HAYES: So, but you are literally
14 going into a cell and search it? Does that
15 mean --

16 ██████████: Yeah, yeah.

17 MR. HAYES: -- you throw over the
18 mattresses, the whole thing?

19 ██████████: No. You pull them out. You
20 look at --

21 MR. HAYES: Okay.

22 ██████████: -- look and check the
23 lockers. You check under their stuff. You
24 know, and you typically do it, like on certain
25 days when the guys are going out to take a

1 shower, you might go out and do that.

2 [REDACTED]: So, with your suggestion
3 that computers could be down and things like
4 that, as you can see from the email attachment
5 that you said, there are certainly plenty of
6 searches that were entered in there --

7 [REDACTED]: Oh.

8 [REDACTED]: -- but there is only one
9 cell search.

10 [REDACTED]: Right.

11 [REDACTED]: And so, I would assume,
12 would that indicate that the computers are
13 actually up and running?

14 [REDACTED]: Yes. So, this one, this is
15 the same day?

16 [REDACTED]: What are you looking --

17 [REDACTED]: That could be (Indiscernible
18 *02:43:42).

19 [REDACTED]: -- yeah, this should be
20 8/10, and 8/9 and 8/10.

21 [REDACTED]: 8/9 --

22 [REDACTED]: I would think.

23 [REDACTED]: -- reg number. Reg number.

24 [REDACTED]: It shows the dates here.
25 I just can't see them.

1 [REDACTED]: Yeah. Change base. Yeah.

2 This is a search one. This is the log.

3 [REDACTED]: Okay. So, problematic,
4 in your opinion?

5 [REDACTED]: Yes. It is.

6 [REDACTED]: All right. So, not only
7 searching them, but is it equally as important
8 to actually log it in, as well, so that we know
9 whether things are being searched?

10 [REDACTED]: Yes. You should log it.

11 [REDACTED]: All right. Now, this,
12 this comes to the kind of question on this.
13 When Epstein was found, are you aware that he
14 was in a cell that didn't coincide with what
15 his inmate history quarters, and what the BOP
16 database said, where he should have been? He
17 was in the wrong cell.

18 [REDACTED]: I did hear, afterwards, that
19 there were some issues with Sentry and the way
20 they keyed into the cells.

21 [REDACTED]: All right. And what did
22 you hear?

23 [REDACTED]: I think, just that the cell,
24 the way the inmates were being keyed in was
25 off, it didn't match this cell.

1 [REDACTED]: Right.

2 [REDACTED]: That.

3 [REDACTED]: So, yeah, his assigned
4 cell within the BOP database was not where he
5 was located --

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: -- in person. At least
8 when he was found on August 10th, 2019.

9 [REDACTED]: Right.

10 MR. HAYES: Now, is that something that is
11 - I should shut up, right?

12 [REDACTED]: No, no. I'm good.

13 [REDACTED]: Go ahead.

14 MR. HAYES: Now, is that something that
15 goes on up to you? Is that your responsibility
16 to see where guys are being celled?

17 [REDACTED]: No. But I mean --

18 [REDACTED]: Yeah. Most of my
19 questions to him isn't that --

20 [REDACTED]: Right.

21 [REDACTED]: -- it's his
22 responsibility, it's whose responsibility was
23 it?

24 MR. HAYES: Okay. Got it.

25 [REDACTED]: And then -.

1 [REDACTED]: So, who should have made
2 sure that Epstein's cell, in the BOP database,
3 matched where he was physically located?
4 Because obviously, people get a hold of the
5 information that he wasn't in his assigned
6 cell. You know, that is just more reason to
7 people not trusting the government. So, we are
8 just trying to figure out -.

9 [REDACTED]: Well, and this is not a
10 problem limited to one person. It is a problem
11 - and I think it is a Bureau-wide problem, as
12 far as specific keying in cells. I don't think
13 this was done in a malicious -.

14 [REDACTED]: So, what happened here,
15 our investigation shows is that when he came
16 back from --

17 [REDACTED]: Right.

18 [REDACTED]: -- from suicide, or
19 psychological observation, he was placed into
20 the cell that it shows on July 30th, on this
21 form. However, because his - is it CPAP
22 (Phonetic Sp. *02:46:24)?

23 [REDACTED]: CPAP.

24 [REDACTED]: His CPAP machine, the
25 cord didn't reach the plug.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: So, they had to move him
3 to a different cell.

4 [REDACTED]: Right.

5 [REDACTED]: So, from July 30th to
6 August 10th, he was in the incorrectly assigned
7 cell. No one ever caught that. No one ever,
8 you know, and my thought being is, well, if
9 they are doing their cell searches --

10 [REDACTED]: Oh, I thought you meant --

11 [REDACTED]: -- wouldn't --.

12 [REDACTED]: -- the cell didn't match up
13 with --

14 [REDACTED]: No, no, they --

15 [REDACTED]: -- (Indiscernible
16 *02:46:52).

17 [REDACTED]: -- they logged him into
18 the cell that he was placed in, coming out of
19 psychological observation.

20 [REDACTED]: Right.

21 [REDACTED]: On the 30th. Then, they
22 physically moved him to a different cell.

23 [REDACTED]: Right.

24 [REDACTED]: On the 30th. Because his
25 CPAP machine wasn't, the cord didn't reach.

1 MR. HAYES: What is a CPAP machine?

2 [REDACTED]: It's the snore -. It's
3 to help you breathe when you are sleeping.

4 [REDACTED]: Mm-hmm.

5 MR. HAYES: And he needed a CPAP machine?

6 [REDACTED]: Yes, sir.

7 [REDACTED]: For the snoring.

8 [REDACTED]: So --

9 MR. HAYES: Don't call me sir. Please.
10 I'm old. All right? You're reminding me.

11 [REDACTED]: And so, no one ever went
12 back into the system from, all the way from the
13 30th up to August 10th, and made that
14 correction.

15 [REDACTED]: Right.

16 [REDACTED]: Who was responsible for
17 that?

18 [REDACTED]: So, whoever made the cell
19 change should have contacted control center.

20 [REDACTED]: And is the control center
21 that actually made the change, not the
22 individuals in SHU, or the SHU [REDACTED]?

23 [REDACTED]: No. The --

24 [REDACTED]: Because my understanding
25 it would have been the SHU [REDACTED] or the

1 OIC.

2 [REDACTED]: Bed changes?

3 [REDACTED]: To verify their cellmates
4 where were the -. Wherever the BOP databases
5 said they are.

6 [REDACTED]: So, you have to, you would
7 have to call control center to make that
8 change.

9 [REDACTED]: Okay. So, who should
10 have called the control center?

11 [REDACTED]: Whoever made the change in
12 Sentry. Because I - and then, don't quote me
13 if I'm wrong - because I don't believe SHU
14 staff have control over keying where an inmate
15 is in.

16 [REDACTED]: Yeah. No. I thought the
17 OIC might, or the that the SHU --

18 [REDACTED]: No, because --

19 [REDACTED]: -- [REDACTED] would.

20 [REDACTED]: -- in that case, beds would
21 be really messed up.

22 [REDACTED]: Right, right, right.

23 [REDACTED]: So, the control center is a
24 centralized area.

25 [REDACTED]: Okay.

1 ██████████: So, a call should have been
2 made down to control, saying, hey, this is
3 where he's being keyed to, and this is what -.

4 ██████████: And who should have made
5 that call?

6 ██████████: Whoever made the change.
7 Whoever switched him.

8 ██████████: And my understanding is
9 that the OIC and the SHU ██████████ were
10 supposed to review cell assignments, to make
11 sure inmates were in their assigned cells, at
12 least on a periodical basis. Is that correct?

13 ██████████: Yeah. You do a, what we
14 call a bed book check, to make sure. Because
15 your board, you know, when you are in the unit,
16 you have a board up there, and you just match
17 where everyone is at.

18 ██████████: And how often should that
19 happen?

20 ██████████: There is no set policy, but
21 as a good practice, you know, you kind of want
22 to check what your open cells are, where, you
23 know, where individuals are. And should it
24 also be checked if they were doing cell
25 searches? Would that be caught, if they were

1 doing searches?

2 ██████████: Well, if you are doing a
3 cell search, all you are going to do is put
4 down the cell number, and the individual in it.
5 It wouldn't -. You wouldn't necessarily be
6 able to find out if it is the correct room.

7 ██████████: Okay.

8 ██████████: And the correct bed in
9 Sentry.

10 ██████████: All right.

11 ██████████: But, you know -.

12 ██████████: So, in this instance,
13 then, and I'll shut up so I can actually let
14 you answer, who --

15 MR. HAYES: I have the same problem.

16 ██████████: -- who is it that should
17 have notified control center to make this
18 change? It sounds like you said whoever
19 physically moved him, at the time?

20 ██████████: So, what happens is, whoever
21 physically moved him should have said, okay,
22 this is where, you know, you are, this is where
23 we are moving him. And then, you let the -
24 typically - the OIC know, and then, they will
25 call down to control center.

1 [REDACTED]: And if that didn't -.

2 MR. HAYES: Can I speak to my client for a
3 second?

4 [REDACTED]: Yeah.

5 [REDACTED]: Sure.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: Do you want me --

8 [REDACTED]: Yeah.

9 [REDACTED]: -- do you want me to push
10 pause?

11 [REDACTED]: No.

12 MR. HAYES: Yeah, no. I'll take him to
13 the other -.

14 [REDACTED]: Okay.

15 [REDACTED]: Sure. Okay. It's 4:46
16 p.m., and this is Senior Special Agent [REDACTED]
17 Matulewicz, and I'm pushing pause.

18 (Whereupon, the above-entitled matter went
19 off the record and back on the record).

20 [REDACTED]: The recorder is back on.
21 It is 4:53 p.m., after a short break. And I
22 remind you, sir, you are still under oath.

23 [REDACTED]: Mm-hmm.

24 [REDACTED]: All right. So, we
25 stopped with the, we were talking about who was

1 responsible for making sure Mr. Epstein was
2 logged into the correct cell within the --

3 [REDACTED]: Question.

4 [REDACTED]: -- BOP database system.

5 [REDACTED]: Were there other cells that
6 were wrong?

7 [REDACTED]: Do you know that, [REDACTED]?

8 [REDACTED]: Not -. We don't know if -.
9 This, we know only because we checked this.

10 [REDACTED]: Okay. So, I mean,
11 everything else could have been right, and that
12 could have been a --

13 [REDACTED]: No. Well, we found out,
14 this is the reason was because, again, he was
15 placed into that cell, and then moved because
16 of the CPAP machine.

17 [REDACTED]: No. I was --

18 [REDACTED]: Well, our question was --

19 [REDACTED]: -- you know, wondering if it
20 is a systematic, or an individual problem.

21 [REDACTED]: Correct.

22 [REDACTED]: That's why I was just
23 curious.

24 [REDACTED]: Yeah. And that's
25 something that we should probably -.

1 MR. HAYES: Well, and my question is, does
2 that have any effect on count? I mean, they
3 still should be able to look in the cells if
4 there was a (Indiscernible *02:51:28).

5 ██████████: Well, when --

6 ██████████: Well, the problem comes
7 in, again, I think is the credibility of, hey,
8 now we have Epstein, who was found in a cell,
9 and it's not his assigned cell. So, that just,
10 you know --

11 MR. HAYES: But I'm saying --

12 ██████████: -- the media says all of
13 these things that went wrong.

14 MR. HAYES: -- yeah.

15 ██████████: One being --

16 MR. HAYES: I've had that.

17 ██████████: -- wait, he's not even in
18 the right cell. Well, how did that happen, and
19 who was responsible?

20 MR. HAYES: Okay. Now, so, my question
21 is, does it make any difference? I mean, if
22 they are supposed to do the count, the count is
23 you look in the cell, and see --

24 ██████████: Right.

25 MR. HAYES: -- whether there's a guy in

1 there. Well, whatever number he's in, or he's
2 not in, he's still in his cell.

3 ██████████: No. Correct.

4 MR. HAYES: You know?

5 ██████████: But because we are doing
6 this deep dive review --

7 MR. HAYES: Okay. I gotcha.

8 ██████████: -- it's showing these
9 different, you know --

10 MR. HAYES: Got it. Okay.

11 ██████████: -- and again, this is,
12 this is one of those things --

13 MR. HAYES: You're just being extra
14 careful. Yeah. It's (Indiscernible
15 *02:52:14).

16 ██████████: -- and not like
17 (Indiscernible *02:52:15). Yeah. We just have
18 to, we have to address the fact that --

19 MR. HAYES: He wasn't in the right cell.

20 ██████████: -- Mr. Epstein wasn't in
21 the cell that he was assigned to.

22 MR. HAYES: Okay. I mean, it's not just
23 that. Someone (Indiscernible *02:52:22) that
24 he said, oh, he doesn't have a roommate, and,
25 you know, by the way, we also counted the wrong

1 number of prisoners.

2 [REDACTED]: Right.

3 MR. HAYES: That's a lot of mistakes.

4 [REDACTED]: Right. And we haven't
5 even gotten involved.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: As I'm sure you know.

8 But --

9 MR. HAYES: Right.

10 [REDACTED]: -- so, after the person
11 who moved him didn't contact and have this
12 changed, how would have, then, how would we,
13 then, how would have anyone found out that he
14 was in the wrong cell? What processes are in
15 place to ensure that where they are matches up
16 with the actual database?

17 [REDACTED]: Well, I guess if they were
18 doing --

19 [REDACTED]: You said bed book counts?

20 [REDACTED]: -- yeah. Usually, you could
21 do, you do your bed book counts, to ensure, you
22 know, that every inmate is in the cell that
23 they are supposed to be. When you are updating
24 your accountability board, you would look and
25 see, okay, you got him here, where is he at?

1 And then, match it up with, you know, with
2 Sentry.

3 ██████████: And who would be doing
4 those things?

5 ██████████: The staff working up there
6 in SHU.

7 ██████████: Is the ██████████, the
8 SHU ██████████, at all involved, as far as you
9 know, in making sure that this is all accurate?

10 ██████████: Well, he was spearheading it
11 to make sure everything was --

12 MR. HAYES: He was the supervisor.

13 ██████████: -- was right. Yeah. He was
14 the supervisor. But going in and saying, okay,
15 let's, did this happen? Have we done this?
16 And have we done that?

17 ██████████: Okay.

18 MR. HAYES: And -. Okay. Just to make me
19 clear, somebody dropped the ball as to whether
20 or not he should have a, he had a roommate.

21 ██████████: Right.

22 MR. HAYES: Okay. And somebody dropped
23 the ball as to whether he was in the right
24 cell.

25 ██████████: Right.

1 MR. HAYES: Okay. And then, somebody
2 would have dropped the ball as to either,
3 dropped the ball or they maliciously didn't
4 find out that he wasn't on the count. They had
5 said we did a count, but they didn't notice
6 that, or didn't - that he wasn't breathing, you
7 know what I mean?

8 [REDACTED]: Right.

9 MR. HAYES: Okay. That starts to be a
10 problem.

11 [REDACTED]: So, [REDACTED] just pointed
12 out to me. On the after-action review --

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: -- they did review this.

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: And it says that,
17 according to their review --

18 [REDACTED]: Right.

19 [REDACTED]: -- this is not my review.

20 [REDACTED]: Right.

21 [REDACTED]: Or [REDACTED] review.

22 "Significant discrepancies exist within Sentry
23 regarding cell quarters assignments." QTR.
24 QTR. "Although it is well documented, inmate
25 Epstein was housed with two other inmates

1 during his assignment in the SHU. Sentry does
2 not reflect this information accurately.
3 Inmate Epstein was found within cell 220, that
4 Sentry never reflects him being housed within
5 that cell at any time." But to answer your
6 question, the first sentence says that there is
7 significant --

8 ██████████: Okay.

9 ██████████: -- discrepancies.

10 ██████████: Mm-hmm.

11 ██████████: The way that I read that
12 is, overall, whether they are referring to
13 specifically Epstein --

14 ██████████: Epstein.

15 ██████████: -- that, I am not able to
16 determine --

17 ██████████: Right.

18 ██████████: -- based upon that
19 sentence, but it does sound like, overall, that
20 they had some discrepancies. So, ██████████
21 Rice would have supervised it, but it's really
22 the staff that would be responsible for doing
23 these bed book counts, and making sure
24 assignments are --

25 ██████████: Yeah. He did it right there

1 --

2 ██████████: -- the inmates are in
3 their assigned -?

4 ██████████: -- and then, whoever is
5 moving an inmate from a cell to a cell, you
6 make the notification.

7 ██████████: And is it surprising to
8 you that almost two weeks later, that wasn't
9 caught?

10 ██████████: At two weeks later from
11 where?

12 ██████████: From -. He was placed
13 into the cell on July 30th, 2019. He's found
14 August 10th, 2019. That entire time, it was
15 never caught that he was not --

16 ██████████: In the right cell.

17 ██████████: -- locked in the right
18 cell.

19 ██████████: Yeah.

20 ██████████: Is that a significant
21 amount of time that went by without catching
22 that?

23 ██████████: Without catching it. It is.

24 ██████████: Now, is that, you know,
25 all staff that was in there, or is it, like,

1 really -?

2 ██████████: And again, and you probably
3 have to speak to the captain who was
4 responsible for doing the checks, and doing the
5 count.

6 ██████████: So, would the captain
7 have some responsibility on this, too?

8 ██████████: Well, did the captain is in
9 charge of correctional services. So, that is
10 the unit he is over.

11 ██████████: Okay.

12 ██████████: So, he has overall
13 responsibility to make sure, you know, in
14 conjunction with the ██████████, that the unit
15 is running the way it is supposed to run.

16 ██████████: And what should have the
17 captain done in order to make sure that that
18 was accurate?

19 ██████████: Well, now, there is
20 different ways of finding out if stuff is
21 accurate. Like, you have the perpetual audit
22 system. Where they are responsible - the
23 lieutenants - are responsible to conduct
24 perpetual audits. So, you can find out through
25 those, when you do it. And they are usually

1 quarterly. But if there is discrepancies and
2 things are going on in that department of
3 correctional services, we have what we call
4 perpetual audits, which he maintained the
5 records of, and that is another checks and
6 balance where you would find out if something
7 is wrong.

8 ██████████: And how often are those
9 done?

10 ██████████: Those are done quarterly.

11 ██████████: Quarterly?

12 ██████████: Yeah.

13 ██████████: All right. So, the fact
14 that this is, we are talking about, like, ten
15 or 11 days, there is a good chance that they
16 weren't done during that time period? Or do
17 you know when they would be done? Are they
18 done, like, on a certain date?

19 ██████████: What, the quarterly?

20 ██████████: Yeah.

21 ██████████: It's - and I don't know when
22 the dates of the quarter starts - but that is
23 to your checks and balance. You know --

24 ██████████: Right.

25 ██████████: -- you do your perpetual

1 audits, and then you catch it, and say, oh,
2 wow. We did an audit. And this is wrong. And
3 then, you come up with the corrective action to
4 fix it.

5 [REDACTED]: So, that's how the
6 captain could have determined, I guess --

7 [REDACTED]: Yeah.

8 [REDACTED]: -- but how, in those --

9 [REDACTED]: The captain would find out.

10 [REDACTED]: -- ten or 11 days, how
11 would have that been caught?

12 [REDACTED]: Again, you would have to see
13 your, your inmate accountability board.

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: You know, are you matching
16 Sentry, if you are pulling off Sentry and
17 matching it with what is on the board.

18 [REDACTED]: But - and I apologize
19 that I'm beating --

20 [REDACTED]: Right.

21 [REDACTED]: -- a dead horse here,
22 but, like, who does that?

23 [REDACTED]: Again, I don't know who, you
24 know, who the [REDACTED] assigned it to, who
25 the OIC. You know, everybody has different

1 duties, and --

2 [REDACTED]: So, it is not like --

3 [REDACTED]: -- different ways that work.

4 [REDACTED]: -- not like morning watch
5 does this, or it's just based upon what passed
6 down from lieutenant to the OIC --

7 [REDACTED]: Right. Like, what --

8 [REDACTED]: -- to whoever.

9 [REDACTED]: -- no, but basically, when
10 you decide to do it. You know, I mean, I can't
11 see, on the midnight shift, you are doing an
12 accountability check like that, because the
13 guys are sleeping, and, you know, you are
14 looking for a living, breathing body, but you
15 can't physically see them.

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: You know, so, what shift was
18 picked to check and say, okay, let's make sure
19 our cell, the accountability in the cell. So,
20 I can't --

21 [REDACTED]: You can't really answer
22 the question.

23 [REDACTED]: -- I can't really speak --.

24 [REDACTED]: Sure. That's fine.

25 [REDACTED]: Mm-hmm.

1 [REDACTED]: All right. Let's get
2 this stuff out of your way. If you don't mind,
3 this --

4 MR. HAYES: Am I right that we are getting
5 close to the bottom of the pile?

6 [REDACTED]: We are. We are getting
7 close.

8 MR. HAYES: Because Jesus Christ, I can't
9 take this. L-O-L. (Indiscernible *02:58:29).

10 [REDACTED]: We are -. (Indiscernible
11 *02:58:31) with this.

12 MR. HAYES: Yeah.

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: So, this is the email
15 with all the rounds, and the SHU assignment.
16 And these were separate.

17 MR. HAYES: Now, let me ask the question
18 (Indiscernible *02:58:48) the supervisors.
19 Your job is the prison. It's your job to look
20 down into the prison, as far as these counts
21 and, you know, accountability boards, and so
22 forth.

23 [REDACTED]: No. I mean, that is what
24 you have a captain for and a lieutenant for.
25 (Indiscernible *02:59:06). You know?

1 MR. HAYES: Okay.

2 [REDACTED]: And then, we touched on
3 this before, but this is an email that the
4 captain sent to you.

5 [REDACTED]: Right.

6 [REDACTED]: Regarding the lieutenant
7 rounds on 8/9 to 8/10. He sent them, he sent
8 this email on August 11th, 2019. He said,
9 [REDACTED] here are the lieutenant rounds
10 for 8/9 to 8/10. Below are the workstations
11 logged on to complete rounds."

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: But again, for you, a
14 lieutenant round, and I don't know if we ever
15 came to that conclusion, or that we may have
16 got off topic on that. But a lieutenant round
17 is used primarily to check in, and it's not
18 necessarily to go down the different ranges?

19 [REDACTED]: On the midnight shift. So,
20 they typically not, you know, unless they have
21 an issue, but like you said, you as a
22 lieutenant can walk - should walk - around and
23 see. Now, the midnight shift is hard, but the
24 other shifts, you, you know, walk around, see
25 what's going on.

1 MR. HAYES: Mm-hmm.

2 [REDACTED]: All right. So, should
3 they, though, be walking down the ranges on
4 both the morning, or the day watch and the
5 night watch? Evening watch.

6 [REDACTED]: This is what I will say.
7 You probably got to look at the post orders and
8 see --

9 [REDACTED]: Yeah. The post orders --

10 [REDACTED]: -- the post orders.

11 [REDACTED]: -- aren't clear with
12 that.

13 [REDACTED]: Yeah.

14 [REDACTED]: We haven't --

15 [REDACTED]: So, it's not --

16 [REDACTED]: -- we haven't been able
17 to --

18 [REDACTED]: It's not --

19 [REDACTED]: -- specifically
20 determine.

21 [REDACTED]: -- that's what I mean, it's
22 not a requirement.

23 [REDACTED]: Okay.

24 [REDACTED]: You know, for the
25 (Indiscernible *03:00:26), they are in there,

1 making rounds, checking the books, to see if
2 you got a problem on the range. You would call
3 that. But most lieutenants do, you know, just
4 walk the ranges. Just to see what is going on.

5 [REDACTED]: Because most lieutenants
6 that we talked to --

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: -- said that they were
9 absolutely required to do --

10 [REDACTED]: Right.

11 [REDACTED]: -- a round, just like a
12 SHU staff member --

13 [REDACTED]: Right.

14 [REDACTED]: -- was to do a round.

15 Some lieutenants --

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: -- specifically,
18 lieutenants that worked that day --

19 [REDACTED]: Right.

20 [REDACTED]: -- said, nope, there's no
21 requirement to do that.

22 [REDACTED]: But --

23 [REDACTED]: So, that's where I'm, as

24 [REDACTED] --

25 [REDACTED]: Well --

1 [REDACTED]: -- who is right?

2 [REDACTED]: No. The expectation is,
3 like you hit any unit, you make your rounds
4 within the unit. The SHU unit is no different.
5 That you say, hey, I'm going to go in there,
6 make sure everything is, you know, check on the
7 inmates. And make sure they are fine. But if
8 we are talking about the post orders, were they
9 required to? The post, you know, the post
10 orders, I don't believe had the requirement
11 that they have to, you know --

12 [REDACTED]: Okay.

13 [REDACTED]: -- physically go in the
14 (Indiscernible *03:01:24).

15 [REDACTED]: So, does that - if I
16 understand you correctly - the expectation was
17 that they conduct a round, just like a SHU
18 staff member, but there is no requirement to do
19 so?

20 [REDACTED]: Yeah. You should be walking
21 around.

22 [REDACTED]: All right.

23 [REDACTED]: To see if everything -.

24 [REDACTED]: But it's not like you
25 told them, you gave them a directive, make sure

1 you are doing this.

2 ██████████: No.

3 ██████████: So, there is no --

4 ██████████: No.

5 ██████████: -- so, if someone wasn't
6 doing it, it's not like something they would be
7 disciplined for?

8 ██████████: See, that's hard. I mean,
9 to say you would discipline. There is a
10 difference between what is written down, and
11 what you need to be doing. I mean, if you are
12 coming in, and I enter there as a supervisor, I
13 want to see what's going around the unit. I
14 might ask the officer, all right, do we have
15 any problems. The inmates, when you come on,
16 hey, they know the lieutenants on, hey,
17 lieutenant, I need to talk to you. So, you are
18 going down the ranges. You know, so, when you
19 are going down the range, you are seeing
20 something. You get to another range. The
21 inmate said, hey, I need to talk to you. So,
22 it is something you should be doing as part of
23 your rounds, and going up into SHU. Just
24 walking around, to make sure everything is -.

25 ██████████: But if you were still the

1 warden of the MCC, and found out that your
2 lieutenants, when they were signing off on
3 doing rounds --

4 [REDACTED]: Right.

5 [REDACTED]: -- and you found out that
6 they were only checking in with the staff
7 members, and they were not actually walking
8 down the ranges, is that something that you
9 would find problematic?

10 [REDACTED]: I would correct it.

11 [REDACTED]: And when you say correct
12 it, what do you mean by that?

13 [REDACTED]: I would tell, you know, get
14 with the captain, and I would tell the captain
15 they need to be, you know, in inmate grounds,
16 they need to walk the ranges.

17 [REDACTED]: So, they should be
18 walking the ranges, then?

19 [REDACTED]: Off of the post orders, it's
20 not in there, you know --

21 [REDACTED]: I know. I --

22 [REDACTED]: -- any place saying that you
23 have to do it. But as a supervisor, that like
24 any unit you walk on, you want to see what is
25 going on in the unit. So, do I want to use the

1 word "sound correctional judgment"? You know,
2 just to see, as a supervisor, what is going on.
3 I mean, you have some people that go above and
4 beyond. And then, do their job, and you have
5 some people that want to do the bare minimum.
6 But that is something --

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: -- from a rounds point of
9 view, I would say you need to make those
10 rounds.

11 MR. HAYES: Okay. Let me ask you a
12 question.

13 [REDACTED]: Mm-hmm.

14 MR. HAYES: You do the rounds. Does that
15 mean literally walk up and down this, what we,
16 what I would call the cell block?

17 [REDACTED]: Yeah. You walk around the
18 unit. You know, you are interacting with
19 inmates. You are talking to inmates. Same
20 thing with the inmates in SHU. You know, you
21 are walking around. Hey, what's going on?

22 [REDACTED]: So, what you are not
23 familiar with is the way the SHU is set up.

24 [REDACTED]: Right.

25 [REDACTED]: There is different

1 levels, and there is different --

2 MR. HAYES: Yeah, I've been to the SHU.

3 [REDACTED]: -- hallways.

4 MR. HAYES: Know what I remember about the
5 SHU? It's fucking cold.

6 [REDACTED]: Right.

7 [REDACTED]: Yeah. So, like, if you
8 are just, you can simply go in and go to the
9 officer's station, and check in with the staff
10 and say --

11 [REDACTED]: Right.

12 [REDACTED]: -- everything good? You
13 got all your paperwork in order? All your
14 paperwork is actually right here on the desk.
15 Did you find it problematic that they are
16 keeping all of their round sheets on the desk
17 versus on the ranges themselves?

18 [REDACTED]: Different places do it
19 different ways.

20 [REDACTED]: Okay.

21 [REDACTED]: Some --

22 [REDACTED]: So -.

23 [REDACTED]: -- some places have it, they
24 keep it at the end of the range, and you sign
25 it. Some have it right there, the log, you

1 know, take the logbook and they just sign it.

2 So -.

3 [REDACTED]: So, the individuals, the
4 ops lieutenants and activities lieutenant that
5 we spoke to, that worked on August 9th and
6 August 10th --

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: -- a majority of them
9 said, if not all of them, no, no, no, all I
10 needed to do was go to that officer's station,
11 check in with my officers, make sure their
12 paperwork is done, and then I left. Every
13 other [REDACTED] that we talked to said, no.

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: When you sign that paper,
16 you are signing it just like you conducted a
17 round, as if the SHU staff conducted a round.

18 [REDACTED]: Mm-hmm.

19 [REDACTED]: You had to go down every
20 range --

21 [REDACTED]: Right.

22 [REDACTED]: -- make sure everything
23 was good to go. You are not just checking on.

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: So, what we are trying to

1 say is, which one is right?

2 [REDACTED]: Well, now, for the ones that
3 are saying that I don't have to go down and
4 check every range, they are going off the post
5 office.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: The ones that are doing
8 their job, they are going around and checking
9 every time.

10 [REDACTED]: Okay.

11 [REDACTED]: Making sure the wellbeing of
12 the inmates, and you are checking on the
13 wellbeing of your staff.

14 [REDACTED]: All right. So, it kind
15 of sounds like nobody is right, and nobody is
16 wrong? They need to change the post orders?

17 [REDACTED]: Well, they would, they would
18 have - should put in --

19 MR. HAYES: Yeah.

20 [REDACTED]: -- their post orders, but
21 they should be going around, and --

22 MR. HAYES: So, they should have a rule --

23 [REDACTED]: -- the wellness check.

24 MR. HAYES: -- that says, you got to go
25 around?

1 [REDACTED]: Yeah.

2 [REDACTED]: Okay.

3 [REDACTED]: So.

4 [REDACTED]: So, no one technically
5 did anything wrong. They should just really do
6 it?

7 [REDACTED]: They should. They should
8 just do it.

9 [REDACTED]: Okay. Fair enough.

10 [REDACTED]: The term used was "sound
11 correctional judgment."

12 [REDACTED]: Yes.

13 [REDACTED]: All right. So, that -
14 again - was that email from [REDACTED] to you, with
15 the lieutenant rounds.

16 MR. HAYES: Damn. That pile is a lot
17 lower.

18 [REDACTED]: Unless you want to go right
19 back on it.

20 [REDACTED]: Now, this says --

21 MR. HAYES: Wait a minute. Wait a minute.
22 I'm fucking out of here. If you bring that
23 pile back, I'm out of here. Now, I'm going to
24 give you some of that money back, but I can't
25 take this shit no more.

1 [REDACTED]: So, this one says it's
2 from Norman Reed.
3 [REDACTED]: Mm-hmm.
4 [REDACTED]: To you.
5 [REDACTED]: Mm-hmm.
6 [REDACTED]: Who is Norman Reed?
7 [REDACTED]: He was a unit manager there
8 for the PCU Unit (Phonetic Sp. *03:06:23).
9 [REDACTED]: Okay. At the MCC?
10 [REDACTED]: Yeah.
11 [REDACTED]: It says, subject, "Weekly
12 rounds --
13 [REDACTED]: Mm-hmm.
14 [REDACTED]: -- as requested."
15 [REDACTED]: Mm-hmm.
16 [REDACTED]: So, these are weekly
17 rounds from August 4th, 10, 2019. What is that
18 for?
19 [REDACTED]: That was for our wit sec
20 unit (Phonetic Sp. *03:06:34).
21 [REDACTED]: Oh, okay.
22 [REDACTED]: Yeah.
23 [REDACTED]: So, you actually had your
24 own separate wit sec unit?
25 [REDACTED]: Yeah.

1 [REDACTED]: So, that is not in SHU?

2 Or is it?

3 [REDACTED]: Huh? No. That's not in
4 SHU. That is a separate unit all together.

5 [REDACTED]: So, why was this
6 provided? For any reason?

7 [REDACTED]: Because I like to -. I used
8 to like to track who was making their rounds
9 and not making their rounds.

10 [REDACTED]: All right.

11 [REDACTED]: So, they had to send it to
12 me every week.

13 [REDACTED]: So, was this just
14 coincidental? Nothing to do with Epstein?

15 [REDACTED]: Yeah. This had nothing to
16 do with him.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: This was probably what he
19 had to send up that week.

20 [REDACTED]: Okay.

21 [REDACTED]: It was the end of the week.

22 [REDACTED]: Okay.

23 [REDACTED]: So, that's what he sent.

24 So, that had nothing to do with him.

25 [REDACTED]: So, this has nothing to

1 do with Epstein.

2 [REDACTED]: No.

3 [REDACTED]: All right. I'm not even
4 going to --

5 [REDACTED]: Yeah.

6 [REDACTED]: -- you can keep that over
7 here, so we don't get that confused.

8 [REDACTED]: Yeah.

9 [REDACTED]: Alright. So, this one.
10 As far as this one, it says, from you to Mr.
11 [REDACTED]. It says SHU rounds.

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: What SHU rounds are we
14 looking at here? This is a new document here.

15 [REDACTED]: Okay. This is on -. This
16 is eight, for the --

17 [REDACTED]: This is for executive
18 staff --

19 [REDACTED]: -- the week starting at
20 eight --

21 [REDACTED]: -- or-?

22 [REDACTED]: -- this is starting for 8/4
23 rounds. So, this is, these are my rounds that
24 I'm doing.

25 [REDACTED]: Now, is there some kind

1 of a requirement that you conduct rounds?

2 [REDACTED]: Yeah. [REDACTED] is
3 supposed to go up and go -.

4 [REDACTED]: So, you are supposed to
5 conduct rounds in the SHU?

6 [REDACTED]: Yeah. About once --

7 [REDACTED]: Or is this --

8 [REDACTED]: -- a week. Like, you can go
9 up as many times, but, you know, [REDACTED] is
10 supposed to be going.

11 [REDACTED]: All right.

12 MR. HAYES: Now, that means you are
13 supposed to conduct rounds in the SHU?

14 [REDACTED]: Yeah. I go in the SHU. I
15 walk around and do rounds in every area of the
16 institution. So.

17 [REDACTED]: And is everyone on here
18 supposed to do a round weekly? Because I have
19 never seen this round sheet until reviewing
20 your emails.

21 [REDACTED]: No. This is every Bureau
22 institution has this. This is where you sign
23 into the Special Housing Unit. This is the
24 log. And this is showing that they made their
25 rounds. So, these are the lieutenants right

1 here, showing that they made their rounds. So,
2 at the end of the week, when they send me the
3 round sheet, and let's say it looked like this,
4 my question would be, okay, did they make
5 rounds, or did they forget to make rounds?

6 [REDACTED]: Is this and this the same
7 thing?

8 [REDACTED]: For the lieutenants, it
9 would be.

10 [REDACTED]: Just the lieutenants?
11 And no one else?

12 [REDACTED]: Yeah. No one else. This is
13 computer services. The duty officer has to go
14 up there.

15 [REDACTED]: Now, so --

16 [REDACTED]: Right there.

17 [REDACTED]: -- this shows that you
18 did two rounds.

19 [REDACTED]: Right.

20 [REDACTED]: And you are only required
21 to do one. Correct?

22 [REDACTED]: Yeah.

23 [REDACTED]: [REDACTED] programs.

24 [REDACTED]: That, she did it on Friday.

25 [REDACTED]: So, the fact that [REDACTED]

1 operations has nothing in there, is that
2 problematic?

3 [REDACTED]: And here is the other thing
4 could have happened. A lot of times, they make
5 the rounds, sometimes they forget to initial
6 and sign it.

7 [REDACTED]: All right.

8 [REDACTED]: So, what I would do is, I
9 would look at it and say, okay, when I got at
10 the end of the week, what happened? How come
11 you didn't make rounds?

12 [REDACTED]: So, all of these blank
13 spaces, were these people supposed to be doing
14 rounds in SHU?

15 [REDACTED]: Not everybody is required.
16 They should have been up there, but they are
17 not required. Like, the finance facility --

18 MR. HAYES: The correctional judgment --

19 [REDACTED]: -- food services.

20 MR. HAYES: -- would be they could go up
21 to that.

22 [REDACTED]: But health services has to
23 make rounds.

24 [REDACTED]: You're getting it.

25 [REDACTED]: The PA's.

1 MR. HAYES: By the end of the day, man,
2 I'll be ready to go to MCC myself. I hated
3 going to prison.

4 [REDACTED]: Psychology. You know?

5 [REDACTED]: So, which ones on here
6 that are actually required to conduct rounds?

7 [REDACTED]: You have the unit team
8 that's supposed to go up. The lieutenants.

9 [REDACTED]: Well, SIS, it doesn't
10 appear that they did any rounds.

11 [REDACTED]: That's --.

12 [REDACTED]: But I'm assuming they
13 certainly should have. Correct?

14 [REDACTED]: SIS should have been up
15 there, to go around. So, and again, I would
16 look at it and see who was on leave. Somebody
17 might have been on leave, not on leave.

18 [REDACTED]: And what are -- so, when
19 these type of individuals, it looks like more
20 high level such as, I mean, obviously, you are
21 the highest level, what is a warden round look
22 like? Do you all have to walk down the range,
23 or --

24 [REDACTED]: So, what I --

25 [REDACTED]: -- is that what you do?

1 ██████████: -- what I do is, I walk
2 around and I go to every cell, and I talk to
3 the guy, got any issues, any problems?
4 They're, like, no, I'm good. You might have
5 some that say, hey, I'm up here for an
6 investigation. Why am I here? Why am I up
7 here? So, I take my little notes. Okay.
8 Fine. Some of it I can address right there,
9 some of it I can't. But I would typically walk
10 around what we call is the SHU roster. Which,
11 that is the reason why you are up there. Why
12 am I up here? And, you know, a lot of times,
13 you go by it, it says --

14 MR. HAYES: It's because you are a fucking
15 mass murderer, that's why you're up here.

16 ██████████: -- and, like, you know why
17 you are locked up. And then, they would say,
18 well, how come the investigation is taking so
19 long? And it would depend. If the FBI had it,
20 if it was an OIG investigation. It would
21 depend. So, you know, I would usually tell
22 them, like, you know, it's an outside agency
23 handling. We are in contact with them. And
24 somebody will come see you.

25 ██████████: Okay.

1 [REDACTED]: Some could be up for
2 administrative, like an incident report.

3 [REDACTED]: So, you went through and
4 talked to everybody, but were you required to
5 do that, or is it just because you just were a
6 good employee?

7 [REDACTED]: I mean, that's what you
8 should be doing.

9 [REDACTED]: That's what you should
10 do. But I mean, like you talked about before,
11 well, the post orders don't say that.

12 [REDACTED]: Well, I don't have post
13 orders.

14 [REDACTED]: Right.

15 [REDACTED]: Yeah. So, I mean --

16 [REDACTED]: But you are -. But
17 something does say that you are required to do
18 it once a week?

19 [REDACTED]: There's nothing in writing
20 to tell me you have to do it. But just like I
21 visit every area, I have to, I visit every area
22 of the institution. You know, make sure I see
23 every employee going there on the off shifts.
24 I would go on the off shifts, you know, to see
25 the staff, but it's --

1 MR. HAYES: It's a surprise. In other
2 words, you are not telling them you are coming,
3 you are just going.

4 ██████████: Yeah. I'm coming up. I'm
5 making my rounds. I'm sitting, talking to
6 staff. What's your issues? I mean, it's more
7 the issue of them just work. I mean -.

8 ██████████: So, when you say there's
9 nothing in writing, saying that you should do
10 it, or is there something in writing saying
11 these people that didn't do it, that they
12 should have done it?

13 ██████████: No. And there could be
14 reasons. Now, they - and this is what I would
15 get the report and look into - like, there are
16 people that make the rounds, they come up to
17 SHU but they forget to sign in.

18 ██████████: Right.

19 ██████████: So, when I get the report, I
20 would, you know, talk to the captain, that this
21 the entrance log, and say, hey, why didn't such
22 and such make a round? Now, that ██████ might have
23 been out that week, and I had this one covering
24 both. So, they came up with the ██████.

25 ██████████: Now, is there any way to

1 determine, like, these people that, for
2 instance, visited on Friday, what time they
3 visited? Because this is the day that Reyes
4 was gone. So, it says the captain was in there
5 on Friday.

6 ██████████: Mm-hmm.

7 ██████████: Should have he noticed
8 that Reyes wasn't there?

9 ██████████: Not necessarily. If he
10 didn't go down range. And he could have come
11 up, and remember, we have Ten South that's
12 connected. So, I don't know if he came up
13 there, you know, for an issue for Ten South.

14 ██████████: Mm-hmm.

15 ██████████: So, I don't know. And then,
16 him making his rounds, even if he's making his
17 rounds, you are going to have empty cells on
18 the range.

19 ██████████: Oh, you will?

20 ██████████: Yeah. Well, somebody --

21 ██████████: Even if -

22 ██████████: -- somebody could be at
23 medical. Somebody could be on an attorney
24 visit.

25 ██████████: So, it wouldn't --

1 [REDACTED]: So -.

2 [REDACTED]: -- it wouldn't caused a
3 red flag, you don't think, if he saw, like,
4 Epstein's cell empty?

5 [REDACTED]: Well, if empty cell is
6 empty, the first thing you're saying, he's down
7 on attorney visit. Because the rounds are made
8 during the daytime.

9 [REDACTED]: And in that note, would
10 they say, though, because it says [REDACTED]-
11 [REDACTED], and it looks like was there, too --

12 [REDACTED]: Right.

13 [REDACTED]: -- should have those two
14 people, if they actually did a round, say
15 Epstein is down there, but where is Reyes?

16 [REDACTED]: I mean, they could have. I
17 mean, but Reyes could have been in the shower.

18 [REDACTED]: Mm-hmm.

19 [REDACTED]: You know? I mean --

20 [REDACTED]: But it wouldn't be
21 something that would be normally asked?

22 [REDACTED]: No.

23 [REDACTED]: It was, like, oh --

24 [REDACTED]: Hmm-mm.

25 [REDACTED]: -- Epstein, high-profile

1 guy, where is his cellmate? That wouldn't be -
2 ?

3 ██████████: No. I mean --

4 ██████████: No.

5 ██████████: -- you're just saying, okay,
6 Epstein is downstairs, his, you know, or maybe
7 his cellmate was in, in, in attorney visit, it
8 could have been on a shower day. He could have
9 been in rec.

10 ██████████: Okay.

11 ██████████: I mean -.

12 ██████████: So, you are more
13 concerned about the people that are there, as
14 opposed to who weren't there, it sounds like
15 that? To check in with them.

16 ██████████: That, I mean, you want to
17 see, making sure you are around, making rounds,
18 talking to everyone. So, I don't know what,
19 you know, what the thought process is, or, you
20 know, if somebody was in the shower or not.

21 ██████████: Mm-hmm.

22 ██████████: So.

23 ██████████: Sure. No. And I'm not
24 trying --

25 ██████████: Mm-hmm.

1 [REDACTED]: -- to get you to say
2 that.

3 MR. HAYES: How many days a week can you
4 take a shower when you're in -?

5 [REDACTED]: The entire of three times.
6 Monday. Typically, it's Monday, Wednesday, and
7 Friday.

8 [REDACTED]: And what about this one?
9 This one is from Norman Reed to you. Weekly
10 rounds on August 12th, 2019. Is this --

11 [REDACTED]: The PCU.

12 [REDACTED]: -- is this -? So, this
13 is the same thing?

14 [REDACTED]: That's the PCU unit. Wit
15 sec unit.

16 [REDACTED]: The wit sec unit.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: All right. So, this
19 might be the exact same thing as -. Oh, this
20 is what I did (Indiscernible *03:14:50).
21 Sorry. All right. That sounds good. Do you
22 mind just initialing and dating that?

23 MR. HAYES: Now, we are getting close to
24 the end.

25 [REDACTED]: Hmm.

1 ██████████: ██████████, you had two
2 follow up questions before we move on. Why
3 don't you ask those?

4 ██████████: If, if the counts and the
5 rounds were done --

6 ██████████: Mm-hmm.

7 ██████████: -- as they were supposed to
8 be done, let's say in the afternoon, by the SHU
9 C.O.s, would they have caught the fact that
10 Epstein's cell was empty, and inmate Reyes was
11 actually not where he was supposed to be? In
12 terms of that, if he was assigned, if Epstein
13 was required to have a cellmate, and Reyes was
14 transferred, would they have caught onto the
15 fact that Epstein needed a cellmate?

16 ██████████: I don't understand what -.

17 ██████████: Let's say Reyes was
18 transferred, right?

19 ██████████: Mm-hmm.

20 ██████████: If the counts and the rounds
21 were done, in the afternoon, the 4:00 p.m.
22 count, the rounds in between, if they were
23 done, would the SHU C.O.s have caught on to the
24 fact that Reyes was missing from the cell?

25 ██████████: But they already knew that.

1 [REDACTED]: If the word of mouth -.

2 [REDACTED]: So, the claim is --

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: -- [REDACTED] made up that
5 stuff in the memo. And Davis says [REDACTED]
6 never told me that.

7 [REDACTED]: Right.

8 [REDACTED]: That they say that's
9 bullshit, and he's lying.

10 [REDACTED]: Right.

11 [REDACTED]: The people that he said
12 were present say the same thing.

13 [REDACTED]: Right.

14 [REDACTED]: He didn't say that.

15 [REDACTED]: Right.

16 [REDACTED]: So, point being is, well,
17 if [REDACTED] didn't pass that information on, if
18 they were actually conducting their rounds,
19 should they have noticed that he wasn't there?

20 [REDACTED]: Yeah. If they knew that he
21 didn't -. If they knew, they knew that -
22 what's his name? - Epstein wasn't supposed to
23 have a cellmate. So, if you see his cell on
24 there, that I guess, and on the outside of the
25 cell, they would have his name and the other

1 person. Then you should be saying, okay, where
2 is the cellmate? We know he's not in the
3 attorney room.

4 MR. HAYES: Okay.

5 [REDACTED]: So.

6 MR. HAYES: I got it.

7 [REDACTED]: So, you know he's down in
8 the attorney room. So, you would have said,
9 okay, somebody's got to be in that cell.

10 MR. HAYES: Hmm. Ace bastard. That's a
11 way to fuck with the other guys.

12 [REDACTED]: Meaning, if they actually did
13 the rounds and the counts like they were
14 supposed to, there was more than enough time
15 for them to turn around and assign another
16 cellmate, if needed.

17 [REDACTED]: Or to say, of course, to
18 your point, where they are saying that nobody
19 ever told them, if you were making your rounds,
20 you would have saw that there was nobody in
21 that cell, and then ask you a question, where
22 he's at.

23 MR. HAYES: And the person whose job it is
24 to make sure they are doing their rounds is the
25 lieutenant or the captain?

1 [REDACTED]: On the shift, it is the
2 lieutenant would check. But now, in fairness
3 to the lieutenant, if you are going off of a
4 sheet, and the sheet says, hey, you made your
5 rounds, and then, something like this happens,
6 then you find out people didn't make their
7 rounds.

8 [REDACTED]: And I think what [REDACTED]
9 question to you was, does this suggest to you
10 that they were not actually conducting their
11 rounds? The fact that Reyes was gone for 24
12 hours, and the notifications weren't made?

13 [REDACTED]: It would appear, yeah, that
14 is the appearance.

15 MR. HAYES: (Indiscernible *03:18:07).

16 [REDACTED]: Yeah. I mean.

17 [REDACTED]: I just have one other
18 question.

19 MR. HAYES: When I do cross examinations,
20 and it says, it would appear that, yeah,
21 that's, yeah, somebody found.

22 [REDACTED]: Have you ever heard of C.O.s
23 pre-filling round sheets?

24 [REDACTED]: When he says pre-filling,
25 what he is saying is that, the beginning of

1 their shift, they are going in and they are
2 just writing, they are initialing and putting
3 in the time. At the very beginning, for the
4 rest of their shift.

5 ██████████: So, let me put it to you
6 this way. If I --

7 ██████████: I saw you smile --

8 ██████████: -- no, no.

9 ██████████: -- when he asked that.

10 ██████████: Because if I become aware
11 and know that somebody is doing something like
12 that, that is reportable misconduct. I'm going
13 to report that. So, if somebody came to me and
14 said, well, this person is pre-filling out
15 count slips, that would be something that I
16 would say, okay, you know, I have to do a
17 referral, or if I don't have enough evidence
18 for it, I would have a supervisor, you know,
19 put it out, said, hey, you cannot do pre-count
20 slips.

21 ██████████: So, if we have people
22 confessing, admitting that they are not only
23 pre-filling out their count slips, but also
24 doing it with their round sheets --

25 ██████████: Right.

1 [REDACTED]: -- what is your response
2 to that? How bad of a -? How bad is that?

3 [REDACTED]: Well, that is a referral. I
4 would have to do a referral for you guys to
5 look into it.

6 [REDACTED]: And then, if they are
7 actually pre-filling those out, does that also
8 suggest to you that they didn't do their counts
9 or their rounds?

10 [REDACTED]: Well, I mean, if they're
11 telling you that we pre-filled it out, it's
12 obvious that they did not, they are not
13 counting.

14 [REDACTED]: Right.

15 [REDACTED]: Because if somebody is pre-
16 filling out a sheet, that means --

17 MR. HAYES: They're not counting.

18 [REDACTED]: -- they have no intention of
19 counting.

20 [REDACTED]: And does that indicate to
21 you, as [REDACTED], that they are falsely
22 certifying rounds and counts that they did not
23 conduct?

24 [REDACTED]: If they come to you, and
25 they say, hey, we didn't fill out, we haven't

1 done our count slip, that is an admission of
2 misconduct.

3 ██████████: Right. But a false
4 certification, as well. Correct?

5 ██████████: Yeah. That is falsifying the
6 document. I mean, but they have admitted that
7 to you. But as far as --

8 ██████████: Now, what if you --

9 ██████████: -- me --.

10 ██████████: -- what if they are
11 saying - they are a newer employer - and they
12 are saying, well, we are doing it because we
13 watched a 20-year-old guy, 20-year guy do it.
14 That's how I learned. He didn't tell me to do
15 it. But I watched him do it.

16 ██████████: So --

17 ██████████: So, I did that.

18 ██████████: -- I would -. So, I would
19 say to you, when did that person come in?
20 Because anybody that came in under me, you get
21 the spiel that, hey, I was new, I was an
22 officer. I know what it is to be new. But I
23 always, always tell people, you got to know
24 what's near and dear to you.

25 ██████████: And that is why I asked

1 you specifically --

2 ██████████: Right.

3 ██████████: -- with Tova Noel. Are
4 you confident that you gave her that spiel?

5 ██████████: Talk to whoever was in her
6 class, and you talk to any, any new class that
7 came through, and they will tell you my spiel.

8 ██████████: Okay.

9 ██████████: Okay? You can go into our
10 annual training, when we have it, talk to
11 people, and they will tell you about my spiel.

12 ██████████: Do you say that always at
13 annual training?

14 ██████████: I cover everything. Because
15 I have --

16 MR. HAYES: Yeah, but do you always say
17 is, you have to do what you have to do. Don't
18 do it just because the 20-year-old guy did
19 that.

20 ██████████: I do. I tell people about
21 doing their job. The same thing when it comes
22 to use of force. I tell staff all the time.
23 Use enough force necessary to control the
24 situation.

25 ██████████: But specifically about

1 not watching the 20-year guy. What is it that
2 you tell them?

3 [REDACTED]: So, what I tell them is, I
4 come in --

5 [REDACTED]: Because it sounds like it
6 is the same thing you tell them every time.

7 [REDACTED]: -- right. So, what I
8 basically tell them, I said, you got some good
9 people that work in the institution. And then,
10 I had, you got some people with time, that just
11 want to do what they want to do. And I tell
12 them, don't follow them around. I said, you've
13 got one. If you are on probation coming in,
14 you need to be doing your job. I said, if
15 someone comes in, and they're not doing their
16 job, or they're telling you not to do
17 something, you make sure you let your
18 supervisor know. I said, I make rounds, you
19 can, you can talk to me.

20 [REDACTED]: Okay.

21 [REDACTED]: You know? So, the
22 expectation was clear. But with any other
23 agency - and I'm not just saying our agency -
24 there are people that come in and they become
25 followers.

1 [REDACTED]: Now, we're going to move
2 on.

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: We talked about the phone
5 call.

6 [REDACTED]: Right.

7 [REDACTED]: On August 9th. What is
8 your understanding of what transpired with
9 Epstein being provided a phone call on the
10 night of August 9th, 2019?

11 [REDACTED]: So, from what I understand,
12 when you come in, you have to be able to do,
13 for the monitored calls, the voice analysis and
14 all that. So, from what I understand
15 afterwards, Epstein was never available for
16 that to be done. Because he went down to the
17 attorney room, and he would come up at night.
18 So, from what I understand, he was given an
19 unmonitored call.

20 [REDACTED]: And what do you mean by
21 an "unmonitored call"?

22 [REDACTED]: An unmonitored call is a
23 call that is not recorded with the inmate phone
24 system.

25 [REDACTED]: Is it your --

1 MR. HAYES: In other words, they don't
2 listen to what you say?

3 ██████████: Right. They don't.

4 ██████████: -- is it your
5 understanding that anyone physically monitored
6 the call, or did you -?

7 ██████████: From what I understand, the
8 individual was standing right there when he
9 made the call.

10 ██████████: All right. So, it is our
11 understanding that, "On August 9th, 2019,
12 Epstein made a request to ██████████
13 ██████████, to provide him with a phone
14 call, so that he - Epstein - could call his
15 mother.

16 ██████████: Mm-hmm.

17 ██████████: ██████████ checked Epstein's
18 pack and PIN, and found out it was not yet set
19 up.

20 ██████████: Mm-hmm.

21 ██████████: Therefore, ██████████ took
22 Epstein to a shower area in the SHU, and
23 plugged a phone into a legal line. ██████████
24 dialed the number. A man answered. He handed
25 the phone to Epstein. And then, ██████████ left

1 for the day. [REDACTED] stayed -. Oh, sorry.

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: Then we found out that
4 the SHU C.O.s were around.

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: And [REDACTED] did not
7 specifically instruct any one of them to
8 monitor their phone call. Instead, he called
9 the SHU after he departed from the MCC, to make
10 sure that the phone was taken away from Epstein
11 after his allotted time. Had you heard that
12 before?

13 [REDACTED]: I have -. What I heard was
14 he was there and did the monitoring.

15 [REDACTED]: So, your understanding
16 was that, [REDACTED] was there the entire time of
17 his call?

18 [REDACTED]: That, at the entire time of
19 his call.

20 [REDACTED]: So, a number of questions
21 off of that. The fact that [REDACTED] dialed the
22 number that he gave him, and a man called. A
23 man answered. Who, he said he was calling his
24 mother. A man answered and he gave him the
25 phone. Is that problematic to you?

1 [REDACTED]: I didn't hear that it was a
2 -. Who did I -? They said it was his -.

3 [REDACTED]: So, that information might
4 have come out after.

5 [REDACTED]: It came out after. I didn't
6 - I heard that after the fact - so, I didn't
7 hear any specifics, but I heard it was -. I
8 forgot who they said it was that called, but
9 then afterwards, they said, whoever they said
10 it was, was deceased. That he didn't have that
11 talk.

12 [REDACTED]: I think it was his
13 mother.

14 [REDACTED]: Yeah. I think it might -.
15 So, and that, that is what I heard.

16 MR. HAYES: His --

17 [REDACTED]: Yeah.

18 MR. HAYES: -- his mother died during the
19 time of this investigation.

20 [REDACTED]: Hmm.

21 [REDACTED]: She was previously deceased.

22 [REDACTED]: Deceased.

23 MR. HAYES: So, wait, wait, wait, wait,
24 wait.

25 [REDACTED]: Yeah.

1 MR. HAYES: So, he calls, looking for his
2 mother.

3 ██████████: He said he wanted to talk
4 to his mother.

5 MR. HAYES: But his mother was already
6 dead.

7 ██████████: Right.

8 ██████████: And the person who
9 answered the phone was a male. But he still
10 gave the phone to Mr. Epstein. Is that
11 problematic? That he says he wants to talk to
12 his mother. A man answers. And then gives the
13 phone to Mr. Epstein.

14 ██████████: Well, remember, I am hearing
15 this, that it was a call that all along said
16 I'm calling the mother. I don't know anything
17 about a man answering the phone.

18 ██████████: No, no, no, no, no. I'm
19 providing this information as in, like, you are
20 ██████████, what is your take on this? Did he
21 do something wrong there?

22 ██████████: Well, as far as, you know,
23 you are saying you want to talk to your mother,
24 and the --

25 ██████████: And a man answers the

1 phone.

2 [REDACTED]: -- and then, a man answers
3 the phone. Yeah. It might have been some
4 questions he should have been asking.

5 [REDACTED]: Should have he verified
6 who it was he was providing -? If he is giving
7 him an unmonitored call, on an unmonitored
8 line, should have he verified who it was that
9 was on that other line?

10 [REDACTED]: Right. If a male picked up
11 the phone.

12 MR. HAYES: Why do you know it's an
13 unmonitored line?

14 [REDACTED]: Because the legal line
15 isn't recorded?

16 [REDACTED]: Right.

17 MR. HAYES: So, that means unmonitored,
18 that it's --

19 [REDACTED]: Yeah. That you can't --.

20 MR. HAYES: -- it's not recorded.

21 [REDACTED]: Right.

22 [REDACTED]: Correct.

23 MR. HAYES: Okay.

24 [REDACTED]: On that note, were there
25 any lines that Mr. [REDACTED] could have plugged

1 the phone into, that were monitored, versus if
2 they didn't have a pack and PIN?

3 [REDACTED]: Not on the ranges, I
4 believe. I'm not sure.

5 [REDACTED]: No?

6 [REDACTED]: I don't think there was
7 anything on there.

8 [REDACTED]: Because, yeah, we had
9 been told by someone that many, if not most,
10 BOP facilities have the ability, if a pack and
11 PIN such as that wasn't set up. There are
12 lines that you could plug it into, that are
13 monitored, but at MCC, that wasn't the case --

14 [REDACTED]: No.

15 [REDACTED]: -- in SHU?

16 [REDACTED]: Not on the ranges.

17 [REDACTED]: Okay.

18 [REDACTED]: No.

19 [REDACTED]: You said not on the ranges?

20 [REDACTED]: Yeah.

21 [REDACTED]: Where would it be?

22 [REDACTED]: I'm not sure. I think
23 religious services might have a line. The
24 Chaplin.

25 [REDACTED]: But not in the SHU?

1 [REDACTED]: Not in the SHU.

2 [REDACTED]: Okay. So, not only did
3 he do that, but he then left the SHU for the
4 day. Obviously, he was supposed to sit there
5 and listen to the call. Correct?

6 [REDACTED]: Right.

7 [REDACTED]: Should have he put it on
8 speaker phone?

9 [REDACTED]: Either listen to the call,
10 or if he had somebody else take over the call.

11 [REDACTED]: Okay.

12 [REDACTED]: You know, so, somebody
13 should have been monitoring the call.

14 [REDACTED]: Right.

15 [REDACTED]: Just to stand there and
16 listen.

17 [REDACTED]: All right. Now, the fact
18 that, you know, obviously, [REDACTED] dropped the
19 ball there. He gave him a call, he just wanted
20 to talk to his mom, his mom is deceased, and a
21 male answered.

22 [REDACTED]: Right.

23 [REDACTED]: Second, he didn't stay to
24 listen to the call. Third, he didn't tell
25 anybody else to listen to the call. Now, the

1 fact that the other - he leaves the unit - the
2 fact that the other people are in the unit,
3 should have they then, at some point, also
4 said, like, hey, this guy is on a phone call,
5 let's go monitor it, or should have that been
6 something that [REDACTED] --

7 [REDACTED]: Yeah, you couldn't --

8 [REDACTED]: -- would have directed?

9 [REDACTED]: -- you couldn't -. But
10 that's what I'm saying. I don't know the
11 conversation that took place between them. If
12 the call was made, and somebody was told to go
13 monitor it. Did they go over it? Did they not
14 go over it?

15 [REDACTED]: No.

16 [REDACTED]: So, I don't -.

17 [REDACTED]: So, Mr. [REDACTED] told the
18 people --

19 [REDACTED]: Right.

20 [REDACTED]: -- he's on a phone call.
21 Get it back after - whenever it was - 15
22 minutes.

23 [REDACTED]: Mm-hmm.

24 [REDACTED]: They were giving him an
25 unmonitored call.

1 MR. HAYES: The significance of this is
2 that, if somebody had monitored the phone call,
3 they might have found out that he was very
4 depressed, or he was -?

5 ██████████: Well, there is -. Can
6 you tell us, why is it important for us to know
7 that what inmates are talking about on their
8 phone calls?

9 ██████████: I mean, just for the safety
10 and the security of the institution.

11 ██████████: Is it true that they
12 could potentially operate their businesses,
13 their illegal businesses, from there?

14 ██████████: You could.

15 ██████████: Or they call a hit on
16 someone. Or they could, they could do a lot of
17 different illegal activities, if we are not
18 monitoring those calls --

19 ██████████: Right. That's --

20 ██████████: -- that we wouldn't know
21 --

22 ██████████: -- why we monitor them.

23 MR. HAYES: All right. I have one more
24 story.

25 ██████████: Yeah. Right.

1 MR. HAYES: I'm a young lawyer. And I
2 know it's hard to believe I was ever young.
3 But I go - I'm supposed to interview a prison -
4 and I go to the interview, and he says, this
5 person is the main rat against, and I said, no,
6 he's not. I said, that person has got no -
7 fucking nothing to do with it. He don't say
8 nothing about you. Guy looks at me and says,
9 oh, man, I better make a phone call.

10 ██████████: So, is it standard
11 practice to allow inmates to make personal
12 calls, as ██████████ had done?

13 ██████████: You do I, sometimes if they
14 come in, they don't have a pack number. Like,
15 you could have a family member that has passed
16 away, and, you know, you allow them to make a
17 call under that circumstance. You know, I have
18 a pack number set up. You know, so, sometimes,
19 but you should be monitoring that. Sometimes,
20 you make a call to another agency. And the
21 inmates, you know, you verify, hey, this is
22 such and such. But you stay and you listen to
23 the conversation.

24 ██████████: Was there ever an
25 instance that you wouldn't listen to the

1 conversation?

2 [REDACTED]: On an unmonitored line?

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: No. Somebody should be
5 standing there.

6 [REDACTED]: All right. And what are
7 your thoughts on this specific matter from what
8 we just, from what I just told you?

9 [REDACTED]: Like I said, if it's
10 problematic, if you said, if it's the way you
11 said it, yeah.

12 [REDACTED]: And is it a serious
13 concern and safety violation?

14 [REDACTED]: Well, yeah. I mean, it's a
15 breach.

16 [REDACTED]: And why?

17 [REDACTED]: Because we don't know what
18 the conversation was.

19 [REDACTED]: Okay. You said -. Okay.
20 You answered that. These are just on this
21 note, there is just a couple of these. There
22 is a phone call. This one says it's from an
23 [REDACTED]. Do you know who that is?

24 [REDACTED]: Yeah. He's the supervisory
25 attorney.

1 [REDACTED]: So, he is an attorney?

2 Oh, okay. That's the same guy.

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: Supervisory staff
5 attorney. It says, "For client Jeffrey
6 Epstein. Good afternoon. Below, please find
7 complaints from Epstein's attorneys. Can you
8 check to see if he has toilet paper, and that
9 his CPAP is plugged in? I am less concerned
10 regarding his complaint of having had two
11 calls, but they were on unmonitored lines. So,
12 there is no recording of them. His phone
13 account is set up, so we could get a call on
14 the ITS, when 30 days has --

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: -- elapsed."

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: So, it looks like this
19 was actually discussed, and this again, was on
20 August 6, 2019. Do you know if this was -? It
21 looks like this was the whole, to the whole
22 executive staff --

23 [REDACTED]: Right.

24 [REDACTED]: -- team. Was this talked
25 about at all?

1 [REDACTED]: It was sent out, and that's
2 when, and I don't recall the timeline, I said
3 he needs to get his stuff set up. Anything --

4 [REDACTED]: Okay.

5 [REDACTED]: -- that he needs, needs to
6 get it set up. So, I believe that was the day
7 when I sent everybody up there, in the attorney
8 room area, and said, get his stuff set up.

9 [REDACTED]: Now, did you - the
10 captain, I believe, informed [REDACTED] that he
11 would give him this call, just make sure it's
12 monitored.

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: Prior to that, did the
15 captain talk to you about this at all?

16 [REDACTED]: About what?

17 [REDACTED]: Well, affording this un,
18 you know, this call on an unmonitored line, but
19 just making sure it was monitored?

20 [REDACTED]: No.

21 [REDACTED]: No?

22 [REDACTED]: Hmm-mm.

23 [REDACTED]: But what you had said,
24 make sure his pack and PIN is set up?

25 [REDACTED]: Yeah. I had to. Because

1 there was some other things to get set up, and
2 I said, hey, we got to make sure that we can
3 get his stuff going. If that's the date, if I
4 remember, where everyone went up and talked to
5 him at the, where he was in the attorney room.

6 ██████████: Okay. Now, this is one
7 that's going to be -. Now, did you -. Were
8 you able to print out that attachment?

9 ██████████: No. That's just our screen.
10 It's not what they would see.

11 ██████████: I was just hoping -.
12 Okay. So, this is one we got. It's something
13 from ████████ ████████.

14 ██████████: Mm-hmm.

15 ██████████: And who is that?

16 ██████████: That's the communication
17 guy.

18 ██████████: Correct. And he is in
19 charge of, like, the phones --

20 ██████████: The phones.

21 ██████████: -- the cameras.

22 ██████████: Right.

23 ██████████: Correct?

24 ██████████: Mm-hmm.

25 ██████████: And he's to you, and it

1 says, "Phone record 104."

2 [REDACTED]: Right.

3 [REDACTED]: Sent on Saturday, August
4 10th, 2019, at 3:04 p.m. Now, it has an
5 attachment here, titled 8.19.19.cap.

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: That we are unable to
8 open. Do you know what that would have been?
9 It appears that it is related to the phone call
10 that Mr. Epstein made. Do you remember if you
11 ever received a recording of that phone call?

12 [REDACTED]: No. I didn't get any
13 recordings.

14 [REDACTED]: Would it have --

15 [REDACTED]: Nuh-uh.

16 [REDACTED]: -- been, maybe, then, the
17 number that he dialed?

18 [REDACTED]: I think it might -. And it
19 might have been the number. I'm not sure. I
20 can't -. I don't recall.

21 [REDACTED]: Okay.

22 [REDACTED]: What that is.

23 [REDACTED]: Do you remember asking
24 [REDACTED] to provide you with any specific
25 information with regards to the call?

1 [REDACTED]: We might have called him
2 about the line, and what was the number that
3 was called.

4 [REDACTED]: Okay.

5 [REDACTED]: And could they have pulled
6 it up. So, we might have asked him that.

7 [REDACTED]: But it definitely wasn't
8 an actual recording on the phone?

9 [REDACTED]: No. It was --

10 [REDACTED]: Okay.

11 [REDACTED]: -- I think it might have
12 been the number that, you know, I think wanting
13 to pass on to the FBI.

14 [REDACTED]: Great.

15 [REDACTED]: Uh-huh.

16 [REDACTED]: Do you mind just
17 initialing --

18 [REDACTED]: Mm-hmm.

19 [REDACTED]: -- and dating that?

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: I just didn't know what
22 that .cap was.

23 [REDACTED]: Right.

24 [REDACTED]: So, we didn't know, oh my
25 gosh, do we have a recording of this thing?

1 [REDACTED]: The second one, too.

2 [REDACTED]: Okay.

3 [REDACTED]: All right. Now, we are
4 going to get into the actual incident.

5 MR. HAYES: Oh my God. Now,
6 (Indiscernible *03:34:06) getting ready to get
7 into.

8 [REDACTED]: We don't have much more.
9 I promise. I mean, we are way passed the --

10 MR. HAYES: Yeah.

11 [REDACTED]: -- yeah. What is your
12 understanding of what occurred in Epstein's
13 cell on August 10th, 2019?

14 [REDACTED]: I don't know.

15 [REDACTED]: You don't know?

16 [REDACTED]: I didn't go up there.

17 [REDACTED]: Do you -.

18 [REDACTED]: I never saw the cell.

19 [REDACTED]: Do you believe if -. Do
20 you know if Epstein took his own life?

21 [REDACTED]: That's what I've been told.

22 [REDACTED]: Is that your
23 understanding of what happened?

24 [REDACTED]: That was what was conveyed
25 to me.

1 [REDACTED]: Do you have any
2 information, with regard to anyone else taking
3 Epstein's life?

4 [REDACTED]: No.

5 [REDACTED]: No. Have you heard that
6 Epstein's cell door was left opened on the
7 night of August 9th, 2019, and/or the morning
8 of August 10th, 2019?

9 [REDACTED]: I didn't hear that.

10 [REDACTED]: You have never heard
11 that?

12 [REDACTED]: No.

13 [REDACTED]: Have you heard that any
14 cellmate's in the SHU - any cells within the
15 SHU, any of their doors were left opened on the
16 night of August 9th, 2019 in the morning?

17 [REDACTED]: I did not hear that.

18 [REDACTED]: On August 9th. No?

19 [REDACTED]: Hmm-mm.

20 [REDACTED]: Do you know if anyone
21 harmed Epstein?

22 [REDACTED]: No. I would have reported
23 it.

24 [REDACTED]: All right. So, these are
25 the - let's see - this is the Bureau of Prisons

1 Health Services Clinical Encounter.

2 [REDACTED]: Right.

3 [REDACTED]: Did you get to review
4 this one at all?

5 [REDACTED]: No.

6 [REDACTED]: It talks about responding
7 to a body alarm at 6:35 for medical emergency.

8 [REDACTED]: I think I might have saw the
9 memorandums, but I don't -. I don't recall
10 seeing this.

11 [REDACTED]: All right. So, let me
12 just read this, for the record --

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: -- because it is a very
15 quick one. It says, "Responded to a body alarm
16 at 6:35 for a medical emergency on Nine South.
17 Upon arrival, inmate was received on the floor
18 of his cell, unresponsive, with CPR in progress
19 by correctional officers. The inmate was cold
20 with circumferential bruising around the neck
21 and posterior mottling. Pupils fixed and
22 dilated. No palpus (Phonetic Sp. *03:35:59)
23 pulses, call place for EMS, CPR continued.

24 ED placed. No shock advised. CPR
25 continued. Inmate transported to HSU treatment

1 room, with CPR in progress. 18G, heplock
2 (Phonetic Sp. *03:36:12)." No. I'm not going
3 to read the rest of this. It just talks about
4 continued CPR in progress. Are you aware,
5 after Epstein was found on August 10th, 2019,
6 at approximately 6:33 a.m., did he ever show
7 any signs of life?

8 [REDACTED]: I never -. I wasn't up
9 there.

10 [REDACTED]: Yeah. I just didn't know
11 if you had heard --

12 [REDACTED]: No. When I --

13 [REDACTED]: -- (Indiscernible
14 *03:36:34).

15 [REDACTED]: -- when I got there, he was
16 already out.

17 [REDACTED]: Because they said that,
18 you know, he was declared deceased at the
19 hospital. So, my question is, it sounds like,
20 from this person's report --

21 MR. HAYES: Yeah.

22 [REDACTED]: -- he was --

23 MR. HAYES: Right.

24 [REDACTED]: -- there was no signs of
25 life.

1 [REDACTED]: And that's --

2 [REDACTED]: And I was just wondering,
3 had you heard anything from staff? Was there
4 ever any signs of life, that you are aware of,
5 while after - from the point he was found, on.

6 [REDACTED]: Well, the impression that I
7 was given was, he was alive when he left the
8 institution.

9 [REDACTED]: So, you believed he was
10 actually alive?

11 [REDACTED]: That's what was conveyed.

12 [REDACTED]: It was conveyed to you
13 that -?

14 [REDACTED]: I think he was still alive,
15 if I remember right. I think he was -. They
16 did the CPR. And then, they got him out.

17 [REDACTED]: And who -. So, according
18 to this, again, this person arrived at 6:35 --

19 [REDACTED]: Mm-hmm.

20 [REDACTED]: -- they're saying the
21 inmate was cold. You know, "Pupils fixed and
22 dilated. No palpus pulses." Meaning, I'm
23 assuming, that means no pulse. You know?

24 [REDACTED]: So, you would probably have
25 to look at the response, the staff responding

1 memorandums on what -.

2 ██████████: So, up until this date,
3 did you think that he was alive when he had
4 left the institution?

5 ██████████: That's what I believed.
6 That was the impression I had.

7 MR. HAYES: Can I ask a question? Right.
8 If he was dead when they came, and somebody
9 found him, or even if he was close to death,
10 how long would it have been that he tried to
11 kill himself, and the time that they found him?
12 In other words, does that mean he tried to kill
13 himself 45 minutes before? Does that mean he
14 tried to kill himself 30 minutes before? You
15 understand the question I'm asking?

16 ██████████: Sure. I mean, that is
17 something that the medical examiner, you know,
18 makes that determination.

19 MR. HAYES: Because obviously, if he was,
20 had done whatever he did, during the time that
21 there was supposed to be a round, and somebody
22 fucked up, you know what I mean? If you are
23 there, with a towel around your throat, that's
24 a hint that you are not exactly in the best of
25 moods.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: But the other thing is, you
3 know, I don't know, like you just said, the
4 medical examiner determines, you know, if he's
5 alive or -.

6 [REDACTED]: Well, and that was going
7 to become my follow up. First of all, who -
8 this person. It says provider, Joseph Columbo,
9 RN. Is that someone who worked at -?

10 [REDACTED]: He was one of the nurses
11 that worked.

12 MR. HAYES: Mm-hmm.

13 [REDACTED]: All right. And is it
14 your understanding, by saying provider, this is
15 the person who wrote this report?

16 [REDACTED]: Yeah. Typically, who has
17 the encounter fills it, writes it in the
18 system.

19 [REDACTED]: Okay. So, up until me
20 reading these out, you actually were under the
21 assumption that he was alive?

22 [REDACTED]: Yeah.

23 [REDACTED]: When he left.

24 [REDACTED]: I thought he was alive.

25 Yeah. That was my assumption.

1 [REDACTED]: Okay. Does that have
2 anything to do with the fact that the medical
3 examiner is the only one who can declare him
4 dead?

5 [REDACTED]: It does, too.

6 [REDACTED]: All right. And also --

7 [REDACTED]: Yeah.

8 [REDACTED]: -- I have heard that
9 inmates don't die at prisons.

10 [REDACTED]: Well, I mean, people say
11 that, but again, in reality, we - no one in the
12 prison can declare an inmate dead.

13 [REDACTED]: Right, right, right.

14 [REDACTED]: Even if -.

15 [REDACTED]: But is that what you mean
16 by that statement, though? Did you -. I mean,
17 had you heard that he showed signs from life?

18 [REDACTED]: From what --

19 [REDACTED]: Because we have heard
20 this --

21 [REDACTED]: -- from --

22 [REDACTED]: -- type of thing --

23 [REDACTED]: -- yeah, from what I --

24 [REDACTED]: -- before.

25 [REDACTED]: -- hear, they were still

1 performing life-saving measures on him, even
2 when, from - what do you call it? - EMS coming
3 in there. So, when you say to me that we are
4 performing life-saving measures, I'm assuming
5 that he is still alive.

6 [REDACTED]: Right. Like, there is --

7 [REDACTED]: so -.

8 [REDACTED]: -- always a chance you
9 could bring him back.

10 [REDACTED]: That, you know --

11 [REDACTED]: Or you are hoping that
12 you are going to resuscitate him. But do you
13 know of any indication of --

14 MR. HAYES: That he was successful --

15 [REDACTED]: -- signs of life?

16 MR. HAYES: -- yeah.

17 [REDACTED]: I didn't. Again, I'm going
18 off of, assuming that he was still alive
19 because they were still working on him.

20 [REDACTED]: Okay.

21 [REDACTED]: So, and if somebody start,
22 now, I've been in situations where the
23 paramedics come in, and, you know, they work on
24 them, and they say, you know what? There is
25 nothing else we can do. He still hasn't been

1 declared dead.

2 [REDACTED]: Sure.

3 [REDACTED]: But they still -.

4 MR. HAYES: Right.

5 [REDACTED]: But from what I gather, they
6 were still working on them.

7 MR. HAYES: When you say nobody dies in
8 prison, you are being facetious?

9 [REDACTED]: It's just one of those
10 things that --

11 MR. HAYES: Yeah. It doesn't -.

12 [REDACTED]: -- it happens at the --

13 MR. HAYES: Yeah.

14 [REDACTED]: -- at the hospital.

15 MR. HAYES: Yeah.

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: That's where they are
18 declared dead.

19 MR. HAYES: Yeah.

20 [REDACTED]: Mm-hmm.

21 MR. HAYES: Right. Okay.

22 [REDACTED]: And that's not, you know,
23 necessarily true. I mean, it's where you are -
24 like, sometimes --

25 MR. HAYES: It's sort of a joke.

1 [REDACTED]: -- yeah.

2 MR. HAYES: To (Indiscernible *03:40:46).

3 [REDACTED]: It's a joke. Because
4 sometimes, the bodies are still there, and --

5 [REDACTED]: Right.

6 [REDACTED]: -- and we know he is
7 deceased. But then, the doctor and the medical
8 examiner --

9 MR. HAYES: Yeah.

10 [REDACTED]: -- declares --

11 MR. HAYES: At the hospital --

12 [REDACTED]: -- (Indiscernible
13 *03:40:57).

14 MR. HAYES: -- (Indiscernible *03:40:57)

15 [REDACTED]: Right.

16 MR. HAYES: The guy's got a big
17 (Indiscernible *03:41:00), you know --

18 [REDACTED]: Uh-huh.

19 MR. HAYES: -- whatever they call them,
20 knives in his chest.

21 [REDACTED]: Mm-hmm.

22 MR. HAYES: You know, you can tell he's
23 not coming back, but I mean, you know what I'm
24 saying, they don't say he's dead on the scene.

25 [REDACTED]: Uh-huh.

1 ██████████: But just, I just want to
2 be clear, because with that statement, without
3 me getting a little more clarification, people
4 are going to read, wait a second, ██████████
5 said that he was still, he thought he was still
6 alive. Now, I want to make sure I'm clear.
7 Are you saying that there was a chance for them
8 to bring him back, or based upon the
9 conversation with someone - and my follow would
10 be that, who? - did you believe that he was
11 still alive?

12 ██████████: My assumption, from when I
13 was called, was they were working on him, and
14 he was - they were being taken to the hospital.

15 ██████████: Okay.

16 ██████████: That's --

17 MR. HAYES: That was --

18 ██████████: -- that's the term.

19 MR. HAYES: -- that -. Wait. You were
20 called at a certain time.

21 ██████████: Yeah. When the lieutenant
22 called.

23 MR. HAYES: Okay. Now, the lieutenant
24 says -.

25 ██████████: So, when you came back

1 and found out, did you ever find out that he
2 wasn't showing signs of life, when you came in
3 and talked to people?

4 ██████████: No. Because I - first of
5 all, when it happened, I wasn't going around
6 questioning people about --

7 ██████████: Okay.

8 ██████████: -- okay, what's going on
9 with this, because then, I knew that it was a
10 criminal case. But not criminal, but there was
11 going to be an investigation into it. And so,
12 I didn't want to give the appearance of
13 anything, that I was interfering with any
14 investigation. But when I did call, they said
15 they were working on him, and that, you know,
16 he was being transported to the outside
17 hospital.

18 ██████████: And who was it that
19 provided you with that information?

20 ██████████: The lieutenant. ██████████

21 ██████████.

22 MR. HAYES: So, you drew the inference
23 that that --

24 ██████████: Uh-huh.

25 MR. HAYES: -- meant he was still alive?

1 [REDACTED]: Right. I assumed that, you
2 know, they were still working on him, and he
3 was still alive.

4 [REDACTED]: And after that
5 conversation, though, and speaking with other
6 people, you never gathered that, oh, he was,
7 they were working on him, attempting to bring
8 him back, but he was not alive?

9 [REDACTED]: I didn't -.

10 [REDACTED]: From -.

11 [REDACTED]: The assumption, my
12 assumption, was that he was deceased at the
13 hospital.

14 [REDACTED]: Okay.

15 [REDACTED]: Yeah. So.

16 [REDACTED]: All right. Do you want
17 to follow up on that at all, anymore?

18 [REDACTED]: No.

19 [REDACTED]: Mm-hmm.

20 [REDACTED]: Okay.

21 [REDACTED]: That kind of covers it.

22 MR. HAYES: Are we through now?

23 [REDACTED]: No.

24 [REDACTED]: No.

25 MR. HAYES: Oh, god.

1 [REDACTED]: We only have, really,
2 very brief conversations left. All right. So,
3 this was an email sent from you, to [REDACTED].
4 It just says, subject, "Names."

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: It says [REDACTED].

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: Tova Noel, and [REDACTED]
9 Davis.

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: Who were -? Why were
12 those people listed?

13 [REDACTED]: Because he wanted to know
14 who was working up there that night.

15 [REDACTED]: Okay.

16 [REDACTED]: Who was the staff working
17 there that night.

18 [REDACTED]: So, why did you write
19 Davis versus, like, [REDACTED], or who else was
20 up there? Was Shack (Phonetic Sp. *03:43:25)
21 still there?

22 [REDACTED]: No.

23 [REDACTED]: At least Bonhomme and
24 Davis. Was Bonhomme left off for any reason?
25 Because I think Bonhomme worked --

1 [REDACTED]: I think this --

2 [REDACTED]: -- until midnight, and
3 Davis only worked until 10:00.

4 [REDACTED]: No. For - and I don't -
5 correct me if I'm wrong - I don't know if he
6 wanted to know who was on the midnight shift.
7 And then, I included who was on Ten South. I'm
8 not sure.

9 [REDACTED]: I think [REDACTED] Davis was
10 the OIC of the shift previous. And then, just
11 Tova, [REDACTED] --

12 [REDACTED]: Tova would have --

13 [REDACTED]: -- and Tova were the ones
14 from --

15 [REDACTED]: -- been two up there.

16 [REDACTED]: -- midnight afterwards.

17 [REDACTED]: Yeah.

18 [REDACTED]: And then -.

19 [REDACTED]: I think that Ten South was
20 Robert Adams.

21 [REDACTED]: Yeah. So, I don't know,
22 remember it. But I know it had to do with the
23 question about who was working.

24 [REDACTED]: Okay.

25 [REDACTED]: So, I don't know the

1 specifics and why it listed those three.

2 ██████████: And you don't know if,
3 like, because these were, who we considered the
4 subjects.

5 ██████████: No. I mean, these two would
6 have been obvious because they were working up
7 there on the midnight shift. But I don't know
8 why Davis got thrown in there.

9 ██████████: Okay.

10 ██████████: Mm-hmm.

11 ██████████: Mind just initial and
12 dating that? Okay. And this one is an email
13 from ██████████ to you, dated Sunday,
14 August 11, 2019. And it says, subject, "A
15 memorandum, Epstein."

16 ██████████: Mm-hmm.

17 ██████████: And it says that this was
18 dated August 10th, 2019.

19 ██████████: Mm-hmm.

20 ██████████: It's from ██████████.
21 It says, subject is, "Security expectations
22 involving inmate Epstein, Jeffrey."

23 ██████████: Mm-hmm.

24 ██████████: Are you familiar with
25 this? Did you ever see this, that he sent?

1 [REDACTED]: I did.

2 [REDACTED]: Do you know what the
3 purpose of this was?

4 [REDACTED]: Let me read it again.

5 "(Indiscernible *03:44:56), and while this
6 could be conducted, I did, I informed staff
7 (Indiscernible *03:44:59) be dealing with
8 inmate Epstein, and others were notified. I
9 explained that lieutenants were to conduct
10 (Indiscernible *03:45:08), and at that point,
11 (Indiscernible *03:45:09). I explained I
12 could, and they would not (Indiscernible
13 *03:45:15)." Oh, no. I just was asking him
14 when the thing happened, what is the guidance
15 he provided?

16 [REDACTED]: So, what did he provide
17 to, like, the SHU staff and the [REDACTED]?
18 Because --

19 [REDACTED]: Yeah.

20 [REDACTED]: -- at least the last
21 little point on this first page --

22 [REDACTED]: Yeah.

23 [REDACTED]: -- so, it says, "In
24 detailed conversations with the SHU [REDACTED],
25 he was informed of my expectations regarding

1 the supervision of inmate Epstein,
2 specifically, he was reminded on several
3 occasions that inmate Epstein was to be housed
4 with a cellmate."

5 [REDACTED]: Right.

6 [REDACTED]: So, is this all, like,
7 the expectations surrounding --

8 [REDACTED]: The expectations.

9 [REDACTED]: -- Epstein?

10 [REDACTED]: Right. Mm-hmm.

11 [REDACTED]: And when he says, "During
12 the week of July 31st, 2019, in order to
13 address management concerns with inmate
14 Epstein," do you know what he is talking about
15 there? With management concerns.

16 [REDACTED]: The housing of them. And in
17 the Special Housing Unit.

18 [REDACTED]: Okay. And do you know
19 if, according to this, it looks like he is
20 saying that he did perform informal training
21 sessions with staff. Do you know if he, in
22 fact, did that, or is it just based upon --

23 [REDACTED]: Just based upon --

24 [REDACTED]: -- what he wrote here?

25 [REDACTED]: -- on what he sent out.

1 [REDACTED]: Okay. So, there is no
2 other information, aside from what he's telling
3 you?

4 [REDACTED]: Right. Yeah. He told me
5 that.

6 [REDACTED]: So, this one is - I want
7 to get your take on this matter - so, this is
8 back to [REDACTED] [REDACTED], who was relieved
9 at 5:30, but she stayed at the institution at
10 least until 9:30, and sent out that email,
11 detailing, you know, what day, and the
12 [REDACTED] log, and the daily activity log.
13 So, [REDACTED] sent her an email on
14 8/12/2019, stating, "[REDACTED] [REDACTED], I am
15 reminding you to submit your supervisory
16 memorandum for the inmate Epstein incident that
17 occurred on 8/10/2019.

18 Please have it complete and ready for
19 submission on 8/13/2019." She responded with
20 no, addressing nothing, just saying, just
21 responded simply, "In your email, you state,
22 quote, 'I am reminding you.' End quote. I
23 haven't spoken to you or anyone else regarding
24 the incident involving inmate Epstein or
25 anything else pertaining to August 10th, 2019.

1 So, how is it possible for you to be reminding
2 me? Second, I had been properly relieved,
3 prior to the incident involving inmate
4 Epstein." What is your take on that email?

5 ██████████: First of all, any major
6 incident that takes place in the institution,
7 we have to do what is called a report of
8 incident.

9 ██████████: Sure.

10 ██████████: He is well within the scope
11 of his employment, asking, okay, where is your,
12 where is -. And I don't know if he was asking
13 her the overall memorandum. Like, you are the
14 shift ██████████. You know, when this incident
15 took place. So, technically, you should have
16 been doing the packet. So, he is probably
17 contacting her for that.

18 ██████████: Well, she was relieved at
19 5:30 a.m., but she was still there, and the
20 incident happened at 6:30. And again, she was
21 there at least until 9:30. And she did respond
22 to the SHU afterwards, helping with the
23 feeding. Should have she written a memorandum?

24 ██████████: Yes.

25 ██████████: Yes?

1 [REDACTED]: I mean, she said she
2 responded to the incident?

3 [REDACTED]: She didn't respond to the
4 incident. She responded after the incident, to
5 help in the SHU with feeding and dealing with
6 the inmates.

7 [REDACTED]: So, she -. Well -.

8 MR. HAYES: So, somebody told her that the
9 fucking guy hung himself, should she have -.
10 Right?

11 [REDACTED]: Again, from what I gather, I
12 am under the impression, when the [REDACTED]
13 relieved her, she was gone. Because, and, you
14 know, and I can't speculate on what was there.
15 So, if we -.

16 [REDACTED]: She said she stuck
17 around, working on matters that she needed to
18 catch up on.

19 [REDACTED]: Okay. So --

20 [REDACTED]: But it sounds like
21 manipulating those numbers on the counts and
22 stuff.

23 [REDACTED]: Okay.

24 [REDACTED]: Right?

25 [REDACTED]: So, let me ask you this

1 question. I have, I have a medical emergency.
2 A suicide, right? That is an emergency
3 everyone in the institution has to respond to.
4 Why didn't you respond to it?

5 [REDACTED]: So, you think that she
6 maybe came back after?

7 [REDACTED]: It doesn't make sense to say
8 --

9 [REDACTED]: Well, she never sent out
10 her required logs, though.

11 [REDACTED]: Right. So, that, but --

12 [REDACTED]: So, you reviewed her
13 emails. And I would think that she would have
14 sent that out, if she had left, I would think
15 she would have sent that out before she left.
16 Right? As required.

17 [REDACTED]: Right. So, did you leave
18 and come back? I mean, because if you are
19 saying that you were there, you would have been
20 one of the first responders up to the unit.

21 [REDACTED]: Yeah,

22 [REDACTED]: For the emergency.

23 [REDACTED]: That's a really good
24 point.

25 [REDACTED]: You know?

1 MR. HAYES: In other words --

2 [REDACTED]: I wish we had --

3 MR. HAYES: -- they're saying it sounds
4 fishy.

5 [REDACTED]: -- I wish we had thought
6 of that.

7 [REDACTED]: I mean, so, and then, if you
8 --

9 [REDACTED]: And if she didn't, why?

10 [REDACTED]: -- and if you didn't
11 respond, why didn't you respond?

12 [REDACTED]: If she -. Is it a claim
13 at all, I had been relieved, I wasn't
14 technically working?

15 [REDACTED]: If you are in the building,
16 you have to respond.

17 [REDACTED]: Is that right?

18 [REDACTED]: It's an emergency.

19 [REDACTED]: Okay.

20 [REDACTED]: I mean, as a [REDACTED] --

21 [REDACTED]: Okay.

22 [REDACTED]: -- I would want to respond,
23 and say --

24 [REDACTED]: And so, the fact that she
25 states that she was there, and she was working

1 on her administrative responsibilities --

2 [REDACTED]: Right.

3 [REDACTED]: -- so, is that a problem,
4 then, as [REDACTED]? What do you mean you are
5 working on the administrative? You should have
6 responded to that emergency.

7 [REDACTED]: No. But - and I don't want
8 to speculate on when you are there - but I
9 just, there is just some questions --

10 MR. HAYES: Wait, and I think --

11 [REDACTED]: -- they just don't --

12 MR. HAYES: -- that is a yes or a no --

13 [REDACTED]: Right.

14 MR. HAYES: -- you know, question.

15 [REDACTED]: Yeah. I mean, it's a
16 problem. If you are saying I am working on it,
17 okay. Now, at what point did you say, okay, I
18 need to, because once they had said, hey, I
19 have a suicide or something going on, which is
20 probably over, you know, a real medical
21 emergency, and you hear the transmission on the
22 radio, you are going to go up there. So then,
23 you say, oh, I went up there later, to help
24 with the feeding. Either way, you were in the
25 building. The captain is asking you, it

1 happened on your shift, you are responsible for
2 conducting the report of incident.

3 ██████████: So, that answer is yes,
4 she should have written a memorandum?

5 ██████████: She should have written one.
6 I don't understand why she didn't, you know?

7 ██████████: And is that at all -
8 reading how she responded - is that
9 insubordination at all, to you?

10 ██████████: Listen. I will put it this
11 way. I can't speak on other supervisors or how
12 they tolerate, but if you had given me a
13 memorandum like this, we would be having a
14 conversation. You know?

15 ██████████: Is that, at the very
16 least, inappropriate --

17 ██████████: I think --

18 ██████████: -- I think it's
19 inappropriate. I mean, that's the way --

20 ██████████: I mean, I read it. I
21 thought it was inappropriate.

22 ██████████: -- yeah.

23 ██████████: I just didn't know how --

24 ██████████: I would have gone to have a
25 conversation, like, you know, first, are you

1 all right? And then, secondly, what is this?

2 But yeah.

3 [REDACTED]: Fair enough.

4 MR. HAYES: Okay, listen, one last
5 question.

6 [REDACTED]: Sure.

7 MR. HAYES: Does that give the implication
8 that she is covering up for somebody, or she
9 just didn't do her job?

10 [REDACTED]: I don't know.

11 [REDACTED]: We don't know. That's -.
12 Had you heard anything about her covering up
13 for someone? Because -.

14 [REDACTED]: I haven't heard anything,
15 but, you know --

16 [REDACTED]: Did you hear about
17 inmates saying that she was making statements
18 that she was going to cover for other people?

19 [REDACTED]: Again, I don't want to make
20 any statements --

21 [REDACTED]: No, no, I'm asking you --

22 [REDACTED]: -- that are not factual.

23 MR. HAYES: (Indiscernible *03:51:56).

24 [REDACTED]: -- did you ever hear -?

25 [REDACTED]: No, I didn't hear anything.

1 MR. HAYES: I would hate to --

2 [REDACTED]: You never heard it.

3 [REDACTED]: Right.

4 MR. HAYES: -- I would hate to give my own
5 client a hard time.

6 [REDACTED]: Right.

7 MR. HAYES: But, but it sounds to me like
8 she's got three hours where she knows this guy
9 is dead.

10 [REDACTED]: Right.

11 MR. HAYES: You know? And she don't say
12 much. I mean, you know, if I was him, I would
13 be drawing an inference, saying, what the fuck
14 is going on? Excuse my language, by the way.
15 I have a filthy mouth.

16 [REDACTED]: No. I mean, I understand
17 what you are saying, but you know, I'm just, my
18 point of view is - and my concern - is --

19 MR. HAYES: Yup.

20 [REDACTED]: -- if you were there --

21 MR. HAYES: Your concern is, you would
22 have asked, unlike myself, you would have asked
23 her a question first --

24 [REDACTED]: Right.

25 MR. HAYES: -- rather than jumping into,

1 which is --

2 ██████████: Because I was --

3 MR. HAYES: -- which is what I did.

4 ██████████: -- under the impression,
5 because when ██████████ ██████ called me, he was
6 the ████████████████████, and he had relieved
7 her.

8 ██████████: Right.

9 ██████████: She had gone home already.

10 ██████████: Well, he had certainly
11 relieved her, but --

12 ██████████: Yeah.

13 ██████████: -- according to her, she
14 hadn't gone home.

15 ██████████: Yeah.

16 ██████████: Do you mind just
17 initialing and dating that?

18 ██████████: Yeah.

19 ██████████: Maybe you asked this
20 question. And I just want to clarify. Being
21 that she started this shift 10:00 p.m. the
22 night before, right?

23 ██████████: Mm-hmm.

24 ██████████: Let's say this incident did
25 happen. We're not saying she did. We don't

1 know. If she went in and she altered the
2 [REDACTED] logs, for the previous shift, did
3 she do something wrong?

4 [REDACTED]: Well, and again, we are
5 knowing, though, that she started at 10:00 p.m.
6 So, that is still her shift.

7 [REDACTED]: Yeah. But --

8 [REDACTED]: We've had this
9 conversation --

10 [REDACTED]: -- no, no, but --

11 [REDACTED]: -- before.

12 [REDACTED]: -- let's just say, you know,
13 the fact that the inmate wasn't moved until
14 midnight, and then the clarification, and the
15 count, the count numbers being changed in
16 there. Now, so, the [REDACTED] log count
17 numbers are accurate, except the count, the
18 actual count slips, were completely off. So,
19 somewhere along the way, someone altered those
20 numbers to --

21 [REDACTED]: Well --

22 [REDACTED]: -- correct it.

23 [REDACTED]: -- the [REDACTED] is
24 required to take a count on each shift. So --

25 MR. HAYES: So, see, wait.

1 [REDACTED]: -- you got the --

2 MR. HAYES: -- the [REDACTED] is supposed
3 to take in a count. Right?

4 [REDACTED]: Right. Just to take one
5 count --

6 MR. HAYES: He's supposed to --

7 [REDACTED]: -- on shift.

8 [REDACTED]: An institutional count.

9 [REDACTED]: Institutional count.

10 MR. HAYES: Okay.

11 [REDACTED]: Not a physical, in the
12 SHU count.

13 MR. HAYES: Okay. So, now --

14 [REDACTED]: But now, if you
15 (Indiscernible *03:53:53).

16 MR. HAYES: -- I got to shut up.

17 [REDACTED]: Yeah. Go ahead.

18 MR. HAYES: He's supposed to take a count.

19 [REDACTED]: Right.

20 MR. HAYES: Right? And he's supposed to
21 enter the count.

22 [REDACTED]: Right.

23 MR. HAYES: Right? Okay. And there was a
24 count entered, right? And there is no question
25 that, at some point, the count was altered?

1 [REDACTED]: The count was wrong.

2 [REDACTED]: The count was wrong.

3 MR. HAYES: Okay. Okay.

4 [REDACTED]: Well, no --

5 MR. HAYES: Yeah. (Indiscernible

6 *03:54:14) --

7 [REDACTED]: -- what he's saying is it
8 was altered.

9 MR. HAYES: -- (Indiscernible *03:54:15).

10 [REDACTED]: I'm talking about the numbers

11 --

12 [REDACTED]: So, if you recall --

13 [REDACTED]: -- on the paperwork.

14 [REDACTED]: -- on August 9th, 2019,

15 the [REDACTED] log says, at midnight, there

16 was 72 in the SHU. The count slip says 73.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: And the [REDACTED] log
19 for the next day at midnight says there was 73.

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: So, what Agent [REDACTED] is
22 asking is, well, that obviously goes to show
23 that she went back and changed those numbers to
24 72, because --

25 MR. HAYES: But what is her motive --

1 [REDACTED]: -- that midnight --

2 MR. HAYES: -- to do that?

3 [REDACTED]: -- she says she was just
4 trying to make things accurate.

5 MR. HAYES: But what would be an ulterior
6 motive that would create the idea that she was
7 doing something wrong?

8 [REDACTED]: It goes back to when you
9 asked --

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: -- is there something to
12 do with a cover up?

13 [REDACTED]: So, if - and granted,
14 mistakes are made in the log - but you also
15 annotate that in the log. Like, you will put,
16 okay, late entry. Because typically, if you
17 say the log is done already, when you go back
18 and make changes, you make changes for this
19 reason alone. An investigator comes in, looks
20 at it, and says, well, wait a minute, it looks
21 like you've been playing, you went back and
22 just changed the numbers. So, you can put in
23 there, and you say, okay, late entry, explain
24 what your change was, and what the mistake was.

25 MR. HAYES: So, really, with this --

1 [REDACTED]: You know?

2 MR. HAYES: -- to show a malicious intent
3 in her part, there's got to be something that
4 influences her to protect one of the people
5 that were - no question - were fucking around.
6 Right? The two guys that were fucking around
7 ended up getting pinched. Right? So, if one
8 of them is her friend, then she's got a
9 malicious motive to go try and cover for that
10 guy. Like, did \$8,000 (Indiscernible
11 *03:55:58) police officer, he says, well, I
12 thought he drew a gun on me.

13 [REDACTED]: Right.

14 MR. HAYES: And I shot him.

15 [REDACTED]: Yeah.

16 MR. HAYES: Oh, okay. Nobody else saw
17 that.

18 [REDACTED]: Yeah.

19 [REDACTED]: But you are not aware of
20 her involvement at all, you said, or --

21 [REDACTED]: As far as what?

22 [REDACTED]: -- covering up for them,
23 or involvement in Epstein's death?

24 [REDACTED]: No. She wouldn't have had
25 that conversation with them.

1 [REDACTED]: And you weren't - until
2 now, it sounds like - even aware that she was
3 at the institution after 5:30 a.m.?

4 [REDACTED]: I was told she left.

5 [REDACTED]: Okay.

6 [REDACTED]: Yeah.

7 [REDACTED]: And again, who told you
8 that?

9 [REDACTED]: The [REDACTED].
10 Because he called me and he says, hey, I
11 relieved --

12 [REDACTED]: So, [REDACTED]?

13 [REDACTED]: -- [REDACTED].

14 [REDACTED]: Sorry.

15 [REDACTED]: Yeah.

16 [REDACTED]: Okay. And did you have -
17 before we move on to the next subject - do you
18 have any more on that?

19 [REDACTED]: No.

20 [REDACTED]: So now, we are going to
21 talk about the cameras.

22 [REDACTED]: Mm-hmm.

23 [REDACTED]: Were the SHU cameras
24 recording on August 9th and 10th of 2019?

25 [REDACTED]: I didn't physically go check

1 to see if they were, were recording or not.

2 [REDACTED]: Did you learn that they
3 were not recording?

4 [REDACTED]: Yeah. We found out
5 afterwards, that they weren't recording.

6 MR. HAYES: Wait. Wait. We had this
7 conversation.

8 [REDACTED]: Right.

9 MR. HAYES: The cameras don't work in a
10 lot of these institutions. Right?

11 MR. HAYES: Yeah. Yeah.

12 MR. HAYES: All right. And that's because
13 they didn't spend the fucking money to make
14 sure the cameras work.

15 [REDACTED]: Well, it's --

16 MR. HAYES: And I got to stop saying
17 "fuck."

18 [REDACTED]: -- that's the issue, too,
19 funding, and, you know, so, since that
20 incident, I guess there was some audits done by
21 the agency, and they realized that it was kind
22 of a system (Indiscernible *03:57:15).

23 MR. HAYES: But you see, the issue is,
24 should you have checked why weren't the cameras
25 working?

1 [REDACTED]: Well, that's my question
2 is, do you know why they were not working?

3 [REDACTED]: I don't know the specific
4 language that was used, and what was wrong with
5 it, because I guess, after I left, they kind of
6 made a determination on what was why -. What
7 was the reason. I know we were going through
8 the process of auditing and fixing some
9 cameras. But those specific SHU cameras, I
10 wasn't aware of the extent.

11 [REDACTED]: Okay. Let's just really
12 quickly review --

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: -- the SHU camera
15 documentation. Were you ever provided any
16 documents of a camera that actually was working
17 in the SHU?

18 [REDACTED]: You mean, the day of the
19 Epstein thing?

20 [REDACTED]: Right, right. At any
21 time.

22 [REDACTED]: I don't recall.

23 [REDACTED]: So, were you provided
24 with this? This is right outside of --

25 [REDACTED]: This was a --

1 [REDACTED]: -- Ten South.

2 [REDACTED]: -- that says camera angle
3 out of Ten South.

4 [REDACTED]: Right. Were you ever
5 provided with that, as far as --

6 [REDACTED]: It looks --

7 [REDACTED]: -- I think from --

8 [REDACTED]: -- it looks familiar, but I
9 don't --

10 [REDACTED]: -- from [REDACTED] [REDACTED].

11 [REDACTED]: -- he might have.

12 [REDACTED]: Okay. But you don't
13 remember specifically?

14 [REDACTED]: Yeah. I don't specific.

15 [REDACTED]: Okay. And then, just
16 while we are here, I guess, what are these
17 doors right to the right of this picture?

18 [REDACTED]: This, this door goes into
19 Ten South.

20 [REDACTED]: Okay.

21 [REDACTED]: And then, this one, I think
22 is a utility room door. I'm not sure.

23 [REDACTED]: Okay. So, the door that
24 says "46" goes into Ten South?

25 [REDACTED]: That looks like the Ten

1 South door. Oh, wait, wait. Yeah. The phone
2 is -. Yeah. That is Ten South. It looks like
3 Ten South.

4 [REDACTED]: And what are we looking
5 at down here?

6 [REDACTED]: So, this is the, right here
7 is the officer's station area.

8 [REDACTED]: And do you - based upon
9 that - do you know what tier that would be
10 right there?

11 [REDACTED]: Oh, man. You got
12 (Indiscernible *03:59:02) stopped. Let me see.
13 Is that G and H tier, I think, if I remember.

14 [REDACTED]: And what would be right
15 to the right of the officer's station?

16 [REDACTED]: Oh. Wait. G. H. I. J.
17 A. I don't remember if that was I and J. That
18 --

19 [REDACTED]: Would this be L tier up
20 here?

21 [REDACTED]: Yeah. L and M tier. That's
22 what -.

23 [REDACTED]: So, right up, right to
24 the right of the officer's station, looking at
25 this picture --

1 [REDACTED]: Right.

2 [REDACTED]: -- would be L. And is
3 that where Epstein was housed?

4 [REDACTED]: I believe he was on the L
5 tier.

6 [REDACTED]: Okay. Do you mind just
7 initialing and dating that?

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: So, here is a map that we
10 were previously provided. Does this look like,
11 then -? So, this is where we were that this
12 camera angle is focusing down here on the
13 officer's station. This is L tier.

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: On the second level.

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: And this is where Epstein
18 would have been housed.

19 [REDACTED]: Mm-hmm.

20 [REDACTED]: Does that look right?

21 [REDACTED]: That looks right.

22 [REDACTED]: Okay. Is this L tier
23 here?

24 [REDACTED]: That's L tier.

25 [REDACTED]: Does this look like what

1 would have been Epstein's door? I know you
2 can't really see because of the police
3 crossings --

4 [REDACTED]: Yeah.

5 [REDACTED]: -- on it.

6 [REDACTED]: I noticed it. The crime
7 scene tape.

8 [REDACTED]: Okay. Do you have any
9 reason to believe that that wouldn't be
10 Epstein's door?

11 [REDACTED]: What do you mean?

12 [REDACTED]: As far as, I know we
13 can't see the number --

14 [REDACTED]: Yeah. I don't know the
15 number, but I'm taking your word for it, that
16 that is.

17 [REDACTED]: Okay. Now, if you see,
18 this is L tier range. And at the very end, you
19 see this camera.

20 [REDACTED]: Mm-hmm.

21 [REDACTED]: Should that camera have
22 been recording?

23 [REDACTED]: Yes.

24 [REDACTED]: Okay. And is that a
25 camera that I'm actually looking at right

1 there?

2 ██████████: That is a camera.

3 MR. HAYES: Was that camera recording?

4 ██████████: Sir, do you know if the
5 camera was recording?

6 ██████████: I didn't see. After I left,
7 I guess they said there were camera issues, but
8 I don't know what, I wasn't provided
9 information on what specific cameras were
10 working or not.

11 ██████████: So, they didn't tell you
12 if they were working or not?

13 ██████████: Well, remember, I was
14 removed.

15 ██████████: I just didn't know if you
16 found out on the 10th or 11th.

17 ██████████: No. I was removed on the,
18 you know, they said there were some camera
19 issues, and then, what they were doing, they
20 had the FBI come in, and took hard drives, and
21 I guess they were working to see what was
22 working and what wasn't working?

23 ██████████: Can you initial and date
24 that?

25 ██████████: I'm not going to get into

1 this since he wasn't aware that they weren't
2 recording.

3 ██████████: Mm-hmm.

4 MR. HAYES: Boy, I'm impressed by your
5 thoroughness, I'll tell you that much.

6 ██████████: That's why they put me on
7 it. I'm --

8 ██████████: Yeah.

9 MR. HAYES: You're very thorough?

10 ██████████: -- yes.

11 MR. HAYES: You know, if you, if you are a
12 good trial lawyer, you know, allegedly a good
13 trial lawyer, a lot of times, you are not
14 supposed to be thorough. You are supposed to
15 put an idea in the jury's head, right? Where
16 you can see they're invulnerable, stay on that
17 fucking idea, because if you are going to be
18 thorough, you have to bring out something that
19 you don't want to bring out. You know, so you
20 to speak to the things, but you know you got
21 them.

22 ██████████: Yeah.

23 ██████████: So, this is an email that
24 was received. Who's ██████████?

25 ██████████: He's the facilities manager.

1 [REDACTED]: Okay. So, is this what I
2 wanted to show you? Hold on. Now, did you
3 print out the one that I sent you this morning?

4 [REDACTED]: Is that -. That should be
5 the last thing on the -.

6 [REDACTED]: Okay. I'm not going to
7 get into those. So, you weren't aware that the
8 cameras were not - or you are not aware if the
9 cameras were or were not recording --

10 [REDACTED]: We had camera --

11 [REDACTED]: -- in the SHU?

12 [REDACTED]: -- no. We had camera issues
13 throughout the institution.

14 [REDACTED]: Okay.

15 [REDACTED]: So, I don't know which
16 specific one, because we had Mr. [REDACTED] working
17 on a project, to get some money for it.

18 [REDACTED]: Okay.

19 [REDACTED]: But when it came to that
20 specific night, I didn't know if they were
21 working or not.

22 [REDACTED]: Were you ever told that,
23 either on August 8th or August 9th, that the
24 cameras were not recording in the SHU?

25 [REDACTED]: I heard - yes - I was told

1 that there were some issues with the cameras --

2 [REDACTED]: On either the 8th or the
3 9th, prior to Epstein?

4 [REDACTED]: -- no. I'm talking about
5 afterwards --

6 [REDACTED]: Yeah, yeah, no --

7 [REDACTED]: -- when it happened.

8 [REDACTED]: -- I'm saying -. So --

9 [REDACTED]: Yeah.

10 [REDACTED]: -- August 10th is the day
11 he is found.

12 [REDACTED]: Right.

13 [REDACTED]: On August 9th or August
14 8th, even, leading up to Epstein being found,
15 were you ever informed that cameras were not
16 recording?

17 [REDACTED]: No. I wasn't told about
18 cameras.

19 [REDACTED]: All right. So, based on
20 our investigation, we learned that MCC, [REDACTED]

21 [REDACTED] --

22 [REDACTED]: Mm-hmm.

23 [REDACTED]: -- and that [REDACTED] [REDACTED] --

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: -- became aware on August

1 8th, 2019, that at least some of the MCC
2 cameras were not recording. They contacted
3 comtech [REDACTED] [REDACTED], and may have also
4 notified [REDACTED] [REDACTED]. Did you ever
5 hear anything about that?

6 [REDACTED]: I knew prior that there was
7 some cameras in the institution that needed to
8 be fixed, but not specifically the SHU, no.

9 [REDACTED]: Okay.

10 [REDACTED]: Yeah.

11 [REDACTED]: And would have that been
12 based upon what they found? The [REDACTED] [REDACTED] and
13 [REDACTED]?

14 [REDACTED]: No. Because we had had some
15 issues with cameras, and we were trying to seek
16 funding. So, and we were trying to see, okay,
17 what was working and what to get fixed. But
18 specifically, in SHU, no.

19 [REDACTED]: All right. So, only
20 because, you said that you were trying to get
21 funding. Did you know that there were already
22 cameras at the institution, and that's what
23 they were able to replace when the FBI took the
24 cameras on the 10th, they were able to
25 immediately replace them with the cameras that

1 [REDACTED]: Right.

2 [REDACTED]: -- [REDACTED] from, it
3 looks like a [REDACTED] (Phonetic Sp.
4 *04:05:31).

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: The [REDACTED]

7 [REDACTED]

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: It says, request to
10 exceed the spending limit of \$50,000 on a work
11 request number 8158, replace camera system at
12 MCC New York. This work request is to replace
13 the current degraded camera system. The total
14 cost of this work is not to exceed \$800,000."

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: Then, at the bottom, it
17 says, "If you have any questions, please call
18 me or have your staff contact," and how do you
19 say that name? Do you know? [REDACTED]
20 (Phonetic Sp. *04:05:57)?

21 [REDACTED]: [REDACTED].

22 [REDACTED]: [REDACTED]
23 (Phonetic Sp. *04:06:00). [REDACTED]

24 [REDACTED]."

25 [REDACTED]: Mm-hmm.

1 [REDACTED]: And it says, "At the
2 phone number." And then, here are the, you
3 know, the work orders for that. So, we have
4 spoken with SigNet, who was the camera provider
5 --

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: -- they said that on or
8 around October or November of 2018, they were
9 delivered.

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: And then, talking with
12 [REDACTED], the (Indiscernible
13 *04:06:22) --

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: -- [REDACTED] he said
16 that they started working on the infrastructure
17 of the camera project on or around March 2019.

18 [REDACTED]: Mm-hmm.

19 [REDACTED]: To get everything ready
20 for the new camera system that was onsite to be
21 installed, and said that -.

22 [REDACTED]: They had to run wires. But
23 the old system was there. So, they had to run
24 wires. And they had to get a contract done.

25 [REDACTED]: Uh-huh.

1 [REDACTED]: In order, because you needed
2 the comtechs, and I forget the wording that
3 they used, is to run the cables, to get the new
4 camera system in. So.

5 [REDACTED]: And do you know how long
6 that typically takes to run the new wires and
7 all that?

8 [REDACTED]: You would have to have the
9 staff (Indiscernible *04:06:58). We didn't
10 have the staffing.

11 [REDACTED]: So, were there two people
12 TDY'd, though, in order to do that?

13 [REDACTED]: They started TDY'ing people
14 in, to come in.

15 MR. HAYES: Wait a minute. Can the staff
16 run the new wires, or you have to get an
17 electrician to run the wires?

18 [REDACTED]: No. We have staff that are
19 qualified to do it, but then, some of them were
20 new and really didn't know how to do it. So --

21 MR. HAYES: Okay.

22 [REDACTED]: -- you know, it was -.

23 [REDACTED]: So, according to [REDACTED]
24 [REDACTED] it says, "The camera system was
25 scheduled to start March 17th, 2019, and it

1 started on schedule. When I arrived TDY
2 February 2019, we only had one communication
3 technician --

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: -- therefore, after
6 talking to the regional office, they started a
7 project to assist in funding and labor. So, we
8 were able to start the week of March 17th, 2019
9 for the camera system, and all other
10 infrastructure throughout the institution.

11 MR. HAYES: St. Patrick's Day.

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: Below is the email sent
14 to all the institution from [REDACTED] Bond
15 (Phonetic Sp. *04:07:49), the northeast
16 regional --

17 [REDACTED]: Right.

18 [REDACTED]: -- facilities
19 administrator." But point being, it looks like
20 that project had started. Correct?

21 [REDACTED]: It has started, but --

22 [REDACTED]: And I only say that
23 because I wanted to make sure you weren't
24 confused, because you were saying we were
25 looking for funding.

1 [REDACTED]: No. No. I misspoke. What
2 I'm saying is, I meant that the project
3 started, but the cameras hadn't been replaced.
4 Because they were still running wires for the,
5 to get the new system started.

6 [REDACTED]: Okay.

7 [REDACTED]: So, that unit still had the
8 old cameras.

9 [REDACTED]: Right. But then, the
10 camera system was actually onsite, and they
11 were working on it?

12 [REDACTED]: Well, yeah, but they weren't
13 - you didn't have enough staff to install, to,
14 you know, to rewire the whole place, because we
15 had, we wanted to put one, some on the ranges
16 that never had cameras.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: So, it was a tedious
19 project.

20 [REDACTED]: I see.

21 [REDACTED]: That required us to TDY
22 staff from other institutions. And then, you
23 know -.

24 [REDACTED]: Yeah. And were you kept
25 apprise of where they were on that? On the

1 camera project.

2 [REDACTED]: I would acquire about it,
3 like, where we were with it. But we were to
4 the point where we were bringing people in from
5 other institutions. To get it done.

6 [REDACTED]: Okay. And do you know
7 when the camera system was scheduled to
8 actually be installed, or was it ever
9 scheduled?

10 [REDACTED]: From - and if I remember
11 right - it was a matter of before you even
12 installed it, you had to run the wiring for it.

13 [REDACTED]: Right. And that's what -
14 -

15 [REDACTED]: (Indiscernible *04:09:13).

16 [REDACTED]: -- I think was --

17 [REDACTED]: Right.

18 [REDACTED]: -- what they were saying
19 in March of 2019.

20 [REDACTED]: But that had --

21 [REDACTED]: That -.

22 [REDACTED]: -- been completed. Because
23 you had to TDY people there. And to get it
24 done.

25 [REDACTED]: And they never provided

1 you with an update as far as, like, when it
2 would actually be completed?

3 ██████████: It was still ongoing.

4 ██████████: Okay.

5 ██████████: Now --

6 MR. HAYES: (Indiscernible *04:09:27).

7 ██████████: -- but after I left, they
8 got people in there and completed it.

9 ██████████: Yeah. Yeah. Because I
10 think, I think that whole week, they were able
11 to complete the whole thing. Correct?

12 ██████████: I don't know when.

13 ██████████: You don't know?

14 ██████████: You know, because they had
15 people come in from different institutions.

16 ██████████: Now, is that, did they
17 ever, did the facilities manager, Captain
18 Whomever, ever explain to you how bad the
19 system was, and that it kept on shutting down,
20 and stopping, you know, cameras weren't
21 recording?

22 ██████████: I mean, we would have
23 incidents where, you know, something would
24 happen, and we tried to go back and find the
25 tape, and we couldn't. So, and it would break

1 down, they would fix it. So, I mean, we did
2 have issues like that before. But it was the
3 age of the cameras. The --

4 [REDACTED]: Yeah.

5 [REDACTED]: -- you know, we had
6 infrastructure issues. So.

7 [REDACTED]: Because, yeah, the
8 comtech claims that, you know, like, he had
9 been, I mean, he's a very soft-spoken person,
10 but like, basically, screaming at the top of
11 his lungs as much as a very soft-spoken person
12 can, we need to fix these things, this is a
13 continual problem.

14 [REDACTED]: So, here is what it is. We
15 don't have money readily available at an
16 institution to fix it. That money comes from
17 what we call buildings and funds.

18 [REDACTED]: Mm-hmm.

19 [REDACTED]: Which is funded by Congress.
20 So, you would have to talk to somebody in the
21 region about what the regional budget is, but
22 other institutions have issues going on.

23 [REDACTED]: But being that --

24 [REDACTED]: Yeah.

25 [REDACTED]: -- we have all these

1 cameras already onsite, and they had already
2 done the wiring for, you know, at least six
3 months prior to this --

4 [REDACTED]: Well, not all the wiring --

5 [REDACTED]: -- they --

6 [REDACTED]: -- was done.

7 MR. HAYES: Yeah. He just, he didn't say
8 the wiring was done.

9 [REDACTED]: Yeah.

10 [REDACTED]: No, no, no. I'm just
11 saying, like, is that, I'm just trying to get a
12 feel for what was the plan here, and who was
13 responsible.

14 [REDACTED]: Well, the plan was to get
15 the manpower to get it installed, but at the
16 time, we only had one person. Which was
17 [REDACTED].

18 [REDACTED]: Mm-hmm.

19 [REDACTED]: So, one person can't --

20 [REDACTED]: Well, and the TDY staff.

21 [REDACTED]: -- right, but even the TDY
22 staff came, they did help. You know, but then,
23 we also had other TDY staff that were coming in
24 for, because of our staffing issues.

25 [REDACTED]: Mm-hmm.

1 [REDACTED]: But -.

2 [REDACTED]: Well, that's what [REDACTED]
3 told us. That the TDY staff that was assigned
4 for him sometimes were getting put on the
5 custody posts. Do you know if that is accurate
6 or not?

7 [REDACTED]: We might have had to do it a
8 time or two because we wanted to staff.

9 [REDACTED]: Okay.

10 [REDACTED]: Yeah. Yeah.

11 [REDACTED]: And whose responsibility
12 were the cameras? To make sure that those
13 things were going to be operational and working
14 properly.

15 [REDACTED]: Well, it's not a matter of
16 who was responsible. It's, like, working on
17 getting it installed.

18 [REDACTED]: Okay.

19 [REDACTED]: So, there was no deadline as
20 far as, you know, okay, when they had to be up.
21 You know, they just had to be installed.

22 [REDACTED]: Okay. Because we were
23 told the cameras are the captain's baby. Is
24 that accurate?

25 [REDACTED]: No. No. It's not.

1 MR. HAYES: Yeah. That --

2 [REDACTED]: It's not.

3 MR. HAYES: -- that can't be true.

4 Captains don't know how to install it.

5 [REDACTED]: Yeah. He doesn't --

6 MR. HAYES: (Indiscernible *04:12:11).

7 [REDACTED]: No, no, no. Not to
8 install them. But to make sure that they are
9 operational, and get the right people to
10 actually get it done.

11 [REDACTED]: Well, I --

12 MR. HAYES: That can't be right, either.

13 [REDACTED]: -- well, I --

14 MR. HAYES: Because how the fuck would you
15 know what --

16 [REDACTED]: -- right. I --

17 [REDACTED]: Well, because --

18 MR. HAYES: -- who the right people is.

19 [REDACTED]: -- because what we were
20 told is that this was constantly happening,
21 whereas the cameras would stop working. And
22 then, nothing would be recorded.

23 [REDACTED]: So -.

24 [REDACTED]: The only way you find out
25 that that is happening is to physically check

1 the DVR recording to see if there has a light
2 on it, or if you try to attempt to rewind, and
3 you are unable to.

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: Because everything is
6 still live monitored feed, showing, so you
7 can't tell just by looking at the cameras.
8 It's only when you try to rewind them, that you
9 can say, oh my gosh, they are not recording.

10 [REDACTED]: Right. But that, it wasn't
11 just as simple as that. I mean, there were
12 technical aspects of it that you had to check
13 to see if the cameras are working or not.

14 [REDACTED]: Oh. Absolutely.

15 [REDACTED]: Right. And the captain
16 basically looking to see if, okay, is the
17 screen up? And then, is it recording? But
18 there was some instances where the hard drives
19 weren't working, and you don't know that until
20 you get deep into it, into the system. So, I
21 wouldn't, you know --

22 [REDACTED]: That's --

23 [REDACTED]: -- put that --

24 [REDACTED]: -- that's what he just
25 stated.

1 [REDACTED]: Yeah.

2 [REDACTED]: Like, the fact that the only
3 way we would know if the hard drives were not
4 working is by going in --

5 [REDACTED]: Right.

6 [REDACTED]: -- to check the video. And
7 the video, there is no videos that they can
8 pull back.

9 [REDACTED]: Right.

10 [REDACTED]: That's when they know the
11 hard drives stopped recording.

12 [REDACTED]: Stopped recording. And
13 then, and look at them. But then, this is, you
14 know, there was other technical aspects of it
15 that, you know --

16 MR. HAYES: I can't imagine that --

17 [REDACTED]: -- yeah --

18 MR. HAYES: -- the captain would know. I
19 sure as hell wouldn't.

20 [REDACTED]: -- right.

21 [REDACTED]: So, I guess, knowing,
22 though, that this was, like, a reoccurring
23 problem, and the fact that, well, what we
24 didn't say is, it seems, it appears that the
25 cameras actually stopped recording all the back

1 in July, and for half of the institution.

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: Who should have made sure
4 that that camera system was replaced, and that
5 we had an operational camera system in there?

6 [REDACTED]: Well, the centralized area,
7 and I don't know where the break down was. So,
8 if it's a centralized area, then it would be,
9 you know, within our facility department has
10 access to --

11 [REDACTED]: Well, the camera --

12 [REDACTED]: -- the comm --

13 [REDACTED]: -- you are asking where
14 the cameras are?

15 [REDACTED]: -- no, the comm room.

16 [REDACTED]: Yeah. The comm room.

17 Where these recorders were, were all in the SIS
18 secured area.

19 [REDACTED]: Right. The actual cameras.
20 But where - if you go out - where -? And I
21 don't know the word, what's the word? Where
22 your centralized main area is for the whole
23 system. Yeah. That SIS areas has the cameras.
24 But that's fine.

25 [REDACTED]: Not the control room.

1 But it's back around where, it's a locked door
2 within the SIS locked room, where the actual
3 DVR recording and rack is, and everything.

4 [REDACTED]: Right.

5 [REDACTED]: Yeah, yeah, yeah. That's

6 --

7 [REDACTED]: But --

8 [REDACTED]: -- is that what you are
9 talking about?

10 [REDACTED]: -- that, but there is also
11 another, should be another area in the
12 institution, just for the communications.
13 Where everything comes into. So, I don't know
14 if it was back there or whatever, but our
15 facilities department, you know, their
16 communication guys check that, too, if there is
17 something intricate with it.

18 [REDACTED]: Now, so, was either [REDACTED]
19 [REDACTED], or [REDACTED], how do you pronounce his
20 name?

21 [REDACTED]: [REDACTED].

22 [REDACTED]: Was [REDACTED], or [REDACTED]
23 [REDACTED], were either of them expressing the need
24 to you at all, to, hey, we need to get these
25 things fixed?

1 [REDACTED]: I mean, the request had been
2 sent up.

3 [REDACTED]: Yeah, yeah. No.

4 [REDACTED]: So, yeah.

5 [REDACTED]: And these were all
6 onsite.

7 [REDACTED]: Right. So, yeah. I mean,
8 we were going through --

9 [REDACTED]: And again --

10 [REDACTED]: -- the process of getting
11 the system up and running.

12 [REDACTED]: But there was no set
13 schedule for when it was actually going to be
14 completed?

15 [REDACTED]: No. Because we had to TDY
16 people. Sometimes we got them in, sometimes we
17 couldn't get them. And then, towards the end,
18 you know, boil down to money, with getting
19 people in to come fix them.

20 [REDACTED]: And when people are TDY,
21 do you - when you say boil down to money - does
22 that come out of --

23 [REDACTED]: It comes out of our --

24 [REDACTED]: -- MCC's pocket?

25 [REDACTED]: -- it comes out of our

1 budget. It comes out of budget. It comes out
2 of the region sometimes gives it. Plus, on top
3 of that, we were for TDY to come to our
4 correctional post, because we were so short.

5 [REDACTED]: All right. So, what
6 would you say is the main reason, then, that
7 the cameras were onsite, but not installed?
8 Lack of manpower and funding?

9 [REDACTED]: Well, manpower to get it in.
10 And then, it kind of boiled down to funding.
11 You know, to keep TDY people, to get it done.

12 MR. HAYES: But do you have money, you can
13 really keep the TDY people. You don't have
14 money --

15 [REDACTED]: Yeah.

16 MR. HAYES: -- you can't keep them. You
17 know?

18 [REDACTED]: But again, there is no,
19 there was no actual set schedule of it will be
20 operational by the end of this calendar year --

21 [REDACTED]: No.

22 [REDACTED]: -- or anything like that?

23 [REDACTED]: No.

24 [REDACTED]: That wasn't discussed?

25 [REDACTED]: That wasn't discussed. We

1 were trying, you know, doing the best we can
2 with the hand we were dealt.

3 ██████████: Okay. And Monday morning
4 quarterbacking that. Should it have been
5 discussed, or planned ahead, that these cameras
6 be installed?

7 ██████████: Would -? I don't understand
8 the question.

9 ██████████: Well, being that there
10 is, it seems that there was potentially around
11 two weeks of no cameras, and in the SHU, no
12 cameras. Aside from that one outside of Ten
13 South.

14 ██████████: Right.

15 ██████████: That were recording.

16 ██████████: But that wasn't known --

17 ██████████: But it was, according to
18 the, you know, according to the facilities, as
19 well as the comtech, they said it was very well
20 known that this continually happened, and that
21 the comtech guy continually had to rebuild hard
22 drives because they kept on crapping out and
23 not recording.

24 ██████████: I mean, it is an antiquated
25 system.

1 [REDACTED]: Right, right, right.

2 [REDACTED]: So, when you go down, yeah,
3 obviously, you go fix it. But nobody knew
4 until after the fact that you, you know, that
5 you had a system that was out for two weeks.
6 You know, I mean, you go to any other, any
7 institution, the cameras go down.

8 [REDACTED]: Sure, sure.

9 [REDACTED]: And when the system breaks,
10 somebody discovers it, and they fix it. But as
11 far as getting the new system up, we were
12 working on it.

13 [REDACTED]: Okay. You want to follow
14 up with any of that?

15 [REDACTED]: You mentioned no one knew.
16 But the problem was, according to the comtech,
17 the system failed, the motherboard had to be
18 replaced on the 29th --

19 [REDACTED]: Mm-hmm.

20 [REDACTED]: -- they had a failure.

21 [REDACTED]: Right.

22 [REDACTED]: And then, of course, no one
23 checked it until the 8th.

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: August 8th. When the [REDACTED] and

1 the [REDACTED] went in and they tried to

2 --

3 [REDACTED]: Right.

4 [REDACTED]: -- review video. Now, being
5 that they identified the system wasn't working
6 that day --

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: -- how soon should it have
9 been fixed?

10 [REDACTED]: What do you mean? When they
11 --?

12 [REDACTED]: On the 8th.

13 [REDACTED]: Right.

14 [REDACTED]: This is two days before the,
15 that, that Epstein was found. If they
16 identified on the 8th that, hey, listen, the
17 camera is not working. It's technically not
18 recording. How much of a priority is it to
19 make sure that those cameras are up and running
20 immediately?

21 [REDACTED]: It's a priority. So, what
22 happens is, and we have run into this before,
23 the parts. Sometimes the parts weren't readily
24 available. So, you have to go somewhere and
25 call for the parts, and depending on where it

1 is at, it could be in California, or whatever.
2 So, you got to see how long it takes to get
3 that part.

4 MR. HAYES: Yeah.

5 [REDACTED]: Over to repair.

6 MR. HAYES: And the key part for my
7 heating system --

8 [REDACTED]: Yeah.

9 MR. HAYES: -- is in fucking Belarus.

10 [REDACTED]: Right.

11 [REDACTED]: My understanding is they, it
12 was the hard drive that they needed. Right?
13 And the hard drive was sitting with the
14 computer services.

15 [REDACTED]: Yeah. On the 8th. They
16 weren't able to get it.

17 [REDACTED]: I don't know.

18 [REDACTED]: Yeah.

19 [REDACTED]: And on the 9th, they got
20 it. But then, he claims that he wasn't able to
21 gain access to the room because it was an SIS
22 shop, and he needed to go until later in the
23 day, and they were gone.

24 [REDACTED]: I mean --

25 [REDACTED]: And on the 10th -.

1 [REDACTED]: -- we have an emergency keys
2 to get into any area of the institution. So,
3 if he is saying he couldn't get in to the SIS
4 office --

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: -- you got the captain, you
7 know, we got the techs that work in there.
8 We've got their glass is behind - what we call
9 in control center - behind a box. You know, we
10 can get that box open.

11 [REDACTED]: So, he said that the only
12 way to be able to get into it is if he broke
13 the glass --

14 [REDACTED]: He can break the glass.

15 [REDACTED]: -- mm-hmm. It's okay
16 that he would have done that? And then, should
17 have he?

18 [REDACTED]: Yeah. If you couldn't
19 reach, you could just -. Well, he should have
20 gone to the captain or somebody and said, hey,
21 captain, I need to get into your SIS office.

22 [REDACTED]: Do you think it's at all
23 acceptable, if knew on August 8th that these
24 cameras were down, and he didn't actually start
25 working on it, or at least, I guess he was

1 working on getting the parts, but then got the
2 parts again on the, some time on the 9th,
3 claims he didn't work on it because he couldn't
4 get into it, into the SIS office. So, he was
5 going to work on it on the 10th, on that
6 Saturday.

7 ██████████: So, the question --

8 ██████████: -- and what is your --?

9 ██████████: -- the question I would pose
10 to you is, did he notify anybody that he
11 couldn't get in there? Did he make any attempt
12 to contact the captain, or anybody to say, hey,
13 I need to get into that office to get a part to
14 do it, because if he had told the captain that,
15 the captain would have got that office open for
16 him.

17 ██████████: Yeah. I agree with you.
18 It's a he says that the MCC was a different --
19 So, at any other BOP institution, in the
20 country, that would have happened with, his
21 experience taught him that, at the MCC,
22 basically it could wait until tomorrow.

23 MR. HAYES: They wait until tomorrow.

24 ██████████: So, so that's his opinion.
25 But again, I'm going to pose a question. Who

1 did he bring up the issue to? Because my thing
2 is, if you know it's an emergency, and it's a
3 situation to say this is the MCC, is a cop-out.

4 [REDACTED]: And is it, would that be
5 classified as an emergency?

6 [REDACTED]: If the cameras are down,
7 yeah.

8 [REDACTED]: That is an emergency. So
9 --

10 [REDACTED]: Let's get them back.

11 [REDACTED]: -- he should have
12 absolutely gotten into that room --

13 [REDACTED]: He should have gotten --

14 [REDACTED]: -- one way or another?

15 [REDACTED]: -- in there, and he knows he
16 could have gotten into the room, because you
17 can, we can break - if he said that stuff was
18 sitting in there, whatever room he said it in
19 there, guess what? You can break glass. You
20 can break glass after hours, if you need to,
21 and it's an emergency to get in, into an area.

22 [REDACTED]: So, his claim is that, he
23 has rebuilt these things so many times. And
24 every knew that these cameras needed to be
25 reinstalled, and he had been saying that they

1 needed to be reinstalled. And now he's being
2 looked at as the fall guy.

3 MR. HAYES: You know, it sounds like he
4 could, you know -.

5 ██████████: I don't -. This is not an
6 issue of being the fall guy.

7 ██████████: Right.

8 ██████████: So, let's take every issue
9 we just talked about. We talked about the
10 camera project that we were working on.

11 ██████████: Mm-hmm.

12 ██████████: We were getting the people
13 in there to working. So now, let's talk about
14 the specific issue that you were talking about.
15 He did not notify anybody to get into that
16 room, to get to that part. That part was to
17 fix the current system. It had nothing to do
18 with the new system coming in. This is, he is
19 saying that this was a part that we needed to
20 fix, get put in, to deal with the current
21 system.

22 ██████████: Now, what about the fact
23 that ██████████ is saying both she and
24 the ██████ knew that the cameras were down on
25 August 8th. They told ██████ to fix them. And

1 they also notified [REDACTED] so that
2 she not only notified the captain, but wrote a
3 memo and provided it to him about the cameras
4 being down on the 8th.

5 [REDACTED]: Right.

6 [REDACTED]: So, at that point, what
7 are the responsibility of the captain and the
8 [REDACTED]?

9 [REDACTED]: So, what the captain does is
10 he notifies facilities where [REDACTED] works for,
11 and says, hey, the cameras are broken, you need
12 to fix them.

13 [REDACTED]: So, should the captain
14 have, on the 9th, ensured that those things
15 were fixed?

16 [REDACTED]: Well, I don't know what
17 conversation he had with facilities to say we
18 are getting, you know, was it being fixed or
19 not.

20 MR. HAYES: Well, do you know
21 (Indiscernible *04:23:25). If he knows to tell
22 somebody on the 9th, is it possible to fix it
23 on the 9th?

24 [REDACTED]: Well, the 9th is a
25 Friday. So, the 8th is when we are told that

1 he was told, informed, learned.

2 [REDACTED]: Right.

3 [REDACTED]: So, we have all Friday on
4 the 9th to make sure it's done.

5 [REDACTED]: Right.

6 [REDACTED]: On the 10th,
7 unfortunately, is when --

8 [REDACTED]: But --

9 [REDACTED]: -- we know the severity
10 of the issue.

11 [REDACTED]: -- but that's my point. You
12 knew that, okay, you were made aware that the
13 cameras needed to be fixed. Okay. So, your
14 answers, what you are saying is, I couldn't get
15 into a certain area, so --

16 [REDACTED]: Well, that's what [REDACTED]
17 is saying. Yeah.

18 [REDACTED]: -- but that, okay, but --

19 [REDACTED]: But my question is,
20 should the [REDACTED] or the captain have followed up
21 with that, to make sure that it was actually
22 being done.

23 [REDACTED]: And to them, I don't, you
24 know, I don't want to make the assumption
25 because I don't know. There could have been

1 some follow up. I don't want to speak on it,
2 but you know, if he had told him something on
3 the 8th, you know, I don't know the
4 conversations that were taking place between
5 them. Like, where is that, and what is he
6 saying? Right now, I'm responding to what he
7 is saying, and it makes no sense.

8 ██████████: Yeah. No. I would just
9 think that, you know, being a captain or an ██████
10 would be --

11 ██████████: Right.

12 ██████████: -- whoa. The cameras are
13 down in the institution?

14 ██████████: Right.

15 ██████████: Well, let's make sure
16 that those things are back up --

17 ██████████: So, and --

18 ██████████: -- so they would at least
19 check back in on the 9th, and say --

20 ██████████: -- and then --

21 ██████████: -- where are we at on
22 this thing?

23 ██████████: -- but then, I don't know,
24 you know, what that conversation was. I don't
25 know if, on the 9th, ██████ even came to work.

1 [REDACTED]: Right.

2 [REDACTED]: I don't know. He could have
3 said --

4 [REDACTED]: Well, we do --

5 [REDACTED]: -- oh, well, I'm not going -
6 -

7 [REDACTED]: -- we know. But yeah.

8 [REDACTED]: -- huh?

9 [REDACTED]: And we know.

10 [REDACTED]: Right.

11 [REDACTED]: Yeah.

12 [REDACTED]: So, I don't know. I don't
13 want to speculate on that part.

14 [REDACTED]: Yeah, yeah, no. That's
15 what we are trying to tell you. Is, like --

16 [REDACTED]: Right.

17 [REDACTED]: -- we know he was there.

18 [REDACTED]: Right.

19 [REDACTED]: On the 8th, he couldn't
20 get the parts. On the 9th, he got the parts.
21 But then, he said, he tried to get into the SIS
22 office. He was told by the - it wasn't an SIS
23 tech, because there were only two people there.
24 It was somebody that --

25 [REDACTED]: Monitored.

1 [REDACTED]: -- monitored the
2 telephones. I think he's now retired. Tay?

3 [REDACTED]: Tay. Yeah.

4 [REDACTED]: Was there. And he said,
5 I'm getting ready to leave, and he can't come
6 in here without me. And then, he said, I
7 didn't have access to the room after that. So,
8 my plan was to come in on the 10th, the
9 Saturday, because I was coming in anyway. And
10 that's what I was going to work on.

11 [REDACTED]: He's the com shop. He can
12 go anywhere, where there are computers.

13 [REDACTED]: So, that is not an
14 acceptable answer that he provided?

15 [REDACTED]: I don't understand that
16 answer.

17 [REDACTED]: Okay.

18 [REDACTED]: It's because that room is
19 not in where the SIS shop is. That's the phone
20 monitor room. That's the camera room.

21 [REDACTED]: And the key for the camera
22 room is how, I think it's only the SIS
23 [REDACTED], and the SIA that has the keys for
24 it.

25 [REDACTED]: That's what the SIS

1 office said --

2 [REDACTED]: So, the --

3 [REDACTED]: -- they said that -.

4 [REDACTED]: -- the phone monitor is,
5 he's in the SIS, but he draws keys to get into
6 that room. So, that room is all -. And you
7 can draw keys to get into that room.

8 [REDACTED]: Yeah.

9 [REDACTED]: When you saw draw keys, what
10 do you mean?

11 [REDACTED]: Well, you get them from
12 control center.

13 [REDACTED]: Okay.

14 [REDACTED]: Yeah.

15 [REDACTED]: You know?

16 [REDACTED]: Well, we were told by
17 [REDACTED], the only way he could have
18 gotten them is to break the glass, which he
19 could have done. But -.

20 [REDACTED]: You could have broken the
21 glass. And that time of time it was 8:00. The
22 captain is there. The security officer who
23 controls all the keys in the institution is
24 there.

25 [REDACTED]: Right.

1 ██████████: You can go to them and say,
2 hey, I need --
3 MR. HAYES: The key.
4 ██████████: Now --
5 ██████████: -- I need the key.
6 ██████████: -- now, did either the
7 captain or the █████ inform you of this issue?
8 ██████████: No. I don't --
9 ██████████: So, you didn't know --
10 ██████████: -- I don't --
11 ██████████: -- anything about this?
12 ██████████: -- recall anything about
13 that issue.
14 ██████████: Should have they?
15 ██████████: So, if --
16 ██████████: If it was a Thursday,
17 they found out, and it was all -. You weren't
18 there for that.
19 ██████████: I weren't there on Friday.
20 ██████████: Okay.
21 ██████████: I wasn't there on Friday.
22 ██████████: You weren't even --
23 ██████████: Yeah.
24 ██████████: -- there on Friday.
25 ██████████: So, you know -.

1 [REDACTED]: And who - I'm sorry - can
2 you remind me, who was acting in your stead on
3 Friday?

4 [REDACTED]: I believe it was [REDACTED]-
5 [REDACTED], I think.

6 [REDACTED]: Okay.

7 [REDACTED]: So.

8 [REDACTED]: Now --

9 [REDACTED]: Okay.

10 [REDACTED]: Yeah.

11 [REDACTED]: So, you weren't even
12 there.

13 [REDACTED]: Yeah.

14 [REDACTED]: Our understanding is, I think
15 [REDACTED] was in the institution, too,
16 about 8:00 p.m.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: On the 9th.

19 [REDACTED]: On the 9th.

20 [REDACTED]: Right.

21 [REDACTED]: So --

22 [REDACTED]: On Friday.

23 [REDACTED]: -- could [REDACTED] have been to
24 any time during that period?

25 [REDACTED]: He could have seen him. I

1 mean, just, you can't -. If it's an emergency
2 to get something for, I don't understand. That
3 is not -.

4 [REDACTED]: No. That's great to
5 know.

6 [REDACTED]: Yeah.

7 [REDACTED]: About this. So, you say
8 that's not acceptable.

9 [REDACTED]: No. You can, you can get in
10 there. So, I don't know -.

11 MR. HAYES: Well, one of the things is, is
12 in prison, you need a camera. Yeah.

13 [REDACTED]: Right. Especially in the
14 SHU.

15 MR. HAYES: Right. Especially in the SHU.

16 [REDACTED]: Now, who was responsible
17 to have the new camera system installed?

18 [REDACTED]: What do you mean as far as
19 responsible?

20 [REDACTED]: Like, who had overall
21 oversight on that?

22 [REDACTED]: The facilities manager.

23 [REDACTED]: [REDACTED].

24 [REDACTED]: [REDACTED]. Yeah. So, he -

25 -

1 [REDACTED]: All right.

2 [REDACTED]: -- gets the people in there,
3 but we're allocating things. But again, I want
4 to say, that was, you know, with manpower.

5 [REDACTED]: Okay. Now, you've pretty
6 much answered this, and you can say it's the
7 same answer, but I just want to read you the
8 question. What are your thoughts on the fact
9 that the new camera system was there since
10 October 2018, but it wasn't installed after the
11 Epstein incident that occurred on August 10th,
12 2019?

13 [REDACTED]: It's the manpower.

14 [REDACTED]: Manpower.

15 [REDACTED]: Yeah. You know, getting
16 people, qualified people in there to do it. I
17 mean, one person couldn't do that. It was, and
18 we were putting in new cameras in new areas.
19 So, he needed more people. One person couldn't
20 do it.

21 [REDACTED]: Okay. Do you mind just
22 initialing? And don't have to go through this,
23 just the top is fine. Anything more on the
24 camera issue?

25 MR. HAYES: Oh, Christ. You got more

1 issues?

2 [REDACTED]: No. I think the -. We
3 have one more issue, and then just a couple of
4 questions based upon the BOP's findings. It
5 does say that there's leaks information. Where
6 are those emails?

7 [REDACTED]: It was in -. Did we mix that
8 up?

9 [REDACTED]: Here it is. So, here is
10 two emails that were sent both from [REDACTED].
11 One to you, and one to [REDACTED] (Phonetic
12 Sp. *04:29:13).

13 [REDACTED]: Yeah. He was the [REDACTED]
14 [REDACTED] at the time.

15 [REDACTED]: [REDACTED]?

16 [REDACTED]: Yeah.

17 [REDACTED]: Okay. So, the first one
18 was on August 10th, 2019, at 6:14 p.m. to you.
19 And the subject is, "Urgent request. Potential
20 leak in hospital regarding Epstein's death."

21 [REDACTED]: Mm-hmm.

22 [REDACTED]: It looks like --

23 MR. HAYES: You mean --

24 [REDACTED]: -- where is the --

25 MR. HAYES: -- media leak?

1 [REDACTED]: -- yeah. It says,
2 "Please ensure this information is given to the
3 OIG FBI. Thanks."

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: And then, this next one,
6 like you said, is from [REDACTED] to the director.
7 Subject, "Prison guards skip mandatory checks
8 before Epstein's death." This, the body says,
9 "Couldn't see the entire article on my phone,
10 but I wouldn't be surprised there are staff
11 that are paid contacts for local media outlets.
12 This has also been discussed at the department
13 level, all the way to the White House. And who
14 knows who may have overheard those
15 discussions."

16 [REDACTED]: Mm-hmm.

17 [REDACTED]: Do you know anything
18 about leaks in the media from the MCC?

19 [REDACTED]: So, what happened was, when
20 [REDACTED] came to see me, the issue we had was -
21 and I told him about it - was there was a
22 article in the Post that took a picture of our
23 staff, and our staff rode with Epstein on it.
24 So, I told [REDACTED] about it, and I guess they
25 said one of the paramedics had leaked the

1 information.

2 [REDACTED]: Like, took a picture of
3 them, like --

4 [REDACTED]: Took a picture --

5 [REDACTED]: -- posing with him?

6 [REDACTED]: -- took a picture of them
7 coming in the room, when they got to the
8 emergency room. Took a picture of Epstein
9 being rolled in. And our - what do you call
10 it? - and our staff. So, I talked to [REDACTED]
11 about that, and then, I had also told him that,
12 you know, there might be some staff, you know,
13 because, and I didn't know where it was coming
14 from, because the information was just coming
15 out, you know, so quickly, and it was, like,
16 where is this, you know, coming from? So, I
17 called and made him aware, you know, told him
18 about it when he came on Sunday. But the main
19 one was because of the picture in the Post.

20 [REDACTED]: Now, who is it that you
21 suspect would have been leaking information to
22 him?

23 [REDACTED]: I couldn't, I couldn't even
24 tell. But I just was, you know, with this
25 whole thing. You know, stuff would leak, had

1 been leaked out to the media, and you are,
2 like, where is this coming from?

3 ██████████: Do you have any
4 suspicions, though?

5 ██████████: I can't speculate. I mean -
6 -

7 MR. HAYES: That's my boy. I mean, I
8 don't know nothing.

9 ██████████: (Indiscernible *04:31:48).

10 ██████████: You're talking like an
11 attorney.

12 ██████████: No, I mean --

13 MR. HAYES: But like that, I don't know
14 nothing, but what I do know, I don't know.

15 ██████████: I mean, I can't speculate.
16 I mean, the half of it was towards me. I mean,
17 so -.

18 ██████████: Did you leak the
19 information, you mean?

20 ██████████: No. I said it was towards
21 me.

22 ██████████: Oh, you mean the
23 information --

24 ██████████: Like, the negative press --

25 ██████████: -- and the negative to

1 you?

2 ██████████: -- yeah. It reverted back
3 to me.

4 ██████████: Uh-huh.

5 ██████████: So, I mean, that's, you
6 know, and it was just, it was fast and furious.

7 ██████████: So, like, negative things
8 to people, you believe someone in the BOP was
9 leaking negative information about you?

10 ██████████: I don't -. I mean, I, you
11 know --

12 ██████████: Can you give me, like, an
13 example of what was leaked about you?

14 ██████████: Well, I mean, you know,
15 stuff that happened, you know --

16 MR. HAYES: Listen, the --

17 ██████████: -- and I'm not saying --

18 MR. HAYES: -- (Indiscernible *04:32:26)
19 investigation was going on.

20 ██████████: -- specifically --

21 MR. HAYES: I mean, you know --

22 ██████████: -- specifically --

23 MR. HAYES: -- whose fault is it?

24 ██████████: -- right. Towards me. But
25 it was just automatically the blame was, you

1 know, put on me.

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: And then, you know, the
4 other part of it was, I don't know if it came
5 from the department. I don't know if it came
6 from the institution.

7 [REDACTED]: Okay.

8 [REDACTED]: Because all that information
9 was going, you know --

10 [REDACTED]: But did anybody --

11 [REDACTED]: -- up on different levels.

12 [REDACTED]: -- did anyone tell you
13 that they believed that a certain person was
14 leaking information?

15 [REDACTED]: No. I didn't hear if it was
16 a certain person. I didn't, you know?

17 [REDACTED]: Okay. And did you leak
18 any information to the media?

19 [REDACTED]: Absolutely not.

20 [REDACTED]: Okay. Do you mind just
21 initialing and dating that? Do you believe,
22 though, somebody in the BOP was leaking
23 information?

24 [REDACTED]: And I'm not --

25 [REDACTED]: And I don't mean that

1 personally. I just mean --

2 [REDACTED]: -- no. But --

3 [REDACTED]: -- you know, you could
4 always get --

5 [REDACTED]: - I don't --

6 [REDACTED]: -- the second one under
7 there.

8 [REDACTED]: -- it could have been up to
9 the department, because the information was
10 going up to them. I mean --

11 [REDACTED]: But I just mean, like,
12 based upon what information was being leaked,
13 do you believe that someone in the BOP - not
14 necessarily the MCC, I just mean BOP - was
15 leaking the information?

16 [REDACTED]: I will put it this way. The
17 Department of Justice might --

18 [REDACTED]: Yeah.

19 [REDACTED]: -- because all the
20 information --

21 [REDACTED]: Because it could be --

22 [REDACTED]: -- was -. Yeah.

23 [REDACTED]: -- OIG. FBI.

24 [REDACTED]: Initial.

25 [REDACTED]: Anybody.

1 [REDACTED]: It could have been anybody.
2 So, I don't want to --
3 [REDACTED]: Gotcha.
4 [REDACTED]: -- kind of put it --
5 [REDACTED]: Sure.
6 [REDACTED]: -- on one person.
7 [REDACTED]: All right. The last
8 actual topic, before we ask a couple about the,
9 a couple about the findings. Epstein's will.
10 [REDACTED]: Mm-hmm.
11 [REDACTED]: Do you know anything
12 about Epstein changing his will just prior to
13 his death?
14 [REDACTED]: No.
15 [REDACTED]: Had you ever heard that?
16 [REDACTED]: After the fact.
17 [REDACTED]: Right. And when you say
18 after the fact, how did you learn about it
19 after the fact?
20 [REDACTED]: I don't know. Reading it.
21 Or hearing it on the news.
22 [REDACTED]: Did you ever hear about
23 it in an official capacity?
24 [REDACTED]: No.
25 [REDACTED]: All right. Do you know

1 if it's true?

2 [REDACTED]: Don't know.

3 [REDACTED]: Okay.

4 MR. HAYES: He left this all to his
5 brother. Right?

6 [REDACTED]: I --

7 MR. HAYES: Is that true?

8 [REDACTED]: -- I can't comment on
9 that kind of stuff. But what actions should
10 have been taken, or you don't know if it was.
11 If it was learned that Epstein's will had been
12 changed just prior to his death, do you believe
13 any specific actions should have been taken?

14 [REDACTED]: I don't know anything. I
15 mean, I can't comment on that.

16 [REDACTED]: Okay. So, that's the
17 last of the topics. Now, we have -
18 (Indiscernible *04:34:38) refer to it - I don't
19 think we have to refer to anything other than
20 the - where is that?

21 [REDACTED]: The after action?

22 [REDACTED]: Yeah. Do you have it?
23 And I don't know what we actually need to cite
24 (Indiscernible *04:34:53) initial them. This
25 is the after action report. Is that -? That

1 the BOP created in response. So, just a few
2 quick questions on it. It says, "On August
3 1st, 2019, at 8:30 a.m., psychology documented
4 they were notified by correctional systems of a
5 form received from the United States Marshal
6 Service, the previous day, stating inmate
7 Epstein had reported suicidal tendencies."

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: Do you know anything
10 about that, and what transpired?

11 [REDACTED]: Wait. Read that again.

12 [REDACTED]: So, "On August." So,
13 just to refresh your memory of a time,
14 timeline. On July 30th, he comes off of
15 psychological --

16 [REDACTED]: Psychological observation.

17 [REDACTED]: -- observation.

18 [REDACTED]: Right.

19 [REDACTED]: And goes to the SHU.

20 "Two days later" - so, there's July 31st and
21 August 1st - "8:30 a.m., psychology documented
22 they were notified by correctional systems of a
23 form received from the United States Marshal
24 Service, the previous day." So, I guess on
25 July 30th.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: The 31st, I mean.

3 "Stating inmate Epstein had reported suicidal
4 tendencies." This was the BOP's finding. Do
5 you know anything about that?

6 [REDACTED]: I don't know anything about
7 that. And that's before, when he first came in
8 the system, or -?

9 [REDACTED]: No. That was after he
10 came off of psychological observation. So,
11 after his actual first attempt at suicide.

12 [REDACTED]: Right.

13 [REDACTED]: Or potential harm from
14 Tartaglione.

15 [REDACTED]: No. I didn't.

16 [REDACTED]: You don't know anything
17 about that?

18 [REDACTED]: Nuh-uh.

19 [REDACTED]: Okay. And do you know
20 anything about the suicidal tendencies that he
21 was showing?

22 [REDACTED]: No.

23 [REDACTED]: No. All right. And
24 then, on the same date, August 1st, 2019,
25 again, this is after the Tartaglione incident.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: And after coming off of
3 psychological observation. "1:00 p.m.
4 Psychology conducts a suicide risk assessment
5 noting watch is not indicated, with a
6 recommendation for follow up in one week. The
7 delay in conducting this assessment is not
8 justified in the report." Did you learn
9 anything about that?

10 [REDACTED]: No. I don't.

11 [REDACTED]: Yeah, yeah.

12 [REDACTED]: I --

13 [REDACTED]: And again --

14 [REDACTED]: -- it's psychological.

15 [REDACTED]: -- this is just some of
16 the --

17 MR. HAYES: Yeah.

18 [REDACTED]: -- the negative findings.

19 [REDACTED]: Okay.

20 [REDACTED]: We just want to know your
21 take on it. I don't expect you to know any,
22 all of this, or anything.

23 [REDACTED]: Right.

24 [REDACTED]: It's just asking because
25 there's some negative findings. Okay. The

1 next one. It says, "Significant --

2 MR. HAYES: Don't bring this guy in on
3 another case. All right? If the next time
4 this comes up, and he says, I'm going to bring
5 this guy, don't fucking do it.

6 [REDACTED]: It says, "Significant
7 discrepancies exist within Sentry, regarding
8 admission/release status, ARS."

9 [REDACTED]: Right.

10 [REDACTED]: Sentry does not reflect
11 inmate Epstein being escorted from the
12 institution by the U.S. Marshal Service on July
13 31st, 2019. Although a signed prisoner remand
14 form is on file, documenting --

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: -- having received him
17 from the U.S. Marshal Service. Additional
18 review revealed inmate Epstein departed the
19 institution for a total of four court
20 appearances, and only one of these occasions
21 was an ARS change made within Sentry. It
22 appears there is a culture of foregoing this
23 vital function, due to the likelihood of the
24 inmate returning from court. This lapse in
25 procedure is a severe inmate accountability

1 deficiency."

2 ██████████: Well, that statement is
3 incorrect. I know the regional office looked
4 into it and said that a pre-trial institution
5 can outcount an inmate to go into court. So,
6 he doesn't have to be keyed out on the ARS.

7 ██████████: Okay.

8 ██████████: So, the way they were doing
9 it, they looked at it after the fact, and said
10 there was nothing wrong with that.

11 ██████████: So, they did re-review
12 this matter, and --

13 ██████████: Yes.

14 ██████████: -- said that there was --

15 ██████████: They were fine --

16 ██████████: -- they were doing it --

17 ██████████: -- with it.

18 ██████████: Okay.

19 ██████████: Yeah. Because they kept
20 thinking, when they were looking out, same
21 thing like you said, he was going out to court,
22 but they can outcount him in that area.

23 ██████████: All right. And what are
24 they talking about, like, pre-removing him or
25 something like that, when he goes to court?

1 [REDACTED]: No. Going to court.

2 [REDACTED]: Yeah, yeah.

3 [REDACTED]: And if anyone is going to
4 court, because you have so much court movement
5 that you can outcount them. And then, when the
6 Marshals say, hey, he's not going out, then you
7 release him out of --

8 [REDACTED]: So, this is --

9 [REDACTED]: Okay.

10 [REDACTED]: -- this means, on the E1, he
11 would be listed on the outcount?

12 [REDACTED]: As court.

13 [REDACTED]: As court.

14 [REDACTED]: Yeah.

15 [REDACTED]: Okay.

16 [REDACTED]: And that's what they were
17 actually doing?

18 [REDACTED]: That's what they were doing.

19 [REDACTED]: Okay.

20 [REDACTED]: They had him on the E1.

21 [REDACTED]: So --

22 [REDACTED]: Yeah.

23 [REDACTED]: -- so, this is no longer

24 --

25 [REDACTED]: That's not --

1 [REDACTED]: -- an issue.

2 [REDACTED]: -- an issue.

3 [REDACTED]: All right. The next one,
4 it says, "No notations concerning a requirement
5 for a cellmate were entered into the SHU
6 program, and subsequently available for SHU
7 officers to reference." Who would have been
8 responsible for noting that in the SHU program?

9 [REDACTED]: So -.

10 [REDACTED]: First of all, what is the
11 SHU program?

12 [REDACTED]: The SHU program is --

13 [REDACTED]: Is that the 292?

14 [REDACTED]: -- with the 292s. So, I
15 don't know, from what I understand, and was
16 told after the fact, that they couldn't find
17 the information on Epstein in the SHU program.
18 So, I don't know how you came to that
19 conclusion.

20 MR. HAYES: By the way, let the record
21 indicate that he is not sweating under his
22 armpits. A good sign.

23 [REDACTED]: We didn't. BOP came to
24 these conclusions.

25 [REDACTED]: Right. So, I don't know

1 where that conclusion came from because from
2 what I gather, they couldn't get - they
3 couldn't find the -. Because usually --

4 ██████████: Well, they found the
5 292s, but they were just very limited.

6 ██████████: Right. The 292s usually had
7 to have everything indicated on it. So -.

8 ██████████: And on that note, we were
9 told the 292, his file, was extremely small,
10 and it should have been larger. Had you heard
11 anything about people removing documents from
12 files?

13 ██████████: From what I understand, and
14 was told, that there was no file. They
15 couldn't -. They had every other inmate's
16 file, but not his.

17 ██████████: They couldn't even find
18 it. You didn't think they could find his file
19 at all?

20 ██████████: No. That's what was told to
21 me.

22 ██████████: And who told you that?

23 ██████████: I think I heard that after
24 the fact. I don't know if the regional
25 director told me after they came in and did the

1 check, that they couldn't find it. So, I don't
2 know.

3 MR. HAYES: That's after they found out
4 the Hilary Clinton --

5 [REDACTED]: Yeah.

6 MR. HAYES: -- came down and had them
7 (Indiscernible *04:40:44) a certain
8 (Indiscernible *04:40:45).

9 [REDACTED]: Right.

10 [REDACTED]: But back to the original
11 question, whether it was there or not.

12 [REDACTED]: Right.

13 [REDACTED]: If it, the cellmate
14 requirement was not entered in the SHU program,
15 who should have made sure that it was?

16 [REDACTED]: On the, in the 292? And I
17 don't know who was doing it. It should have
18 been the lieutenant, to ensuring that it's all
19 in there.

20 [REDACTED]: So, the SHU lieutenant?

21 [REDACTED]: When they - yeah - when they
22 deny it, or the OIC. So, if the captain
23 conveyed the information to him, that should
24 have been put on the 292.

25 [REDACTED]: So, either --

1 [REDACTED]: By the lieutenant.

2 [REDACTED]: -- the SHU lieutenant or
3 the OIC.

4 [REDACTED]: Yeah.

5 [REDACTED]: Now, when you say the
6 OIC, does one OIC of one shift take more
7 responsibility than another?

8 [REDACTED]: No. They are all on the
9 same shift. So, it would depend on --

10 [REDACTED]: So, like, for instance,
11 [REDACTED] was the OIC on the day watch, but --

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: -- I think [REDACTED] was the
14 OIC on the night watch.

15 [REDACTED]: Right.

16 [REDACTED]: So, would one of them had
17 more of a responsibility to do this than
18 another?

19 [REDACTED]: No. But that should have
20 been done on the initial, when the directive
21 was put out.

22 [REDACTED]: So, from [REDACTED], or Ms.
23 Imeri saying that here's coming off of
24 psychological observation, he needs to be
25 housed with a cellmate --

1 [REDACTED]: Right. That would have been

2 --

3 [REDACTED]: -- on July 30th.

4 [REDACTED]: -- put out, and then, when -

5 -

6 [REDACTED]: So, who, at that time,
7 should have noted that in his file?

8 [REDACTED]: Well, you would probably
9 have to find out from the captain who he
10 directed to --

11 [REDACTED]: Well, the captain --

12 [REDACTED]: -- to doing that.

13 [REDACTED]: -- according to his, you
14 know, his memo that he sent to you --

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: -- it says that he
17 specifically had these conversations on
18 multiple occasions, with --

19 [REDACTED]: The SHU --

20 [REDACTED]: -- [REDACTED]

21 [REDACTED]: -- right. So, it would have
22 been the SHU lieutenant. Whichever one he had.
23 If [REDACTED] was the one, then [REDACTED] would have been
24 the one. But --

25 [REDACTED]: Okay. "August 9th, 2019.

1 8:00 a.m. Inmate Reyes, the cellmate, departs
2 for court."

3 ██████████: Right.

4 ██████████: Again, this claims court,
5 but if they are seeing WAB. Actually, you know
6 what? I heard WAB was specific to MCC. Is
7 that correct?

8 ██████████: Other institutions will tell
9 you pack up your inmates with all belongings.
10 That's, you know --

11 ██████████: Because even --

12 ██████████: -- what it is.

13 ██████████: -- on their findings,
14 they are showing that he departed for court.

15 ██████████: Yeah.

16 ██████████: Although, all the
17 documentation we showed says WAB.

18 ██████████: WAB.

19 ██████████: And transferred.

20 ██████████: Yeah. And it says --

21 ██████████: So, even on here, they
22 are getting this wrong?

23 ██████████: And that's what the whole
24 confusion is, is the assumption that he was
25 going to court --

1 [REDACTED]: Because then it says --

2 [REDACTED]: -- when you look at the

3 document --

4 [REDACTED]: -- so --

5 [REDACTED]: -- go ahead.

6 [REDACTED]: -- yeah, and then, it

7 says, "Inmate Reyes does not return to the

8 institution."

9 [REDACTED]: Right.

10 [REDACTED]: So, and this was when a

11 lot of things, when we were first starting this

12 investigation, we heard was court, court,

13 didn't return from court.

14 [REDACTED]: Right.

15 [REDACTED]: And then, when we

16 actually looked through the record, we were,

17 like --

18 [REDACTED]: Right.

19 [REDACTED]: -- court. It's --

20 [REDACTED]: I think people thought,

21 without looking at the documentation, that he

22 went to court and got released from court.

23 [REDACTED]: Okay.

24 [REDACTED]: So.

25 [REDACTED]: So then, I'm just going

1 to read the question. If the documents list
2 Reyes as being WAB, and if they had the
3 transfer list, why did they say he went to
4 court and did not return?

5 [REDACTED]: I can't answer that.

6 [REDACTED]: Okay. "7:00 p.m.
7 Epstein was provided a social call by the
8 institutional duty officer." Does that mean
9 [REDACTED]?

10 [REDACTED]: Yeah. He was the duty
11 officer at that time, I believe.

12 [REDACTED]: And what does the
13 institutional duty officer mean?

14 [REDACTED]: So, what the duty officer
15 is, is after hours, they walk around and, you
16 know, report emergencies, you know -.

17 [REDACTED]: Is that, like, the
18 highest ranking official there?

19 [REDACTED]: That comes on at night. You
20 know, there with the lieutenants. But they
21 just make sure that if we had any issues, you
22 know, addressing inmate issues, stuff like
23 that.

24 [REDACTED]: So, they are kind of,
25 like, the, basically the OIC for the

1 institution?

2 [REDACTED]: Kind of. I wouldn't say the
3 OIC, but you know, senior staff around.

4 [REDACTED]: Okay. "This call was
5 done on an unmonitored line. It is extremely
6 concerning why this call would have been
7 placed, and why it would be done on an
8 unmonitored line. Without further interviews,
9 it is not possible to determine the reason for
10 this call." Just, why does it say, "extremely
11 concerning"?

12 [REDACTED]: I don't know. Both are
13 report --

14 [REDACTED]: But I mean, do you also
15 find it extremely concerning? Would you
16 classify it as extremely concerning?

17 [REDACTED]: I mean, it would be -. I
18 mean, that the choice of words that they use.
19 So, I wouldn't, you know, necessarily say, use
20 the word extremely concerning. But I would
21 think, I would --

22 [REDACTED]: It's certainly wrong.

23 [REDACTED]: -- it would be --

24 [REDACTED]: But -.

25 [REDACTED]: -- it was an issue. But

1 extremely concerning.

2 [REDACTED]: Okay. "On August 9th,
3 2019, during a shift change in SHU, the SHU
4 number three, 6:00 a.m. to 2:00 p.m., officer
5 briefed his 2:00 p.m. to 10:00 relief, and the
6 other two, 8:00 a.m. to 4:00 p.m. officers,
7 with the likelihood inmate Reyes would not be
8 returning, and inmate Epstein would require a
9 cellmate upon return from an attorney visit.
10 Inmate Epstein was not placed with a cellmate
11 upon his return to SHU." My question to you
12 is, just, how did they know this information?
13 How would they have obtained that information?
14 Do you know?

15 [REDACTED]: I don't know. Like I said,
16 I don't know who they spoke to during this
17 after action.

18 [REDACTED]: Were they doing
19 interviews, though?

20 [REDACTED]: I wasn't there.

21 [REDACTED]: Okay.

22 [REDACTED]: Yeah.

23 [REDACTED]: Were they authorized,
24 though, if OIG and FBI are doing an
25 investigation, is the after action team

1 authorized to come in and interview people?

2 [REDACTED]: So, I've done after actions.

3 And there is a point where you come to it,
4 where you, if it's an OIG or FBI investigation,
5 that I can't. I mean, I can't question certain
6 people because it might impede an
7 investigation. Like, if you are going to look
8 at video and all that stuff, or look at it, you
9 can't because most of the time, it's been
10 taken. So, I don't know -.

11 [REDACTED]: So, possibly from that
12 memo, though, that was created? If they are
13 not really supposed to be doing. I mean, I'm
14 assuming they are not really supposed to be
15 doing interviews.

16 [REDACTED]: I mean, I don't know who
17 authorized them to come in and do the
18 investigation. I don't know. It was, you
19 know, who set the parameters on it. I can't
20 speak on that.

21 [REDACTED]: And is it a normal for
22 them to do something like this, when there is
23 an actual FBI and OIG investigation?

24 [REDACTED]: We do after actions. So, I
25 don't know -.

1 [REDACTED]: But I mean, do they do
2 after actions typically, when there is an open,
3 criminal investigation, though?

4 [REDACTED]: Not typically.

5 [REDACTED]: No?

6 [REDACTED]: So, I don't know. And
7 again, I don't want to speculate. I don't know
8 who authorized it. I don't know if they got
9 permission from the department to come down and
10 do it. I don't want to -.

11 [REDACTED]: Sure. "August 10th,
12 2019." So, this is the day of.

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: "6:33 a.m. A body alarm
15 is activated in the Special Housing Unit. SHU
16 staff report inmate Epstein was unresponsive in
17 cell Z06-220LAD. Sentry does not reflect this
18 accurately. Staff entered the cell and
19 attempted to wake Epstein. Control center
20 announced a medical emergency, and
21 cardiopulmonary resuscitation," or CPR, "was
22 initiated." So, the question here is, I guess
23 I'll start with. Well, the information that we
24 have is [REDACTED] and Noel were there.
25 [REDACTED] immediately went into the cell.

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: Upon finding Epstein.

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: Was it appropriate for
5 him to immediately go into the cell? Or should
6 have he waited for staff to arrive on site?

7 [REDACTED]: You should be --

8 MR. HAYES: What?

9 [REDACTED]: -- you're trained --

10 MR. HAYES: To go into the cell, I would
11 think.

12 [REDACTED]: -- no, you wait for enough
13 staff to get there, and a [REDACTED], before
14 you open that door.

15 MR. HAYES: Is that right?

16 [REDACTED]: Mm-hmm.

17 MR. HAYES: In other words, suppose the
18 fucking guy is in seizure.

19 [REDACTED]: Well, the flip side of it
20 is, he could be trying --

21 [REDACTED]: Remember --

22 [REDACTED]: -- he could be feigning it.

23 [REDACTED]: -- we're in a prison.

24 [REDACTED]: Yeah. He could be feigning
25 the suicide, and then come on and attack you.

1 And guess what? You're the only person there.
2 Now, he has the keys for every range door on
3 that door.

4 MR. HAYES: Okay.

5 ██████████: And you can lose --

6 MR. HAYES: Mm-hmm.

7 ██████████: -- you can lose the unit.

8 MR. HAYES: Okay. Okay.

9 ██████████: So --

10 MR. HAYES: Yeah. Okay. I made a
11 mistake.

12 ██████████: -- that wasn't --

13 MR. HAYES: That's the first time --

14 ██████████: So, he did not.

15 MR. HAYES: -- you make a notation,
16 (Indiscernible *04:48:23).

17 ██████████: So, he didn't
18 appropriately (Indiscernible *04:48:25)?

19 ██████████: Yeah. He didn't
20 appropriately.

21 ██████████: And should have he known
22 that from his training experience?

23 ██████████: Yeah. Yeah.

24 ██████████: "7:36 a.m., inmate
25 Epstein pronounced dead by the emergency room

1 physician. And we've already addressed this.
2 My question was, was Epstein alive, or did he
3 show signs of -? But we dug into that plenty.

4 ██████████: Mm-hmm.

5 ██████████: "On August 10th, 2019,
6 the two assigned morning watch SHU officers
7 failed to make their designated rounds, or
8 count the SHU inmates for two counts. At 6:33
9 a.m., upon finding inmate Epstein unresponsive
10 in his cell, with a torn bedsheet around his
11 neck, staff utilized the body alarm to initiate
12 a call for assistance. The medical response to
13 the incident was timely, efficient, and
14 exhaustive. Staff utilized an AED, as well as
15 a continuous CPR unit care was assumed by EMS
16 personnel." Are you aware of how - what
17 information they obtained to say that the SHU
18 officers failed to make their designated rounds
19 or counts?

20 ██████████: I don't know.

21 ██████████: No? And I just say this
22 because I know, in reviewing the emails, a lot
23 of this information was provided from you to
24 ██████, and ██████ was providing it to whomever, that
25 were --

1 [REDACTED]: Right.

2 [REDACTED]: -- was doing this,
3 though.

4 [REDACTED]: Right.

5 [REDACTED]: So, I was assuming, in
6 drafting these questions, that a lot of this
7 information came from you.

8 [REDACTED]: But I wasn't here when this
9 was.

10 [REDACTED]: Yeah, yeah, yeah. I
11 think a lot of this stuff, though, was
12 provided, you know --

13 [REDACTED]: Right.

14 [REDACTED]: -- during the email
15 review, those first couple of days.

16 [REDACTED]: Okay.

17 [REDACTED]: So, that's why I'm asking
18 these questions, is, like, do you know where
19 this information came from?

20 [REDACTED]: No, I don't.

21 [REDACTED]: No?

22 [REDACTED]: Hmm-mm.

23 [REDACTED]: Okay. "Institution duty
24 officers do not routinely visit SHU each day,
25 as required by the institution supplement.

1 Additionally, the IDO reports consistently
2 document the condition of SHU as satisfactory,
3 when observations have shown the SHU to be less
4 than satisfactory." Do you have any comment on
5 that? Do you agree with that assessment?

6 ██████████: Oh, I don't know what day
7 they went in there. Again, when these
8 observations were done, I wasn't ██████████ in
9 the institution.

10 ██████████: Okay. But prior to, when
11 you were ██████████, do you know about the
12 institution duty officers not routinely
13 visiting the SHU each day as required?

14 ██████████: No. I didn't know about
15 that.

16 ██████████: You didn't know about
17 that.

18 ██████████: I didn't. I ensured
19 sanitation. You know? I made sure they made,
20 made sure the areas were clean. So.

21 ██████████: Okay. And what was their
22 ultimate responsibility when they would visit
23 the SHU?

24 ██████████: I guess same thing, to make
25 rounds in the unit. Check on the inmates.

1 Make sure there are no issues.

2 ██████████: And is that, like you
3 said, the idea was the guy that's on at night?

4 ██████████: That's the duty officer.
5 The institution duty officer.

6 ██████████: Always at night, though?

7 ██████████: They use - they typically
8 work from, like, 1:00 to 9:00, 12:00 to 9:00.
9 They cover the evening shift.

10 ██████████: Because I thought it was
11 explained to me, it was kind of, like, the
12 person in charge when you are not here.

13 ██████████: Well, yeah. But then, the
14 other flip side of it go to the other shifts,
15 you know, the ██████████ is the CEO
16 in the absence of a warden. So --

17 ██████████: Okay.

18 ██████████: -- the duty officer is just
19 the bridge to the executive staff.

20 ██████████: But they were actually
21 supposed to be conducting those SHU rounds
22 every day?

23 ██████████: And then, again, I don't
24 know if they were or were not. I don't know
25 what they were, you know, what he was looking

1 at.

2 [REDACTED]: Now, why would, was

3 [REDACTED] a reoccurring --

4 [REDACTED]: What?

5 [REDACTED]: -- [REDACTED].

6 Was he a reoccurring -?

7 [REDACTED]: No. The duty officers.

8 Like, sometimes, you can get it twice a year.

9 [REDACTED]: Oh, okay.

10 [REDACTED]: So, I don't -.

11 [REDACTED]: But is it, like, a

12 quarterly --

13 [REDACTED]: Well, remember --

14 [REDACTED]: -- submitted post type of
15 thing?

16 [REDACTED]: -- remember, he is also, he
17 is the duty officer, but he is also his unit
18 manager.

19 [REDACTED]: But was he --

20 [REDACTED]: So -.

21 [REDACTED]: -- the consistent duty
22 officer?

23 [REDACTED]: No, no, no, no. They
24 rotate.

25 [REDACTED]: Every day?

1 [REDACTED]: No. Every week.
2 [REDACTED]: Every week.
3 [REDACTED]: Yeah. You have other ones,
4 every week. So -.
5 [REDACTED]: So, it goes between other
6 unit managers?
7 [REDACTED]: Other unit managers. Other
8 department heads. So, it kind of goes, you
9 know?
10 [REDACTED]: What is the grade --
11 [REDACTED]: And do they -.
12 [REDACTED]: -- level requirement?
13 [REDACTED]: The department heads. It's
14 usually 12 or higher.
15 [REDACTED]: 12 or higher.
16 [REDACTED]: And some, like, maybe some
17 GS-11s. Our trust fund supervisors.
18 MR. HAYES: What grade level are you?
19 [REDACTED]: Huh?
20 MR. HAYES: What level are you?
21 [REDACTED]: SES.
22 MR. HAYES: Which means?
23 [REDACTED]: It's like a general.
24 [REDACTED]: No. A staff.
25 [REDACTED]: No. It's what it's

1 equivalent to.

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: Right.

4 [REDACTED]: So, if you're looking at
5 the military equivalent --

6 [REDACTED]: Mm-hmm.

7 MR. HAYES: Hey, man.

8 [REDACTED]: -- it would be --

9 MR. HAYES: I can't be too --

10 [REDACTED]: -- the general.

11 MR. HAYES: -- cheap.

12 [REDACTED]: No. No. No. I can't
13 afford that. I got kids.

14 MR. HAYES: Well, fuck. Why didn't --

15 [REDACTED]: Yeah.

16 MR. HAYES: -- why didn't somebody tell me
17 that before?

18 [REDACTED]: No, no, no. I got --

19 MR. HAYES: (Indiscernible *04:52:52).

20 [REDACTED]: -- yeah.

21 MR. HAYES: Yeah.

22 [REDACTED]: So, the highest level you
23 can go to in the GS level is 15. And that is
24 basically a full (Indiscernible *04:53:00)
25 colonel in the military. SES is the general

1 level. So, don't -. He's being modest.

2 [REDACTED]: No. Yeah.

3 MR. HAYES: I always liked him anyway.

4 [REDACTED]: I did not know. I

5 thought, I assumed you were 15 since your AWs
6 are 14s, though.

7 [REDACTED]: No. But certain
8 institutions, you are SESs.

9 [REDACTED]: And MCC was one of those
10 institutions?

11 [REDACTED]: MCC is one. Your pre-trials
12 are 15s. Your penitentiaries. Your big lows.
13 Like, Fort Dix. Certain mediums.

14 [REDACTED]: And have you maintained?
15 Are you still an SES now?

16 [REDACTED]: Yes.

17 [REDACTED]: Okay. Since this time,
18 have you ever been demoted or anything like
19 that?

20 [REDACTED]: No.

21 [REDACTED]: No.

22 MR. HAYES: You know, man, I really --

23 [REDACTED]: No. Just got --

24 MR. HAYES: -- I really got (Indiscernible
25 *04:53:45) for this guy.

1 [REDACTED]: -- no.

2 MR. HAYES: (Indiscernible *04:53:45).

3 You know how, I always give law enforcement
4 guys a big, you know, a discount. But I
5 didn't, he's fuck - he's a fucking
6 (Indiscernible *04:53:52) --

7 [REDACTED]: I'm (Indiscernible
8 *04:53:52) a discount.

9 MR. HAYES: -- (Indiscernible *04:53:54)
10 couldn't afford him to pay.

11 [REDACTED]: Remember, I'm a federal
12 employee.

13 [REDACTED]: Federal boys. It doesn't
14 matter if you're a general or not.

15 [REDACTED]: We don't make any money.

16 [REDACTED]: You're not making a lot
17 of money.

18 MR. HAYES: Yeah.

19 [REDACTED]: But -.

20 [REDACTED]: Remember, I think the
21 president makes, what?

22 [REDACTED]: Yeah.

23 [REDACTED]: 250, and he's the --

24 [REDACTED]: 400.

25 [REDACTED]: -- 400.

1 [REDACTED]: Yeah.

2 [REDACTED]: Is it 400 now?

3 [REDACTED]: And the Vice President makes
4 two something.

5 [REDACTED]: Yeah, yeah. No. That's
6 -.

7 [REDACTED]: And never disciplined. When
8 I was moved, never given a reason why I was
9 moved. I was just moved.

10 [REDACTED]: Okay. So, is the report
11 also says that, "Psychology intake screening of
12 Epstein contained errors in identifying
13 details, including that Epstein was referred to
14 as a black inmate, and by different inmate
15 names."

16 MR. HAYES: Oh, no. You're kidding me.
17 They said he was black? Hell, that was a
18 mistake.

19 [REDACTED]: Do you know anything
20 about that?

21 [REDACTED]: I don't know anything about
22 that.

23 [REDACTED]: Would that be a
24 psychology issue?

25 [REDACTED]: That is a psychology,

1 whoever was doing that review.

2 ██████████: All right. "SHU has
3 multiple cells equipped with video recording
4 capability. Inmate Epstein was not housed in
5 one of these cells. And there appears to be no
6 set guidance on when to utilize these cells."
7 So, you already said you didn't believe, like,
8 he should have been.

9 ██████████: So --

10 ██████████: Is that correct?

11 ██████████: -- let me correct that.

12 None of the cells, none of the cells that we
13 had in SHU were, had cameras in the cells that
14 were being, working and being used. The only
15 ones up in SHU that had cameras in the cell is
16 Ten South.

17 ██████████: Okay. So, no --

18 ██████████: So, they --

19 ██████████: -- where else in the
20 institution --

21 ██████████: -- nowhere else in there had
22 cameras in the cell.

23 MR. HAYES: Hmm.

24 ██████████: Ten South, we have it in the
25 cells where you can see --

1 [REDACTED]: That --

2 [REDACTED]: How about, like, Nine
3 South lower, or something like that? Would
4 they? Isn't that, like, the mini Ten South?

5 [REDACTED]: That's the - yeah - that's
6 the --

7 [REDACTED]: Or G tier.

8 [REDACTED]: -- G tier.

9 [REDACTED]: That's not --

10 [REDACTED]: Right.

11 [REDACTED]: -- what this is.

12 [REDACTED]: So, that --

13 [REDACTED]: Did they have cameras?

14 [REDACTED]: -- that did have recording
15 cameras in --

16 [REDACTED]: Just live cameras?

17 [REDACTED]: -- in South, yeah. Just -.
18 Nope. But then, we had no cameras on there
19 that had live cameras in the South.

20 [REDACTED]: Okay. So, only --

21 [REDACTED]: Ten South.

22 [REDACTED]: -- Ten South.

23 [REDACTED]: Only Ten South.

24 [REDACTED]: So --

25 [REDACTED]: So -.

1 [REDACTED]: -- this statement might
2 actually associate Ten South as part of the
3 SHU.

4 [REDACTED]: Right. Because a lot of
5 people that come in, when they first come in,
6 Ten South is part of there, actually part of
7 Nine South. We call it -. It's part of an
8 annex. So, when most people come in, and they
9 have never been there, they don't
10 differentiate.

11 [REDACTED]: So, being that these are
12 BOP individuals that did this report, what is
13 your response to them saying that there appears
14 to be set guidance on when to utilize these
15 cells? If they are referring to Ten South.
16 Was there guidance on that?

17 [REDACTED]: Yeah. Ten South, like I
18 said, was specifically for the SAMs inmates.

19 [REDACTED]: So, do you --

20 [REDACTED]: Yeah.

21 [REDACTED]: -- also believe that that
22 is an incorrect statement, then?

23 [REDACTED]: If that's what they are
24 referring to, I do believe it is.

25 [REDACTED]: And you believe there was

1 no other working cameras, outside of Ten South?

2 [REDACTED]: Ten South is --

3 [REDACTED]: For a single cell.

4 [REDACTED]: -- is the one where we had
5 our cameras.

6 [REDACTED]: Okay.

7 [REDACTED]: Okay.

8 [REDACTED]: Because we had also been
9 informed that there were cells outside of Ten
10 South that had cameras in them, specifically I
11 think G tier. That's inaccurate?

12 [REDACTED]: G tier. There is no
13 recording of inmates in those cells.

14 [REDACTED]: Just live?

15 [REDACTED]: And I don't even believe
16 live. I know the only ones we had was Ten
17 South.

18 [REDACTED]: Okay.

19 [REDACTED]: We also heard that Ten South
20 wasn't supposed to be utilized anymore. It was
21 actually supposed to be phased out.

22 [REDACTED]: It was supposed to be what?

23 [REDACTED]: Phased out.

24 [REDACTED]: What do you mean phased out?

25 [REDACTED]: It was actually brought up,

1 brought out during the time, after 9/11, to
2 house terrorist inmates.

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: Have you ever heard anything
5 about the fact that no one was supposed to be
6 housed up there anymore (Indiscernible
7 *04:57:12)?

8 [REDACTED]: No. It's not -. It's not
9 to house terrorist inmates. It's to house
10 inmates that have a SAMs on them. So, mostly,
11 the most of the inmates that have SAMs on them
12 are terrorist inmates or, you know, maybe an
13 inmate housed for espionage. You know? And
14 then --

15 [REDACTED]: Was it supposed to have been
16 phased out due to PREA concerns?

17 [REDACTED]: I didn't -. I don't know
18 anything about that.

19 [REDACTED]: Okay.

20 [REDACTED]: No.

21 [REDACTED]: Okay. The next one is,
22 the report also shows that, "A review was done
23 regarding the overtime conducted by the C.O.s
24 at the MCC, and the shortage of staff." It
25 doesn't say much about it. Do you know what

1 the overall team's finding was? Do you agree
2 that there was a shortage of staff?

3 [REDACTED]: Yeah, there was. I mean --

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: -- I'll give you an example.

6 We were short staffed. I was relieving
7 officers on their posts, and on some weekends,
8 I would come in and work a post. I mean --

9 [REDACTED]: You, as [REDACTED]?

10 [REDACTED]: -- as [REDACTED]. I mean,
11 we had -. We were short. I mean -.

12 [REDACTED]: Now, is there a -. Was
13 there a way to rectify that issue?

14 [REDACTED]: We could. I mean, hiring.

15 We had, I mean, 40 or 50 staff on OWCP

16 (Phonetic Sp. *04:58:23).

17 [REDACTED]: And can you explain what
18 that is?

19 [REDACTED]: Workers compensation.

20 [REDACTED]: Oh. And what was the
21 percentage there, you said?

22 [REDACTED]: About 40 or 50 staff on it.

23 [REDACTED]: 40 or 50 staff.

24 [REDACTED]: Yeah. On there -.

25 [REDACTED]: Did they seem to abuse

1 that?

2 ██████████: We all knew it was an abuse.
3 I mean, we -. We had even had conversations
4 with the IG about, you know, you're going to
5 the same doctor. But I mean, I understand. So
6 --

7 MR. HAYES: So --

8 ██████████: -- every -.

9 MR. HAYES: -- they were all using the
10 same doctor?

11 ██████████: The same doctor. But again,
12 I understand, every agency is short.

13 ██████████: Mm-hmm.

14 ██████████: I mean, so, we just had that
15 constant problem.

16 MR. HAYES: That's, like --

17 ██████████: You know?

18 MR. HAYES: -- they use some of these -.
19 Some things, they use the same expert witnesses
20 all the time.

21 ██████████: Right. The hiring. We had
22 a lot of department heads that we would use to
23 cover. Some of my associate wardens, you know,
24 would cover. So, it was just, you know, had to
25 make do with what we had.

1 [REDACTED]: Now, was there, like, a
2 plan in place to try to get you guys up to
3 proper staffing levels?

4 [REDACTED]: I mean, we were working on
5 hiring. You know, and getting people in. But
6 it's a process. You know? To get somebody
7 hired, it takes between six and eight months.

8 [REDACTED]: And were there a number
9 of people in the pipeline?

10 [REDACTED]: Not really. I mean, we went
11 out and did recruiting, because we were
12 competing with other agencies.

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: You know? Other agencies
15 are hiring, you know, and we had incentives.
16 You know? To, to get people on. So, it was
17 just a matter of, you know, getting people on
18 board.

19 [REDACTED]: And do you think it could
20 have been handled better by some, in some way,
21 by the BOP, in order to rectify that issue?

22 [REDACTED]: There's certain things we
23 don't control. Staffing. You know, the
24 budget. We don't -. I don't -. We don't
25 control that. I mean, we can turn around and

1 say, I want this, but once the law is passed,
2 and it said, this is what you are getting, you
3 don't -. We need to work with what we've got.

4 [REDACTED]: No, and I understand
5 that, that as, like, as far as the BOP goes.
6 But I mean, the MCC, especially, you know,
7 covering SDNY, and having such high-profile
8 inmates. Was there - do you think that there
9 could have been anything done better, though,
10 by the BOP, to make sure that your institution,
11 specifically MCC, was better staffed?

12 [REDACTED]: You could - so, let's go TDY
13 - we couldn't really, could TDY to a point, but
14 then, there are other institutions around the
15 agency that were, you know, the staffing was an
16 issue. So, they can't send somebody out to
17 help, you know? And then, it just brought down
18 the finding. I mean, and getting people to
19 clear your background. Not everybody can clear
20 a background to work. I mean, yeah, we can go
21 out in the street and say, hey, we got a job
22 for you, but can you pass the guidelines?

23 [REDACTED]: Mm-hmm.

24 [REDACTED]: And a lot of time, do we
25 know.

1 [REDACTED]: All right. So, we're
2 literally less than half of a page left.

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: But this next one is just
5 going to be, I'm going to have you just kind of
6 read it --

7 [REDACTED]: Okay.

8 [REDACTED]: -- along with me because
9 it's so long. "He was also an inmate who had
10 risk factors for assault by other inmates, and
11 did require careful selection for appropriate
12 cellmates. Although these issues were noted,
13 well documented, and communicated, a failure
14 still occurred by allowing inmate Epstein to be
15 placed in the cell alone. Although feasible
16 for an inmate to effectuate suicide while
17 housed with a cellmate, the odds of this
18 occurring are significantly lowered when housed
19 with another inmate."

20 The report continues. "It is apparent
21 various staff at the institution made a point
22 of ensuring inmate Epstein had an assigned
23 cellmate. The captain personally instructed
24 the lieutenants, individually. A mass email
25 was distributed by psychology, and it is

1 apparent some SHU officers were aware.
2 Although many people acknowledge this is an
3 important fact, ultimately, the final staff
4 responsible for not - or did not ensure the
5 requirement was met, including vital
6 directives, such as a cellmate requirement, and
7 a mass email does not ensure -." (Indiscernible
8 *05:02:20) --

9 ██████████: Mm-hmm.

10 ██████████: -- "including vital
11 directives, such as a cellmate requirement, and
12 a mass email does not ensure those who truly
13 need that information do, in fact, receive it
14 timely. In this case, inmate Epstein was
15 actually placed with a cellmate when removed
16 from psychological --

17 ██████████: Mm-hmm.

18 ██████████: -- observation. After
19 that moment, it is clear there was no
20 additional written directive, or a fail safe
21 system established, to ensure inmate Epstein --

22 ██████████: Mm-hmm.

23 ██████████: -- would have had a
24 cellmate going forward." So, I guess, first
25 and foremost, do you believe, probably the

1 primary reason why Epstein was able to take his
2 own life was because he didn't have a cellmate?
3 On top of the fact that they weren't conducting
4 rounds in SHU? And counts.

5 [REDACTED]: I can't speak to the
6 mindset. Only I can speak to is, he killed
7 himself.

8 [REDACTED]: But what I'm asking is,
9 would it have certainly helped prevent his
10 death by one) having an inmate; and two) having
11 rounds and counts conducted?

12 [REDACTED]: Oh, if people did their job.

13 [REDACTED]: Right.

14 [REDACTED]: You know? And -.

15 [REDACTED]: Like, obviously, if he
16 killed himself, he did it.

17 [REDACTED]: Right.

18 [REDACTED]: But the way that the
19 government can better ensure that that doesn't
20 happen is by ensuring that, when it is mandated
21 that someone has a cellmate, they have a
22 cellmate.

23 [REDACTED]: Right.

24 [REDACTED]: And when they do their
25 job, like you just said, they conduct rounds

1 and counts, that -. Is that what you believe
2 would have helped keep him alive today, if, you
3 know, from the government perspective?

4 [REDACTED]: I mean, again, I'm going to
5 just say, I can't say what would have kept him
6 alive, but I will say, you know, if people made
7 their rounds, did their job, followed
8 instructions that they were given, then it
9 might have -. Could have minimized what, you
10 know --

11 MR. HAYES: The risk.

12 [REDACTED]: -- you know, what happened.
13 The risk. But I can't talk to, you know, if he
14 would have done it or not done it. If that
15 would have stopped him.

16 [REDACTED]: Now, as far as this last
17 sentence, what they wrote, "After that moment,
18 it is clear there was no additional written
19 directive, or fail safe system established to
20 ensure inmate Epstein would have a cellmate
21 going forward." What do you think could have
22 been done, and who should have done it?

23 [REDACTED]: So, directives and the
24 information was conveyed to people verbally,
25 documented on forms, on what you are supposed

1 to do. There was signs up.

2 [REDACTED]: Now, what signs do you
3 know that were up?

4 [REDACTED]: No, I mean, the one you read
5 to me, about the sign about doing the 30-minute
6 checks.

7 [REDACTED]: Oh, I think this is --

8 [REDACTED]: So -.

9 [REDACTED]: -- specifically talking
10 about the cellmate requirement.

11 [REDACTED]: No. I mean, (Indiscernible
12 *05:05:02) cellmate requirement. It was put
13 out by the captain. Directives were given.
14 Staff was spoken to. You know, it's kind of
15 boiled down to people not doing their job. I
16 mean, if I tell you, you have to do something,
17 it's given to you in writing, what more do we
18 have to do?

19 [REDACTED]: Well, that's kind of my
20 question, because the BOP is the one who wrote
21 that finding. So, I'm curious myself --

22 [REDACTED]: I mean, that's --

23 [REDACTED]: -- what you think --

24 [REDACTED]: -- I mean --

25 [REDACTED]: -- that could have been

1 done.

2 [REDACTED]: -- that's somebody's
3 opinion.

4 [REDACTED]: Right.

5 [REDACTED]: You know? That's a Monday
6 morning quarterback that came in and make an
7 opinion. I don't know what their ulterior
8 motive is --

9 [REDACTED]: Can you think of any --

10 [REDACTED]: -- for making it.

11 [REDACTED]: -- anything that wasn't
12 done? Can you think of anything, like, oh, if
13 this could have helped, or maybe he should have
14 done that? As far as the cellmate requirement.

15 [REDACTED]: I can't think of anything
16 they should have done.

17 [REDACTED]: No. Okay.

18 [REDACTED]: Can I ask?

19 [REDACTED]: Yeah.

20 [REDACTED]: I know it's bound to - based
21 on once everything comes up, these are
22 questions that they're going to have. So, I
23 got to ask. I know you mentioned that you
24 couldn't have secondary selection. Like,
25 another replacement for Reyes, because inmates

1 keep moving. But is it possible that a list
2 should have been created? That, you know,
3 should have told the SHU officers, hey, listen,
4 if Reyes ever gets removed, here is a list of
5 maybe possible five inmates that you could
6 choose from?

7 [REDACTED]: But I mean, under, you know,
8 different inmates, we can do that, but he was a
9 high-profile inmate that --

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: -- I would have had to get
12 that name and run it up to the department, to
13 see if it was okay. It wasn't just him. I was
14 going to arbitrarily say, listen, I need you
15 to, you know, we're going to put this guy -. I
16 was, just like with the other ones, sent it up
17 to the department. So, again, it would have
18 been based on who was there.

19 [REDACTED]: And because --

20 [REDACTED]: If that.

21 [REDACTED]: -- because of that
22 extreme detail that had to go into selection, I
23 think what [REDACTED] is asking you is, should have
24 there been a list of names that the higher ups
25 signed off on, in case someone was removed,

1 they went to court, they didn't come back, they
2 were transferred, things like this.

3 ██████████: Like, that's what they list
4 as a fail safe. Like --

5 ██████████: Right. I mean --

6 ██████████: -- as a precautionary
7 measure.

8 ██████████: -- it could have been, but
9 then it would have still been based on who was
10 there that day, at the time.

11 ██████████: And that's why I think
12 he's saying, like, a list of five people versus
13 one or two. So, if this person is not --

14 ██████████: I don't --

15 ██████████: -- there, what about this
16 one? That one is not there, either. But maybe
17 this guy. You know, that type of thing. Or
18 did you --

19 ██████████: I just --

20 ██████████: -- just stand by a hunch?

21 ██████████: -- yeah. I just, I just
22 feel, like, you know --

23 MR. HAYES: Don't know.

24 ██████████: -- it was, I can't, no. I
25 mean --

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: -- again, I'm operating in
3 hindsight. I mean, at the time --

4 [REDACTED]: Okay.

5 [REDACTED]: -- you know, that's what was
6 done.

7 [REDACTED]: Yeah, we know you do.

8 [REDACTED]: Yeah. And we are
9 absolutely asking you to operate in hindsight.

10 [REDACTED]: Right.

11 [REDACTED]: Saying, like --

12 [REDACTED]: Yeah.

13 [REDACTED]: -- Monday morning
14 quarterbacking --

15 [REDACTED]: Right.

16 [REDACTED]: -- yourself and your own
17 institution, I get it. But, like, Monday
18 morning quarterbacking this situation --

19 [REDACTED]: Mm-hmm.

20 [REDACTED]: -- what do you think
21 they, you know, they are referring to this as
22 the BOP, and we are not the experts.

23 [REDACTED]: Right.

24 [REDACTED]: We're coming in. But BOP
25 is saying this. I'm just saying, what do they

1 mean by this?

2 [REDACTED]: Right. But --

3 [REDACTED]: And what are some things
4 that could have been done?

5 [REDACTED]: -- but those are individuals
6 that are coming in, looking at a situation,
7 that weren't deeply involved in it.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: You know, they weren't the
10 ones that were told, hey, okay, I'm talking to
11 my boss, and it's going all the way up to the
12 department. That wasn't -. That wasn't privy
13 to them.

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: That was a need to know
16 basis.

17 [REDACTED]: But unfortunately, everyone
18 is who going to eventually look at this case --

19 [REDACTED]: Right.

20 [REDACTED]: -- is going to be doing the
21 same exact thing as they are.

22 [REDACTED]: No. But what I'm saying is,
23 if we're looking at assessing the situation on
24 what happened in real time, that's what I'm
25 talking about. So, in real time, now, if they

1 had known that, hey, you know what? These
2 names had to go up and be, you know, vetted at
3 the same time, maybe it would have been a
4 different thought process.

5 [REDACTED]: And was it possible - and
6 maybe you discussed this - was it possible
7 that, hey, listen, the SHU officers could have
8 replaced -? Did they have the ability to
9 replace Reyes, if they wanted to, or did they
10 have to come up the chain of command, for the
11 chain of command to tell them who the new
12 inmate -?

13 [REDACTED]: They were instructed, hey,
14 let us know when - where he's to have a
15 cellmate at all time - and to notify, let
16 someone know. Because again, due to the
17 individual that he was, you just don't want to
18 throw anybody.

19 [REDACTED]: Okay. But doesn't that kind
20 of hinder them from taking action? Let's say,
21 at that point on that day, you are not in the
22 institution, [REDACTED] was there, I
23 understand.

24 [REDACTED]: There was an acting warden
25 there. You had the executive staff there.

1 Just because the warden is not there doesn't
2 mean the institution doesn't run. That's why
3 you have, you know, people acting on your
4 behalf. You know? That could make --

5 ██████████: So, maybe --

6 ██████████: -- those decisions.

7 ██████████: -- maybe, what ██████████,
8 you are trying to ask is, would somebody, since
9 it sounds like you would have to go over your
10 head to even make that decision, has to go to
11 the regional director level, would the
12 associate warden have the ability to go to the
13 regional director, or would have they known to
14 go to the regional director?

15 ██████████: So, let's say that did
16 happen, right? They would have --

17 ██████████: Well, it did happen.

18 ██████████: -- no, I'm saying, as far as
19 finding out that, hey, he needed a cellmate.
20 So, even though I'm off that day, I'm still
21 working.

22 ██████████: Mm-hmm.

23 ██████████: Because I got the government
24 phone. And they're going to call me and tell
25 me, hey, this is what we got going on. He

1 needs a cellmate. And then, I would be, like,
2 okay, let's see what we have, so we can send it
3 up.

4 [REDACTED]: So, basically, you were
5 always available. Someone was always
6 available, that if the proper notification was
7 being made, up the chain of command --

8 [REDACTED]: Right.

9 [REDACTED]: -- a newer inmate could have
10 been assigned.

11 [REDACTED]: That's why I carried it.
12 That's why I had (Indiscernible *05:10:23).
13 So, to, I get calls all hours of the night,
14 even if I'm off, I'm not off. If there is an
15 issue, an emergency, I'm called. Yeah.

16 [REDACTED]: Okay. And if someone does
17 ask, should the SHU officers have been given
18 the ability? Your answer to that would have
19 been, you have that phone with you, someone
20 should have made that notification. So --

21 [REDACTED]: Right.

22 [REDACTED]: -- someone in the higher --

23 [REDACTED]: And they --

24 [REDACTED]: -- of command.

25 [REDACTED]: -- and they would contact

1 me.

2 [REDACTED]: Okay.

3 [REDACTED]: So, it was not, like, I'm
4 off on paper. Because I am using my leave.
5 But I'm still on duty because you can call me
6 on my phone.

7 [REDACTED]: Okay.

8 [REDACTED]: Yeah.

9 [REDACTED]: My last two questions.

10 Based on your conversation, and after this --

11 MR. HAYES: Thank God.

12 [REDACTED]: -- based on your
13 conversations, and this after-action report
14 that we just reviewed those topics, what are
15 the failures of the BOP that allowed Epstein to
16 die?

17 [REDACTED]: I'm not -. I mean, that's -
18 . I think -. I can't -. That's -. You know,
19 like, I - again - I'm speculating, and I'm
20 giving personal opinions. I'm not --

21 [REDACTED]: Again, and I'm not asking
22 you to say why he killed himself.

23 [REDACTED]: Right.

24 [REDACTED]: Or if he could have.

25 What I'm saying is, what are the failures of

1 the BOP?

2 MR. HAYES: He killed himself because he
3 ain't stupid. He said to himself, holy shit,
4 I'm going to spend the rest of my life in
5 prison.

6 [REDACTED]: Yeah, yeah, and I'm not -
7 -

8 MR. HAYES: Yeah.

9 [REDACTED]: -- and I'm not,
10 absolutely not asking --

11 MR. HAYES: No.

12 [REDACTED]: -- as far as what is his
13 mental state, and could have he had the ability
14 --

15 [REDACTED]: But I can't --

16 [REDACTED]: -- but are the failures,
17 as you see them, after we reviewed all this,
18 that you believe -. What did the BOP do wrong,
19 in this instance? Unless you don't think that
20 they did anything wrong.

21 [REDACTED]: No. I'm not saying they did
22 anything wrong. But again, these are things
23 that you are going to find. I mean, right now,
24 I can look at it and say, we're looking at
25 people not making rounds and all that. But

1 there's still an investigation going on. So, I
2 don't want to sit here and speculate --

3 ██████████: No, but we are the ones -
4 -

5 ██████████: -- and say --

6 ██████████: -- doing the
7 investigation, and --

8 ██████████: -- right.

9 ██████████: -- you are the leader of
10 the organization that, you know, of the place.
11 That's why this is a very relevant question for
12 you to answer because --

13 ██████████: Mm-hmm.

14 ██████████: -- you know, this was the
15 facility that you oversaw.

16 ██████████: Right. So --

17 ██████████: So, we're just -. All
18 I'm simply asking is, what do you think the
19 problems are, as you see them? After you just
20 heard everything we just talked about for, it
21 seems like the last five hours.

22 ██████████: No. I mean, if we would
23 talk - I mean, you're not counting. You didn't
24 make your rounds in that unit, to check on an
25 inmate. I mean, that is, that is the basics

1 right there.

2 [REDACTED]: Okay.

3 [REDACTED]: You know, we can talk about
4 all the other stuff, but the basic is, you did
5 not go and make those rounds.

6 [REDACTED]: And would you also,
7 though, add to that the fact that they didn't
8 replace Reyes --

9 [REDACTED]: Oh.

10 [REDACTED]: -- like they were
11 supposed to?

12 [REDACTED]: Yes.

13 [REDACTED]: Okay. What actions could
14 the BOP have taken to possibly prevent
15 Epstein's death?

16 MR. HAYES: It doesn't sound like --

17 [REDACTED]: Right.

18 MR. HAYES: -- still, you were nervous.

19 [REDACTED]: Totally.

20 MR. HAYES: That's all. I mean, you could
21 have --

22 [REDACTED]: It just, it sounds like
23 they quote, the answer would be, conduct your
24 rounds, conduct your counts. Get a --

25 [REDACTED]: Do your job.

1 [REDACTED]: -- do your job. Get
2 Reyes -.

3 MR. HAYES: 99 times out of a 100, it
4 wouldn't have happened.

5 [REDACTED]: Right. So --

6 MR. HAYES: You know, it's -.

7 [REDACTED]: -- but in this case, it
8 does seem, like, a lot of this was a result of
9 - like you keep on saying - people not doing
10 their jobs.

11 MR. HAYES: Jobs.

12 [REDACTED]: But I mean --

13 MR. HAYES: Yeah.

14 [REDACTED]: -- but in all fairness,
15 we've had, since Epstein died, and before,
16 we've had almost 60 suicides. So, it's the
17 same reoccurring theme.

18 [REDACTED]: Right.

19 [REDACTED]: You know, people not making
20 their rounds and doing what they're supposed to
21 do.

22 [REDACTED]: And is that the same
23 thing that's happening with them, they're not
24 doing their rounds or counts?

25 [REDACTED]: I mean, and nine times out

1 of ten, every time you look into something, it
2 is a matter of them doing checks, you know, not
3 counting, you know? So, it's the normal
4 things.

5 [REDACTED]: Are these other
6 instances, where we find out that they didn't
7 have cellmates?

8 [REDACTED]: Single cell. You know, I
9 mean, you have access to the data. I mean, you
10 look at it, and you look at the numbers of
11 single cell inmates. But there is instances
12 where, you know, sometimes you do have to put
13 somebody in a cell single.

14 [REDACTED]: Sure.

15 [REDACTED]: But, you know, there is
16 other suicides, and they don't stop. You know?
17 Some of it is, you know, staff had no control
18 over it, and some staff had control over it.

19 [REDACTED]: And I do apologize. I
20 said that was the last question, but I guess I
21 should ask. In Monday morning quarterbacking
22 yourself, is there anything that you should
23 have done differently?

24 [REDACTED]: Hmm.

25 [REDACTED]: As the MCC warden?

1 [REDACTED]: As far as what? This
2 situation?

3 [REDACTED]: Yeah. Just anything that
4 you feel, like, oh, you know, like, I should
5 have done this better, or I could have done
6 this better. That type of thing.

7 [REDACTED]: I can't.

8 [REDACTED]: Just for the record, let
9 me just --

10 [REDACTED]: I can't think of anything
11 for that.

12 [REDACTED]: -- okay. Anything else
13 you have?

14 [REDACTED]: No.

15 MR. HAYES: That's it?

16 [REDACTED]: Anything that --

17 MR. HAYES: Jesus Christ.

18 [REDACTED]: -- you wanted to add to
19 anything, Warden, anything that --

20 MR. HAYES: I didn't know if you said --

21 [REDACTED]: -- we missed, or you want
22 to -?

23 MR. HAYES: -- generally.

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

25 [REDACTED]: Is there anything you think

1 we missed asking about?

2 MR. HAYES: Don't ask him that.

3 [REDACTED]: Not that I can think of.

4 MR. HAYES: You have a right to remain
5 silent. (Indiscernible *05:15:06). Guys,
6 listen, you know?

7 [REDACTED]: Yeah. No. We got you.

8 MR. HAYES: Like, I was impressed that you
9 did that. He couldn't go through this. I
10 would have been to the bathroom, like, I got to
11 do this, I got to do this. I mean, I got to
12 make a phone call. I want to take a nap. He
13 just sat there and answered all the questions.
14 I mean, he's not --

15 [REDACTED]: Yeah.

16 MR. HAYES: -- even sweating under his
17 armpits.

18 [REDACTED]: And thank you very much -

19 -

20 [REDACTED]: Yeah.

21 [REDACTED]: -- for your cooperation -

22 -

23 [REDACTED]: No. I appreciate --

24 [REDACTED]: Especially --

25 [REDACTED]: -- you guys.

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CERTIFICATE

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

Interview of [REDACTED]

[REDACTED]

[REDACTED]