

DIGITALLY RECORDED

SWORN STATEMENT

OF



OIG CASE #:

2019-010614

DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

JULY 14, 2021

RESOLUTE DOCUMENTATION SERVICES
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EFTA00116060

APPEARANCES:

OFFICE OF THE INSPECTOR GENERAL

BY:

BY:

WITNESS:

OTHER APPEARANCES:

NONE

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

6 MR. [REDACTED]: Thank you, sir.

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

14 MR. [REDACTED]: Yes.

15 MR. [REDACTED]: This interview is being
16 conducted at the Metropolitan Correctional
17 Center in New York, New York, also known as the
18 MCC. Also present is DOJ OIG Special Agent
19 [REDACTED] This interview will be recorded
20 by me, SSA [REDACTED]Z. Could everyone
21 please identify themselves for the record and
22 spell your last name. To start, again, I am
23 DOJ OIG Senior Special Agent [REDACTED]

24 [REDACTED]

25 MR. [REDACTED]L: This is DOJ OIG Special Agent

1

2

MR. [REDACTED]: Lieutenant [REDACTED]

3

[REDACTED] work for the Bureau of Prisons at MCC

4

New York.

5

MR. MATULEWICZ: Could you just spell your
last name for the record?

7

MR. [REDACTED]

8

MR. [REDACTED]: Thank you, sir. This is

9

an official DOJ OIG investigation into the

10

death of inmate Jeffery Epstein and the

11

surrounding circumstances and you're being

12

asked to voluntarily provide answers to our

13

questions. Will you agree to a voluntary

14

interview with the DOJ OIG?

15

MR. [REDACTED] Yes.

16

MR. [REDACTED]: Yes, thank you. All

17

right, so we got that form, it's the DOJ OIG

18

form III-226/2. It says, "The United States

19

Department of Justice, Office of the Inspector

20

General Warnings and Assurances to Employee

21

Requested to Provide Information on a Voluntary

22

Basis. You are being asked to provide

23

information as part of an investigation being

24

conducted by the Office of the Inspector

25

General. This investigation is being conducted

1 pursuant to the Inspector General Act of 1978,
2 as amended. This investigation pertains to
3 security failure and job performance failure.
4 This is a voluntary interview. Accordingly,
5 you do not have to answer questions. No
6 disciplinary action will be taken against you
7 if you choose not to answer questions. Any
8 statement you furnish may be used as evidence
9 in any future criminal proceedings or agency
10 disciplinary proceeding or both." And there's
11 a waiver section. It says, "I understand the
12 warnings and assurances stated above and I am
13 willing to make a statement and answer
14 questions. No promises or threats have been
15 made to me and no pressure or coercion of any
16 kind has been used against me." And as
17 mentioned, this is something that we provide
18 everybody for voluntary interviews, so you're
19 being asked, you know, we just provide these
20 warnings to everyone just knowing it's
21 voluntary, you can stop at any time, you don't
22 have to answer our questions. Do you
23 understanding?

24 MR. [REDACTED] Yes, sir, I understand.

25 MR. [REDACTED] All right. So, if you

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

8 MR. [REDACTED] 1:16.

9 MR. [REDACTED] The place is - the time
10 is 1:16 --

11 MR. [REDACTED] Sixteen.

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

16 MR. [REDACTED] This is Special Agent [REDACTED]
17 [REDACTED], I'm signing at a witness.

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

21 MR. [REDACTED] Yes, I was.

22 MR. [REDACTED]: All right, as mentioned,
23 there's a report that I have here. I don't
24 even think that it's worth going over because
25 there's not really much in it. So, the reason

1 for us to - for interviewing you is to kind of
2 - you were the OIC is our understanding on
3 August 9th, is that correct --

4 MR. [REDACTED] Yes.

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

13 MR. [REDACTED] Yes, I do.

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

18 MR. [REDACTED] [REDACTED]
19 [REDACTED]

20 MR. [REDACTED]: And what is your date of
21 birth?

22 MR. [REDACTED]: [REDACTED]

23 MR. [REDACTED]: And what is your social
24 security number?

25 MR. [REDACTED]: [REDACTED]

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

1 you get to, like -.

2 MR. [REDACTED] Well I can draw a little
3 bit and do a little bit of graphic design --

4 MR. [REDACTED] Oh, neat.

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

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

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

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

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

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

19 MR. [REDACTED] No, I'm completely done
20 with the military.

21 MR. [REDACTED] When did you get out?

22 MR. [REDACTED] 2011.

23 MR. [REDACTED] Was it an honorable
24 discharge?

25 MR. [REDACTED] Yes it was.

1 MR. [REDACTED]: And what was your rank at
2 -.

3 MR. [REDACTED] Corporal.

4 MR. [REDACTED]: Corporal? And what was
5 that? E what?

6 MR. [REDACTED] E-4.

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

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

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

15 MR. [REDACTED] Correct.

16 MR. [REDACTED] -- you did - and what did
17 you do there?

18 MR. [REDACTED] Banquet Steward.

19 MR. [REDACTED]: And everything go with
20 leaving there, was everything copacetic?

21 MR. [REDACTED]: Correct.

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

24 MR. [REDACTED] Since 2014, September 21st
25 would make seven years.

1 MR. [REDACTED]: Seven years? Okay. And
2 do you know your specific enter on duty date?
3 MR. [REDACTED] September 21, 2014.
4 MR. [REDACTED] Thank you, sir. When did
5 you graduate from BOP training?
6 MR. [REDACTED] 2015, April. April 2015.
7 MR. [REDACTED] Okay. And how long have
8 you been with the MCC?
9 MR. [REDACTED] The whole time, seven years
10 --
11 MR. [REDACTED] Okay.
12 MR. [REDACTED] -- in September.
13 MR. [REDACTED]: You're here the whole
14 time.
15 MR. [REDACTED] Correct.
16 MR. [REDACTED]: All right. And you said
17 you're currently a Lieutenant?
18 MR. [REDACTED]: Correct.
19 MR. [REDACTED]: When were you promoted to
20 Lieutenant?
21 MR. [REDACTED] March 1, 2020, last year.
22 MR. [REDACTED] Okay. And what was your
23 rank or title in August of 2019?
24 MR. [REDACTED] I was a Senior Office
25 Specialist.

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

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

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

14 MR. [REDACTED] I was an OIC.

15 MR. [REDACTED] And what does OIC stand
16 for?

17 MR. [REDACTED] The Officer in Charge.

18 MR. [REDACTED] And what were those
19 duties and responsibilities as the OIC of the
20 SHU?

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

24 MR. [REDACTED] Okay. And who was your
25 supervisor?

1 MR. [REDACTED] Lieutenant Perez.

2 MR. [REDACTED] Lieutenant Perez? It
3 wasn't Lieutenant Rice?

4 MR. [REDACTED] Well, actually yes, yes,
5 Lieutenant Rice, I'm sorry, yes.

6 MR. [REDACTED] And he was the SHU
7 Lieutenant?

8 MR. [REDACTED] Yes.

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

1 9, 2019. And again, it's simply to - you don't
2 have to do each page, it's just -.

3 MR. [REDACTED] You're not attesting to it.

4 MR. [REDACTED] Yeah.

5 MR. [REDACTED] It's just -.

6 MR. [REDACTED] Yeah.

7 MR. [REDACTED] It's just -.

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

12 MR. [REDACTED]: Yes, sir.

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

16 MR. [REDACTED] 14.

17 MR. [REDACTED] -- 2021. Thank you, sir.

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

20 MR. [REDACTED] Yes.

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

24 MR. [REDACTED] Yes.

25 MR. [REDACTED] During that time, did

1 Epstein have a cell mate?

2 MR. [REDACTED] Yes, he did.

3 MR. [REDACTED] Do you recall who that
4 cell mate was?

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

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

9 MR. [REDACTED] The first one was
10 Tartaglione. The second one maybe Perez.

11 MR. [REDACTED] Reyes, does that sound -.

12 MR. [REDACTED] Reyes, yes.

13 MR. [REDACTED] Okay. So -.

14 MR. [REDACTED] Older gentleman --

15 MR. [REDACTED] Okay.

16 MR. [REDACTED] -- walked with a cane.

17 MR. [REDACTED] And do you know if there
18 was a specific reason why those cell mates were
19 assigned to Epstein?

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

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

1 MR. [REDACTED]: Well, we always practice,
2 if somebody comes off of suicide watch, they
3 have to go with a cell mate until Psychology
4 clears them to be alone.

5 MR. [REDACTED]: Okay.

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

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

12 MR. [REDACTED]: Yes, I was.

13 MR. [REDACTED]: -- of 2019? Were you one
14 of the responding officers?

15 MR. [REDACTED]: No, I was not.

16 MR. [REDACTED]: Do you know what
17 transpired on that date?

18 MR. [REDACTED]: No, I do not.

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

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

1 MR. [REDACTED] All right, do you - is
2 there any reason for you to believe that
3 Tartaglione was trying to harm him?

4 MR. [REDACTED] No.

5 MR. [REDACTED] No?

6 MR. [REDACTED] They always got along.

7 MR. [REDACTED] They did always get
8 along?

9 MR. [REDACTED] Yes, sir. They'd always
10 get along.

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

14 MR. [REDACTED] Yes, with being watched on
15 the second floor.

16 MR. [REDACTED] Okay. And what floor is
17 the SHU on?

18 MR. [REDACTED] 9th.

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

22 MR. [REDACTED] Correct.

23 MR. [REDACTED] All right. Was he
24 removed from suicide watch?

25 MR. [REDACTED] Yes he was, afterwards.

1 MR. [REDACTED] Do you have any idea
2 around when that was?
3 MR. [REDACTED] That I do not remember.
4 MR. [REDACTED] Does July 30, 2019 sound
5 about right?
6 MR. [REDACTED] I wouldn't -.
7 MR. [REDACTED] Or, I guess I should ask
8 this question first. Is there a difference
9 between suicide watch and psychological
10 observation?
11 MR. [REDACTED] Well, psychological
12 observation, you would have all your clothes
13 on.
14 MR. [REDACTED] Okay.
15 MR. [REDACTED] Suicide watch is because
16 you attempted suicide so you're going to be
17 with a smock, in the nude, just a suicide smock
18 and some booties --
19 MR. [REDACTED] Okay.
20 MR. [REDACTED] -- with nothing else.
21 MR. [REDACTED] And do you know if the
22 entire time that Epstein was on the 2nd floor
23 outside of the SHU, was he in the suicide watch
24 or was he both suicide watch and psychological?
25 MR. [REDACTED] If I'm not mistaken, he was

1 on suicide watch the whole time.

2 MR. [REDACTED] Okay. So you believe
3 that he was actually --

4 MR. [REDACTED] Yes.

5 MR. [REDACTED] -- in a smock the whole
6 time.

7 MR. [REDACTED] Correct.

8 MR. [REDACTED] Okay. And what does
9 suicide watch entail?

10 MR. [REDACTED] You're being watched 24
11 hours.

12 MR. [REDACTED] By who?

13 MR. [REDACTED] By an inmate or staff.

14 MR. [REDACTED] Okay. And do you know if
15 Epstein was watched by either or, or both.

16 MR. [REDACTED] I think he was just by
17 inmates, if I'm not mistaken.

18 MR. [REDACTED]: Inmates and what is the
19 inmates' responsibilities while they're
20 watching him?

21 MR. [REDACTED]: Well, they constantly
22 observe you in every - they got to annotate
23 every rounds that they do, or every 15 minutes
24 they write down what the inmate is doing.

25 MR. [REDACTED]: Okay. Did you ever hear

1 of any issues or anything while he was on
2 there?

3 MR. [REDACTED]: No.

4 MR. [REDACTED]: No?

5 MR. [REDACTED]: No.

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

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

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

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

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

19 MR. [REDACTED]: Correct.

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

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

1 own.

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

4 MR. [REDACTED]: No, I --.

5 MR. [REDACTED]: -- to place him with --.

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

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

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

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

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

1 building.

2 MR. [REDACTED] Okay. And it says, it's
3 to "Suicide Watch/Psych Observation update."
4 It says it's dated July 30, 2019 at 12:30 p.m.
5 The subject of the email says, "Inmate Epstein
6 is being taken off of psych observation and
7 needs to be housed with an appropriate cell
8 mate." Did you ever see that by chance?

9 MR. [REDACTED]: No. I don't remember this.

10 MR. [REDACTED]: Okay. But you knew that
11 he was required to have a cell mate.

12 MR. [REDACTED]: Yes.

13 MR. [REDACTED]: All right. And you said
14 Lieutenant [REDACTED] did inform you?

15 MR. [REDACTED]: Correct.

16 MR. [REDACTED]: Okay. Did you mind just
17 --

18 MR. [REDACTED]: Oh.

19 MR. [REDACTED]: -- initialing and dating
20 that? So you don't recall ever receiving any
21 other written --

22 MR. [REDACTED]: No.

23 MR. [REDACTED]: -- communication
24 regarding the matter? After Lieutenant [REDACTED]
25 spoke with you about him being required to have

1 a cell mate, did you communicate that
2 requirement to anyone else in the SHU?

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

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

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

18 MR. [REDACTED]: Right.

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

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

23 MR. [REDACTED]: Was I working?

24 MR. [REDACTED]: Not that day, but in
25 between July 30th and August 9th, do you know

1 if you would have worked that night watch?

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

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

9 MR. [REDACTED]: Yes.

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

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

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

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

1 right thing when somebody comes up from suicide
2 watch.

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

7 MR. [REDACTED] Correct.

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

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

15 MR. [REDACTED] They would not know?

16 MR. [REDACTED] They would not know that.

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

23 MR. [REDACTED] Well, whoever worked in SHU
24 would pass it down, "Hey, make sure this guy
25 stays with -" - whether it's him or anybody

1 else, I know we're talking specifically about
2 him, but whether it was him or anybody else, we
3 all would say, "Hey, make sure this guy has a
4 bunkie."

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

7 MR. [REDACTED]: No. No.

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

11 MR. [REDACTED]: No.

12 MR. [REDACTED]: All right.

13 MR. [REDACTED]: No that I -.

14 MR. [REDACTED]: So someone mentioned that
15 -.

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

23 MR. [REDACTED]: Okay. So this document
24 I'm showing, it says, "Mandatory rounds must be
25 conducted every 30 minutes on Epstein, as per

1 God." This is what you're referring to? And
2 where was this hanging?

3 MR. [REDACTED] On the SHU OIC computer,
4 right next to it.

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

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

16 MR. [REDACTED] Okay.

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

20 MR. [REDACTED] So this is the one that
21 you remember is the --

22 MR. [REDACTED] Correct.

23 MR. [REDACTED] -- one I just showed you.

24 MR. [REDACTED] Correct.

25 MR. [REDACTED] Okay. And that was on

1 the OIC's computer?

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

5 MR. [REDACTED] And is -.

6 MR. [REDACTED] It's bright orange paper
7 and black lettering.

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

11 MR. [REDACTED] Everybody goes to that
12 station.

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

16 MR. [REDACTED] Yes.

17 MR. [REDACTED] And do you remember when
18 that document was created?

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

21 MR. [REDACTED] And is that initially or
22 after he came back from suicide watch?

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

25 MR. [REDACTED] Okay.

1 MR. [REDACTED] That - when he was -.

2 MR. [REDACTED] Sometime after July 30th

3 but prior to August 9th --

4 MR. [REDACTED] Correct.

5 MR. [REDACTED] -- it would have been up.

6 MR. [REDACTED] Correct.

7 MR. [REDACTED] Okay. You can't remember

8 - sometime between there. Definitely prior to

9 August 9th.

10 MR. [REDACTED] Definitely prior to him

11 coming - or that happening.

12 MR. [REDACTED] And do you believe it was

13 at least a few days prior to that as well?

14 MR. [REDACTED]: It think it was maybe as

15 soon as he came upstairs from suicide watch --

16 MR. [REDACTED] Okay.

17 MR. [REDACTED] - I put it up there.

18 MR. [REDACTED] Okay. But certainly

19 prior to August 9, 2019.

20 MR. [REDACTED] Correct, yes.

21 MR. [REDACTED] Okay.

22 MR. [REDACTED] Yes.

23 MR. [REDACTED] And you do not require

24 any signs identifying Epstein's cell mate

25 requirement? Was there ever anything on

1 Epstein's cell door, even on July 30th or
2 anything like that? Do you recall anything
3 like that?

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

7 MR. [REDACTED] Okay.

8 MR. [REDACTED] We practice, you come up
9 from suicide watch, you get a bunkie --

10 MR. [REDACTED]: All right.

11 MR. [REDACTED] -- no matter who you are.

12 MR. [REDACTED] Got a question here.

13 MR. [REDACTED] Yeah, go ahead.

14 MR. [REDACTED] As for God, is that referring
15 to somebody or God?

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

19 MR. [REDACTED] Okay.

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

24 MR. [REDACTED] Oh no, just God himself.

25 MR. [REDACTED] All right. So that's the

1 one sign you can remember that was up --

2 MR. [REDACTED] Yes.

3 MR. [REDACTED] -- requiring rounds but
4 nothing to do with a cell mate.

5 MR. [REDACTED] Nothing to do with a cell
6 mate.

7 MR. [REDACTED] All right. What is the
8 hot list?

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

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

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

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

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

24 MR. [REDACTED] Is there only one phone
25 in the SHU?

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

1 MR. [REDACTED] Would have he been listed
2 on the hot list when he came back on July 30?

3 MR. [REDACTED] Yes.

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

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

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

14 MR. [REDACTED] I think that's what it is.

15 MR. [REDACTED] Okay.

16 MR. [REDACTED] I never really looked into
17 that one.

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

21 MR. [REDACTED] Yes.

22 MR. [REDACTED] : Who do they provide it
23 to?

24 MR. [REDACTED] They usually come upstairs
25 and change it on their own.

1 MR. [REDACTED] So they actually post it
2 on the --
3 MR. [REDACTED] Yes.
4 MR. [REDACTED] -- board themselves?
5 MR. [REDACTED] Yes.
6 MR. [REDACTED] Does everybody that works
7 in the SHU know what the hot list is?
8 MR. [REDACTED] Yes.
9 MR. [REDACTED] Z: Do you believe -.
10 MR. [REDACTED] It's part of our training.
11 MR. [REDACTED] Z: As a -.
12 MR. [REDACTED] Not just the SHU training,
13 but that's like when you start working here,
14 everybody should know that that's - when
15 Psychology Department comes to see you, they
16 make you - or they tell you to be aware of the
17 hot list.
18 MR. [REDACTED] Okay. That's a good
19 point. On your annual training that you take
20 at the MCC, would that hot list information be
21 provided during that training?
22 MR. [REDACTED] Yes, it should.
23 MR. [REDACTED] What about the training
24 that we talked about previously when we talked
25 -

1 MR. [REDACTED] The SHU training?

2 MR. [REDACTED] Yes.

3 MR. [REDACTED] That definitely is.

4 MR. [REDACTED] And in the annual?

5 MR. [REDACTED] Yes.

6 MR. [REDACTED] So, in the annual, the

7 training that you said, you know, we talked

8 about of, they're not in the SHU training, they

9 might not have gotten it, that same information

10 would have been passed along during the annual

11 training?

12 MR. [REDACTED] Yes.

13 MR. [REDACTED] And that's with

14 Psychology letting people know that people -.

15 MR. [REDACTED] Psychology does their part

16 on the training in their class time and they

17 should have or they should because I think

18 that's what they always do. Psychology - any

19 training, everybody takes it and you go over

20 everything pretty much from when you first

21 start --

22 MR. [REDACTED] Okay.

23 MR. [REDACTED] -- on what to do as an

24 officer.

25 MR. [REDACTED] So, point being, if

1 people come off of suicide watch and are placed
2 in somewhere like the SHU, during annual
3 training, they tell everybody that takes that
4 training that they need to.

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

7 MR. [REDACTED] And who was your -.

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

11 MR. [REDACTED] To make sure those people
12 have cell mates?

13 MR. [REDACTED] Correct.

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

19 MR. [REDACTED] Yes, yes.

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

24 MR. [REDACTED] Correct.

25 MR. [REDACTED]: Okay.

1 MR. [REDACTED] In comparison to the OIC
2 desk, where would that hot list be? Like if
3 you're looking at the desk right now, where -.

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

7 MR. [REDACTED] Okay.

8 MR. [REDACTED]: And do the other COs that
9 worked in the SHU know that everyone on the hot
10 list was required to have a cell mate?

11 MR. [REDACTED] They should.

12 MR. [REDACTED]: They should, okay.

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

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

18 MR. [REDACTED] It should have been Officer
19 [REDACTED] and Officer [REDACTED]

20 MR. MATULEWICZ: Okay. Do you need to
21 refer to this at all or you just know that from
22 memory?

23 MR. [REDACTED] I think I'm right.

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

1 MR. [REDACTED] Memory is so far so good,
2 yes.
3 MR. [REDACTED] So you're looking at the
4 daily assigned roster.
5 MR. [REDACTED]: Yeah, it's [REDACTED] and
6 [REDACTED]
7 MR. [REDACTED]: Anyone else?
8 MR. [REDACTED]: No, I only saw those two.
9 MR. [REDACTED]: Was there Joiner also?
10 Did he replace you?
11 MR. [REDACTED]: So I left that 2:00.
12 MR. [REDACTED]: Okay.
13 MR. [REDACTED]: I knew [REDACTED] was coming
14 because that's usually my relief and [REDACTED] was
15 a 2:00 to 10:00 officer.
16 MR. [REDACTED]: Okay. And where did
17 [REDACTED] fit in on this? Do you know?
18 MR. [REDACTED]: He was probably doing -
19 just coming in.
20 MR. [REDACTED]: Okay. So we have a memo.
21 Is this - do you - this memo, it says it's from
22 you and it's dated August 12, 2019. Is this -
23 do you recognize that memo?
24 MR. [REDACTED]: No, that's me.
25 MR. [REDACTED]: Okay. And did you create

1 that memo?

2 MR. [REDACTED] Yes, I did.

3 MR. [REDACTED] All right. Great. So

4 what it says is, it says it's to the Warden.

5 How do you pronounce the Warden's last -.

6 MR. [REDACTED]

7 MR. [REDACTED]. It says, "On

8 Friday, August 9, 2019 at approximately 1:50

9 p.m., I, SOS [REDACTED] passed on to oncoming

10 staff member Officer [REDACTED] and present shift

11 staff SOS [REDACTED] and Officer [REDACTED] that inmate

12 Reyes, number 85993-054, was going WAB and

13 possibly may not return. Also that inmate

14 Epstein will be needing a cell mate upon

15 arrival from his attorney visit." What does

16 WAB mean?

17 MR. [REDACTED] With all belongings.

18 MR. [REDACTED]: Okay. And is that -.

19 MR. [REDACTED] That's when you leave the

20 institution.

21 MR. [REDACTED]: Okay. Great. And do you

22 recall actually passing that information on to

23 [REDACTED]

24 MR. [REDACTED] I - [REDACTED] I

25 probably did speak to them, but in -.

1 MR. [REDACTED] Okay. So I guess I
2 should ask, the way that I interpreted this was
3 that you told [REDACTED] but those other people were
4 present in the SHU. Did you have a
5 conversation then, you believe, with both [REDACTED]
6 and [REDACTED]
7 MR. [REDACTED]: I had a conversation with
8 [REDACTED] because he relieved me at 2 o'clock.
9 MR. [REDACTED] Okay.
10 MR. [REDACTED] And I told him, "Make sure
11 you pass it down to - but I don't - I know I
12 spoke to [REDACTED] because I was still town driver
13 and I saw him outside, but [REDACTED], I don't
14 remember seeing him.
15 MR. [REDACTED] Okay. What do you
16 remember - what specifically do you recall
17 saying to [REDACTED]
18 MR. [REDACTED] Like, "Reyes is going, he's
19 leaving, so make sure Epstein gets a bunkie."
20 MR. [REDACTED]: And what do you remember
21 specifically telling to [REDACTED]
22 MR. [REDACTED]: Same thing. "Hey, you
23 know, I think Reyes is going to be gone,
24 Epstein needs a bunkie." "All right.
25 MR. [REDACTED] Okay. And again, who is

1 inmate Efrain Reyes?

2 MR. [REDACTED] That was Epstein's bunkie.

3 MR. [REDACTED] Up until August 9th it
4 sounds like?

5 MR. [REDACTED] Correct.

6 MR. [REDACTED] Okay. And do you know
7 how he was selected to be Epstein's cell mate?

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

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

19 MR. [REDACTED] No.

20 MR. [REDACTED] All right. So, you're
21 understanding was that Psychology made that
22 determination?

23 MR. [REDACTED] Correct.

24 MR. [REDACTED] Okay. When did you
25 become aware that inmate Efrain Reyes was

1 likely to be removed from the MCC on August 9,
2 2019?

3 MR. [REDACTED] When I walked both of them
4 to the door.

5 MR. [REDACTED] And what time would that
6 have been?

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

12 MR. [REDACTED]: Okay.

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

17 MR. [REDACTED]: So were Reyes and Epstein
18 both together?

19 MR. [REDACTED] Correct.

20 MR. [REDACTED] And you're the one who
21 was - one of you that was escorting them?

22 MR. [REDACTED] Yes.

23 MR. [REDACTED]: And at that point, at
24 9:00 a.m. on August 9th, you did know that
25 Reyes wasn't coming back or likely -.

1 MR. [REDACTED] I knew he was going
2 downstairs. So, WAB means with all belongings.
3 You go to R&D, you're supposed to leave within
4 probably an hour and not come back, but there
5 has been times that they go downstairs with all
6 their stuff and they come right back upstairs.
7 Whether it's to SHU or to a unit.

8 MR. [REDACTED] Okay.

9 MR. [REDACTED] So -.

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

12 MR. [REDACTED] No, I know I was walking
13 him downstairs to leave the building at that
14 time.

15 MR. [REDACTED] Was he with all
16 belongings at that time?

17 MR. [REDACTED] Yes.

18 MR. [REDACTED] So he --

19 MR. [REDACTED] Yes.

20 MR. [REDACTED] -- already - he did have
21 his belongings?

22 MR. [REDACTED] He did have his belongings.
23 He was ready to go. But again, it's not always
24 guaranteed that once we're taking downstairs,
25 even though they call us and tell us, "Oh, this

1 guy is going WAB," they just leave.

2 MR. [REDACTED]: Okay.

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

8 MR. [REDACTED] Okay. And does R&D stand
9 for Receiving and Discharging?

10 MR. [REDACTED] Yes.

11 MR. [REDACTED] Okay. What floor is that
12 on?

13 MR. [REDACTED] That's on the 3rd floor.

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

1 It says, "Reyes was pre-removed from the SHU at
2 8:38 a.m." What does that mean?

3 MR. [REDACTED] That's just when they put
4 him on the system that he gets downstairs.

5 MR. [REDACTED] Does it have anything to
6 do with WAB or that he's likely not going to
7 come back?

8 MR. [REDACTED] Well, that pretty much
9 means he left.

10 MR. [REDACTED] That just means he left?

11 MR. [REDACTED] Yes, that means he's left.

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

18 MR. [REDACTED] Well, that he left the
19 building and most likely he's not going to
20 return.

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

25 MR. [REDACTED] Well, it would say,

1 "Court."

2 MR. [REDACTED]: Just, "Court?"

3 MR. [REDACTED]: If he was going to court,
4 it would say, "Court."

5 MR. [REDACTED]: It wouldn't say, "Pre-
6 remove?"

7 MR. [REDACTED]: No, it would just say,
8 "Court."

9 MR. [REDACTED]: So is, "Pre-remove," and,
10 "WAB," somewhat the same thing?

11 MR. [REDACTED]: Correct.

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

18 MR. [REDACTED]: Yes.

19 MR. [REDACTED]: What is that called?

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

25 MR. [REDACTED]: All right. And I have

1 not seen that document. Do you recall if that
2 actually said, "WAB?"

3 MR. [REDACTED] Not that, I cannot
4 remember.

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

9 MR. [REDACTED] Yes.

10 MR. [REDACTED] Okay.

11 MR. [REDACTED] Yes.

12 MR. [REDACTED] Because you said if it
13 said just, "Court," or, "WAB," if it said,
14 "Court," it would say, "Court," next to his
15 name --

16 MR. [REDACTED] Right.

17 MR. [REDACTED] -- on this.

18 MR. [REDACTED] Right. So, we get
19 something like this, just like this one.

20 MR. [REDACTED] So on the daily log,
21 right?

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

1 MR. [REDACTED] Okay. So, but based upon
2 the fact that this says, "Pre-remove," on it.

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

4 MR. [REDACTED] Yes.

5 MR. [REDACTED]: Okay.

6 MR. [REDACTED] Yes. That's the only
7 reason we would take them down.

8 MR. [REDACTED]: Right.

9 MR. [REDACTED] Unless he got - he made
10 bail and all of a sudden, "Hey, we got an early
11 release."

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

16 MR. [REDACTED] Correct.

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

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

1 "WAB," and the other one still would, I mean,
2 would say, "Court." Only difference is one
3 would most likely not come back.

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

8 MR. [REDACTED] No, they would not.

9 MR. [REDACTED] So a person with court
10 wouldn't have something like Reyes did.

11 MR. [REDACTED] Correct.

12 MR. [REDACTED] So Reyes likely had his
13 bag.

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

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

21 MR. [REDACTED] Correct.

22 MR. [REDACTED] Okay. Thank you. I'm
23 going to just so we can start getting these
24 things away from you. Do you mind just sign
25 and dating. This is the daily log. And

1 exactly, do you know what the daily log is?
2 This one that you're initialing and dating
3 right now --
4 MR. [REDACTED] Well --
5 MR. [REDACTED] -- for August 9, 2019?
6 MR. [REDACTED] -- this we would print out
7 just so we could know how to update the
8 Lieutenant's log --
9 MR. [REDACTED] Okay. So -.
10 MR. [REDACTED] -- now.
11 MR. [REDACTED] So this daily log is used
12 to update the Lieutenant's log?
13 MR. [REDACTED] Correct.
14 MR. [REDACTED] All right. So would have
15 this (Indiscernible *00:33:56) in daily log or
16 if we were just reviewing, it's the last page
17 which is - although it does say, "Page 1 of 1,"
18 or over here, it's this page, I'm going to
19 circle this page, 3 of 3 and I'm going to star
20 next to Reyes's name. Would this have been
21 filled for - would this have been used to fill
22 out this daily log --
23 MR. [REDACTED] Yes.
24 MR. [REDACTED] -- after the fact? So at
25 8:38, would the Lieutenant's log have been

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

1 just go by the time.

2 MR. [REDACTED]: Okay.

3 MR. [REDACTED] Like, "Oh, it's 8:30, five
4 guys left, I'm going to put it in the
5 Lieutenant's log."

6 MR. [REDACTED] All right.

7 MR. [REDACTED] "Five guys left."

8 MR. [REDACTED] Is there any kind of a
9 requirement that Lieutenants need to fill out
10 the Lieutenant's log as things transpire or
11 does that not matter?

12 MR. [REDACTED] Doesn't matter, so long as
13 by the closing of the day, everything is up to
14 date --

15 MR. [REDACTED] Okay.

16 MR. [REDACTED] -- and the numbers are
17 accurate.

18 MR. [REDACTED] So, prior to leaving your
19 shift it's supposed to be updated?

20 MR. [REDACTED] Yes.

21 MR. [REDACTED]: Okay. All right. So if
22 you can just --

23 MR. [REDACTED] I have the Lieutenant, yes.

24 MR. [REDACTED] So if you don't mind
25 initialing and dating both of those.

1 MR. [REDACTED] While you're doing that, I
2 just had a question. You said that Reyes had
3 his belongings. What exactly did he have in
4 his hands?

5 MR. [REDACTED] Think it was a bag with a
6 couple of commissary items, nothing -.

7 MR. [REDACTED] Like a plastic bag or -.

8 MR. [REDACTED] A plastic bag. We don't
9 give them anything else to take.

10 MR. [REDACTED] And you also mentioned, "We,"
11 who is we when you were bringing him down?

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

16 MR. [REDACTED] You wouldn't happen to, by
17 off that list, know who that is?

18 MR. [REDACTED] Internal was [REDACTED]
19 (Phonetic Sp. *00:36:01) think it was [REDACTED]
20 (Phonetic Sp. *00:36:05), it was probably him.
21 Sign and -.

22 MR. [REDACTED]: Yeah, do you mind just
23 that's your memo and wouldn't mind just
24 initialing and dating. Thank you, sir. All
25 right, so and just to sum all that up by what

1 you just saw and by your understanding, you
2 thought Reyes was unlikely to return to the
3 MCC.

4 MR. [REDACTED] Yes.

5 MR. [REDACTED] Okay. And did you
6 receive any kind of call or any other
7 notification on August 19, 2019 saying that
8 Reyes was not returning to the MCC?

9 MR. [REDACTED] I don't remember that one.

10 MR. [REDACTED] Okay. So, when would or
11 would a notification have been made informing
12 the SHU or the MCC in general, that Reyes was
13 in fact not coming back? How does that process
14 work?

15 MR. [REDACTED] So, if he's going WAB, we
16 already assume that he's not going to be coming
17 back and the way we confirm it is right before
18 the count, "Hey, is he coming back R&D?" "No,
19 he already left, he's gone."

20 MR. [REDACTED] And what count is that?

21 MR. [REDACTED] The 4:00 p.m. count.

22 MR. [REDACTED] All right. So at 4:00
23 p.m., someone from the SHU should have
24 contacted, you said R&D?

25 MR. [REDACTED] Yes.

1 MR. [REDACTED] And said, "Is he coming
2 back?"

3 MR. [REDACTED] Correct.

4 MR. [REDACTED] All right. Is that
5 standard operating procedure?

6 MR. [REDACTED] No, it's just pretty much
7 us confirming that he's not coming back or
8 sometimes they give us a call, "Hey, this guy
9 is not coming back."

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED] But we already assume that
12 he's not coming back because he's going WAB.

13 MR. [REDACTED] Okay. So do you know if
14 any notification was ever made to the SHU
15 saying that he was not in fact coming back?

16 MR. [REDACTED] I don't remember.

17 MR. [REDACTED]: No? And there's no
18 standard operating procedure on that.

19 MR. [REDACTED] No.

20 MR. [REDACTED]: Do you believe that there
21 should be?

22 MR. [REDACTED] A: I mean, we should go off
23 the roster, but R&D should always, "Hey, this
24 guy is not coming back," think a courtesy call
25 --

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: -- "This guy is not coming
3 back."

4 MR. [REDACTED]: And how is R&D made aware
5 that an inmate is not coming back?

6 MR. [REDACTED]: Once they leave here. So
7 they all go downstairs with (Indiscernible
8 *00:38:15).

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

20 MR. [REDACTED]: Well, the inmates, they
21 don't all return together. They return
22 different times.

23 MR. [REDACTED]: Okay.

24 MR. [REDACTED]: But, that's actually a good
25 question. I want to find that out too. I

1 don't know if they're going to - they just
2 locked it.

3 MR. [REDACTED] Thank you for locking us
4 in.

5 UNIDENTIFIED MALE: Oh, sorry.

6 MR. [REDACTED] Thank you. Okay, so
7 you're not exactly sure.

8 MR. [REDACTED]: I'm not sure how they're
9 like notified or how do they know this guy is
10 not coming back or, excuse me, this guy is not
11 coming back, this guy had got time served or
12 I'm not sure how they know that.

13 MR. [REDACTED] Okay. Do you know
14 anything about possibly the Marshals providing
15 some kind of a court list or anything like that
16 or is this a question for R&D?

17 MR. [REDACTED] It's a question for R&D.

18 MR. [REDACTED]: Okay. But as far as you
19 know, either R&D would call the SHU, making the
20 notification, and if they didn't do that by the
21 4:00 p.m. count --

22 MR. [REDACTED] Yeah.

23 MR. [REDACTED] -- the SHU should be
24 contacting R&D?

25 MR. [REDACTED] Yes, to make sure he's not

1 coming back or to make sure that he might be
2 downstairs and we've got to pick him up.

3 MR. [REDACTED]: And is -.

4 MR. [REDACTED]: But if he returns, R&D
5 calls us. Anybody from SHU leaves, once they
6 return from wherever they went, "You've got a
7 pick up on three."

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

15 MR. [REDACTED]: Uh-huh.

16 MR. [REDACTED]: They would? And how
17 would they know that?

18 MR. [REDACTED]: To verify the count.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: We count every day, so.

21 MR. [REDACTED]: So would Reyes remain on
22 the count at that point?

23 MR. [REDACTED]: If he's not returning?

24 MR. [REDACTED]: So in this case, with the
25 pre-remove, does that mean that he was removed

1 from the count?

2 MR. [REDACTED]: Correct.

3 MR. [REDACTED]: So, that's - so he's
4 already removed from the SHU count. How would
5 the people that are working in the SHU know to
6 check on him if he's been removed from the
7 count?

8 MR. [REDACTED]: The court list stays on top
9 of the desk, usually we have a morning court --

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: -- and afternoon court.

12 MR. [REDACTED]: So anybody that's on the
13 court list, you need to - that's how people
14 know every day, they call and say, "What
15 happened to these people at court?"

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: All right. And is that
18 like at a certain time that a person calls?

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

21 MR. [REDACTED]: And on August 9th, by
22 knowing the people you said that were in there
23 and looking at this daily assignment roster,
24 are you able to determine if there's one person
25 that should have called or was their

1 responsibility or is it -.

2 MR. [REDACTED]: Well, [REDACTED] and [REDACTED] would
3 have called.

4 MR. [REDACTED]: So one of those two?

5 MR. [REDACTED]: Yeah, one of those would
6 have called.

7 MR. [REDACTED]: But not [REDACTED]

8 MR. [REDACTED]: [REDACTED] was pretty new and
9 so was [REDACTED]

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: Pretty new officers, so.

12 MR. [REDACTED]: But every day that's
13 done?

14 MR. [REDACTED]: If they don't come back,
15 then we assume they're not coming back and if
16 they do come back, R&D usually tells us, "Come
17 pick up on three."

18 MR. [REDACTED]: Okay. So the way that
19 that was answered, it sounds like you don't
20 always call based on the court list, you just
21 assume they did - if they didn't show up and RD
22 didn't call you, you -.

23 MR. [REDACTED]: Then, we're like, "Oh, he's
24 not coming back."

25 MR. [REDACTED]: All right. So then those

1 two may not have called then, they just would
2 have assumed he was gone?

3 MR. [REDACTED]: I mean, Officer [REDACTED] got
4 good enough time in that I think he would have
5 called.

6 MR. [REDACTED]: And would you always call
7 --

8 MR. [REDACTED] I think he would have
9 called, but --.

10 MR. [REDACTED] -- on those dates that
11 you worked in the SHU at that 4:00, you know,
12 around 4:00 p.m. time, would you have always
13 called?

14 MR. [REDACTED] Myself? Yes. I usually
15 call like around 3 o'clock --

16 MR. [REDACTED] And is that --.

17 MR. [REDACTED] -- just in case I really
18 dirty, I'll go home early, so.

19 MR. [REDACTED] Now is that like also
20 like a standard operating procedure or is that
21 just based upon whatever the people that are
22 working there want to do?

23 MR. [REDACTED] That's whatever people
24 working there.

25 MR. [REDACTED]: Okay. So is there any

1 training on that that you should call at a
2 certain time?

3 MR. [REDACTED] No.

4 MR. [REDACTED] No?

5 MR. [REDACTED] No.

6 MR. [REDACTED] So that's just like

7 basically good, I guess, logistics and good --

8 MR. [REDACTED] Yes.

9 MR. [REDACTED]: -- record keeping. Were
10 you ever instructed on what action should be
11 taken if Reyes, who was assigned to Epstein as
12 a cell mate, was removed from the institution?

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

19 MR. [REDACTED]: Okay. Okay, so in this
20 case then, it was Reyes was likely to have been
21 removed from the institution. What actions
22 should have been taken to replace Reyes and
23 when should have they been taken?

24 MR. [REDACTED]: Well, as soon as it was
25 verified or confirmed that he left the

1 building, and Epstein was coming up from his
2 attorney visit, which was probably around 8:00
3 because that's the last, like the last call on
4 attorney conference, last legal visit has to be
5 out of the legal department by 8 o'clock. So,
6 as soon as we find out that - if Reyes wasn't
7 there for the 4 o'clock count, it should have
8 been, "Okay, let's find Epstein another bunkie
9 so by the time he comes upstairs, he has one
10 already."

11 MR. [REDACTED] Okay. So based upon your
12 conversations with at least [REDACTED] and you
13 believe as well as [REDACTED] should have they at
14 the 4:00 p.m. count started making some
15 notifications or started replacing Reyes?

16 MR. [REDACTED]: Oh, definitely.
17 Definitely.

18 MR. [REDACTED] So was it their two -
19 their - do you believe it was their, then,
20 responsibility to replace Reyes?

21 MR. [REDACTED] I think it was everybody's
22 responsibility. They should have notified
23 somebody.

24 MR. [REDACTED] Okay. Did you have any
25 communica- let me just go in order so I don't

1 get - so, let me just make sure I understand.
2 So at 4:00 p.m., they should have been making
3 some notifications or at least requesting
4 information on Reyes's location, correct?

5 MR. [REDACTED] Correct.

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

11 MR. [REDACTED] Correct.

12 MR. [REDACTED] Okay. And who was
13 responsible for assigning Epstein with a new
14 cell mate?

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

24 MR. [REDACTED] Okay. And so, being that
25 Epstein was a big deal and people wanted to be

1 involved, when should that notification had
2 been made?

3 MR. [REDACTED] As soon as they found out
4 he wasn't coming back.

5 MR. [REDACTED] So once it was verified
6 and so-.

7 MR. [REDACTED] That he's not coming back,
8 yes.

9 MR. [REDACTED] So at approximately 4:00
10 p.m.?

11 MR. [REDACTED] 4:00 p.m.

12 MR. [REDACTED] Okay. After Reyes left
13 for court, should you have begun a process for
14 an inmate or you or whoever else was working in
15 the SHU, should you began that process for a
16 new selected inmate for Epstein?

17 MR. [REDACTED] Well, again, I assumed he
18 was not coming back, I wasn't sure he wasn't
19 coming back.

20 MR. [REDACTED] Okay. So -.

21 MR. [REDACTED] And by the time I left, he
22 still had another - he still had about an hour
23 and a half to come back if he was coming back.

24 MR. [REDACTED] Okay. So, by the time
25 you left, there was still a possibility that -.

1 MR. [REDACTED] That he could come back.

2 MR. [REDACTED] Okay.

3 MR. [REDACTED] Yes.

4 MR. [REDACTED] Did you make any

5 notifications to anyone aside from [REDACTED] and

6 [REDACTED] that Reyes was Epstein's cell mate and

7 he was likely not coming back?

8 MR. [REDACTED] I don't remember that.

9 MR. [REDACTED] Do you remember if you,

10 you know, communicated with any of the

11 Lieutenants?

12 MR. [REDACTED] I don't even remember who -

13 which Lieutenant was on.

14 MR. [REDACTED] You got the daily roster.

15 MR. [REDACTED] But -.

16 MR. [REDACTED] Think it was [REDACTED] and

17 [REDACTED]

18 MR. [REDACTED] I actually - I say I know I

19 remember Lieutenant [REDACTED] So I think I - see,

20 I don't want to say I did tell somebody, but I

21 was always kind of anal working the SHU, so I

22 probably said, "Look, he might not be coming

23 back," and when Reyes left, he leave through

24 the 3rd floor which everybody in the

25 Lieutenant's office sees him and R&D sees him

1 and at the same time, I told Epstein, "You're
2 getting a bunkie," he's like, "No, I'm good."
3 And Reyes was like, "No, he's going to make
4 sure you get a bunkie." Because -.

5 MR. [REDACTED] Can you repeat that last
6 thing? What's this?

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

16 MR. [REDACTED] I got you. So the way
17 you answered the question before, it sounded
18 like you may have told [REDACTED] or [REDACTED], you
19 just don't specifically recall?

20 MR. [REDACTED] I do not recall.

21 MR. [REDACTED] : Like -.

22 MR. [REDACTED] Again, we brought them
23 down, so.

24 MR. [REDACTED] : Okay. No, no, no, I'm
25 talking about like, - or let me - I'll just go

1 in order. Do you remember at 9:00 a.m. who
2 would have been the Activities and Operations
3 Lieutenant?

4 MR. [REDACTED] Well, Operations comes in
5 at 6 o'clock in the morning.

6 MR. [REDACTED] Okay. And who on this
7 date would have been that person?

8 MR. [REDACTED] Lieutenant [REDACTED] and
9 [REDACTED] came in at 4 o'clock.

10 MR. [REDACTED] So [REDACTED] was Activities
11 though, right?

12 MR. [REDACTED] Correct. At 6:00 and then
13 Lieutenant [REDACTED] was at 8:00.

14 MR. [REDACTED] Okay. So at 6:00 a.m.,
15 [REDACTED] would have been in?

16 MR. [REDACTED] Yes, 6:00 to 2:00 and
17 Lieutenant [REDACTED] 8:00 to 4:00.

18 MR. [REDACTED]: Okay. So at that 9
19 o'clock time when you're bringing them down,
20 would you --

21 MR. [REDACTED] They both should have been
22 there.

23 MR. [REDACTED] -- would have you been in
24 any interactions with Lieutenants at that
25 point?

1 MR. [REDACTED] Yes, because they usually
2 come upstairs to feed.

3 MR. [REDACTED] Okay. And do you
4 remember if specifically if specifically if you
5 can place yourself back in that day, I know
6 it's a long time ago, but being that that was
7 the day before Epstein died, can you remember
8 at all thinking about any conversations you had
9 with them?

10 MR. [REDACTED] I remember seeing both of
11 them.

12 MR. [REDACTED] Z: Both - you remember --

13 MR. [REDACTED] Both - both --

14 MR. [REDACTED] Z: -- seeing both [REDACTED] -.

15 MR. [REDACTED] -- Lieutenant [REDACTED] and
16 Lieutenant [REDACTED] that day, but (Indiscernible
17 *00:49:03) when - I'm sure, but I'm not a
18 hundred percent positive that I did tell him --

19 MR. [REDACTED] Z: Okay.

20 MR. [REDACTED] -- "Hey," specifically,
21 "Reyes might be leaving, you got to get Epstein
22 a bunkie."

23 MR. [REDACTED]: So you believe it's more
24 likely than not that you mentioned it to the
25 Lieutenants.

1 MR. [REDACTED] Correct.
2 MR. [REDACTED]: Okay.
3 MR. [REDACTED] There you go.
4 MR. [REDACTED]: But you just can't
5 specifically recall.
6 MR. [REDACTED] Yes.
7 MR. [REDACTED] Okay. And do you believe
8 it was more likely or not that you told one of
9 those Lieutenants over another?
10 MR. [REDACTED] I talked to both of them
11 and I think I probably just told Lieutenant
12 [REDACTED] and then he passed it down or vice versa.
13 MR. [REDACTED] Okay. And did you have
14 more of a friendly relationship with one or the
15 other?
16 MR. [REDACTED] No, just --
17 MR. [REDACTED]: No?
18 MR. [REDACTED] -- even both of them.
19 MR. [REDACTED]: And do you remember
20 having any conversations with R&D on August
21 9th?
22 MR. [REDACTED] No.
23 MR. [REDACTED]: No? So when you would
24 drop the inmates off, was there any kind of
25 conversations or -.

1 MR. [REDACTED] Yeah, "What's up? You guys
2 good?" "Yeah, okay."
3 MR. [REDACTED] Okay.
4 MR. [REDACTED] Yeah. Go right back
5 upstairs.
6 MR. [REDACTED] And do you know when it
7 was known that Reyes wasn't returning to the
8 MCC?
9 MR. [REDACTED] No.
10 MR. [REDACTED] Even after the fact?
11 Like after August 9th, you never learned that?
12 MR. [REDACTED] No, I never -.
13 MR. [REDACTED] There wasn't any kind of
14 like little internal investigation trying to
15 figure out what that was all about?
16 MR. [REDACTED] No. I -.
17 MR. [REDACTED] But under normal
18 circumstances, you're saying, either R&D would
19 call and let that be known or at the 4:00 p.m.
20 count, the SHU staff should have called down to
21 find out --
22 MR. [REDACTED]: Yeah.
23 MR. [REDACTED] -- based upon the court
24 list --
25 MR. [REDACTED]: Usually --

1 MR. [REDACTED]: -- that was in front of
2 them?

3 MR. [REDACTED]: -- we do just to make sure
4 this guy is not coming back or R&D would tell
5 us.

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

10 MR. [REDACTED]: Correct.

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

14 MR. [REDACTED]: 8:00 p.m., the people that
15 were working were [REDACTED] [REDACTED] and [REDACTED]

16 MR. [REDACTED]: Was Noel also?

17 MR. [REDACTED]: And - well, the evening
18 watch, Noel, and [REDACTED]

19 MR. [REDACTED]: So at 8:00 p.m., were all
20 those people on?

21 MR. [REDACTED]: No. [REDACTED] because he
22 leaves at 10:00, Noel, she does 4:00 to 12:00,
23 [REDACTED] 4:00 to 12:00.

24 MR. [REDACTED]: Okay. And do you believe
25 all of those people would have known - those

1 three people that you just listed, would have
2 they known that Epstein was required to have a
3 cell mate?

4 MR. [REDACTED]: Well, the one that most
5 likely should have known was [REDACTED] because he's
6 worked SHU before. Noel worked SHU once in a
7 while and [REDACTED] he wasn't even in the SHU
8 department.

9 MR. [REDACTED]: Okay. So [REDACTED] certainly
10 would have known and Noel should have?

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: [REDACTED] could go either
13 way?

14 MR. [REDACTED]: Either way.

15 MR. [REDACTED]: Okay. And what action
16 should have they taken? Once they bring
17 Epstein back to the cell, they notice they're
18 putting Epstein - would they know when they
19 brought Epstein back to his cell that Epstein
20 was alone in that cell?

21 MR. [REDACTED]: Yes.

22 MR. [REDACTED]: And how would they know
23 that?

24 MR. [REDACTED]: Well, first we have name
25 tags on the door. Usually when the inmate

1 leaves, we remove the name tag. And of course
2 --
3 MR. [REDACTED]: Can you silence that?
4 MR. [REDACTED]: -- the sheets should not
5 have been on the bed.
6 MR. [REDACTED]: So Reyes's sheets should
7 have been removed?
8 MR. [REDACTED]: Correct.
9 MR. [REDACTED]: Do you know if they were?
10 MR. [REDACTED]: I don't remember.
11 MR. [REDACTED]: And what time should
12 those sheets be removed?
13 MR. [REDACTED]: Well, he's not coming back,
14 let's get them.
15 MR. [REDACTED]: So sometime between 4:00
16 p.m. and -.
17 MR. [REDACTED]: And 8 o'clock.
18 MR. [REDACTED]: Okay. And then, is that
19 - is it - are they ever removed when someone is
20 WAB?
21 MR. [REDACTED]: Yes. When, so, again, WAB,
22 with all belongings, everything should come out
23 with you when you're WAB.
24 MR. [REDACTED]: So do those linens then
25 (Indiscernible *00:53:10)?

1 MR. [REDACTED] Yes.

2 MR. [REDACTED] Do you know if they did
3 for Reyes that day?

4 MR. [REDACTED] No, I don't remember that.

5 MR. [REDACTED] Okay. And is that like a
6 policy thing?

7 MR. [REDACTED] You got to return your
8 linen.

9 MR. [REDACTED] : Okay.

10 MR. [REDACTED] I don't think it's in
11 policy that I know of.

12 MR. [REDACTED] All right. So, they
13 should have been removed when Reyes left, but
14 you don't know if they were?

15 MR. [REDACTED] Correct.

16 MR. [REDACTED] And then they certainly
17 should have been removed once it was verified
18 that Reyes wasn't coming back?

19 MR. [REDACTED] Yes.

20 MR. [REDACTED] : And that verification
21 would have been made at either 4:00 p.m. or
22 certainly by 8:00 p.m.

23 MR. [REDACTED] Yes.

24 MR. [REDACTED] : Okay. Did you conduct
25 any counts or rounds in the SHU during your

1 shift on August 9th?

2 MR. [REDACTED] No.

3 MR. [REDACTED]: Rounds?

4 MR. [REDACTED] Well, rounds, yes. Not
5 counts.

6 MR. [REDACTED]: Okay. So, sorry, I said
7 counts or rounds.

8 MR. [REDACTED] Oh.

9 MR. [REDACTED]: So you did conduct rounds
10 though?

11 MR. [REDACTED] Yes. And Friday is a
12 shower day so we're - meaning, we got to shower
13 everybody in SHU, so at one point or another,
14 everybody that worked in SHU before 4 o'clock
15 in the afternoon, went in and out the tiers at
16 least a good 40 times.

17 MR. [REDACTED] Okay. What time are
18 inmates showered?

19 MR. [REDACTED] We start at 6:00.

20 MR. [REDACTED]: Okay. Was Epstein
21 showered on that date then?

22 MR. [REDACTED] Yes he was because he goes
23 to his attorney visit.

24 MR. [REDACTED] And he gets showered
25 prior to going?

1 MR. [REDACTED] Correct.

2 MR. [REDACTED]: Okay. All right, these
3 are the - you said you weren't involved in any
4 counts, so we'll give you the count sheet.
5 These are the round sheets from August 9, 2019.
6 I can't make out this stuff. Does any of that
7 - your signatures or initials?

8 MR. [REDACTED] The RCG right in the
9 middle.

10 MR. [REDACTED] You're RCG? Okay.

11 MR. [REDACTED] Correct. Middle.

12 MR. [REDACTED] All right. And then -
13 all right, so you were involved in those rounds
14 that are listed on there. Why do COs conduct
15 counts and rounds?

16 MR. [REDACTED] To make sure the inmates
17 are - why they conduct rounds?

18 MR. [REDACTED] Sure, we'll do each. Why
19 do COs conduct rounds?

20 MR. [REDACTED] To make sure everybody is
21 breathing --

22 MR. [REDACTED] And why -.

23 MR. [REDACTED] -- and make sure everybody
24 is still there.

25 MR. [REDACTED] And why do they conduct

1 counts?

2 MR. [REDACTED] To count and make sure all
3 the bodies are there.

4 MR. [REDACTED] Okay. Do all the COs who
5 work in the SHU know how to properly conduct
6 and report counts and rounds?

7 MR. [REDACTED] Yes. If they got the ART
8 training, which is the initial training when
9 you start or the new training, we go over the
10 count time and we go over rounds. And when we
11 do the SHU training, we also go over the
12 rounds.

13 MR. [REDACTED] So in that annual
14 refresher training, do they go over SHU counts
15 and rounds as well or just general --

16 MR. [REDACTED] Well --

17 MR. [REDACTED] : -- institution?

18 MR. [REDACTED] -- general institution
19 counts.

20 MR. [REDACTED] : Okay.

21 MR. [REDACTED] Now the rounds in the units
22 are different than the SHU rounds, but it is
23 part of the annual training because there's a
24 section that says, "SHU."

25 MR. [REDACTED] Okay. So during that

1 section that's title, "SHU," for the annual
2 refresher training, they actually talk about
3 conducting counts and rounds?

4 MR. [REDACTED] Correct.

5 MR. [REDACTED] Okay. And I'm assuming
6 everybody that worked that day would have at
7 least taken the annual refresher training.

8 MR. [REDACTED] Yes.

9 MR. [REDACTED]: Do all COs who work in
10 the SHU know how to properly document counts
11 and rounds?

12 MR. [REDACTED] Yes.

13 MR. [REDACTED] And how do they know how
14 to document?

15 MR. [REDACTED] Well, through the training.

16 MR. [REDACTED] Do they - so during that
17 annual refresher training and entry training
18 they teach you how to document as well?

19 MR. [REDACTED] Well, we just log in.
20 Whenever you do a round, you got to log it in,
21 so that's kind of the way they tell us.

22 MR. [REDACTED] And when you say, "Log it
23 in," how do you log it in?

24 MR. GRIJALVA: Well, you could log in your
25 rounds on TRUSCOPE or you could in the SHU,

1 which the rounds sheets we still have, that's
2 the actual paper you write it in.

3 MR. [REDACTED] Do they - have they done
4 both? Do you not only have this paper that I
5 just showed you there with the rounds, do they
6 also have - do you also have to go into
7 TRUSCOPE and log them in manually as well?

8 MR. [REDACTED] Yes. But not the every 30
9 minute rounds. Like, in the unit, you document
10 your rounds. In SHU, you have to do it on the
11 paper, you don't have to write on TRUSCOPE, "I
12 did a round 30 minutes, I did a round within 40
13 minutes, I did a round in 30 minutes." You
14 don't have to write it over and over and over
15 on TRUSCOPE.

16 MR. [REDACTED] When do you have to do it
17 in TRUSCOPE?

18 MR. [REDACTED] Just throughout your shift
19 that you conducted rounds.

20 MR. [REDACTED] So it's not every 30
21 minutes but at some point you've got to go in?

22 MR. [REDACTED] Yes.

23 MR. [REDACTED] And do you have to
24 document, like within TRUSCOPE that you did it
25 every 30 minutes or just that it - how does

1 that -.

2 MR. [REDACTED] That they were done.

3 MR. [REDACTED] That they were done.

4 MR. [REDACTED] Yes.

5 MR. [REDACTED] So it's not like it's
6 where every 30 minutes you have to see what
7 time it is -.

8 MR. [REDACTED] Correct.

9 MR. [REDACTED]: Okay. Is it ever
10 acceptable for a CO to document a count or a
11 round prior to conducting the count or a round?

12 MR. [REDACTED] No.

13 MR. [REDACTED] What do you know about
14 COs assigned to the SHU doing this?
15 Documenting the rounds and the count slips
16 prior to ever conducting the rounds or the
17 count slips?

18 MR. [REDACTED] The time that I'm there, it
19 was never done.

20 MR. [REDACTED] It was never done?

21 MR. [REDACTED] No.

22 MR. [REDACTED] Do you know anything
23 about that?

24 MR. [REDACTED] No.

25 MR. [REDACTED]: Even after the fact, have

1 you heard about that?

2 MR. [REDACTED] Even after the fact.

3 MR. [REDACTED] Who else is responsible
4 for conducting counts and rounds inside the MC
5 SHU aside from the people that are actually
6 working in the SHU?

7 MR. [REDACTED] Well, the SHU Lieutenant,
8 the Operations Lieutenant, they both have to
9 conduct rounds on all ranges in SHU.

10 MR. [REDACTED] So when Opera- so there
11 was no SHU Lieutenant on August 9, 2019,
12 correct?

13 MR. [REDACTED] Correct. Lieutenant [REDACTED]
14 was hurt, if (Indiscernible *00:58:37) think he
15 was hurt.

16 MR. [REDACTED]: Think he was on leave and
17 then got hurt that weekend, but yes. So he
18 wasn't there, so that would have placed the
19 responsibility on the Operations Lieutenant?

20 MR. [REDACTED] Well, regardless, the
21 Operations Lieutenant has to do his or her
22 rounds.

23 MR. [REDACTED] Oh, okay. So, even if
24 the SHU Lieutenant is there, the Operations
25 Lieutenant also has to conduct a round in the

1 SHU?

2 MR. [REDACTED] Correct.

3 MR. [REDACTED] And is it once per shift?

4 MR. [REDACTED] Yes.

5 MR. [REDACTED] And what does a round for
6 the Operations Lieutenant look like? What does
7 it entail? Is it just them visiting the SHU or
8 do they actually have to walk the tiers?

9 MR. [REDACTED] They have to walk the
10 tiers.

11 MR. [REDACTED] Z: Is that policy?

12 MR. [REDACTED] There's a sign in book and
13 then there's these little papers on the end of
14 every range that they have to sign on the
15 bottom.

16 MR. [REDACTED] So on your shift, it
17 appears that Lieutenant [REDACTED] is actually the
18 one that conducted a round, is that correct?

19 MR. [REDACTED] Yes.

20 MR. [REDACTED] : Now, by that
21 certification, mean that he actually walked the
22 tiers?

23 MR. GRIJALVA: Yes.

24 MR. [REDACTED] Okay. So if Lieutenant
25 [REDACTED] was the person to have walked the tiers,

1 would have that - would that refresh your
2 memory? Would that conversation the fact that
3 Epstein's cell is now empty, would that have
4 come up?

5 MR. [REDACTED] It depends on the time he
6 walked around.

7 MR. [REDACTED]: Okay.

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

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED] -- or any other officer
14 spoke to him.

15 MR. [REDACTED] Would you believe that
16 Lieutenant [REDACTED] if he's doing the rounds,
17 should have been tipped off on the fact that
18 that cell was empty?

19 MR. [REDACTED] Yeah, depending on the time
20 that he did.

21 MR. [REDACTED] Okay.

22 MR. [REDACTED] The time that he did walk.

23 MR. [REDACTED] Was there any action that
24 he should have taken at that point?

25 MR. [REDACTED] Well, if - I'm guessing if

1 he saw an empty cell, everybody is asking, you
2 know, he should have asked where he went.

3 MR. [REDACTED]: Right.

4 MR. [REDACTED] Well, went downstairs,
5 depending who he asked.

6 MR. [REDACTED] And by this, are you able
7 to tell when Lieutenant [REDACTED] actually
8 conducted that round?

9 MR. [REDACTED] No.

10 MR. [REDACTED] You're not able to tell?

11 MR. [REDACTED] No.

12 MR. [REDACTED] Where is that Lieutenant
13 log? I know it's here - some - oh, no, no, no.
14 I have another one right here.

15 MR. [REDACTED] (Indiscernible *01:00:45).

16 MR. [REDACTED] No, no, no, it's -
17 there's Lieutenant round logs. So what is this
18 that I'm showing you?

19 MR. [REDACTED] These are from TRUSCOPE.

20 MR. [REDACTED] And is that how - can you
21 find where during your shift, a Lieutenant - is
22 that when Lieutenants do rounds, that's where
23 they log in and they say when they did a round?

24 MR. [REDACTED] Correct. On TRUSCOPE.

25 MR. [REDACTED]: Okay. Can you find

1 during your shift who is says that their round
2 in the SHU.

3 MR. [REDACTED] Lieutenant [REDACTED] did a
4 round in 9-South at 11:27 and he did it on 10-
5 South at 11:28.

6 MR. [REDACTED] Okay. And 10-South is
7 the -.

8 MR. [REDACTED] The upper level.

9 MR. [REDACTED] Of the SHU?

10 MR. [REDACTED] Yes.

11 MR. [REDACTED] Correct? And it's like a
12 separate unit in the SHU?

13 MR. [REDACTED] Yes.

14 MR. [REDACTED] For the high-profile and
15 single cell inmates?

16 MR. [REDACTED] Yes.

17 MR. [REDACTED]: And where Epstein was
18 housed, that would have been in 9-South?

19 MR. [REDACTED] Correct.

20 MR. [REDACTED]: Okay. Great. So -.

21 MR. [REDACTED] 11:27 a.m., that's when he

22 --

23 MR. [REDACTED] That's when he would have
24 visited.

25 MR. [REDACTED] -- should have did the

1 round.

2 MR. [REDACTED] Okay.

3 MR. [REDACTED] Or more or less.

4 MR. [REDACTED] But you don't recall
5 having a conversation with him at that time?

6 MR. [REDACTED] No.

7 MR. [REDACTED] No? And you're sure in
8 August of 2019 that Lieutenants at that time
9 did actually did conduct rounds of the entire
10 unit to include walking the tiers?

11 MR. [REDACTED] Yes.

12 MR. [REDACTED] Check? Okay. So if
13 Lieutenants tell us now when we're talking to
14 them, "No, no, no, no, that's the Lieutenant's
15 discretion. They can just pop in, check with
16 the staff and then leave." Is that -.

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

24 MR. [REDACTED] And what's your opinion
25 if Lieutenants are telling us, "No, no, no, no,

1 no, we don't actually have to walk the tiers,
2 we can just check with the COs and go to the
3 next unit." What's your opinion of that?

4 MR. [REDACTED] Say that's crap.

5 MR. [REDACTED] Do you believe those
6 people know better and they know that they need
7 to actually conduct rounds?

8 MR. [REDACTED] Every Lieutenant should
9 know that they have to do rounds in Special
10 Housing, walk around every tier and every
11 range.

12 MR. [REDACTED] And how do they know
13 that? Is that something provided at training
14 or how do they know?

15 MR. [REDACTED] Well, I became a Lieutenant
16 and that was pretty much, "This is what you got
17 to do. When you do rounds, that's part of your
18 SHU rounds," not just --

19 MR. [REDACTED]: And --.

20 MR. [REDACTED] -- go and sign the book and
21 leave.

22 MR. [REDACTED] And at the time we're
23 talking about, August 9, 2019, you were not
24 actually a Lieutenant yet, but you do know that
25 that was still policy at that time?

1 MR. [REDACTED] Correct.

2 MR. [REDACTED] Do you know where that
3 policy is found? Is that a SHU policy or is it
4 a Psychology policy or is there -.

5 MR. [REDACTED] I think that's a Lieutenant
6 policy.

7 MR. [REDACTED] And there's a separate
8 Lieutenant's book that shows all your policies?

9 MR. [REDACTED] Well, we have the
10 Lieutenant's log and just like when staff does
11 their round, we have to insert it into
12 TRUSCOPE. So the Lieutenant, when they do
13 their rounds, they have to log into TRUSCOPE
14 and say they conducted rounds in Special
15 Housing.

16 MR. [REDACTED] But do we know where that
17 policy is found?

18 MR. [REDACTED] That I do not know.

19 MR. [REDACTED] Okay. Do you know if
20 it's found in the SHU policy?

21 MR. [REDACTED] I don't know that.

22 MR. [REDACTED] You don't know? Okay, no
23 problem. So what are the OIC's
24 responsibilities when it comes to conducting
25 counts and rounds?

1 MR. [REDACTED] Well, when it comes to
2 conducting rounds, you got to make sure
3 everybody does a round 30 minutes, within 40
4 minutes, throughout the day and we got to make
5 sure the round sheets are filled out. We got
6 to make sure the counts - make sure that
7 there's - it's an accurate count and we got to
8 make sure the count slip is filled out the
9 right way.

10 MR. [REDACTED] And you said that on this
11 one specifically, you said you're all the -.

12 MR. [REDACTED] The 2 o'clock.

13 MR. [REDACTED] The 2 o'clock ones?

14 MR. [REDACTED] Uh-huh.

15 MR. [REDACTED] Okay. So that's all your
16 initials are.

17 MR. [REDACTED] Correct.

18 MR. [REDACTED] And were those, do you
19 remember, were those rounds conducted?

20 MR. [REDACTED] Yes.

21 MR. [REDACTED] Yes?

22 MR. [REDACTED] I know for a fact those
23 rounds - like I said, it was shower day, so
24 usually shower days, we're in and out, in and
25 out, in and out, throughout the whole day and

1 we don't finish showers until about 2:00,
2 sometimes 3 o'clock in the afternoon.

3 MR. [REDACTED] Okay. So you're
4 constantly interacting with each --

5 MR. [REDACTED] Yes.

6 MR. [REDACTED] -- each. So as far as
7 the times go though, are they like specific
8 times or do you kind of like add those later on
9 in the day? How does that work?

10 MR. [REDACTED] Well, we usually go in,
11 sign it, if I forget, I already know that I
12 went back another 20 minutes, 30 minutes --

13 MR. [REDACTED] : Right.

14 MR. [REDACTED] -- then I'll fill it out.

15 MR. [REDACTED] : Okay.

16 MR. [REDACTED] You try to make it as
17 accurate as I could when I'm there, but we're
18 all human. Sometimes I - just because I didn't
19 write it down, doesn't mean I didn't go down
20 the range.

21 MR. [REDACTED] Yeah.

22 MR. [REDACTED] I just forgot to write it
23 down.

24 MR. [REDACTED] Well, what is the purpose
25 of signing a 30 minute round sheet?

1 MR. [REDACTED]: To confirm that you did
2 your round.

3 MR. [REDACTED] Okay. And aside from
4 when you were there and you were signing it in,
5 do you know if on August 9th specifically, if
6 the people that signed this document also
7 conducted their rounds?

8 MR. [REDACTED] No. I would assume they
9 did --

10 MR. [REDACTED] You do?

11 MR. [REDACTED] -- just signing it.

12 MR. [REDACTED] Do you know anything
13 about people writing down that they did it when
14 they actually in fact did not do it?

15 MR. [REDACTED] The only thing I know is
16 part of the times it would be off. Like, all
17 right, like I said before, I walked around but
18 I didn't write it, "Oh, shit, what time did I
19 do the round? 7:15, maybe it was actually
20 7:05," but, you know, I'll guess the time. Not
21 that I wrote it down and I didn't walk around
22 at all.

23 MR. [REDACTED] Now, you're off at 2:00,
24 correct?

25 MR. [REDACTED] Yes.

1 MR. [REDACTED] Should someone have
2 filled in the other --
3 MR. [REDACTED] Yes
4 MR. [REDACTED]: -- times? Who should
5 have --.
6 MR. [REDACTED] We should have.
7 MR. [REDACTED] Who should have filled
8 that out?
9 MR. [REDACTED] [REDACTED]
10 MR. [REDACTED]: [REDACTED] should have filled
11 that out?
12 MR. [REDACTED]: Or anybody else that was
13 there.
14 MR. [REDACTED]: Okay. And do you see
15 these initials over here where it says,
16 "Signature," from 4:00 p.m. until midnight, do
17 you know who that would have been? Would have
18 been --.
19 MR. [REDACTED] If it's a JN, it should be
20 Noel.
21 MR. [REDACTED]: Okay. Or TN --
22 MR. [REDACTED] Hold on.
23 MR. [REDACTED]: -- maybe.
24 MR. [REDACTED] Right, (Indiscernible
25 *01:06:57).

1 MR. [REDACTED] I don't know if it's T or
2 a J.
3 MR. [REDACTED] J or a -.
4 MR. [REDACTED] It's T.
5 MR. [REDACTED] T?
6 MR. [REDACTED] T and so Tova Noel?
7 MR. [REDACTED] Yes.
8 MR. [REDACTED] But you believe [REDACTED] is
9 the one that should have certified the 2:00 to
10 4:00?
11 MR. [REDACTED] Yeah.
12 MR. [REDACTED] Do you believe [REDACTED]
13 should have also while he was on duty, been the
14 one that had a signature from 4:00 p.m. on?
15 MR. [REDACTED] He could have. He could
16 have. It's not - you don't have to be the
17 person (Indiscernible *01:07:18). Anybody
18 could sign the rounds but I just did it because
19 I was in and out the range, so I always signed
20 them. But anybody could have signed the rounds
21 as long as they did them.
22 MR. [REDACTED] So what would your
23 opinion be if I tell you that someone like a
24 Tova Noel says that they actually fill this in
25 at the very start of their shift prior to ever

1 conducting any rounds just to make sure that
2 it's filled out correctly. What would you say
3 to that?

4 MR. [REDACTED] They fucked up because they
5 still not done it. Sorry.

6 MR. [REDACTED] No.

7 MR. [REDACTED] Excuse my language.

8 MR. [REDACTED] That's what we're looking
9 for is some kind of, you know, honest answer.

10 MR. [REDACTED] Yeah. No. That's a big no
11 go.

12 MR. [REDACTED] Do you know if anyone was
13 doing that?

14 MR. [REDACTED] I never worked with her
15 like that. I know she worked in SHU a couple
16 of times, but - and she was pretty new, so.

17 MR. [REDACTED] So she - let's say
18 hypothetically, she's saying that she's doing
19 it, not based upon what people are telling her,
20 but watching other people and that's how they
21 did it. Do you know of anybody else that ever
22 did it that way?

23 MR. [REDACTED] No. Again, I - if it was -
24 if they were working with me, it never
25 happened.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: Yeah. You know, I got, like
3 I said, not to toot my own horn, but I very
4 prideful of my job and I was Officer of the
5 Year, Rookie of the Year, also won numerous
6 awards and I got promoted within five year.

7 MR. [REDACTED]: Okay. I got you.

8 MR. [REDACTED]: Obviously I was doing
9 something right.

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

16 MR. [REDACTED]: Yes, definitely.

17 MR. [REDACTED]: And why?

18 MR. [REDACTED]: And we always say, "If you
19 see somebody else doing something wrong,
20 correct it, don't follow it."

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: So, I think - yes.

23 MR. [REDACTED]: Do you remember ever
24 speaking with Tova Noel about how to fill out
25 round sheets?

1 MR. [REDACTED] No.

2 MR. [REDACTED]: No? And even as the OIC
3 and she's newer, would that have been something
4 that you dealt with her with and try to like
5 train her on it?

6 MR. [REDACTED] I mean, I always decide to
7 do rounds within 30 to 40 minutes.

8 MR. [REDACTED] Right.

9 MR. [REDACTED] Yeah.

10 MR. [REDACTED] But did you ever talk
11 about the actual documentation of it?

12 MR. [REDACTED] No.

13 MR. [REDACTED] No?

14 MR. [REDACTED] Not specifically to her,
15 no.

16 MR. [REDACTED] All right. And speaking
17 of Tova on August 9th, referring back to that
18 Lieutenant log, are you able to determine who
19 it was that would have been the supervisor on
20 duty that --

21 MR. [REDACTED] For that night?

22 MR. [REDACTED]: -- that conducted a round
23 during - between 4:00 p.m. and midnight?

24 MR. [REDACTED] That should have been
25 Lieutenant [REDACTED]

1 MR. [REDACTED]: Lieutenant [REDACTED]

2 MR. [REDACTED] It says here - I don't know
3 Lieutenant - on the 9th.

4 MR. [REDACTED] On the 9th, correct, so
5 not the 10th, the 9th.

6 MR. [REDACTED] Oh, okay.

7 MR. [REDACTED]: Would have been [REDACTED] or
8 -

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

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

13 MR. [REDACTED] Correct.

14 MR. [REDACTED] -- when she conducted a
15 round, would she have known that she had to
16 actually conduct the round and walk down the
17 tiers being that she was an Acting Lieutenant.

18 MR. [REDACTED] Yes.

19 MR. [REDACTED] So how would she know
20 that?

21 MR. [REDACTED]: She's the Acting
22 Lieutenant, so usually if you're an Acting
23 Lieutenant then you pretty much have to do
24 everything that the actual Lieutenant does
25 which is also part of conducting your rounds.

1 Now, it's her and another Lieutenant working
2 that night. Sometimes the other Lieutenant
3 might say, "Don't worry about SHU, I'll do the
4 rounds." But according to the log, she did the
5 rounds at that time.

6 MR. [REDACTED]: Now, is that
7 certification that they make at the bottom of
8 these round sheets, is that certifying that
9 they actually conducted a round of the tiers?

10 MR. [REDACTED]: Yes.

11 MR. [REDACTED]: All right. So that's not
12 just saying that they visited the SHU, but
13 actually that they conducted a round in the
14 SHU.

15 MR. [REDACTED]: Yes.

16 MR. [REDACTED]: Okay. Do you recall
17 having any conversations with anyone with
18 regard to rounds on August 9th, 2019? It could
19 be Epstein rounds, rounds in the SHU, anything
20 like that?

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

23 MR. [REDACTED]: Okay. But you are - you
24 said you did create the round sheet that
25 specifically said that Epstein rounds needed to

1 be done every 30 minutes (Indiscernible

2 *01:11:54).

3 MR. [REDACTED] Right.

4 MR. [REDACTED]: Okay. And do you
5 remember if, you know, when you're -.

6 MR. [REDACTED]: So whoever was there, they
7 watched - saw that paper. Monday I came in and
8 that paper wasn't there anymore.

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

11 MR. [REDACTED] Yeah, was here.

12 MR. [REDACTED] And that was gone by
13 Monday.

14 MR. [REDACTED] By Monday.

15 MR. [REDACTED] Okay.

16 MR. [REDACTED] I was off weekends.

17 MR. [REDACTED] But it was definitely
18 there on August 9th?

19 MR. [REDACTED] For a fact, yes.

20 MR. [REDACTED] Okay. And you said it
21 was hanging right on the computer?

22 MR. [REDACTED] Yeah.

23 MR. [REDACTED] So it was like blocking
24 the screen or how -.

25 MR. [REDACTED] No, it was right next to

1 the screen.

2 MR. [REDACTED]: Right next to the screen.

3 MR. [REDACTED] It wasn't blocking the
4 screen. It was next to the screen.

5 MR. [REDACTED] Is it hanging on the PC?

6 MR. [REDACTED] Yeah.

7 MR. [REDACTED] So, not the monitor --

8 MR. [REDACTED] Oh, no.

9 MR. [REDACTED] -- but the actual computer
10 itself.

11 MR. [REDACTED] Yeah, like on the side.

12 MR. [REDACTED] And not only, obviously,
13 that's a big orange document, was it the same
14 size as what we're showing you or is that
15 enlarged?

16 MR. [REDACTED] It was --

17 MR. [REDACTED]: The same size as --

18 MR. [REDACTED] -- the same exact --

19 MR. [REDACTED]: -- as a regular piece of
20 paper.

21 MR. [REDACTED] That, but a little bright
22 orange paper with black letter.

23 MR. [REDACTED] So roughly 11" by 12" or
24 13" or whatever those are. Okay. And so
25 obviously that's a notice for everyone. Do you

1 remember on August 9th though specifically
2 talking with anyone about conducting rounds on
3 Epstein?

4 MR. [REDACTED] It was something we spoke
5 about every day.

6 MR. [REDACTED] Oh, you did.

7 MR. [REDACTED] Like --

8 MR. [REDACTED] There were conversations,
9 "Make sure you -."

10 MR. [REDACTED] -- "Hey, look, this guy is
11 still here. He's right there," you know,
12 "Let's make sure -."

13 MR. [REDACTED] Even though he was in
14 attorney conference though?

15 MR. [REDACTED] No. Make sure we're doing
16 rounds. And everybody spoke about it, "Make
17 sure we're doing round, make sure we're doing
18 rounds."

19 MR. [REDACTED] So even though he's gone
20 for the majority of your day at least, was that
21 something, you know, when you were like leaving
22 your shift, would you have said, "Hey, make
23 sure --

24 MR. [REDACTED] Oh, yeah. Yeah.

25 MR. [REDACTED]: -- you know, for God,

1 make sure."

2 MR. [REDACTED] Hell yeah. And, everybody
3 already got like from the Warden, Lieutenants,
4 "Hey, make sure you guys do your rounds."

5 MR. [REDACTED]: So that was going to be
6 my next question. So, who else was instructing
7 you on doing rounds and specifically doing
8 rounds on Epstein?

9 MR. [REDACTED] Everybody.

10 MR. [REDACTED] And can you remember --

11 MR. [REDACTED] So --

12 MR. [REDACTED] -- any specific direction
13 coming from anyone?

14 MR. [REDACTED] So, Warden [REDACTED] used to
15 walk around a lot in SHU and he say, "Hey, make
16 sure you guys keep an eye on him," pretty much
17 directly, but in the indirectly telling us to
18 do our job.

19 MR. [REDACTED]: Right.

20 MR. [REDACTED] Same thing with Lieutenant
21 [REDACTED] He used to walk around, "Hey guys, make
22 sure you do your rounds." And, you know,
23 Lieutenant [REDACTED] the same thing, "Hey, make
24 sure you guys do rounds."

25 MR. [REDACTED]: Now being that you were

1 the OIC and [REDACTED] was the SHU Lieutenant, can
2 you remember any specific conversations with
3 him with regard to Epstein and doing rounds or
4 anything?

5 MR. [REDACTED]: Well, he used to tell us
6 just, "Make sure you're on top of it."

7 MR. [REDACTED]: Do you know from the time
8 that Reyes was placed with on July 30th and the
9 need for Epstein to be placed with an inmate, a
10 cell mate. Can you recall any conversations
11 specifically with [REDACTED] with regards to Epstein?

12 MR. [REDACTED]: I think he told us to put
13 him in with Reyes. Uh-huh.

14 MR. [REDACTED]: And again, do you know
15 why he was - Reyes was chosen? Now, I know you
16 said he was an older gentleman --

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: -- and he had a cane or
19 something like that, but I mean, you --

20 MR. [REDACTED]: So I think --.

21 MR. [REDACTED]: -- you don't know
22 anything other than the fact that Psychology --.

23 MR. [REDACTED]: Psychology probably
24 recommended him or they looked through the
25 whole SHU roster and felt he was probably the

1 safest person to put him with.

2 MR. [REDACTED] Okay. And do you know if
3 people were conducting rounds on Epstein like
4 your sign said? Because you weren't there when
5 he was there, so do you know if -.

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

8 MR. [REDACTED] Right.

9 MR. [REDACTED] And I don't remember -

10 MR. [REDACTED] Well, he would get back
11 around like 8 o'clock, right?

12 MR. [REDACTED] Right. I don't --

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

14 MR. [REDACTED] -- remember if we started
15 showers or not going on but they should -
16 regardless while he was there or not, they
17 should have still continued the rounds.

18 MR. [REDACTED] And I know that they
19 should have, but do you know if they were.

20 MR. [REDACTED] I can't say, "Yes, they
21 did," or, "No, they did not.

22 MR. [REDACTED]: But whenever you were
23 there, they were being done?

24 MR. [REDACTED] Yes.

25 MR. [REDACTED] Okay.

1 MR. [REDACTED] We were all over the place.

2 MR. [REDACTED] All right. So this is

3 where it's going to get a little complicated,

4 so just bear with me. I'm going to show you

5 these count slips from August 9th up until

6 midnight of August 10th. I'm just going to

7 have you help - this is where, remember, I said

8 I was going to help you, you know, put this

9 puzzle together. Believe we already know the

10 answers but I don't want to give you the

11 answers in fear that I'm wrong. So this is

12 from the 5:00 a.m. count to the midnight count

13 and I want to show you the Lieutenant's log

14 which, where is that? So here's the

15 Lieutenant's log. And we didn't print out that

16 paper that I made, did I?

17 MR. [REDACTED]: Which one?

18 MR. [REDACTED]: The one that I drafted

19 yesterday and said, "Make sure we print this

20 out." All right, so, we'll just start with

21 8:00 a.m., since that's when you came in, so we

22 can actually - the reason I was showing you the

23 5:00 a.m. is because I really wanted you to

24 notice - okay, two. Is ZA the SHU?

25 MR. [REDACTED]: Yes.

1 MR. [REDACTED]: And so 77 is the total
2 count in the SHU for inmates?
3 MR. [REDACTED]: Correct.
4 MR. [REDACTED]: Then we look back at
5 these count slips and we see - sorry I'm
6 looking over you, but, ZA says -.
7 MR. [REDACTED]: Thomas.
8 MR. [REDACTED]: And at 10:00 it says,
9 "77," correct?
10 MR. [REDACTED]: Yes.
11 MR. [REDACTED]: all right. So we'll put
12 that here. It says on the Lieutenant's log,
13 "77," --
14 MR. [REDACTED]: 77, yes.
15 MR. [REDACTED]: -- correct? All right.
16 So now where are we at? We're at the 4:00 p.m.
17 count.
18 MR. [REDACTED]: 4:00 p.m., yes.
19 MR. [REDACTED]: Correct? So for ZA, it
20 shows 76 total, right?
21 MR. [REDACTED]: Yes.
22 MR. [REDACTED]: One in attorney client,
23 brings it down to 75.
24 MR. [REDACTED]: Yes.
25 MR. [REDACTED]: So what should the count

1 slip reflect then?

2 MR. [REDACTED] At this time?

3 MR. [REDACTED]: Yes.

4 MR. [REDACTED] The count, the physical
5 bodies in SHU.

6 MR. [REDACTED] Okay. So it should
7 reflect --

8 MR. [REDACTED] 75.

9 MR. [REDACTED]: -- 75. Okay, great. So
10 here where ZA, ZA shows 75, correct?

11 MR. [REDACTED] Yes.

12 MR. [REDACTED] Okay. Now we're looking
13 at 10:00 p.m. ZA says 73, right? 73 total
14 bodies it says at 10:00 p.m.? Now the ZA -
15 where is it? ZA count slip says, "73 plus 1."
16 First, can you think of any reason why it would
17 say, "Plus 1?"

18 MR. [REDACTED] It shouldn't say, "Plus 1,"
19 unless somebody came in at night.

20 MR. [REDACTED] Z: Okay.

21 MR. [REDACTED] But regardless, that
22 shouldn't be like that, it should be 74.

23 MR. [REDACTED] Okay.

24 MR. [REDACTED] Not 73 plus 1.

25 MR. [REDACTED] So this is where you're

1 going to start getting interested. So at
2 midnight, the ZA count says, "72." "72,"
3 right? So the count slip says, "73." Now,
4 reviewing this, the E-1 says, "72," same
5 institutional count, says, "72," the count slip
6 still says, "73." Now let's look at this. And
7 granted, you just told us this could have been
8 done later in the day so maybe this wasn't done
9 at the time.

10 MR. [REDACTED] By that time, it should
11 have been done.

12 MR. [REDACTED] So 8:00 a.m. So we have
13 these different places where it says these
14 people were moved. So the 8:30 a.m., do you
15 agree that inmate Reyes was removed and it
16 brings the count down to 76?

17 MR. [REDACTED] Yes.

18 MR. [REDACTED] All right. So we go down
19 to 75. [REDACTED] is placed on dry cell from
20 ZA.

21 MR. [REDACTED] Okay.

22 MR. [REDACTED] Moves it down to --

23 MR. [REDACTED] 75.

24 MR. [REDACTED] -- 75. All right. So
25 that 4:00 should have said - the 4:00 p.m.

1 count should have said -.

2 MR. [REDACTED]: Should have been 75. Which
3 is 75.

4 MR. [REDACTED]: Right. But, shouldn't
5 have this said, "75?"

6 MR. [REDACTED]: No.

7 MR. [REDACTED]: Because the 75, one
8 person in attorney, that should be 74, right?

9 MR. [REDACTED]: Yes. So this is fine at
10 76. So now -.

11 MR. [REDACTED]: But that, isn't that
12 referring to Epstein being in attorney?

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: So, shouldn't this say 75
15 based upon this?

16 MR. [REDACTED]: Reyes was moved before that.

17 MR. [REDACTED]: Unless -.

18 MR. [REDACTED]: So this is at 3:15, the
19 count goes down to 75, so shouldn't this E-1
20 say 75 here?

21 MR. [REDACTED]: No, because this guy could
22 have still been doing dry cell in SHU.

23 MR. [REDACTED]: Okay.

24 MR. [REDACTED]: Meaning, dry cell, he's
25 inside a cell. The water is off, he doesn't

1 have any clothes. He uses the bathroom inside
2 of SHU.

3 MR. [REDACTED]: So -.

4 MR. [REDACTED]: Let me keep my thought.

5 All right. So then this brings it down. So
6 3:15, now we go over to - brings it down to 74

7 here, [REDACTED]. Brings that count

8 (Indiscernible *01:20:17) 74.

9 MR. [REDACTED]: He got kicked out.

10 MR. [REDACTED]: Reid gets 73.

11 MR. [REDACTED]: He got kicked out.

12 MR. [REDACTED]: [REDACTED] goes down to 71.

13 MR. [REDACTED]: Another one -.

14 MR. [REDACTED]: [REDACTED] comes in, goes to
15 72. That's at 8:28 p.m. So 72 is the count at

16 8:28 p.m. ZA still says 73. Now let's look at

17 that. It says now, R&D now has one in it.

18 Fernandez is in R&D dry cell. It actually
19 doesn't even say he's on it in this thing.

20 MR. [REDACTED]: No.

21 MR. [REDACTED]: But, ZA says, "73,"
22 there's no one for that one, correct?

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: And this is where it
25 says, "73 plus 1." Would the thought maybe

1 saying, "73 plus 1," that one being Fernandez
2 on dry cell and they're using the institutional
3 count 73?

4 MR. [REDACTED] Should have been, if he's
5 in dry cell in SHU, he's counted inside of SHU.

6 MR. [REDACTED]: Right. So -.

7 MR. [REDACTED] If he's not in SHU, then he
8 shouldn't be counted.

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

10 MR. [REDACTED] Correct. So that means,
11 the count should have been 73.

12 MR. [REDACTED] And should have that
13 count been changed way back here if he's not in
14 SHU? Should have this, like we talked about,
15 this 4:00 p.m. --

16 MR. [REDACTED] Yes.

17 MR. [REDACTED]: -- should have said 75?

18 MR. [REDACTED] Correct.

19 MR. [REDACTED]: And why is that?

20 MR. [REDACTED] You count physical bodies.

21 MR. [REDACTED]: Physical bodies. You
22 don't count ghost count or you don't count
23 people that aren't in your -.

24 MR. [REDACTED] No. if you don't see the
25 flesh and it's a stand up count, so every

1 person or inmate, whether it's in SHU or in a
2 unit, they have to stand up for the count and
3 you verify it, one, two, three, four, five,
4 six, then the person behind you has to verify
5 that count.

6 MR. [REDACTED]: All right, and so what is
7 your -.

8 MR. [REDACTED] If it's a body there, he
9 gets counted.

10 MR. [REDACTED] What is your opinion then
11 if in fact that 3:15, Fernandez is moved out of
12 the SHU and placed --

13 MR. [REDACTED] Then the count just
14 dropped.

15 MR. [REDACTED] -- and placed into -
16 right. But the fact that the count slip for ZA
17 matches still what the E-1 says. Does that
18 tell you anything about if the count was
19 conducted or not?

20 MR. [REDACTED]: It should have been - and
21 everything is should have. So --

22 MR. [REDACTED]: So that should have said
23 - the 4:00 p.m. count should have in fact, if
24 Fernandez isn't in there, that should have
25 actually said, "74," correct?

1 MR. [REDACTED] Yes.

2 MR. [REDACTED]: So does that tell you
3 that they did or did not conduct the count in
4 the SHU?

5 MR. [REDACTED]: If they counted 75 physical
6 bodies, then that's a good count.

7 MR. [REDACTED] Right.

8 MR. [REDACTED] But now, if there is not 75
9 physical bodies in the SHU, then they went off
10 whatever it is they were going off and verified
11 it with this paper right here, which not
12 everybody has access to it. This is the E-1
13 that we keep count on.

14 MR. [REDACTED] So would the SHU people
15 that are in the SHU, would they have access to
16 know what the count was for this E-1, what
17 they're utilizing for that count?

18 MR. [REDACTED] No. Unless somebody says,
19 "Hey, you're missing one, your count is 75."

20 MR. [REDACTED]: So the only way someone
21 in the SHU would be able to actually know what
22 number to provide is by actually doing the
23 count?

24 MR. [REDACTED] Correct.

25 MR. [REDACTED] Really? All right. So

1 if we know that Fernandez is now not in the
2 SHU, how are they coming up with that 75 number
3 and for 4:00 p.m. and then as well as 10:00
4 p.m., they're coming up with a wrong number and
5 again at midnight, they're writing down the
6 wrong number. They're writing down the number
7 that they think the institutional count is, but
8 there's not that many people that are actually
9 in SHU. How do we explain that?

10 MR. [REDACTED]: So, the only thing I can
11 think of is they put - they locked somebody up
12 between the 4 o'clock count and the 10 o'clock
13 count meaning somebody from the unit did
14 something wrong and they ended up in the
15 Special Housing Unit. So that's how the
16 numbers would be different.

17 MR. [REDACTED]: So if we have information
18 that -.

19 MR. [REDACTED]: And - sorry to interrupt.

20 MR. [REDACTED]: No, go ahead.

21 MR. [REDACTED]: Again, everybody is human
22 and everybody makes mistakes, unless somebody
23 write in the log missed one inmate going from a
24 unit out or leaving from SHU to a unit.

25 MR. [REDACTED]: Well, that's exactly

1 right. So at 3:15, Fernandez was never keyed
2 out of the SHU. He wasn't keyed out of the SHU
3 until this count at midnight.

4 MR. [REDACTED] So he was placed in dry
5 cell where?

6 MR. [REDACTED] So, at - he was placed in
7 dry cell at - are R&D and RA the same thing?

8 MR. [REDACTED] Okay. That's right.

9 MR. [REDACTED] Yeah, can you just read
10 what it is that you showed (Indiscernible
11 *01:25:01) --

12 MR. [REDACTED] Oh, I'm sorry.

13 MR. [REDACTED] I'm sorry.

14 MR. [REDACTED] -- no --

15 MR. [REDACTED] Okay. Sorry.

16 MR. [REDACTED] -- I mean, you should
17 read it, so.

18 MR. [REDACTED] Just, I pointed to the line
19 that states, on the day watch for Friday,
20 August 9th, there's a line that says, "Inmate
21 Fernandez, 86824054 on dry cell with staff
22 watch in R&D." Is R- Agent asked a question.

23 MR. [REDACTED] So, with this knowledge
24 and now also, with like I showed you - or first
25 of all, are count slips for RA and R&D, are

1 they the same thing?

2 MR. [REDACTED] Well it should be just R&D.

3 There's -

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

7 MR. [REDACTED] That should be a B.

8 MR. [REDACTED] Instead of a D?

9 MR. [REDACTED] Yes. It should be a BA
10 which is on the second floor of persons placed
11 on watch, that's where they go.

12 MR. [REDACTED] Should that - instead of
13 saying, "RA," --

14 MR. [REDACTED] So -.

15 MR. [REDACTED] -- it should say, "BA?"

16 MR. [REDACTED] Correct. If it's -.

17 MR. [REDACTED] Because that -.

18 MR. [REDACTED] If it's there. But they
19 probably wrote R&D.

20 MR. [REDACTED] Well, it doesn't - so
21 this one says R&D. At 10:00 p.m. there's a
22 count slip from R&D that says, "1." It says
23 that's [REDACTED] (Phonetic Sp. *01:26:12).

24 MR. [REDACTED]: [REDACTED], yes.

25 MR. [REDACTED]: 10:00 p.m. And just from

1 reviewing this stuff, I'm assuming that this
2 one at 10:00 p.m. and this one that says, "RA,"
3 at 12:00 a.m. are one in the same. Would that
4 be your logic as well?

5 MR. [REDACTED]: Yes. It should have the
6 same number.

7 MR. [REDACTED]: So why is it - one say,
8 "RA" and one say "R&D?"

9 MR. [REDACTED]: Maybe he spelled the name -
10 spelled it wrong.

11 MR. [REDACTED]: All right, so the "RA" is
12 the one that's wrong?

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

14 MR. [REDACTED]: R&D.

15 MR. [REDACTED]: Correct.

16 MR. [REDACTED]: Instead of RA. Okay. So
17 this RA is just - but that - you believe that's
18 actually the same --

19 MR. [REDACTED]: Yes.

20 MR. [REDACTED]: -- the same location.

21 MR. [REDACTED]: Yes.

22 MR. [REDACTED]: All right. So with all
23 that information now, knowing that he's in dry
24 cell, he's out of the SHU, however somehow,
25 their count slips are matching what the

1 institutional counts show, how do we explain
2 that if they don't have access to the
3 institutional count?

4 MR. [REDACTED] Well they shouldn't have
5 access.

6 MR. [REDACTED] Is there a way that they
7 can? Like how would they know to write that
8 number if only, for instance - let's even just
9 talk about 12:00 a.m. Only 72 people are
10 physically in the SHU but they're writing 73
11 and they're off ever since you leave. So 4:00
12 p.m. --

13 MR. [REDACTED]: 10:00 p.m.

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

18 MR. [REDACTED] So --

19 MR. [REDACTED] -- put that puzzle
20 together.

21 MR. [REDACTED] -- my only assumption would
22 be, whoever was working that night, had access
23 to the E-1, which is that's what we use.

24 MR. [REDACTED] And do you know if - I
25 think you said it was, what, [REDACTED], [REDACTED]

1 [REDACTED] Who was it that was -.

2 MR. [REDACTED] I don't think [REDACTED]

3 would have access.

4 MR. [REDACTED]: But they're not actually
5 supposed to have access?

6 MR. [REDACTED] Correct.

7 MR. [REDACTED] So yeah, I'm just trying
8 to --

9 MR. [REDACTED] And -.

10 MR. [REDACTED]: -- rectify this thing.

11 MR. [REDACTED] Unless they cheated and
12 said, "Hey, how many do we have up here?"

13 That's my only - it's either they had access,
14 they looked at it.

15 MR. [REDACTED]: Because we've also been
16 told at least by one of these people that they
17 write the count slips before ever doing the
18 count. So how would they know what number to
19 put in the count slips if they didn't actually
20 do the count?

21 MR. [REDACTED]: So they shouldn't and my
22 other explanation is they actually did have the
23 bodies, but one of them was in SHU and was
24 never written on the log. So now, there's this
25 other thing called a PB-38 that shows who goes

1 in and outside of the building and what moves
2 are being made inside the building.

3 MR. [REDACTED]: So would that help us
4 rectify this?

5 MR. [REDACTED]: That would actually help
6 you because it would - that's our little cheat
7 sheet, like I told you before, that we log in
8 during the day or right before I get relieved
9 at 2 o'clock, I'm going to print out that PB-
10 38, it's going to show me every inmate movement
11 in the building and whatever specific date I
12 want it. So if I'm doing today, three from SHU
13 just saying, "Left to another institution, to
14 Brooklyn." On that PB-38, it would say,
15 "Jones, Smith, Roberts moved to Brooklyn." So
16 now, I go that, I have 757, I just lost three.
17 Now I'm going down to 754. And just like it is
18 here, inmate 123 left to Brooklyn so now my
19 numbers go down. Again, we're all human,
20 sometimes there's a lot of movement, we might
21 miss one or two. So this right here -.

22 MR. [REDACTED]: But if these numbers
23 appear to all add up starting the day at 77 --

24 MR. [REDACTED]: Correct.

25 MR. [REDACTED]: -- I showed you at 5:00

1 a.m., then I can show you all the way through
2 after Epstein, you know, die where I'm assuming
3 they definitely did the counts because there's
4 a - here's one that was done at 11:00 a.m., I
5 guess that was the 10:00 a.m. count on Saturday
6 --

7 MR. [REDACTED] On Saturday, yes.

8 MR. [REDACTED]: -- as well as the 5:00
9 p.m. count on Saturday. They're now all adding
10 up with what the numbers claim to be on this
11 Lieutenant's log. So, I'm assuming if they
12 were wrong on the Lieutenant's log and be right
13 on this, that would be reflected in these later
14 counts, correct?

15 MR. [REDACTED] Yes. Yes.

16 MR. [REDACTED]: So that - so I'll
17 definitely get this document that you just
18 suggested, but does this information suggest to
19 you that the counts were or were not conducted
20 in the SHU?

21 MR. [REDACTED] I think they were conducted
22 wrong. If the names - the only way I would
23 actually confirm it is the 38. Because an
24 inmate could be in SHU, he's already keyed in
25 SHU. Maybe he's on staff watch, it's still in

1 SHU.

2 MR. [REDACTED]: Right.

3 MR. [REDACTED] So there's no need to key
4 him out.

5 MR. [REDACTED]: And the 38 will be able
6 to tell you this?

7 MR. [REDACTED] Correct. The 38 will be
8 able to tell you if inmate Smith, inmate
9 Johnson was keyed out of SHU.

10 MR. [REDACTED]: Okay. Now -.

11 MR. [REDACTED] And it would reflect on
12 this. So if the 38 - if you keyed out an
13 inmate, the count would be different. It would
14 be 75 and that's a hundred percent accurate
15 comparing everything.

16 MR. [REDACTED] Yeah, so in talking with
17 the Lieutenant, Ops Lieutenant that was on at
18 midnight, that person said, "Fernandez was
19 never keyed out," and that's why the counts
20 were off and she keyed him out at midnight and
21 placed him over - does that give you any more
22 indication?

23 MR. [REDACTED] So, that means --

24 MR. [REDACTED]: So, (Indiscernible
25 *01:31:29).

1 MR. [REDACTED] -- the counts weren't
2 conducted correctly --
3 MR. [REDACTED] Yeah, so --
4 MR. [REDACTED] -- until -.
5 MR. [REDACTED] -- so the Ops Lieutenant
6 at midnight says, "Hey, I found this
7 discrepancy. This inmate Fernandez was place
8 on dry cell. I had to verify that that's in
9 fact where the person was. I had to key him
10 out of SHU and place him into there."
11 MR. [REDACTED] That's the reason you got a
12 later --
13 MR. [REDACTED] Yeah.
14 MR. [REDACTED] -- out count for R&D.
15 MR. [REDACTED] Yeah. That's the reason
16 for the change at midnight.
17 MR. [REDACTED] Yes.
18 MR. [REDACTED]: And that, to me, tells me
19 that's the reason why all these counts were
20 actually wrong.
21 MR. [REDACTED] Correct. And they were
22 just written - somebody must have had access to
23 this and -.
24 MR. [REDACTED]: Right. But as far as you
25 know, no one actually knows how many inmates

1 are actually in there unless you actually count
2 them?

3 MR. [REDACTED] Correct. You have to count
4 them.

5 MR. [REDACTED] Yes.

6 MR. [REDACTED] You can't assume -.

7 MR. [REDACTED] That's - so it would just
8 kind of like them trying to keep track or
9 something on a piece of paper doing adding and
10 subtracting? Would that be a possible way that
11 they would get the count that they're using?

12 MR. [REDACTED] So, the way you count -.

13 MR. [REDACTED] If they're not actually
14 counting, and they're --

15 MR. [REDACTED] They're assuming -.

16 MR. [REDACTED] -- just - because --

17 MR. [REDACTED] They're - they're -.

18 MR. [REDACTED] -- one of these people,
19 again, told us, "I write the count slips before
20 I ever do the counts."

21 MR. [REDACTED] So, if that person has
22 access or that person just assumes that the
23 count that started in the morning - because we
24 don't count at 10 o'clock in the morning during
25 Monday through Friday --

1 MR. [REDACTED]: Yeah.
2 MR. [REDACTED] -- unless it's a holiday.
3 MR. [REDACTED]: Right.
4 MR. [REDACTED] So if the count at 5
5 o'clock in the morning was 75, not me
6 personally, the person could have said, "I'm
7 going to go with that count unless I see
8 somebody leaving," and just --
9 MR. [REDACTED] So --.
10 MR. [REDACTED] -- it is a possibility that
11 person, he or she, could have wrote it.
12 MR. [REDACTED] So, for instance, at the
13 4:00 p.m. count, someone would have gone off of
14 the 5:00 a.m. count --
15 MR. [REDACTED] In the morning, yes.
16 MR. [REDACTED] -- and just how many
17 people they remembered that came and went?
18 MR. [REDACTED] Correct.
19 MR. [REDACTED] As a - okay. But it's
20 not like they knew what the institutional count
21 would actually have been.
22 MR. [REDACTED] Correct, unless whoever was
23 there had access to this.
24 MR. [REDACTED] So let's look at the 4:00
25 p.m. then.

1 MR. [REDACTED] And this is called the PB-
2 E1.

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

6 MR. [REDACTED] Noel and [REDACTED].

7 MR. [REDACTED] Does [REDACTED] have access?

8 MR. [REDACTED] That I wouldn't be able to
9 tell you if he did or didn't. He has more time
10 than she does. So it could have been a
11 possibility that he had access.

12 MR. [REDACTED] Okay. And being that
13 this number lists 75 whereas we believe it
14 should have been 74 --

15 MR. [REDACTED] Yes.

16 MR. [REDACTED] -- do you believe that
17 they actually conducted that count?

18 MR. [REDACTED] My - I would give them the
19 benefit of the doubt that they did.

20 MR. [REDACTED] Okay. And how would the
21 come - if they actually did, how would they get
22 the wrong number and specifically the number
23 that the institution had?

24 MR. [REDACTED] They didn't have everybody
25 stand up and just assumed that they were right.

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

4 MR. [REDACTED] They could have just walked
5 around, looked in but not actually -.

6 MR. [REDACTED] And that's what I mean,
7 and that's where beginning I was saying,
8 "What's the difference between a count and a
9 round," so count, you're actually counting the
10 inmates, correct?

11 MR. [REDACTED] So the way you're supposed
12 to do -.

13 MR. [REDACTED] Not just conducting a
14 round.

15 MR. [REDACTED] Correct. If you're doing a
16 stand up count which every count is a stand up
17 count, you stand at the door, acknowledge your
18 presence, stand up count, okay, Johnson is
19 standing up, Smith is standing up, that's two.
20 I go all the way around, I do that to every
21 single cell, the eight cells. By the time I
22 get to the end, I counted 15, I write 15. Then
23 the next person behind me has to do the same
24 exact thing. Most likely, they start from this
25 way, the opposite way and not - and actually

1 count and you confirm the number, "I got 15,
2 how many you got?" "I got 14." "Oh, okay, now
3 we got to count again." Everybody stand up.
4 Now we have the same count, write down 15, we
5 go down to next tier. That's how a count
6 should be conducted.

7 MR. [REDACTED] Okay. But is that how
8 they were conducted in the SHU?

9 MR. [REDACTED] That's how I did them when
10 we were there.

11 MR. [REDACTED] Z: Okay. So as far as this
12 one though, if they actually conducted the
13 count, and I get that you're giving them the
14 benefit of the doubt, would you find it
15 extremely coincidental that they got the same
16 number that the institution had which were both
17 wrong?

18 MR. [REDACTED] So if they did conduct the
19 count, they would have had the numbers wrong
20 from the institution.

21 MR. [REDACTED] So institution had it
22 wrong and they have everybody keyed and the one
23 guy never was keyed out.

24 MR. [REDACTED] So, the institution -.

25 MR. [REDACTED] And they just

1 coincidentally got the same exact number that
2 the institution had.

3 MR. [REDACTED] So if the institution - the
4 institution wouldn't only know if it was keyed
5 out.

6 MR. [REDACTED] That's what I'm saying.
7 That's what I'm saying.

8 MR. [REDACTED] Correct.

9 MR. [REDACTED] So the institution didn't
10 know because somebody didn't key out Fernandez.

11 MR. [REDACTED] They probably -.

12 MR. [REDACTED] Z: But -.

13 MR. [REDACTED] They probably fucked up and
14 didn't actually count and just wrote it - it
15 comes down to that. Excuse my language, but -.

16 MR. [REDACTED] No, then that's what I'm
17 assuming happened but I just want - I want to
18 know from you, why? Why do you believe that?

19 MR. [REDACTED] Laziness maybe.

20 MR. [REDACTED]: No, no, no, no, no, why
21 do you - so, why do you believe -.

22 MR. [REDACTED] So sorry.

23 MR. [REDACTED] What makes you believe
24 that the count wasn't conducted? I basically
25 gave you the answer. But, like, I'm just

1 looking for you, if you're agreeing with my
2 logic and if that actually is the same logic
3 you have. I'm not trying to provide you that
4 answer, I'm just trying to see, like, "Hey, in
5 your -."

6 MR. [REDACTED] So they -.

7 MR. [REDACTED]: You're the OIC, you're
8 the expert in this matter basically. Does this
9 information tell you that that count wasn't
10 done?

11 MR. [REDACTED] Yes. It does tell me that
12 the count was not done and they just assumed
13 and went by the cheat sheet --

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED] -- because the body wasn't
16 even there.

17 MR. [REDACTED] But going back to what
18 you said before, they don't actually have a
19 cheat sheet, they'd have to just kind of guess?

20 MR. [REDACTED] Go off the count that was
21 at 5 o'clock in the morning if it was the same
22 number. Or they logged in where there was -.

23 MR. [REDACTED] And there's no log that
24 can - there's no screen that they can say who's
25 logged into this right now, who's there, what's

1 our total count in here?

2 MR. [REDACTED] No, it's just a - E - well,
3 that, no, that part, because I can log in and
4 tell you how much - how many inmates every unit
5 has right now.

6 MR. [REDACTED] Because you're a
7 Lieutenant.

8 MR. [REDACTED] Without physically
9 counting. Yes.

10 MR. [REDACTED] But what about the people
11 that work in the SHU?

12 MR. [REDACTED] If you work Control before,
13 you would have that access.

14 MR. [REDACTED] Right. Oh, so if you've
15 been in Control prior to that date.

16 MR. [REDACTED] Correct. You would have
17 access.

18 MR. [REDACTED] So, if for instance,
19 [REDACTED] worked in Control, he could have access -
20 -

21 MR. [REDACTED] Yes.

22 MR. [REDACTED] -- to see, what's the
23 number.

24 MR. [REDACTED] If she worked in Control
25 two days prior, she would have access because

|

1 that's what you do in Control. You -.

2 MR. [REDACTED]: When you say, "She," are
3 you talking about Tova Noel?

4 MR. [REDACTED] Correct, Noel. If she
5 worked in Control before, she would have access
6 and reason they give us access - well, all the
7 Lieutenants have access, but the reason they
8 give the officers access is because you work in
9 Control and you have to print out this sheet,
10 which is the E-1 that gives all the numbers of
11 all the units.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED] So if [REDACTED] worked there
14 before, he would have access and he would have,
15 you know -.

16 MR. [REDACTED]: Would he have indefinite
17 access? When do they take that access away?

18 MR. [REDACTED]: Usually when we have
19 program review and unless you're assigned to
20 Control, you cannot have access --

21 MR. [REDACTED] Okay.

22 MR. [REDACTED] -- and they just take it
23 back from you.

24 MR. [REDACTED] All right. So is it - am
25 I understanding correctly, likely someone

1 worked in Control and had access and they
2 looked to see what the institutional count was
3 and they just wrote that down?

4 MR. [REDACTED] Yes.

5 MR. [REDACTED] Okay. But you do believe
6 that this - what did you call it, 38, is --

7 MR. [REDACTED] PB-38.

8 MR. [REDACTED]: -- will help us?

9 MR. [REDACTED] That has more - that paper
10 would not lie.

11 MR. [REDACTED] And is that paper what
12 the Lieutenants use to fill out their logs?

13 MR. [REDACTED] Yes.

14 MR. [REDACTED] Okay. And as far as the
15 Lieutenant log goes though, that could have
16 been created at any time though during the day
17 and specifically after all the stuff actually
18 happened?

19 MR. [REDACTED] Yes.

20 MR. [REDACTED] All right. And would it
21 be likely that it was created once the
22 Lieutenant at midnight actually noticed this
23 discrepancy, would they have the ability to go
24 in and then correct everything?

25 MR. [REDACTED] Yes. So now we have a day

1 watch Lieutenant log, an evening watch
2 Lieutenant log, and a morning watch Lieutenant
3 log.

4 MR. [REDACTED]: So would this - would the
5 - let's say, would the morning watch at
6 midnight have access to the day before
7 Lieutenant log?

8 MR. [REDACTED] Yes.

9 MR. [REDACTED] So they --

10 MR. [REDACTED] Yes.

11 MR. [REDACTED] -- could actually go it -
12 so the person --

13 MR. [REDACTED] And fix it.

14 MR. [REDACTED] -- that worked at
15 midnight on August 10th could have gone into
16 August 9th and fixed everything?

17 MR. [REDACTED] Correct, the discrepancies
18 on the numbers.

19 MR. [REDACTED] Okay.

20 MR. [REDACTED] Yes.

21 MR. [REDACTED] All right.

22 MR. [REDACTED] Or correct based on the 38.

23 MR. [REDACTED] Right. And they probably
24 referenced the 38 to fill out the --

25 MR. [REDACTED]: Yes, because if you saw --

1 MR. [REDACTED]: -- Lieutenant's log.

2 MR. [REDACTED]: -- on the 38 you had -
3 again, let's say Fernandez wasn't on the
4 Lieutenant's log but then on the 38 you saw
5 that he moved to R&D, you go back and key him
6 out because the numbers have to be accurate by
7 the time of every shift, the ending of every
8 shift.

9 MR. [REDACTED]: Right. And when we read
10 this for this Fernandez on dry cell with staff
11 watching R&D, is it possible that Fernandez was
12 in SHU dry watch and then later in the day
13 moved to R&D dry watch?

14 MR. [REDACTED]: He could have went from a
15 unit into dry watch or Special Housing, SHU, to
16 dry watch.

17 MR. [REDACTED]: How does that typically
18 work? If you're on dry watch, is there a
19 reason for them to bring you from the SHU on
20 dry watch to R&D on dry watch or would it
21 typically just go right from the SHU to dry
22 watch in R&D?

23 MR. [REDACTED]: It would go - there's no
24 reason to take you out of SHU --

25 MR. [REDACTED]: Yeah, why would -.

1 MR. [REDACTED] -- unless you're short
2 staffed.

3 MR. [REDACTED] Okay.

4 MR. [REDACTED] If there's two -.

5 MR. [REDACTED] So in this case, do you
6 believe they were short staffed?

7 MR. [REDACTED] Yes, because there was only
8 two officers and one on morning watch.

9 MR. [REDACTED]: Okay. And morning watch,
10 right. So what about the day watch?

11 MR. [REDACTED] Then you're supposed to
12 have four officers in SHU during the day. If
13 it would have been three, then removing one
14 officer would have left it with just two
15 officers in SHU. So if you have just three
16 officers and I'm going to put, for example,
17 Officer [REDACTED] to do dry watch and I'm
18 sitting there and I cannot move, I have to
19 watch this inmate throughout the whole day.

20 MR. [REDACTED] So with that being said,
21 do you believe it's more likely than not that
22 he was moved to the dry cell in R&D at through,
23 whatever time we said it was, 3:15?

24 MR. [REDACTED] It could have been.

25 MR. [REDACTED] Or because it does -

1 because at 3:15, it says, "Fernandez --
2 MR. [REDACTED] From.
3 MR. [REDACTED] -- placed on dry cell
4 from ZA."
5 MR. [REDACTED] SHU, that's SHU.
6 MR. [REDACTED] So to me, it looks like
7 he left.
8 MR. [REDACTED] So, he was -.
9 MR. [REDACTED] So according to this,
10 it's saying he left --
11 MR. [REDACTED] SHU.
12 MR. [REDACTED] -- SHU.
13 MR. [REDACTED] Yes. So he should have
14 been keyed out from Special Housing --
15 MR. [REDACTED] And who was --
16 MR. [REDACTED] -- at that time.
17 MR. [REDACTED] -- responsible for keying
18 him out?
19 MR. [REDACTED] Control or the OIC in SHU.
20 MR. [REDACTED] And who would have been
21 the OIC at that time after you left?
22 MR. [REDACTED] At that time, it should
23 have been [REDACTED] because he came in at 4:00.
24 No. [REDACTED] he had - would have been more
25 experienced because he worked that floor, so if

1 anything, it should have been [REDACTED], but
2 anybody from SHU could call Control, "Control,
3 I just lost Fernandez," in that case, "Key him
4 out for me." "Okay."

5 MR. [REDACTED]: Okay. So the people that
6 are in the SHU may not have been able to do it
7 themselves is what you're saying?

8 MR. [REDACTED]: Correct.

9 MR. [REDACTED]: So they should have
10 contacted Control?

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: And Control should have
13 made that -.

14 MR. [REDACTED]: Made that change, yes.

15 MR. [REDACTED]: All right.

16 MR. [REDACTED]: But now, Control cannot
17 make the change if they do not know about it.

18 MR. [REDACTED]: Right. And in this case,
19 we know that that key - the key - he wasn't
20 keyed out until midnight --

21 MR. [REDACTED]: Correct.

22 MR. [REDACTED]: -- so likely that
23 notification wasn't made.

24 MR. [REDACTED]: Right. They probably just
25 took him down to R&D, like if he was leaving

1 the building, made out count for him and just
2 forgot about him.

3 MR. [REDACTED] And that 38 would verify
4 if Fernandez in fact was gone from the SHU at
5 3:15 p.m.?

6 MR. [REDACTED] Yes.

7 MR. [REDACTED] Okay. So we got to get
8 that 38.

9 MR. [REDACTED] Where can we access that 38?

10 MR. [REDACTED] On SENTRY.

11 MR. [REDACTED] SENTRY has it?

12 MR. [REDACTED] Yes.

13 MR. [REDACTED] All right. Is there
14 anything else before we move on, kind of -.

15 MR. [REDACTED] You covered that.

16 MR. [REDACTED] We kind of really covered
17 it. I just wanted to make sure. That was kind
18 of the primary reason for - I wanted to make
19 sure what your opinion was on that whole thing
20 and specifically if that indicates to you that
21 those counts were not actually conducted. And
22 again, for my understanding, from your
23 response, you believe now that they were not
24 conducted, correct?

25 MR. [REDACTED] Correct.

1 MR. [REDACTED] And that's if Fernandez
2 was in fact moved at 3:15.

3 MR. [REDACTED] Right.

4 MR. [REDACTED] All right. Just, I know
5 there's a lot of documents. Can you just make
6 sure that whatever we reviewed here, just
7 initialing, date the tops of them.

8 MR. [REDACTED] Did you show him the 5:30?
9 Now, right?

10 MR. [REDACTED]: Yeah, because I showed
11 him that that was the good count for the
12 counts. It started that day.

13 MR. [REDACTED] You got one more.

14 MR. [REDACTED] It's been pain in the ass,
15 man.

16 MR. [REDACTED]: Yes, it has.

17 MR. [REDACTED] Excuse me.

18 MR. [REDACTED]: Again, it's just --

19 MR. [REDACTED] Excuse me, guys.

20 MR. [REDACTED]: -- you know, there's a
21 lot of documents that we talked about.

22 MR. [REDACTED] Just like, man.

23 MR. [REDACTED] All right. So, how oft-
24 being that we believe now that those counts
25 were falsified by staff working the SHU, how

1 often were counts falsified by staff in the SHU
2 and was this a common practice?

3 MR. [REDACTED] See, that happened four
4 years in and I was just working the SHU for
5 about almost, I would say, six months. So from
6 - again, when I started working in the SHU, it
7 was six of us throughout during the day. By
8 the time I got out of SHU, it was three of us.
9 So when I - it's human nature, people get lazy,
10 but the whole time that I was there, I didn't
11 hear about, "Oh, this guy is going to write the
12 rounds," or, "This guy is going to count," and
13 just give in the slips. So, again, I was
14 pretty new in SHU. I've always worked the unit
15 and when I counted the unit, I had to count
16 with somebody.

17 MR. [REDACTED]: Did anyone ever, since
18 you were new to the unit, ever tell you, "Oh,
19 this is the way we do it in SHU, we don't
20 actually do counts."

21 MR. [REDACTED] No. No.

22 MR. [REDACTED]: So you -.

23 MR. [REDACTED] I worked with pretty - some
24 solid guys then.

25 MR. [REDACTED] So do you know of anybody

1 that were falsifying their counts?

2 MR. [REDACTED] No.

3 MR. [REDACTED]: Would it surprise you if
4 those people we just discussed, specifically I
5 guess it's [REDACTED] since Noel was new, would it
6 surprise you if [REDACTED] falsified a count?

7 MR. [REDACTED]: [REDACTED], I don't think he
8 would.

9 MR. [REDACTED] You don't think he would
10 falsify it.

11 MR. [REDACTED] I don't think he would
12 falsify a count.

13 MR. [REDACTED]: All right.

14 MR. [REDACTED] Noel, I didn't know too
15 much.

16 MR. [REDACTED]: But being that we, you
17 know, somehow they miraculously get the same
18 number that the institution had because
19 Fernandez wasn't keyed out, that doesn't make
20 you believe that it was falsified, correct?

21 MR. [REDACTED]: I don't know how to answer
22 that. I would hope not. I really would hope
23 not, but it's kind of too easy to figure out.

24 MR. [REDACTED] Right.

25 MR. [REDACTED] Again, I think -.

1 MR. [REDACTED] So the evidence suggests
2 he did, you just hope it's not -.

3 MR. [REDACTED] Correct.

4 MR. [REDACTED] Okay.

5 MR. [REDACTED] Correct.

6 MR. [REDACTED] So, but knowing him,
7 there's no reason for you to believe that -.

8 MR. [REDACTED] That he actually did
9 falsify.

10 MR. [REDACTED] Right. So you don't
11 believe him to be a very dishonest person.

12 MR. [REDACTED] Correct. And he left that
13 work, that 10 o'clock because he relieved me
14 from 2:00 to 10:00, so.

15 MR. [REDACTED] Right. So is he - he's a
16 good employee otherwise?

17 MR. [REDACTED] Yes. He would have did the
18 4 o'clock count. He should do the 10 o'clock
19 count, but sometimes we leave at 9:50.

20 MR. [REDACTED]: Sure.

21 MR. [REDACTED] And then, there's always
22 two people left, so the two people could
23 conduct the count.

24 MR. [REDACTED]: Is [REDACTED] still here at
25 the MCC?

1 MR. [REDACTED] Yes.

2 MR. [REDACTED]: What's his current
3 position?

4 MR. [REDACTED] He's a Senior Officer.

5 MR. [REDACTED]: Senior Officer
6 Specialist? Okay.

7 MR. [REDACTED] Just a Senior Officer.

8 MR. [REDACTED] Just Senior Officer?

9 Okay. So do you recall what conversations you
10 had with SHU staff who worked on August 9,
11 2019, including Michael Thomas and Tova Noel
12 about making entries related to counts and
13 rounds? So, specifically what I'm asking here
14 is that you're the OIC. Do you remember any
15 conversations that you would have had with any
16 of the people that worked in the SHU?

17 MR. [REDACTED] Well, I didn't see Noel.

18 MR. [REDACTED] I don't mean -.

19 MR. [REDACTED] The 9th?

20 MR. [REDACTED] I don't mean on the 9th -
21 -

22 MR. [REDACTED] Like -.

23 MR. [REDACTED] -- people that worked on
24 the 9th, did you ever have conversations with
25 the people that worked on the 9th about, "Make

1 sure you're doing it correctly and this is how
2 it's supposed to be done."

3 MR. [REDACTED] I do, I would say, "Do what
4 you're supposed to do," as I'm leaving.

5 MR. [REDACTED]: Yeah, yeah, yeah.

6 MR. [REDACTED] "Don't fuck it up. Do what
7 you got to do."

8 MR. [REDACTED] And do you follow what
9 I'm saying though? I'm not saying that you
10 would have had a conversation with them on the
11 9th. I'm saying --

12 MR. [REDACTED] Like in general?

13 MR. [REDACTED]: -- of the people that
14 worked on the 9th. So these people are the
15 ones like Noel, [REDACTED], [REDACTED], you know, these
16 are the people that actually worked on the 9th.
17 Ever leading up to the 9th, so any day leading
18 up to the 9th, would have you had a
19 conversation with them to say, "Make sure
20 you're doing your rounds and counts correctly."

21 MR. [REDACTED]: Yep. I'm sure I've told
22 them - because everybody wants to work SHU.
23 SHU is a pain in the butt, but, if you want to
24 work SHU, you got to do your rounds and do your
25 stuff how you're supposed to do it.

1 MR. [REDACTED]: All right. Can you
2 remember any specific conversations or when
3 those conversations would have taken place?

4 MR. [REDACTED]: Probably walking around,
5 talking to them, seeing during or watching
6 (Indiscernible *01:49:49) anybody. Thomas has
7 been working for the Bureau for a very long
8 time, even before I did, so he's worked SHU
9 before and he knows what to do in SHU.

10 MR. [REDACTED]: Right.

11 MR. [REDACTED]: But he's not - he works in
12 a different department. But -.

13 MR. [REDACTED]: What about the newer
14 people like --

15 MR. [REDACTED]: Newer people? Everybody -.

16 MR. [REDACTED]: -- Tova Noel? She's
17 newer to the - she was reportedly been at post,
18 you're the OIC, do you know if you had any
19 conversations with her or would have you?

20 MR. [REDACTED]: I would have said, "Do what
21 you got to do. Don't fuck it up for us." Just
22 like that. But that's just the way I speak.

23 MR. [REDACTED]: When you say, "Do what
24 you got to do," though, what does that mean?

25 MR. [REDACTED]: Follow the rules and do

1 what's according to policy.

2 MR. [REDACTED] Okay. So not, do what
3 you got to do, it's like, do what you're
4 supposed to do.

5 MR. [REDACTED] Do - do - yeah, I should
6 have rephrased it a little bit, but that's the
7 way I speak to everybody --

8 MR. [REDACTED] Yeah, yeah, yeah.

9 MR. [REDACTED] -- so it's pretty much,
10 we're cool, but I'm still telling you to do
11 what you have to do based on the policy, make
12 sure you do anything that's not supposed - that
13 you're not supposed to - against policy. If
14 it's in black and white, that's how you got to
15 do it.

16 MR. [REDACTED] Okay. And do you recall
17 ever saying that to Tova Noel being that she
18 was newer?

19 MR. [REDACTED] That's - I'm sure I -
20 because again, I speak like that to everybody.

21 MR. [REDACTED] Okay.

22 MR. [REDACTED] Even now as Lieutenant, I
23 talk to you more as a co-worker than, "I'm your
24 supervisor."

25 MR. [REDACTED] Sure.

1 MR. [REDACTED] But I always tell everyone,
2 "Do your job. It's simple, just do your job."
3 MR. [REDACTED] And I know I'm hammering
4 this, but I mean, are you confident you would
5 have had that conversation --
6 MR. [REDACTED] Yes.
7 MR. [REDACTED] -- with Tova Noel?
8 MR. [REDACTED] Yes.
9 MR. [REDACTED] Or --
10 MR. [REDACTED] Yes.
11 MR. [REDACTED] -- would have you had
12 that conversation with Michael Thomas being
13 that he's not typically a -.
14 MR. [REDACTED] Probably not.
15 MR. [REDACTED] : No?
16 MR. [REDACTED] Just because he has way
17 more time than I do.
18 MR. [REDACTED] : Okay. What about [REDACTED] ?
19 MR. [REDACTED] [REDACTED] the same thing, he
20 worked with us in SHU I think before that or
21 maybe after. He got - I was the SHU OIC during
22 the day and he was the SHU OIC at night.
23 MR. [REDACTED] : Okay. So [REDACTED] --
24 MR. [REDACTED] So -.
25 MR. [REDACTED] : -- knew what to do.

1 MR. [REDACTED] Yes.
2 MR. [REDACTED]: And he knew the right way
3 to do it.
4 MR. [REDACTED] Yes.
5 MR. [REDACTED] Okay. And what about
6 [REDACTED]
7 MR. [REDACTED]: [REDACTED] was
8 pretty new. Excuse me. He was pretty new and
9 I think he already worked for the warehouse.
10 MR. [REDACTED] Okay.
11 MR. [REDACTED] So, same thing.
12 MR. [REDACTED] So --
13 MR. [REDACTED] [REDACTED] do-.
14 MR. [REDACTED] -- if [REDACTED] was working,
15 [REDACTED] was the OIC at night?
16 MR. [REDACTED] Yes.
17 MR. [REDACTED] So would [REDACTED] do you
18 believe, have had that conversation with
19 [REDACTED]
20 MR. [REDACTED] Yes.
21 MR. [REDACTED]: To do what's -.
22 MR. [REDACTED] Same thing with Shakir, he
23 would have, "Hey, do the right thing."
24 MR. [REDACTED]: Okay. And you didn't
25 work on August 10th you said, correct?

1 MR. [REDACTED] Correct.

2 MR. [REDACTED]: Is there any way you
3 would have been able to know if the counts on
4 August 10th were correct?

5 MR. [REDACTED] No.

6 MR. [REDACTED]: No.

7 MR. [REDACTED] No way.

8 MR. [REDACTED]: What - I know we just
9 talked about it, but what is the daily
10 Lieutenant's log?

11 MR. [REDACTED]: It's a log that we have in
12 the system that every Lieutenant has to pretty
13 much fill out every single day and make sure
14 it's accurate right before their shift ends.

15 MR. [REDACTED] Does a Lieutenant have
16 their own Lieutenant's log or is it an overall
17 Lieutenant's log?

18 MR. [REDACTED] It's an overall
19 Lieutenant's log.

20 MR. [REDACTED]: So every Lieutenant has
21 access to that same log.

22 MR. [REDACTED]: Correct, it's on the share
23 drive.

24 MR. [REDACTED]: So I was going to say,
25 where can it be found and accessed? What's the

1 share drive?

2 MR. [REDACTED]: The share drive, you log
3 into - well, here in this building, you log in,
4 you go to I think it's the G drive, double
5 click and you're going to see Lieutenant's log.

6 MR. [REDACTED]: So is it just like a
7 document and you'd go into like a shared folder
8 or would be on something like a SENTRY or
9 (Indiscernible *01:53:09)?

10 MR. [REDACTED]: Share folder.

11 MR. [REDACTED]: A share folder? So just
12 a document that you create every day --

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: -- and you - so it's not
15 actually in a system?

16 MR. [REDACTED]: No.

17 MR. [REDACTED]: All right.

18 MR. [REDACTED]: It's in a share folder.
19 It's not like on TRUSCOPE or SENTRY or anything
20 like that.

21 MR. [REDACTED]: And at the end of the
22 day, is that then uploaded into some kind of
23 BOP system?

24 MR. [REDACTED]: It stays on the drive and
25 once you log in, you open the Lieutenant's log,

1 you make the changes to the number, you save it
2 and every day it gets saved.

3 MR. [REDACTED]: Okay. And is there
4 anything that's done with that though? Is it
5 then uploaded into something or it just stays
6 in the share folder?

7 MR. [REDACTED]: It stays in the share
8 folder, from my knowledge.

9 MR. [REDACTED]: Okay. And does anyone
10 aside from Lieutenants have access to change
11 that log?

12 MR. [REDACTED]: No, just the - well, the
13 Captain, the AW and the Warden.

14 MR. [REDACTED]: Yeah.

15 MR. [REDACTED]: But -.

16 MR. [REDACTED]: So Lieutenants and above?

17 MR. [REDACTED]: Correct.

18 MR. [REDACTED]: Nobody below a
19 Lieutenant?

20 MR. [REDACTED]: Nobody below Lieutenant.

21 MR. [REDACTED]: What about the people in
22 Control?

23 MR. [REDACTED]: No, they don't have access
24 to that.

25 MR. [REDACTED]: So even Control doesn't -

1 -

2 MR. [REDACTED] No.

3 MR. [REDACTED] -- can't manipulate --

4 MR. [REDACTED] No.

5 MR. [REDACTED] -- the Lieutenant's log?

6 MR. [REDACTED] Correct.

7 MR. [REDACTED] Okay. And I don't know
8 that you'll be able to answer this, but are the
9 times listed on the Lieutenant's log that you
10 just reviewed accurate?

11 MR. [REDACTED] I don't know.

12 MR. [REDACTED]: Is it all based upon
13 whoever is entering it?

14 MR. [REDACTED] Yes.

15 MR. [REDACTED] Okay. Is there any kind
16 of a verifying process? Like does anybody
17 oversight over that to kind of audit the
18 documents?

19 MR. [REDACTED] The only way you could
20 verify it and the only thing would be the
21 moves. So if inmate movement in the
22 institution, you could verify it because you go
23 to the PB-38.

24 MR. [REDACTED] And who creates that
25 document, the 38?

1 MR. [REDACTED]: The 38? You would call
2 Control, "Inmate Joe Smith left today." Or,
3 "Inmate Joe Smith was in 11 South, he was
4 moved." "Okay." I could call downstairs at
5 10:30, that's the time he moved, but it could
6 be off within a couple of - it could be off a
7 few minutes --

8 MR. [REDACTED] So even -.

9 MR. [REDACTED] -- because Control has to
10 key it in.

11 MR. [REDACTED] All right, so, that's
12 something that's created by Control. But what
13 we just said, we were going to use that to
14 verify if Fernandez left at 3:15, if the people
15 in the SHU never called Control to log
16 Fernandez out, would that be listed on the 38?

17 MR. [REDACTED] No.

18 MR. [REDACTED] So therefore, that might
19 not actually be the accurate document because
20 if they didn't call, the BP-38 wouldn't
21 (Indiscernible *01:55:27).

22 MR. [REDACTED] The 38 would only verify
23 the movement and the time that it was keyed in.

24 MR. [REDACTED]: That it was keyed.

25 MR. [REDACTED] Correct.

1 MR. [REDACTED] So if it wasn't keyed
2 until midnight, which --
3 MR. [REDACTED] Then --.
4 MR. [REDACTED] -- what the Lieutenant
5 said, like, "I found out that this person moved
6 earlier and he's actually in a different
7 location, I needed to make that key change at
8 midnight."
9 MR. [REDACTED] The time that he --
10 MR. [REDACTED] Z: That's what --
11 MR. [REDACTED] -- actually moved?
12 MR. [REDACTED] Z: -- reflected on the 38.
13 MR. [REDACTED] Correct. Because it's the
14 time, not the time it was keyed in the
15 Lieutenant's log --
16 MR. [REDACTED] All right. So there --.
17 MR. [REDACTED] -- because I can change
18 those logs.
19 MR. [REDACTED] So in this instance, the
20 38 would actually be incorrect if he wasn't
21 keyed out when he actually moved.
22 MR. [REDACTED] Correct. It wouldn't be
23 anything because he was never keyed.
24 MR. [REDACTED] All right. So therefore,
25 this 38 actually would make it even more

1 confusing.

2 MR. [REDACTED] Not really because it would
3 tell you if he got moved and at what time he
4 got moved.

5 MR. [REDACTED] All right. So the 38
6 would list probably the same thing in the
7 Lieutenant's log, that's at midnight, Fernandez
8 was moved at 3:15 p.m. to dry - from ZA.

9 MR. [REDACTED] So the 38 would have the
10 actual time he was keyed in.

11 MR. [REDACTED]: Yeah, the keyed.

12 MR. [REDACTED] So it would show you -
13 let's say the Lieutenant said she didn't find
14 out or he didn't find out until midnight that
15 this inmate, Fernandez, was moved and never
16 keyed out. She keys him out, now the date on
17 the 38 would be August 10th because it's after
18 midnight.

19 MR. [REDACTED]: Right.

20 MR. [REDACTED] August 10th, 1:45 in the
21 morning, that's what the 38 would say. But in
22 the log, it would say he got moved at 3:30,
23 because that's when -.

24 MR. [REDACTED] In the Lieutenant's log.

25 MR. [REDACTED] Correct.

1 MR. [REDACTED] So in this case, probably
2 the Lieutenant's log is the more accurate one.

3 MR. [REDACTED] Yes.

4 MR. [REDACTED] All right. Good to know.

5 MR. [REDACTED] Just had a question. If
6 you're moving an inmate, right, doesn't the
7 outer doors of the SHU have to be buzzed by
8 Control?

9 MR. [REDACTED] Yes.

10 MR. [REDACTED] When Control - does Control
11 have eyes on --

12 MR. [REDACTED] Yes.

13 MR. [REDACTED] -- on - wouldn't they see an
14 inmate being moved?

15 MR. [REDACTED] Yes.

16 MR. [REDACTED] And wouldn't they question,
17 "How come he's not keyed in?"

18 MR. [REDACTED] Well, depending on the
19 time. So like when let's say it was between 8
20 o'clock in the morning and 2 o'clock in the
21 afternoon, inmates are going in and out, in and
22 out, even SHU, like medical, dental, court,
23 attorney visits. So now you have six, seven
24 inmates going in and out, not at all times
25 you're looking, "Oh, is an inmate coming out,"

1 they pop - you know, you call for the door.
2 You probably could just open the door right
3 there, but then have to run to the window, give
4 somebody a set of keys.

5 MR. [REDACTED] Okay. And then just to
6 clarify on that same question. If that PB-38
7 will show the key in time of when the
8 Lieutenant puts it in, what do you think the
9 Lieutenant or whoever updated that document got
10 the 3:15 time?

11 MR. [REDACTED] Or she called R&D and said,
12 "Hey, what time this inmate got downstairs?"
13 "Oh, he came around 3:30." "All right. Well,
14 you should have told me, you know, key him
15 out," or whatever.

16 MR. [REDACTED] At midnight, would that
17 employee that was on shift during evening watch
18 still be on there?

19 MR. [REDACTED] Yep.

20 MR. [REDACTED] What was that last
21 question? Was what?

22 MR. [REDACTED] The employee in R&D, would
23 that person still be on shift at midnight.

24 MR. [REDACTED] What is the time for the
25 shifts --

1 MR. [REDACTED] So, it would be -.

2 MR. [REDACTED] -- in R&D?

3 MR. [REDACTED] The shifts are 4:00 to
4 12:00, 4:00 to midnight. But usually, if
5 you're on dry cell --

6 MR. [REDACTED] Yeah.

7 MR. [REDACTED] -- watching somebody, you
8 would not leave exactly at midnight. You would
9 leave a couple of minutes after unless you were
10 doing a double doing dry cell.

11 MR. [REDACTED]: All right. Let's talk -
12 the fact that that this guy Fernandez wasn't
13 specifically tied to Epstein, is there any
14 chance two years later we're going to be able
15 to talk to anybody to verify when he got the
16 dry cell?

17 MR. [REDACTED]: No. He probably is not
18 even in the institution anymore, Fernandez.

19 MR. [REDACTED] That's what I mean. So
20 like even talking to R&D, do you think that
21 there's any way that they'd even remember when
22 this guy placed down there?

23 MR. [REDACTED] No, because who knows who
24 was in R&D that day, who knows if they're still
25 working here.

1 MR. [REDACTED] But what about, like for
2 instance, we have the count slips at least for
3 10:00 p.m. Actually, where there was no count
4 slip for him at 4:00 p.m. but we have the count
5 slips for R&D and RA at 10:00 p.m. and
6 midnight. Do you believe that even they would
7 be able to recall if it was Fernandez that they
8 watched?

9 MR. [REDACTED] No. No.

10 MR. [REDACTED] And why is that?

11 MR. [REDACTED] Just because a lot of
12 inmate movement.

13 MR. [REDACTED] How reliable do you
14 believe that that Lieutenant log saying that he
15 left at 3:15, how reliable at this point, us
16 looking at it back then and the person making
17 that change potentially at midnight that night,
18 how reliable do you view that 3:15 time?

19 MR. [REDACTED] If it's Lieutenant
20 [REDACTED], that's - she's very by the book. I'm
21 not saying that everybody else is not.

22 MR. [REDACTED] Right.

23 MR. [REDACTED] But and she knows her job.

24 MR. [REDACTED] Do you -.

25 MR. [REDACTED] So if that would probably

1 be maybe the only Lieutenant, especially on
2 morning watch, that would catch a mistake like
3 that.

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED] And she - numbers didn't
6 add up, she went back and changed it, made it
7 accurate

8 MR. [REDACTED] Okay. And certainly you
9 believe that the institutional count was made
10 accurate for her, but what I guess I'm
11 specifically requesting, you know, wondering,
12 how accurate do you think she would have made
13 the movement of 3:15 moved ZA from - or moved
14 to dry cell from ZA?

15 MR. [REDACTED] Very.

16 MR. [REDACTED] Very?

17 MR. [REDACTED] Very accurate, yes.

18 MR. [REDACTED] So you believe that that
19 3:15 then is probably the right time?

20 MR. [REDACTED] Around the time that he got
21 moved, yes.

22 MR. [REDACTED] Okay. Sounds good. And
23 no one in the SHU has access to the
24 Lieutenant's log?

25 MR. [REDACTED]: No.

1 MR. [REDACTED] All right. We're going
2 to move on now.

3 MR. [REDACTED] Oh, sorry.

4 MR. [REDACTED] What - no, I'm sorry,
5 this is - again, like I said, you're kind of
6 like - when I saw that one page interview
7 report, I was like, "Oh, this is the guy that,
8 you know, has all the answers." But what is
9 the MCC policy on conducting cell searches in
10 the SHU? And let's specifically talk about, if
11 you can remember, in August. So in August of
12 2019, do you remember what the MCC policy was
13 on conducting cell searches in the SHU?

14 MR. [REDACTED]: You got to conduct cell
15 search every time an inmate comes out. I don't
16 know if that's actual policy or not.

17 MR. [REDACTED] Was it something like
18 some of the shifts you had to do five cell
19 searches --

20 MR. [REDACTED] Per shift

21 MR. [REDACTED] -- during that shift?

22 MR. [REDACTED] Yes.

23 MR. [REDACTED] Or if the person may be,
24 you know, in the day watch, maybe if someone
25 went to rec, you're supposed to -.

1 MR. [REDACTED] So, the way we did it, you
2 came out to the shower, that was our cell
3 search.

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED] So, every Monday, Wednesday
6 and Friday we showered everybody, everybody's
7 cell was searched.

8 MR. [REDACTED] So every Monday,
9 Wednesday and Friday everyone's cell was
10 searched?

11 MR. [REDACTED] Yes, because everybody got
12 a shower. So we took that as okay -.

13 MR. [REDACTED] And officers would
14 actually go in and search their cells?

15 MR. [REDACTED] Yes.

16 MR. [REDACTED] Okay. And what about the
17 non-shower days, how would you do searches or
18 would you -.

19 MR. [REDACTED]: When somebody went to rec,
20 when somebody went to R&D, if somebody has to
21 go to medical, we'll bring you out and we
22 search the cell.

23 MR. [REDACTED]: Okay. And then, what is
24 the responsibility of the SHU OIC with regard
25 to SHU cell searches, if anything?

1 MR. [REDACTED]: To make sure they're logged
2 in and make sure they get conducted.

3 MR. [REDACTED]: Okay. So like, is the
4 OIC the one - were you the one that would
5 actually log them into like TRUSCOPE?

6 MR. [REDACTED]: Well, anybody could log
7 them in but most the time I did it or I was
8 searching the cell myself.

9 MR. [REDACTED]: And what is the
10 responsibility of the SHU Lieutenant with
11 regard to cell searches, if any?

12 MR. [REDACTED]: To make sure the OIC got it
13 done.

14 MR. [REDACTED]: Okay. And were cell
15 searches being conducted and logged in to
16 TRUSCOPE for the SHU in August of 2019?

17 MR. [REDACTED]: They should have. Yes.

18 MR. [REDACTED]: All right. So we
19 requested to - just because we're going to get
20 into what was found in Epstein's cell later,
21 but you're the one who logged this in, but we
22 only found one cell search for June 9, 2019.

23 MR. [REDACTED]: August 9th.

24 MR. [REDACTED]: Or sorry, August 9 - is
25 that June 9th or August 9th? What does that

1 say?

2 MR. [REDACTED] August 9th.

3 MR. [REDACTED]: Okay. August 9, 2019.

4 Does that - would that be normal that there
5 would only be one logged in?

6 MR. [REDACTED]: No. Again, it's depending
7 what was going on during the day -.

8 MR. [REDACTED]: So that would have been
9 one of those shower days, I guess, though.

10 MR. [REDACTED] And I worked - yes, from
11 1:00 - I worked until 2 o'clock that day.

12 MR. [REDACTED]: But do you believe that
13 there was only one cell search conducted or do
14 you believe that there were more?

15 MR. [REDACTED] There was one cell search
16 probably logged in.

17 MR. [REDACTED] Okay. But all of them
18 were conducted?

19 MR. [REDACTED] should have been conducted,
20 yes.

21 MR. [REDACTED] And do you believe that -
22 I know we're talking two years ago. Do you
23 believe that all of them were conducted?

24 MR. [REDACTED] The majority.

25 MR. [REDACTED] Yeah.

1 MR. [REDACTED] The majority.

2 MR. [REDACTED]: Any reason - do you know
3 if Epstein's cell would have been searched on
4 August 9th?

5 MR. [REDACTED] It should have been because
6 him and Reyes both left at the same time.

7 MR. [REDACTED]: Right. And who would
8 have done that cell search?

9 MR. [REDACTED] Well, took them out to the
10 shower.

11 MR. [REDACTED] Okay. And is that like
12 everybody? Does everybody - how does that
13 work? Who -.

14 MR. [REDACTED] So, technically the OIC is
15 not supposed to - he has the big set which is
16 the keys to the - on the ranges and the door
17 and everybody else goes in and out the tiers.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED] But we were all involved.
20 We all moved inmates from this tier to another
21 tier. Okay, "You two on that side, okay, bring
22 them out," search their cell. If I'm on this
23 side, I'm going to bring them out, do the cell
24 search.

25 MR. [REDACTED] Okay. And this isn't -

1 I'm not trying to be and I gotcha, at all at
2 any moment, I'm just trying to get a greater
3 understanding. So if all of the cells were
4 searched, why would only one search be entered
5 for that day?

6 MR. [REDACTED] I'm busy during the day.

7 MR. [REDACTED] And was that like does
8 that happen often though like it's too busy to
9 actually log the searches in?

10 MR. [REDACTED] The system is kind of a
11 pain in the butt because you've got to do one
12 by one by one, you know, unless you do all of
13 them. I mean, unless you do one, then enter,
14 then another one and enter. It's not like you
15 could do multiple cell searches or click them
16 that you did them at one time.

17 MR. [REDACTED] Okay. Now it's my
18 understanding that after you left, the night
19 watch is then responsible for conducting on
20 every shift, five cell searches, correct?

21 MR. [REDACTED] Yes.

22 MR. [REDACTED] And who would have logged
23 that in?

24 MR. [REDACTED] Anybody could have logged
25 it.

1 MR. [REDACTED] Anyone?

2 MR. [REDACTED] But it should be the OIC.

3 MR. [REDACTED] So that would have been

4 [REDACTED] who should have done that?

5 MR. [REDACTED] Correct. [REDACTED] Yes.

6 MR. [REDACTED]: All right. And does the
7 fact that you had your one that you entered
8 earlier in the day, the fact that there's none
9 for the rest of the day, is that problematic in
10 your opinion?

11 MR. [REDACTED] Not really because
12 throughout the day, we pretty much do the
13 showers. So we went into every single cell.

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED] Now maybe it should have
16 been keyed so it could reflect because if
17 there's no cameras, you can say, "Yeah, all
18 right," --

19 MR. [REDACTED] Right.

20 MR. [REDACTED] -- you only did one because
21 you keyed in one. But, you know, they should
22 because they also have rec at night time. When
23 you bring back an inmate or you bring them out
24 to attorney visit, you're still bringing the
25 inmates out.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED] So they should have been
3 keyed in.

4 MR. [REDACTED] So although they were not
5 keyed in, do you believe that they were being
6 conducted on August 9, 2019?

7 MR. [REDACTED] Yes.

8 MR. [REDACTED] Yes?

9 MR. [REDACTED] Yes.

10 MR. [REDACTED] What about after you
11 left, do you believe that there would have been
12 - the five cell searches would have been
13 conducted on 2019 at this point?

14 MR. [REDACTED]: They should have because I
15 know we had legal visits and maybe we had
16 regular like visits for the inmates with their
17 family members.

18 MR. [REDACTED]: Do you recall, what is
19 the policy at least in August of 2019 related
20 to what inmates are allowed to have in their
21 cells?

22 MR. [REDACTED] Well, no contraband of
23 course. Five hard cover books only.

24 MR. [REDACTED]: What about like medical?

25 MR. [REDACTED] Two sheets, one blanket.

1 If you have the CPAP machine, you can get that.
2 MR. [REDACTED] How - and just for the
3 record, how do you spell that? What is it?
4 That machine?
5 MR. [REDACTED] What, the CPAP?
6 MR. [REDACTED] Is it CPAC or CPAP?
7 MR. [REDACTED] CPAP, CPAP.
8 MR. [REDACTED] Is it for snoring?
9 MR. [REDACTED] Yes.
10 MR. [REDACTED] That's what you're
11 talking about? So you can breathe better?
12 MR. [REDACTED] Yes.
13 MR. [REDACTED] Okay.
14 MR. [REDACTED] So CPAP, right?
15 MR. [REDACTED] I actually don't know.
16 MR. [REDACTED] Is it?
17 MR. [REDACTED] That's why I was asking.
18 MR. [REDACTED] Is it C-P-A-P?
19 MR. [REDACTED] I think that's what it is.
20 Not even sure. But it was a machine that you
21 use to help you breathe in the middle of the
22 night --
23 MR. [REDACTED] Z: I just know -.
24 MR. [REDACTED] -- and you go to sleep with
25 it.

1 MR. [REDACTED] (Indiscernible *02:08:22).
2 MR. [REDACTED] I just know the
3 transcriber for this would be like, "What the
4 heck is he saying?"
5 MR. [REDACTED] Is that for sleep apnea?
6 MR. [REDACTED] Yes. That's - I think it
7 helps you - it clears your whatever it is, your
8 nose or your throat so you can be able to
9 breathe better in the middle of the night.
10 MR. [REDACTED]: And I did interrupt, I
11 apologize, when you were getting into the
12 linens. How many sheets and blankets and all
13 that? Can you -.
14 MR. [REDACTED] It should be - if it's
15 August, it should be two sheets, one blanket.
16 MR. [REDACTED] Two sheets, one blanket.
17 That's for each individual --
18 MR. [REDACTED] Yes.
19 MR. [REDACTED]: -- inmate. So, for each
20 cell, if there's two inmates, it would be four
21 sheets and two blankets.
22 MR. [REDACTED] Correct.
23 MR. [REDACTED]: Okay.
24 MR. [REDACTED] And the wintertime, it's
25 two sheets, two blankets.

1 MR. [REDACTED]: Okay. Was Epstein
2 authorized to have pills in his cell within the
3 SHU?
4 MR. [REDACTED] Well, if you have
5 medication, yes, you can have your own
6 medication.
7 MR. [REDACTED]: And that's - okay.
8 MR. [REDACTED] We don't set a number on
9 that.
10 MR. [REDACTED]: Who is responsible for
11 determining what medication inmates have?
12 MR. [REDACTED] The Medical Department.
13 MR. [REDACTED] And do they provide it to
14 them?
15 MR. [REDACTED] Yes.
16 MR. [REDACTED]: And then they're able to
17 just keep it in their cell and take it?
18 MR. [REDACTED] Yes.
19 MR. [REDACTED]: Is there ever a problem
20 with like overdose or anything like that?
21 MR. [REDACTED] I mean, we've had inmates
22 take more than they're supposed to take.
23 MR. [REDACTED] Is it dependent upon what
24 type of medication if they can have it in their
25 cell or not?

1 MR. [REDACTED]: So, certain medication, the
2 pill line, which is Medical, they'll come
3 around and give it to you daily if that's what
4 - you're only supposed to have it daily,
5 Medical Department will come around and give it
6 to the inmates themselves.

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: Anything else, if you have
9 your own medication, it would be in your cell.

10 MR. [REDACTED]: Okay. I'm going to just
11 show you some pictures of August 10th and I
12 just wanted, if you can just kind of let me
13 know what I'm looking at. Is this L Tier, is
14 that where Epstein would have been housed?

15 MR. [REDACTED]: Yes.

16 MR. [REDACTED]: Okay. And then another
17 picture of L Tier. This wasn't his cell there.

18 MR. [REDACTED]: No.

19 MR. [REDACTED]: Do you remember what cell
20 number he was in?

21 MR. [REDACTED]: I know exactly. It was the
22 first one to the right, 221 maybe?

23 MR. [REDACTED]: 221 or maybe 222 or
24 something?

25 MR. [REDACTED]: (Indiscernible *02:10:30).

1 MR. [REDACTED] All right. I think it's
2 220, but is this his tier?

3 MR. [REDACTED] That's L Tier, yes, here on
4 the right.

5 MR. [REDACTED] Does this look like it
6 would have been - it looks like it would have
7 been 220.

8 MR. [REDACTED] Yeah.

9 MR. [REDACTED] But would that have been
10 Epstein's cell?

11 MR. [REDACTED] Yes.

12 MR. [REDACTED] All right. So 220 was
13 the first door on the right when you're walking
14 down the --

15 MR. [REDACTED] Yes.

16 MR. [REDACTED] -- the tier?

17 MR. [REDACTED] When you walk into - yes.

18 MR. [REDACTED] All right. So, I want to
19 just - I'll let you look through these. Can
20 you just let me know if this looks like an
21 abnormal amount of linens and blankets and
22 clothing? And we don't know, so that's why
23 we're asking. And that's again, not a gotcha,
24 I don't know if it's more than should be or
25 what.

1 MR. [REDACTED]: No, I think this was his
2 and his bunkie's.

3 MR. [REDACTED] So does that make you
4 believe that his bunkie's was never removed?
5 And when should have they been removed?

6 MR. [REDACTED] As soon as they figure out
7 that he's not coming back.

8 MR. [REDACTED] So at either 4:00 p.m. or
9 certainly before 8:00 p.m.?

10 MR. [REDACTED] Yes.

11 MR. [REDACTED]: Would it have been when
12 Epstein was returned to attorney client visit,
13 definitely at that time, should have they made
14 sure -.

15 MR. [REDACTED]: Well, by 8 o'clock, they
16 should - while walking Epstein back into the
17 cell, they should have said, "Oh shit, he
18 doesn't have a bunkie," and, "Oh shit, his
19 bunkie is gone."

20 MR. [REDACTED] All right. So by looking
21 at those photos, you just believe that that was
22 actually both Epstein and Reyes's?

23 MR. [REDACTED] Yes.

24 MR. [REDACTED] Okay.

25 MR. [REDACTED] It probably -.

1 MR. [REDACTED]: So it does look like more
2 than one inmate so it looks like that would be
3 the amount of linens and clothing for two
4 inmates?

5 MR. [REDACTED]: Well, probably a couple of
6 extra sheets in there.

7 MR. [REDACTED]: And do you know if
8 Epstein was provided extra sheets than he was
9 supposed to have been provided?

10 MR. [REDACTED]: He shouldn't have.

11 MR. [REDACTED]: Can you just explain to
12 me, how does that work? How does the process -
13 .

14 MR. [REDACTED]: Well, when the inmate comes
15 into the Special Housing Unit, we give them two
16 sheets, one blanket. When they do the showers,
17 we should go in there - initial these two?

18 MR. [REDACTED]: Please. Not all of them,
19 we just need the top picture.

20 MR. [REDACTED]: When we should go - when we
21 go in there when we bring them out to the
22 shower, we should go in there and shake it
23 down, that's when we go in there and take
24 anything extra that they're not supposed to
25 have.

1 MR. [REDACTED]: So if he took a shower
2 that day on August 9th - so you believe from
3 looking at those pictures, he actually had even
4 more than if it were just him and Reyes, he had
5 some extra --

6 MR. [REDACTED]: Yes, he probably had like
7 two extra blankets.

8 MR. [REDACTED]: Is that an issue?

9 MR. [REDACTED]: They should never have
10 that.

11 MR. [REDACTED]: Okay. So, if that cell
12 was searched on August 9th, at that point,
13 someone should have removed them?

14 MR. [REDACTED]: Yes. Somebody should
15 remove all the extra, left him with what he's
16 supposed to have and nothing more.

17 MR. [REDACTED]: And on that date, who
18 would have been responsible for doing that?

19 MR. [REDACTED]: When we brought them out to
20 the shower.

21 MR. [REDACTED]: So not only do they bring
22 them out to the shower but they also are
23 responsible for (Indiscernible *02:13:15).

24 MR. [REDACTED]: Correct. Might as well.
25 If you're on the same tier, you put them in the

1 shower, it takes two seconds.
2 MR. [REDACTED]: So where is the shower?
3 Are the showers on the same tier?
4 MR. [REDACTED]: Yes.
5 MR. [REDACTED]: Okay.
6 MR. [REDACTED]: So on that tier, if you
7 look at his cell, right to the right.
8 MR. [REDACTED]: So -.
9 MR. [REDACTED]: This is the shower here.
10 MR. [REDACTED]: Okay. Like there?
11 MR. [REDACTED]: Yeah.
12 MR. [REDACTED]: Okay. So it's kind of
13 like almost in the middle or the start is like
14 almost like the second door.
15 MR. [REDACTED]: Yes.
16 MR. [REDACTED]: This one?
17 MR. [REDACTED]: No, it's actually, see this
18 little gate?
19 MR. [REDACTED]: (Indiscernible
20 *02:13:46).
21 MR. [REDACTED]: You can't really see it.
22 MR. [REDACTED]: Can you see it from here?
23 MR. [REDACTED]: No.
24 MR. [REDACTED]: Like it's the start of
25 the tier?

1 MR. [REDACTED] Yeah. So if you come in,
2 you walk in, you kind of make a right turn.
3 You see this gate right here?

4 MR. [REDACTED]: Maybe I'll have you - if
5 you can mark it on either SHU map here that
6 we're going to - I'm going to show you for a
7 second just so you can - I'm going to ask you
8 about like the cameras and what cameras should
9 have been in there, that kind of stuff, so you
10 can just show me where. So do you know if
11 Epstein was provided any of these special
12 privileges to have extra clothing or linen?

13 MR. [REDACTED] No, I know he should not
14 have.

15 MR. [REDACTED]: Okay.

16 MR. [REDACTED] But he always asked for a
17 clean uniform every time he showered.

18 MR. [REDACTED]: Would he give his other
19 uniform --

20 MR. [REDACTED] Yes.

21 MR. [REDACTED] -- back though?

22 MR. [REDACTED] Yes.

23 MR. [REDACTED] So what is your believe
24 on why he would have had extra blankets?

25 MR. [REDACTED] Somebody who doesn't

1 normally work SHU just said, "Okay," or he
2 probably asked for one because he was cold.

3 MR. [REDACTED]: And how would people that
4 worked in the SHU know what the rules were with
5 as far as exchanging your linens and your
6 clothing?

7 MR. [REDACTED]: Well, we talk about it.
8 Two sheets, one blanket.

9 MR. [REDACTED]: Is that not provided at
10 training?

11 MR. [REDACTED]: I don't remember. I don't
12 think that's in the SHU training, but it also
13 tells you not to have an excess of linen inside
14 the SHU.

15 MR. [REDACTED]: The training does?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: Okay. So at training,
18 they do say they're not supposed to have, you
19 know, extra?

20 MR. [REDACTED]: Correct.

21 MR. [REDACTED]: And then, from working in
22 the SHU, would it be the OIC to tell people,
23 (Indiscernible *02:15:10).

24 MR. [REDACTED]: The OIC or anybody who kind
25 of -.

1 MR. [REDACTED] Works in there?

2 MR. [REDACTED] Because OIC is not always
3 there, so.

4 MR. [REDACTED] All right. During
5 showers, who would have been working on August
6 9, 2019 looking at the daily assignment roster?

7 MR. [REDACTED] Would have been [REDACTED]
8 [REDACTED] and myself.

9 MR. [REDACTED] Okay. As far as, did you
10 notice that there was an extra mattress in
11 Epstein's cell.

12 MR. [REDACTED] There's one on the floor.

13 MR. [REDACTED] Yes. We're told that
14 Epstein actually had two mattresses, one on the
15 floor, one on the bottom bunk and then Reyes
16 had one as well. Would that be abnormal that
17 he was provided two mattresses?

18 MR. [REDACTED] Definitely shouldn't have
19 happened. Somebody probably felt bad for him
20 because he maybe said his back hurts.

21 MR. [REDACTED] Do you know where Epstein
22 slept?

23 MR. [REDACTED] Well, this only shows two
24 right here.

25 MR. [REDACTED] It's the height of the

1 mattress.

2 MR. [REDACTED] I think he slept on the bed
3 and Reyes slept on the floor.

4 MR. [REDACTED] Oh, that's your belief?

5 MR. [REDACTED] I think so.

6 MR. [REDACTED] Oh, we were told the
7 opposite.

8 MR. [REDACTED] Opposite?

9 MR. [REDACTED] So you believe Reyes was
10 actually on the floor?

11 MR. [REDACTED] I think so.

12 MR. [REDACTED]: Okay. But if they had -
13 if there in fact were three mattresses in there
14 -.

15 MR. [REDACTED] There weren't supposed to
16 be three mattresses in there.

17 MR. [REDACTED] When and how would have
18 that happened?

19 MR. [REDACTED] Maybe one of them wasn't
20 thick enough, somebody else gave him another
21 one or they just didn't see the mattress
22 because a lot of times, the inmates put it on
23 the wall and if you don't physically go inside
24 the cell, you just give them another mattress.

25 MR. [REDACTED]: So it - how would they

1 explain the fact that they didn't have a
2 mattress?

3 MR. [REDACTED]: One would be standing
4 against the wall.

5 MR. [REDACTED]: But, I mean, would they
6 say like somebody came in and took it?

7 MR. [REDACTED]: No, just sometimes we move
8 mattresses around because we're going to put
9 two inmates over there. They only have one,
10 then we'll take it.

11 MR. [REDACTED]: Okay. Is that a big
12 problem if there are extra mattresses then?

13 MR. [REDACTED]: You're not supposed to, but
14 depending who is in charge that's there --

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: -- and at night time, if
17 you don't want to deal with it - well, not me
18 or - but if some people don't want to deal with
19 it, like, "All right, here's another mattress."

20 MR. [REDACTED]: So what's the purpose of
21 making sure that inmates only have one mattress
22 as well as the correct amount of linens and
23 blankets?

24 MR. [REDACTED]: Well, the linen because
25 just so we can have for everybody. The

1 mattress, the same thing, you only have one
2 mattress, that's all you're allowed.

3 MR. [REDACTED] Are there any kind of
4 security issues that go along with it?

5 MR. [REDACTED] Unless it's a troubled
6 inmate, they'll put the mattress to barricade
7 the door.

8 MR. [REDACTED] No, I mean like is there
9 any security issues that go along with making
10 sure an inmate doesn't have extra linens or
11 doesn't have extra blankets, is something,
12 like, to do with, like, potentially escaping or
13 harming themselves or anything like that. Is
14 that ever taught or do you know anything about
15 that? Or was it more of an administrative
16 thing?

17 MR. [REDACTED]: It's more an administrative
18 thing.

19 MR. [REDACTED]: Okay. So your
20 understanding was administrative, nothing to do
21 with like harming themselves or escaping.

22 MR. [REDACTED]: Right. I don't think the
23 mattress or linen have anything to do with
24 that.

25 MR. [REDACTED]: Okay. Who did you say

1 was responsible for making sure that inmates
2 had the correct amount of linens and mattresses
3 and things?

4 MR. [REDACTED] Everybody.

5 MR. [REDACTED]: Everybody?

6 MR. [REDACTED] Everybody.

7 MR. [REDACTED]: Okay. What - can you
8 just explain - we're going to move to the next
9 one. What - did you want to follow up on
10 anything with that?

11 MR. [REDACTED] No, no.

12 MR. [REDACTED] Can you explain cell
13 rotations in the SHU for me?

14 MR. [REDACTED]: Cell rotations have to be
15 conducted every 21 days.

16 MR. [REDACTED] Every 21 days?

17 MR. [REDACTED] Yes.

18 MR. [REDACTED] And is that like every 21
19 days from the time that the inmate arrives at
20 the SHU or is it like on a set schedule, this
21 is the day, this is the 21st day?

22 MR. GRIJALVA: From the inmate arrives to
23 the cell.

24 MR. [REDACTED]: Okay. So every inmate is
25 different.

1 MR. [REDACTED] So if an inmate comes in
2 and he's assigned to cell 101 today, within 21
3 days or at 21 days, he needs to move to another
4 cell that is not cell 101.

5 MR. [REDACTED]: Okay. And who is
6 responsible for kind of making sure that that
7 happens?

8 MR. [REDACTED]: The Lieutenant should
9 oversee but usually we all go and assist them
10 and we have a print out of the 21 - "Oh, this
11 guy is on 18 days, it's time for him to move."
12 "Oh, this guy is on 21 days, let's move him."

13 MR. [REDACTED]: So is it has to be done
14 by 21 days, it can be done prior to 21? Is
15 that what you're saying?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: Okay. So it's not like
18 the OIC's responsibility, it's everybody's
19 joint responsibility?

20 MR. [REDACTED]: Yes. As long as you're not
21 in the same cell for more than 21 days, you can
22 move every 15 and you can move every 10 as long
23 as it doesn't go over 21.

24 MR. [REDACTED]: So, who is like checking
25 to make sure that that's done or is it some

1 kind of an alert that is provided?

2 MR. [REDACTED]: Excuse me. Usually the OIC
3 and the Lieutenant.

4 MR. [REDACTED]: Are the ones saying, "Let
5 these go." Yeah.

6 MR. [REDACTED]: "Hey, we got to move these
7 guys." The Lieutenant goes like, "Hey, OIC,
8 you got to get these guys moved."

9 MR. [REDACTED]: All right. And then
10 after they're moved, who is responsible for
11 keying the movement?

12 MR. [REDACTED]: Well, the OIC could do it -
13 -

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: -- but usually we'll call
16 Control.

17 MR. [REDACTED]: So Control or the OIC?

18 MR. [REDACTED]: Yes.

19 MR. [REDACTED]: All right. As the OIC
20 though, is that kind of like your job every 21
21 days to make sure and then you can either call
22 Control or is it -.

23 MR. [REDACTED]: Well, I used to do it on my
24 own because I can -.

25 MR. [REDACTED]: Right, right.

1 MR. [REDACTED]: Instead of calling Control,
2 waiting five minutes for them to pick up, I
3 just do it on my own.

4 MR. [REDACTED]: Now are you aware that
5 Epstein was in the wrong cell on August 9th and
6 10th of 2019?

7 MR. [REDACTED]: No.

8 MR. [REDACTED]: And so he was in cell 220
9 as we just discussed and in the system he's
10 logged in at 206L. Do you know anything about
11 that?

12 MR. [REDACTED]: I actually found that out
13 the week after.

14 MR. [REDACTED]: (Indiscernible *02:20:49)
15 so, if you found out, do you know why that is,
16 like what happened? Because obviously the
17 conspiracy theorists are going to be all over
18 that if that gets out, that he was in the wrong
19 cell. So, do you know if it would have been
20 one of those things that - was he ever moved or
21 was he just moved in the system or vice versa?
22 Do you know how that --

23 MR. [REDACTED]: I think --.

24 MR. [REDACTED]: -- discrepancy happened?

25 MR. [REDACTED]: I think what happened was

1 when he was moved up from suicide watch, he was
2 placed in, let's say, 206. And then, after he
3 went to attorney conference, when they got him
4 with his bunkie - I mean, once, let's say, he
5 went - he did go to attorney conference, "Okay,
6 he's coming back, we're going to put him with
7 this bunkie," we're just going to move him and
8 somebody forgot to key him in to the right
9 cell.

10 MR. [REDACTED] So do you know if Epstein
11 was ever in a different cell other than 220?

12 MR. [REDACTED]: No. He was actually with
13 Tartaglione.

14 MR. [REDACTED] So that was - so when he
15 was with Tartaglione prior to July 23rd, he was
16 actually in a different cell?

17 MR. [REDACTED] Yes.

18 MR. [REDACTED] Is that listed on that?
19 Does it show?

20 MR. [REDACTED] Trying to remember what
21 cell is downstairs right from above that one.

22 MR. [REDACTED] Well, I have a list of
23 the SHU map if that helps you out. It's the
24 first and second floor. I can't remember which
25 one is the first page and - I would just assume

1 that whatever L Tier is on, that's the second
2 floor, correct?

3 MR. [REDACTED]: Yes. Now -.

4 MR. [REDACTED] So the letter corresponds -.

5 MR. [REDACTED] The numbers are off --

6 MR. [REDACTED] Yeah.

7 MR. [REDACTED] -- on that for some
8 reason.

9 MR. [REDACTED] Definitely.

10 MR. [REDACTED] And we all - and we can't
11 explain that, why that SHU map shows the wrong
12 letters or the wrong numbers, I mean. Seems
13 like they say the wrong - they show the wrong -
14 or the correct letters although the numbers
15 appear to be wrong.

16 MR. [REDACTED] This is also - I'm not - is
17 this the second floor?

18 MR. [REDACTED]: Here, let me see.

19 MR. [REDACTED] I'm not -.

20 MR. [REDACTED]: My understanding would be
21 since this says, "L," that this would be the
22 second floor and this would be the first floor.
23 Is H, K, M, are they on the first floor?

24 MR. [REDACTED] Yes. H is on the bottom.

25 MR. [REDACTED] So H is on the - H is not

1 even on the same thing as K and M? Oh yeah --

2 MR. [REDACTED] They're on -.

3 MR. [REDACTED] -- because this is
4 showing --

5 MR. [REDACTED] They're on -.

6 MR. [REDACTED] -- stairs, so I guess -
7 so is this like - this is what you're - is
8 there like three levels then?

9 MR. [REDACTED] No, there's only two, but
10 so H is downstairs, GT is right upstairs and
11 then there's J, K, L, M.

12 MR. [REDACTED] So does this not make
13 sense the way that this is -.

14 MR. [REDACTED] No, not really.

15 MR. [REDACTED] So, okay. So even
16 looking at this, this doesn't even add up --

17 MR. [REDACTED] No.

18 MR. [REDACTED] -- the way you're looking
19 at it?

20 MR. [REDACTED] Because this is the
21 officer's station and the office is the second
22 floor G Tier. This is a weird - but he -.

23 MR. [REDACTED] So this doesn't add up to
24 you? So we're going to have to see about
25 getting a different SHU map.

1 MR. [REDACTED] No.

2 MR. [REDACTED] But, from your

3 understanding, does this kind of look right

4 though? If this is the officer's station over

5 there, is this where --

6 MR. [REDACTED] So --.

7 MR. [REDACTED] -- Epstein was housed?

8 Looking at it that way?

9 MR. [REDACTED] No, so this is the office.

10 That probably means the Lieutenant's office

11 which is on the second floor --

12 MR. [REDACTED]: So that's the LT's

13 office?

14 MR. [REDACTED] -- right next to G Tier.

15 Correct.

16 MR. [REDACTED]: Okay. So that's where --

17 MR. [REDACTED] And then recreation --

18 MR. [REDACTED]: -- we thought this was --.

19 MR. [REDACTED] -- would be downstairs.

20 MR. [REDACTED]: So this office and this

21 are not even on the same floor?

22 MR. [REDACTED]: No. This is on the second

23 floor and this is downstairs.

24 MR. [REDACTED]: All right.

25 MR. [REDACTED] So these might be the

1 original blue prints where the rooms might have
2 been changed over time.

3 MR. [REDACTED] All right. Yeah, we're
4 probably going to have to just as the SIA to
5 give us a tour. Where - so if this is - if
6 we're going to assume that this is the second
7 floor --

8 MR. [REDACTED] That's if -.

9 MR. [REDACTED]: -- because it has L.

10 MR. [REDACTED] That's LT and then the
11 officer's station should be right here.

12 MR. [REDACTED] Right here?

13 MR. [REDACTED] Because I could look up to
14 the office.

15 MR. [REDACTED] So I'm going to write
16 this circle where you're pointing and just put
17 OS for Officer's Station. And this would be
18 Epstein?

19 MR. [REDACTED] Yes.

20 MR. [REDACTED]: Ill write E there.

21 MR. [REDACTED] And this is the shower --

22 MR. [REDACTED]: Does -.

23 MR. [REDACTED] -- like I was telling
24 earlier.

25 MR. [REDACTED]: Oh, so this is the shower

1 here? All right, so shower is actually outside
2 of the tier.

3 MR. [REDACTED] Yes.

4 MR. [REDACTED] Shower. And then, if
5 this is 220, where would 206 be?

6 MR. [REDACTED] 19, 18 --

7 MR. [REDACTED] It's all the way down?

8 MR. [REDACTED] -- 17, 16, 15, 14, 13.

9 MR. [REDACTED] Or is there even? I
10 mean, this sheet says 206 -.

11 MR. [REDACTED] How many cells are in there?

12 MR. [REDACTED] There's four on one side
13 and four on the opposite side.

14 MR. [REDACTED] And would you understand
15 it to mean 206L for 206 L Tier?

16 MR. [REDACTED]: No, 206 is lower. That's
17 the -.

18 MR. [REDACTED]: Oh, so this wouldn't even
19 mean that he was on the L Tier. 206 -.

20 MR. [REDACTED] Lower and then like upper.

21 MR. [REDACTED] Because this is where it
22 says, if I'm reading this correctly, does it
23 say that on 8/10/2019 that's where he should
24 have been assigned --

25 MR. [REDACTED] Correct.

1 MR. [REDACTED] -- 206 lower? Does that
2 show you at all - it says, "Z range," right?
3 MR. [REDACTED] Yeah. So -.
4 MR. [REDACTED] What does that --
5 MR. [REDACTED] So -.
6 MR. [REDACTED] -- show you that where
7 it's saying that is that he was assigned? And
8 it seems like he had a lot of assignments in
9 there.
10 MR. [REDACTED] So H is the suicide watch.
11 MR. [REDACTED] Okay. So where it says,
12 "H," next to -.
13 MR. [REDACTED]: So he went from 201, which
14 that's G Tier, to suicide watch on the 8th of
15 August, then he went to SHU.
16 MR. [REDACTED] The 8th of August?
17 MR. [REDACTED] Of July, I'm sorry, of
18 July. D05.
19 MR. [REDACTED] So July 23rd is when he
20 should have been placed in the -.
21 MR. [REDACTED] That's when actually -.
22 MR. [REDACTED] And July 30th he should
23 have returned.
24 MR. [REDACTED] July 23rd he was in suicide
25 watch.

1 MR. [REDACTED] Right.

2 MR. [REDACTED] July 29th, he went to SHU -

3 -

4 MR. [REDACTED] What -.

5 MR. [REDACTED] -- and -.

6 MR. [REDACTED] What cell was he placed in?

7 MR. [REDACTED] 206 on July 29th. Then -

8 hmm. He has - so he was never placed on 220.

9 We never keyed him in to 220.

10 MR. [REDACTED] Well, does it show that

11 he was in 206 ever since the time he came back?

12 MR. [REDACTED] Yeah.

13 MR. [REDACTED] Could you -.

14 MR. [REDACTED] So it says the 29th he was

15 in H001 then the next day - the next date would

16 be 206.

17 MR. [REDACTED] And by the number 206,

18 does that tell you at all where that is in the

19 SHU?

20 MR. [REDACTED] 206, I have to -.

21 MR. [REDACTED] I mean, do they - is it -

22 so each tier doesn't have like their own

23 number? Is it just, you know, 206 could be

24 like G Tier or -.

25 MR. [REDACTED] So I think - little

1 confusing because I think it goes H Tier is
2 one, two, three, four, these are all four, 205,
3 five, six, then this one should be 06, L Tier
4 should be 06.

5 MR. [REDACTED] L Tier --

6 MR. [REDACTED] I have to see it.

7 MR. [REDACTED] -- should be 206?

8 MR. [REDACTED] I have to see it, sorry.

9 MR. [REDACTED] Yeah, yeah, and I get it.

10 MR. [REDACTED] See, because it's a little
11 confusing.

12 MR. [REDACTED]: Trying to - absolutely.

13 MR. [REDACTED] Because the way they have
14 it is the opposite. Like one is on the bottom,
15 two is on top and then three back to the
16 bottom, four to the top.

17 MR. [REDACTED] Yeah, so we'll definitely
18 have to check on that. But do you know, was he
19 even ever in 206 after he returned from suicide
20 watch?

21 MR. [REDACTED] If -.

22 MR. [REDACTED] So he returned from
23 suicide watch, it sounds like, like you just
24 said, on the 29th of July. I guess I thought
25 it was the 30th based upon that email. So the

1 29th of July through August 9th, 21 days does
2 not even elapse.

3 MR. [REDACTED] He should be on 220. So he
4 should have got keyed into 220 because that's
5 where --

6 MR. [REDACTED] : So someone --

7 MR. [REDACTED] -- what it says.

8 MR. [REDACTED] : -- keyed him in
9 incorrectly is what it sounds like?

10 MR. [REDACTED] : Unless they put him there
11 and said, "Oh, shit, he needs a bunkie and then
12 moved him. But once they moved him, he was
13 never keyed into the right cell.

14 MR. [REDACTED] All right. And do you
15 know who would have keyed in the 206?

16 MR. [REDACTED] Maybe Control the day they
17 came upstairs? Maybe whoever was working SHU?

18 MR. [REDACTED] : All right, then -.

19 MR. [REDACTED] So probably maybe even me,
20 but I don't think I would put him in the wrong
21 cell.

22 MR. [REDACTED] So from the time - and
23 you're the one that put him in the cell?

24 MR. [REDACTED] Yeah, like, I wouldn't put
25 him - if you came to 205, that's where I would

1 key you into, 205.

2 MR. [REDACTED] So, are you - but are you
3 the one that placed him initially into 220?

4 MR. [REDACTED] No.

5 MR. [REDACTED] Do you know who did?

6 MR. [REDACTED] I don't remember that.

7 MR. [REDACTED] Do you know how it was
8 decided that he went into 220? My
9 understanding is he was placed in that cell
10 because you could see - you could all - you
11 could see his door up front.

12 MR. [REDACTED] They put him there so we
13 can see him, but maybe Reyes was in that cell
14 already.

15 MR. [REDACTED]: Who made the
16 determination to place him in that cell?

17 MR. [REDACTED] I don't know. Not me.
18 Like I said, maybe because Reyes was already in
19 there.

20 MR. [REDACTED]: Yeah, yeah.

21 MR. [REDACTED] Could have been in there,
22 so, you know, it's easier to move him in with
23 Reyes.

24 MR. [REDACTED]: Oh, yeah. So, that's
25 what I was saying before. I thought the

1 determination was made because from the
2 officer's station, like you said --

3 MR. [REDACTED] You could -.

4 MR. [REDACTED] -- where I circled --

5 MR. [REDACTED] You could see him.

6 MR. [REDACTED] -- you could see the
7 door.

8 MR. [REDACTED] Yes.

9 MR. [REDACTED] So that's why I thought
10 it was decided to put Epstein in that one.

11 MR. [REDACTED] Right. Because it's right
12 off the -.

13 MR. [REDACTED] So what I'm asking is, do
14 you know who made that decision?

15 MR. [REDACTED] Probably between the
16 Captain, AW and the Warden.

17 MR. [REDACTED] So at that point, he's in
18 220. Who is responsible for making sure that
19 he's coded at 220?

20 MR. [REDACTED] Well, when he came - when
21 he comes up from suicide watch, it should have
22 been Control.

23 MR. [REDACTED] So Control apparently put
24 him in, what you're saying, is 206?

25 MR. [REDACTED] Correct.

1 MR. [REDACTED]: So after he's now in -
2 he's not in 206, he's in 220, who is
3 responsible for making that change?

4 MR. [REDACTED]: Well, (Indiscernible
5 *02:31:27) notices it or when we conduct the
6 bed book count which most likely we didn't. It
7 regularly should have been me to key him, "Oh,
8 okay, he's there," but I never saw that he was
9 in the wrong cell.

10 MR. [REDACTED]: So that's what I guess,
11 so how would that - so I guess the question is,
12 how would it be noticed that he was in the
13 wrong cell? Is that something that's supposed
14 to be like reviewed or you're supposed to be
15 checking? How does that --

16 MR. [REDACTED]: When you conduct a bed -.

17 MR. [REDACTED]: -- and I don't know, so
18 again -.

19 MR. [REDACTED]: Well, no, when you conduct
20 a bed book count, which now, it happens every
21 week, before, maybe once a month, or the next
22 time you notice would be, "Oh, 21 days to move
23 him," you would have came out that cell and he
24 was never in that cell. But you still see him,
25 you see who is there.

1 MR. [REDACTED]: Yeah, yeah.

2 MR. [REDACTED]: But you just don't verify
3 with the bed book count.

4 MR. [REDACTED]: Now, are you confident
5 that he was always in 220 though from the time
6 he returned from suicide watch?

7 MR. [REDACTED]: That I remember? Yes.

8 MR. [REDACTED]: All right.

9 MR. [REDACTED]: The only time I remember he
10 was in another cell, was when he was in
11 Tartaglione's cell, which that was right before
12 he went to suicide watch.

13 MR. [REDACTED]: Okay. From the time he
14 came back from suicide watch, he was always in
15 220.

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: And this, 206, was that
18 just an administrative error?

19 MR. [REDACTED]: That most likely was.

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: Because I know he was up
22 there.

23 MR. [REDACTED]: All right.

24 MR. [REDACTED]: So after Tartaglione, which
25 I wasn't even here when that happened, after he

1 was his bunkie, he was placed on suicide watch
2 and I think I came back and he was already up
3 there in the cell.

4 MR. [REDACTED]: All right. So the only
5 two cells that you know of is when he was with
6 Tartaglione and then when he returned from -.

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: So from basically July,
9 at least 30th, the 29th, to August 10th, 220 is
10 the cell he was always in?

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: This 206 thing was an
13 administrative error.

14 MR. [REDACTED]: Correct.

15 MR. [REDACTED]: And it would have been
16 caught if there were weekly bed book counts
17 done.

18 MR. [REDACTED]: Yes.

19 MR. [REDACTED]: All right, and that's -
20 other than that bed book count, is there
21 another time that that would have been that
22 that could have been or should have been
23 caught?

24 MR. [REDACTED]: Maybe when if you were
25 moving him, if you were moving his bunkie, but

1 there's no -.

2 MR. [REDACTED] Okay, get a note to make
3 sure we ask for Reyes's cell assignment. And
4 he was always from 220 - I mean, from 7/29 to
5 8/10 - July 29th to August 10th, he was always
6 with Reyes?

7 MR. [REDACTED] Okay. All right. Now
8 we're going to talk about - do you mind just
9 initialing. Now would the Lieutenant have any
10 oversight over this as well?

11 MR. [REDACTED] If he was there, yes.

12 MR. [REDACTED] Is that something he
13 suppo- he's, you know, I think it was we were
14 told that the Lieutenant comes in and audits
15 the books and things like that. Is this
16 something that he would have been auditing?

17 MR. [REDACTED] I'm not sure if that's -
18 because I haven't worked like as a SHU
19 Lieutenant, but he does have to confirm the
20 rounds. Only way he would order that is
21 probably before the SHU meeting, which the SHU
22 meetings we usually had on Thursdays.

23 MR. [REDACTED] Okay. Anything more you
24 want to ask on that?

25 MR. [REDACTED]: I don't know if you want him

1 to sign the SHU.

2 MR. [REDACTED] We're still going to look
3 at that. So, this has been a great confusion
4 too that we're hoping you can help us. What
5 cameras are actually located in the SHU outside
6 of 10 South and G Tier?

7 MR. [REDACTED] At this point in time.

8 MR. [REDACTED] So, not at this point in
9 time, in August of 2019.

10 MR. [REDACTED] So in August we only had --

11 MR. [REDACTED] I'm sorry, man. Sorry.

12 MR. [REDACTED] -- one camera at the end of
13 the range. So you walk in through the rear
14 door.

15 MR. [REDACTED] Can you - again, I guess
16 this is too confusing.

17 MR. [REDACTED] So -.

18 MR. [REDACTED] Are you able to determine
19 - if we're saying that this is the second
20 floor, here is L Tier. There is Epstein's cell
21 --

22 MR. [REDACTED] So there was always --

23 MR. [REDACTED] : -- officer's station.

24 MR. [REDACTED] -- a camera right here.

25 MR. [REDACTED] : That points down this

1 range?

2 MR. [REDACTED] Yeah.

3 MR. [REDACTED] All right. So that
4 should have been at least where Epstein's cell
5 was located.

6 MR. [REDACTED]: Well, it wouldn't - it
7 would see both.

8 MR. [REDACTED] We have this camera
9 angle. Where is this camera? This is the
10 officer's station.

11 MR. [REDACTED] That - this is outside of
12 10 South, which is the second floor and this is
13 the other office that I was in, the
14 Lieutenant's office on top.

15 MR. [REDACTED] Okay. So the
16 Lieutenant's office is here.

17 MR. [REDACTED] Yes.

18 MR. [REDACTED] So, LT right there.

19 MR. [REDACTED] Uh-huh.

20 MR. [REDACTED] And then this floor
21 though is 10 South?

22 MR. [REDACTED] Yes. This is the entrance
23 to 10 South.

24 MR. [REDACTED]: 10 - I'm putting 10 South
25 on the door and pointing to the LT's door. Is

1 this the officer's station?

2 MR. [REDACTED] Yes.

3 MR. [REDACTED] I'm circling the
4 officer's station. Where would Epstein have
5 been located?

6 MR. [REDACTED]: It's up - you can't see it
7 through there.

8 MR. [REDACTED]: This over here?

9 MR. [REDACTED] Yeah.

10 MR. [REDACTED]: So I'm going to put E and
11 pointing to it. So that's where Epstein's cell
12 would have been. What is this over here?

13 MR. [REDACTED] That's on J Tier.

14 MR. [REDACTED]: That would have been G
15 Tier? All right, so I'm going to put G -.

16 MR. [REDACTED] J, J.

17 MR. [REDACTED] J? Oh.

18 MR. [REDACTED] Yeah, J as in Jack.

19 MR. [REDACTED] J up that way. All
20 right. So that's our point of reference. What
21 other cameras other than this should have there
22 been in the SHU?

23 MR. [REDACTED] Well, there's another one
24 out here that focused on the whole MPA, which
25 the MPA is this general right here area.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED] And then every range, when

3 you walk in, has a camera towards the end.

4 This is --

5 MR. [REDACTED] So every range --

6 MR. [REDACTED] -- in August.

7 MR. [REDACTED] -- is supposed to have a

8 camera?

9 MR. [REDACTED] Yes. They did. They still

10 have them there.

11 MR. [REDACTED]: So when you call it a

12 range, you're talking about --

13 MR. [REDACTED] All right, so -.

14 MR. [REDACTED]: -- each tier?

15 MR. [REDACTED] Yes, each tier. So, I walk

16 into the tier, there's a camera at the end of

17 all of them. Now -.

18 MR. [REDACTED] So, every one of them

19 should have had a camera.

20 MR. [REDACTED] Yes. They did have camera,

21 they are still there.

22 MR. [REDACTED] That should have been

23 working.

24 MR. [REDACTED] Correct.

25 MR. [REDACTED] (Indiscernible

1 *02:37:22).

2 MR. [REDACTED] They're still there, the
3 cameras.

4 MR. [REDACTED] Are you able to tell,
5 what is this a picture of?

6 MR. [REDACTED] That's the Sally port, the
7 visiting elevator.

8 MR. [REDACTED] On the 9th floor?

9 MR. [REDACTED] Yep.

10 MR. [REDACTED] So when you say,
11 "Visiting elevator," what does that mean?

12 MR. [REDACTED] So you walk in through the
13 first floor and only - if there's visitors, you
14 can come out through there. So -.

15 MR. [REDACTED]: You can visit the SHU?

16 MR. [REDACTED] Yes.

17 MR. [REDACTED]: Like outsiders?

18 MR. [REDACTED] Yes. Visit the SHU
19 inmates.

20 MR. [REDACTED]: I didn't know that. So
21 instead of bring the SHU, the inmates down
22 (Indiscernible *02:37:47) the visitors actually
23 --

24 MR. [REDACTED] Yep.

25 MR. [REDACTED] -- come into the SHU?

1 MR. [REDACTED] And they walk into the room
2 in here, they sit down with their visitors.
3 MR. [REDACTED] So this is called the -.
4 MR. [REDACTED] 9 Sally - 9 visiting Sally.
5 MR. [REDACTED] 9 --
6 MR. [REDACTED] Visiting Sally.
7 MR. [REDACTED] -- visiting - is Sally,
8 S-A-L-L-Y?
9 MR. [REDACTED] Yes.
10 MR. [REDACTED] All right, the second one
11 we just went over. That's from 10 South
12 outside of. What is this?
13 MR. [REDACTED] That's 10 South.
14 MR. [REDACTED] This is 10 South? And
15 this again is 10 South?
16 MR. [REDACTED] Yes.
17 MR. [REDACTED] And again, 10 South. Is
18 there a reason why - did you want to identify -
19 .
20 MR. [REDACTED] No, no, it's okay.
21 MR. [REDACTED] I'm going to actually
22 take those --
23 MR. [REDACTED] Yeah.
24 MR. [REDACTED] -- pictures out of this
25 and just look at those three. All right. So

1 the fact that we only have these three camera
2 angles and saying that these are the three that
3 are only working, do you know anything about
4 that? Do you know if all those other cameras
5 should have been working on each of the ranges?

6 MR. [REDACTED]: Well, they should have.

7 MR. [REDACTED]: All right. So, each
8 tier, to your knowledge on every single one,
9 including on L Tier where Epstein was located,
10 should have had a camera that pointed down.

11 MR. [REDACTED]: They should have a working
12 camera. They still have the camera. It works.
13 At that time, I don't know if it did or didn't,
14 but the camera was on the wall. It's there on
15 the wall.

16 MR. [REDACTED]: On the wall of every
17 tier.

18 MR. [REDACTED]: Correct.

19 MR. [REDACTED]: Including Epstein's tier.

20 MR. [REDACTED]: Yes.

21 MR. [REDACTED]: Do you know anything
22 about those cameras not working on August 9th
23 or August 10th?

24 MR. [REDACTED]: No.

25 MR. [REDACTED]: Do you know anything

1 about Epstein's tier, that camera not working
2 on -.

3 MR. [REDACTED] No.

4 MR. [REDACTED] Who is responsible for
5 making sure that the cameras were working?

6 MR. [REDACTED] I think the Com Department.
7 Com Tech.

8 MR. [REDACTED] And do you remember in
9 August 2019 who was working in the Com
10 Department? Anybody? Is there a Mr. [REDACTED]?

11 MR. [REDACTED] I think [REDACTED] that's the
12 only one. The only Com Tech that we've had and
13 that we still have.

14 MR. [REDACTED] And he's still here?

15 MR. [REDACTED] Yes.

16 MR. [REDACTED] [REDACTED] All right, so
17 would [REDACTED] be the person to talk to about
18 this?

19 MR. [REDACTED] Maybe tell you more or less
20 if what cameras worked or didn't work at that
21 time.

22 MR. [REDACTED]: Okay. But no one ever
23 talked to you? Is there any way that as the
24 OIC or anybody that worked in the SHU that you
25 would have known that the cameras were or were

1 not working?

2 MR. [REDACTED] No.

3 MR. [REDACTED]: So who - is there anybody
4 that live monitors any of those cameras?

5 MR. [REDACTED] That I know of? No.

6 MR. [REDACTED]: All right. So you don't
7 know anything else about the cameras? Is this
8 the first you're hearing that these cameras
9 were down?

10 MR. [REDACTED] I mean, I've heard it in
11 the news, but not from the building.

12 MR. [REDACTED] Is that - does that raise
13 any suspicion for you the fact that these
14 cameras aren't - they don't have video of these
15 cameras?

16 MR. [REDACTED] Not really. This building,
17 there's always something going wrong in the
18 building. So, it wouldn't surprise me or
19 didn't surprise me when they said the cameras
20 weren't working.

21 MR. [REDACTED]: All right. But, I mean,
22 that many? If we have how many tiers are in -
23 you just do this top page. That many -.

24 MR. [REDACTED] In six tiers.

25 MR. [REDACTED] Six tiers and we don't

1 have any cameras for any of the six tiers then.

2 Is that to you like, "Wait, what?" Does -.

3 MR. [REDACTED] Not really.

4 MR. [REDACTED]: No?

5 MR. [REDACTED] No, not really. Like I
6 said, sometimes the lights go off in the tier
7 and we got to reset the breaker, so ever since
8 I started, there's always been a problem with
9 something not working in this building. So the
10 camera doesn't surprise me, it's just another
11 thing that didn't work for the moment.

12 MR. [REDACTED]: So this is where like,
13 it's just like, what are your - what is your
14 opinion on the fact that we got no cameras
15 working on at least, you know, definitely on
16 Epstein's tier, he's in the wrong cell, you
17 know, we could always - you know, the counts
18 are basically, you know, potentially falsified,
19 the counts weren't done. Is there anything
20 that you're seeing here that you're like,
21 "Somebody is covering up for somebody," or,
22 "Somebody is like manipulating things or
23 deleting cameras or taking anything down?" Is
24 there a reason for you to believe any of that?

25 MR. [REDACTED]: Mm, not really. I said,

1 going on seven years now, a lot of stuff has
2 gone wrong in this building and I highly doubt
3 that stuff was on purpose. My -.

4 MR. [REDACTED]: What about even to just
5 cover up --

6 MR. [REDACTED] My belief -.

7 MR. [REDACTED] -- from what they were
8 doing administratively? Is there anybody that
9 would have been able to, like, knock cameras
10 out or knock them down or manipulate them?

11 MR. [REDACTED] No, because -.

12 MR. [REDACTED] Do Lieutenants have the
13 ability to do that?

14 MR. [REDACTED] No, the Lieutenants don't
15 and [REDACTED] leaves at like, I think, at 2:00 in
16 the afternoon.

17 MR. [REDACTED] So like, for instance, if
18 an Ops Lieutenant, would that - would an Ops
19 Lieutenant be able to --

20 MR. [REDACTED] Go somewhere --

21 MR. [REDACTED] -- manipulate the
22 cameras --

23 MR. [REDACTED] -- and turn the syst-.

24 MR. [REDACTED] -- or anything?

25 MR. [REDACTED] No.

1 MR. [REDACTED] No?

2 MR. [REDACTED] No.

3 MR. [REDACTED] Even from like the camera

4 room or anything like that?

5 MR. [REDACTED] No, we don't have access to

6 the camera room.

7 MR. [REDACTED] Okay.

8 MR. [REDACTED] We could log in to the

9 camera system, but we can't turn on or turn off

10 any camera.

11 MR. [REDACTED] So who has the ability to

12 turn on and turn off cameras?

13 MR. [REDACTED] That should be the Com

14 shop.

15 MR. [REDACTED] All right, so just

16 Daniels --

17 MR. [REDACTED] Yes.

18 MR. [REDACTED] -- is the only person

19 that can do it? Okay. Do you know who BOP

20 employee [REDACTED] is?

21 MR. [REDACTED] He's a case manager here.

22 MR. [REDACTED] Okay. Still here?

23 MR. [REDACTED] Yes.

24 MR. [REDACTED] All right. Are you aware

25 on August 9, 2019, when [REDACTED] worked and what

1 his responsibilities were, like in - I don't
2 even know if he's on here, let me see.

3 MR. [REDACTED] I didn't even think he was
4 here that day.

5 MR. [REDACTED]: He was. Yeah, okay. So,
6 if you can find him on there and tell me if you
7 can figure out what his role and
8 responsibilities were, looking at the daily
9 assignment roster.

10 MR. [REDACTED] [REDACTED]

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED] He's Unit Team, he wouldn't
13 be on this roster.

14 MR. [REDACTED]: Well, if you look at the
15 bottom, you'll find his name at least.

16 MR. [REDACTED] That's [REDACTED].

17 MR. [REDACTED] That's a different one?

18 MR. [REDACTED] Correct.

19 MR. [REDACTED] All right. So Unit Team,
20 does that mean he's non-custody?

21 MR. [REDACTED] Yes.

22 MR. [REDACTED]: Okay. And what were his
23 roles and responsibilities, do you know?

24 MR. [REDACTED] He's a Case Manager, pretty
25 much serving incident reports, referring them

1 to DHO, give out legal phone calls.

2 MR. [REDACTED] Okay.

3 MR. [REDACTED] Deal with some --

4 MR. [REDACTED] Legal phone calls --

5 MR. [REDACTED] -- kind of legal --

6 MR. [REDACTED] -- is one of things that

7 -.

8 MR. [REDACTED] legal paperwork.

9 MR. [REDACTED] ay. So --

10 MR. [REDACTED] copies.

11 MR. [REDACTED] did you have any

12 conversations with [REDACTED] on August 9, 2019

13 regarding Epstein?

14 MR. [REDACTED] No.

15 MR. [REDACTED]: Did you ever - did you

16 remember ever talking with [REDACTED] about

17 Epstein?

18 MR. [REDACTED] Huh-uh.

19 MR. [REDACTED]: Do you know anything

20 about [REDACTED] allowing Epstein to make a

21 telephone call on the evening of August 9,

22 2019?

23 MR. [REDACTED] No.

24 MR. [REDACTED]: Did you hear anything

25 about that after the fact?

1 MR. [REDACTED] No, and that's new.

2 MR. [REDACTED] So do you know anything
3 about Epstein being authorized a telephone call
4 from the SHU?

5 MR. [REDACTED] No.

6 MR. [REDACTED] You ever hear anything
7 about Epstein making a telephone call from
8 inside the shower area?

9 MR. [REDACTED] No.

10 MR. [REDACTED] Do you know about inmates
11 in general ever making telephone calls from
12 that shower?

13 MR. [REDACTED] They're not supposed to.

14 MR. [REDACTED] They're not supposed to?

15 MR. [REDACTED] No.

16 MR. [REDACTED] Is there a jack there
17 though?

18 MR. [REDACTED] There's no jack close to
19 the shower. Usually for a phone call, we plug
20 in the phone to the jack and give them the
21 phone through the slot. They make their phone
22 call, 15 minutes are up, you take the phone
23 back.

24 MR. [REDACTED] So Epstein placed a
25 telephone call from the shower, they plugged in

1 the thing, gave Epstein the telephone and then
2 closed the shower doors I guess and allowed him
3 to speak in there. Has that ever happened
4 before?

5 MR. [REDACTED]: The only place that I think
6 that would reach would be G Tier. Because
7 they're inside the tiers, the jacks weren't
8 working.

9 MR. [REDACTED]: And am I saying that
10 correctly?

11 MR. [REDACTED]: Yeah, I think the shower was
12 in the G Tier. I think one -.

13 MR. [REDACTED]: It was a shower in the G
14 Tier --

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: -- not in the L Tier, so
17 he placed a telephone call from a shower, not
18 necessarily the L Tier shower. So he placed a
19 telephone call from the shower, a shower and it
20 was plugged into a non-recorded line.

21 MR. [REDACTED]: Well, those are the legal
22 phone calls because we can't listen to the - or
23 the attorney phone calls aren't supposed to be
24 on a recorded line, from my understanding.

25 MR. [REDACTED]: All right. So is that

1 something that you would allow inmates to do?

2 MR. [REDACTED] Personally, I put them
3 downstairs.

4 MR. [REDACTED] When you say,
5 "Downstairs," where is that?

6 MR. [REDACTED]: In the recreation area, the
7 law library.

8 MR. [REDACTED] So outside of the SHU?

9 MR. [REDACTED] Correct. No, it's actually
10 inside the SHU --

11 MR. [REDACTED]: Okay.

12 MR. [REDACTED] -- but it's like a cage
13 that where the computers were and plug in the
14 phone in the tier and make it reach all the way
15 downstairs.

16 MR. [REDACTED] Is it abnormal --

17 MR. [REDACTED] Not the shower.

18 MR. [REDACTED] -- that they allowed
19 Epstein to place a call from the shower,
20 whichever shower it was, it sounds like G Tier
21 and us a legal line?

22 MR. [REDACTED] Not really, unless there's
23 no - couldn't put him on the library or you
24 couldn't put him in the rec cage then.

25 MR. [REDACTED] What if you told the officer

1 that he wanted to call his mother?

2 MR. [REDACTED] You got social calls for
3 that and those calls, they would be recorded.

4 MR. [REDACTED] And what would be a
5 reason why that it would be on a legal line to
6 call his, quote, unquote, mother?

7 MR. [REDACTED] There shouldn't be.

8 MR. [REDACTED] Z: There should be?

9 MR. [REDACTED] There shouldn't be. Use
10 your minutes.

11 MR. [REDACTED] So you hadn't heard
12 anything about this?

13 MR. [REDACTED] No.

14 MR. [REDACTED] This is the first you're
15 hearing of it?

16 MR. [REDACTED] Yes.

17 MR. [REDACTED] Okay. Would it be
18 abnormal that [REDACTED] would have set this up
19 for him to be able to call his mother from the
20 shower then and plug it in the legal line?

21 MR. [REDACTED] Unless he told him he was
22 calling his attorney, but even with that,
23 you've got to verify the attorney, "This is -
24 is this attorney such and such?" "Yes, okay,
25 I'm going to put your client on the phone."

1 That's how it should have been.

2 MR. [REDACTED] And even at that, is
3 someone supposed to monitor that telephone
4 call?

5 MR. [REDACTED]: Well, he can't sit there
6 and listen to it, but once your time is up
7 then, "All right, give me the phone back."

8 MR. [REDACTED]: Okay. So no one is
9 actually supposed to sit there and actually
10 monitor the call even though it's not recorded?

11 MR. [REDACTED] Correct.

12 MR. [REDACTED]: They are not?

13 MR. [REDACTED] They are not because of
14 it's a legal call.

15 MR. [REDACTED] Okay. And it's only a
16 legal call that's not supposed to be monitored?

17 MR. [REDACTED] Correct.

18 MR. [REDACTED] As far as a call to his
19 mother or anybody other than a legal call, it
20 should have been recorded?

21 MR. [REDACTED] Yes. On a recorded line,
22 yes.

23 MR. [REDACTED] And does everybody in the
24 SHU know that?

25 MR. [REDACTED]: Yes.

1 MR. [REDACTED] Should [REDACTED] known
2 that?

3 MR. [REDACTED] Definitely.

4 MR. [REDACTED] Okay. And when inmates
5 place calls from the SHU, how is that - how do
6 you keep track of that, if at all?

7 MR. [REDACTED] Well, we have - on SENTRY,
8 we have the TRUFONE, so we just print that or
9 in SHU we should - I don't know if they're
10 still doing it, they had a log book so you
11 request for the phone, I give it to you, I fill
12 it - I put your name down that you had a phone
13 call.

14 MR. [REDACTED] So I guess that's what -
15 is it tr- Epstein didn't actually have one of
16 those like keypad things.

17 MR. [REDACTED] AC and PIN.

18 MR. [REDACTED] Oh, he didn't have one?

19 MR. [REDACTED] So if he didn't have one,
20 how would he place a call?

21 MR. [REDACTED] He can't.

22 MR. [REDACTED] So the only way he could
23 place a call is from an actual -.

24 MR. [REDACTED] Unit Team, yes.

25 MR. [REDACTED] So if the - if in those

1 cases, are the calls supposed to be monitored?

2 MR. [REDACTED] Yes.

3 MR. [REDACTED]: So in this case, if
4 Epstein placed a call and was told, like - my
5 understanding is [REDACTED] got the approval to
6 allow him to place a call but left him in the
7 shower area, left the unit, and no one
8 monitored the call. Is that a problem?

9 MR. [REDACTED] Yes. So --

10 MR. [REDACTED] Who -.

11 MR. [REDACTED] -- if it's -.

12 MR. [REDACTED] Who should have been
13 responsible for monitoring that call?

14 MR. [REDACTED] He should have.

15 MR. [REDACTED]

16 MR. [REDACTED] Yes. He should just not
17 stand there and listen to his conversation, but
18 he should have verified --

19 MR. [REDACTED] Even if it's not a legal
20 call.

21 MR. [REDACTED] Well, if he said -.

22 MR. [REDACTED] So he doesn't have one of
23 these PAC and PINs, or whatever it's called and
24 they said he -.

25 MR. [REDACTED] Then it's not going to be a

1 social call, then it's going to be a legal
2 call.

3 MR. [REDACTED]: No, no, no. What I'm
4 saying is, he doesn't have the ability to make
5 a social call, but he's provided the approval,
6 "Yes, allow him to make this call, but monitor
7 it," stood there.

8 MR. [REDACTED]: He should have stood by
9 there.

10 MR. [REDACTED]: And [REDACTED] is the one
11 who should have done that?

12 MR. [REDACTED]: Yes. Because he's the one
13 who put him on the phone.

14 MR. [REDACTED]: All right. And he
15 shouldn't have passed that responsibility off
16 to someone in the SHU?

17 MR. [REDACTED]: Correct.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: So if, for instance, the
20 Warden says, "Give Mr. Smith a phone call, a
21 five minute phone call but make sure you stand
22 there and monitor it," then, "Here's the phone,
23 it's going to be on a non-recorded line," but I
24 am going to stand there and listen to your
25 conversation because it's not a legal phone

1 call --

2 MR. [REDACTED] Right.

3 MR. [REDACTED] -- it's just kind of like a

4 courtesy phone call, you're given the

5 opportunity to call your family. "Okay, you're

6 phone call is done? Thank you." Hang up the

7 phone and walk away.

8 MR. [REDACTED] And how are those calls

9 allowed, did you say?

10 MR. [REDACTED] Should be a book.

11 MR. [REDACTED] In a written book?

12 MR. [REDACTED] A log book. Yes.

13 MR. [REDACTED] Okay. Not in anything in

14 like a TRUSCOPE or anything --

15 MR. [REDACTED] No.

16 MR. [REDACTED] Z: -- like that? SENTRY?

17 MR. [REDACTED] You could put it on

18 TRUSCOPE, just to kind of - in case something

19 like this happens, cover yourself.

20 MR. [REDACTED] Okay.

21 MR. [REDACTED] Let's say an order like that

22 did come down. Are they allowed to call any

23 person they wanted or does it have to be a

24 specific number off a list?

25 MR. [REDACTED] It has to be a legal phone

1 call only.

2 MR. [REDACTED] No, no, no. If -.

3 MR. [REDACTED] Only to your attorneys.

4 MR. [REDACTED] If he doesn't have the
5 ability to make a social call and they say
6 that, "Yes, allow him to have this social
7 call," would he even have a list if he never -.

8 MR. [REDACTED] No. No, he could just call
9 whoever he wants to on the phone.

10 MR. [REDACTED] Okay.

11 MR. [REDACTED] But I guess though, I
12 want to make sure you're understanding that
13 question. When you're given the ability to
14 make phone calls, they vet people and you have
15 a list of people that you're allowed to call,
16 correct?

17 MR. [REDACTED] Right.

18 MR. [REDACTED] Like the monitored calls.
19 If you're never given that - what's it called?
20 PAC and -.

21 MR. [REDACTED] PIN and PAC.

22 MR. [REDACTED] PIN and PAC, if you're
23 never given a PIN and PAC, do we even have a
24 list of people that you -.

25 MR. [REDACTED] No.

1 MR. [REDACTED] So he wouldn't actually
2 have a list.

3 MR. [REDACTED] Correct.

4 MR. [REDACTED] If you want to follow up
5 on that --

6 MR. [REDACTED]: No, no, no.

7 MR. [REDACTED] -- that's fine. But do
8 you know if he had a list or not?

9 MR. [REDACTED] There was a - I think that
10 someone has mentioned that there was a list,
11 but I'm not aware, I haven't seen a list, so I
12 just wondered if he would know.

13 MR. [REDACTED]: But if he doesn't have
14 the PIN and PAC, no list would have ever --

15 MR. [REDACTED] Just nothing would --
16 MR. [REDACTED] -- been generated, right?
17 MR. [REDACTED] -- exist.
18 MR. [REDACTED] Right.
19 MR. [REDACTED] Unless his list of
20 attorneys, that would be the only list he
21 should have.

22 MR. [REDACTED] Okay.

23 MR. [REDACTED] When inmates are brought into
24 the MCC, are they asked for a list of people
25 that they would like to call or keep as a

1 contact, anything like that?

2 MR. [REDACTED] So you're asked for an
3 emergency contact, and that's it. When you see
4 Unit Team, you give Unit Team a list of family
5 members or whoever you want to call, they put
6 it into the system.

7 MR. [REDACTED] Okay.

8 MR. [REDACTED] If it's attorneys, they
9 also have a list of attorneys that you can call
10 and you only make that phone call with Unit
11 Team there present.

12 MR. [REDACTED] If he did give that name to
13 the Unit Team, where would they put it?

14 MR. [REDACTED] That would be Unit Team. I
15 don't know where they have -.

16 MR. [REDACTED] Or it's not like in -.

17 MR. [REDACTED] No, it's not in SENTRY --

18 MR. [REDACTED] Okay.

19 MR. [REDACTED] -- like that.

20 MR. [REDACTED] And to you, though, is
21 that extremely abnormal? Have you ever heard
22 of something like that before? Somebody being
23 provided a phone call?

24 MR. [REDACTED] t's happened before.

25 MR. [REDACTED] Not having one of these

1 PAC and PINs and then walking away and letting
2 them just speak?

3 MR. [REDACTED] Well, it's happened where
4 they've given inmates a phone call or transfer
5 a phone call when they don't have a PIN and
6 PAC, but most of the time it's a five minutes
7 call whoever you're going to call, just like if
8 the Chaplain receives a death notification in
9 the family, he brings you up, he gives you that
10 five minute phone call, but he's sitting there
11 next to you listening to your phone call. Once
12 your phone call is done, "Okay, go back to your
13 cell."

14 MR. [REDACTED] But as far as, if this in
15 fact happened where [REDACTED] gave him a call,
16 leaves the tier, 15 minutes calls somebody in
17 the SHU and say, "Hey, let Epstein know his
18 telephone call is done and get the phone back."
19 Is that --

20 MR. [REDACTED] It's -.

21 MR. [REDACTED] -- pretty problematic or
22 is it just -.

23 MR. [REDACTED] It shouldn't happen, but
24 it's happened.

25 MR. [REDACTED] Okay.

1 MR. [REDACTED] It's happened.

2 MR. [REDACTED] Do you think it's because

3 it was Epstein, he was a guy - "I want to give

4 him his privacy because he's got this --" you

5 know, "--he's --

6 MR. [REDACTED] Mm.

7 MR. [REDACTED]: -- he's got this air

8 around him, he's a big deal," or why do you

9 think [REDACTED] would have done that?

10 MR. [REDACTED] Probably a million things

11 on his head to do.

12 MR. [REDACTED] Okay. How severe do you

13 believe that that would be though or if at all?

14 MR. [REDACTED] Should not have did that

15 because of what happened.

16 MR. [REDACTED] Right.

17 MR. [REDACTED] But if it didn't happen,

18 then it would be another regular inmate.

19 MR. [REDACTED] Okay. Anything more on

20 that? How - we're getting - we're almost

21 there, I promise. How was Epstein's

22 interactions with other inmates?

23 MR. [REDACTED]: Well, he only spoke to two,

24 which was Tartaglione and Reyes.

25 MR. [REDACTED] Never really any other

1 dealings?

2 MR. [REDACTED] Everybody was always trying
3 to talk to him.

4 MR. [REDACTED] But he wouldn't talk
5 back?

6 MR. [REDACTED] Just regular conversation,
7 nothing crazy.

8 MR. [REDACTED] Well, how, I guess, how
9 were his interactions, I guess, with his cell
10 mates then, Tartaglione and Reyes?

11 MR. [REDACTED] Well, he always got along
12 with Tartaglione --

13 MR. [REDACTED] He did?

14 MR. [REDACTED] -- that I understood. They
15 were both always talking. They never had issue
16 with each other.

17 MR. [REDACTED]: What about with Reyes?

18 MR. [REDACTED] None either.

19 MR. [REDACTED]: Okay. So both seemed to
20 get along fine?

21 MR. [REDACTED] Yes.

22 MR. [REDACTED] Okay. When was the last
23 time you interacted with or saw Epstein?

24 MR. [REDACTED] That should have been,
25 what, August 9th.

1 MR. [REDACTED]: So August 9th, the day
2 you left work - last - what was his state of
3 mind at that time?

4 MR. [REDACTED]: He seemed calm.

5 MR. [REDACTED]: Yeah? Anything --

6 MR. [REDACTED]: He actually --

7 MR. [REDACTED]: -- any --.

8 MR. [REDACTED]: -- joked around because he
9 asked for a new jumper and I told him, "No."
10 And he said, "Why not?" I was like, "It's a
11 jail, this is what you got to do. Nobody else
12 gets a jumper, it's not Versace," you know.
13 He's, "Ha, ha, ha, ha," he laughed and that's
14 it. I brought him downstairs to attorney
15 visit.

16 MR. [REDACTED]: Okay. Nothing abnormal
17 though or out of the ordinary?

18 MR. [REDACTED]: No.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: He was very polite.

21 MR. [REDACTED]: Was he complaining about
22 anything?

23 MR. [REDACTED]: No.

24 MR. [REDACTED]: Aside from the jumper?

25 MR. [REDACTED]: Not really.

1 MR. [REDACTED] Did he talk about any
2 other inmates or anything?
3 MR. [REDACTED] No, he just like normal.
4 MR. [REDACTED] Express that he was in
5 fear or anything like that?
6 MR. [REDACTED] No. He was just, you know,
7 always worried about his attorney visit.
8 MR. [REDACTED] Were any threats made to
9 Epstein that you're aware of?
10 MR. [REDACTED] No.
11 MR. [REDACTED] Do you know why Epstein
12 was in prison?
13 MR. [REDACTED] Because of - what is it,
14 the child molestation and a bunch of other
15 stuff according to the news.
16 MR. [REDACTED] And did you have any
17 specific feelings with regard to why he was in
18 prison?
19 MR. [REDACTED] Not really, to me, just an
20 inmate.
21 MR. [REDACTED] And would you have pretty
22 frequent conversations with Epstein?
23 MR. [REDACTED] Mornings, I mean, "What's
24 up? You all right?" "Yeah, I'm good."
25 "Okay."

1 MR. [REDACTED] Anything of substance
2 other than just, "Hello?"
3 MR. [REDACTED] No.
4 MR. [REDACTED] No? And you said you
5 didn't work on August 10th, correct?
6 MR. [REDACTED] Correct.
7 MR. [REDACTED] : When was your next shift?
8 MR. [REDACTED] Monday, whatever date the
9 Monday was.
10 MR. [REDACTED] And did you speak with
11 BOP employees at that time about Epstein's
12 death?
13 MR. [REDACTED] Everybody was talking a
14 lot, like, "Oh, shit, you hear what happened?"
15 "Yeah." That's like regular - nothing into
16 details.
17 MR. [REDACTED] : What was your
18 understanding of how he died?
19 MR. [REDACTED] According to what I hear
20 and they said it was a suicide.
21 MR. [REDACTED] Suicide? And do you know
22 anything about anyone else taking Epstein's
23 life?
24 MR. [REDACTED] No.
25 MR. [REDACTED] Do you know anything

1 about others assisting with taking Epstein's
2 life?

3 MR. [REDACTED] Definitely, no.

4 MR. [REDACTED]: Do you believe that
5 Epstein took his own life?

6 MR. [REDACTED] Yes.

7 MR. [REDACTED]: Did Epstein act alone in
8 taking his own life?

9 MR. [REDACTED] Yes.

10 MR. [REDACTED]: What would have prevented
11 Epstein's death?

12 MR. [REDACTED] If he was still on suicide
13 watch.

14 MR. [REDACTED] So you believe he should
15 have still been on suicide watch?

16 MR. [REDACTED] If he was still on suicide
17 watch, he would have had 24/7 supervision.

18 MR. [REDACTED] On that note, do you
19 think he was appropriately placed in SHU or
20 should have he been on like 10 South or G Tier?

21 MR. [REDACTED]: Well, if he was on 10
22 South, he would have been alone. If he was on
23 G Tier, he still would have been alone.

24 MR. [REDACTED] And you think it was very
25 important because of Psychology that he was

1 with someone else?

2 MR. [REDACTED] Correct.

3 MR. [REDACTED] Okay.

4 MR. [REDACTED] I feel, if he already tried
5 once, what's the chances he's going to not try
6 again.

7 MR. [REDACTED] And do you believe he
8 should have still been on suicide watch?

9 MR. [REDACTED] Yes.

10 MR. [REDACTED] You do?

11 MR. [REDACTED] I think it was, what, two
12 weeks maybe or one week and then he came into
13 population --

14 MR. [REDACTED] Well, how --

15 MR. [REDACTED] -- or he came to Special
16 Housing.

17 MR. [REDACTED] How often are inmates
18 typically on suicide watch or psych
19 observation?

20 MR. [REDACTED] Well, if you actually
21 committed or did the noose and all that stuff,
22 then at least two weeks.

23 MR. [REDACTED] So at least two weeks --

24 MR. [REDACTED] At least two weeks.

25 MR. [REDACTED] -- he should have been?

1 MR. [REDACTED] Yes.

2 MR. [REDACTED] And what is your belief,
3 why did they release him early from suicide
4 watch or (Indiscernible *02:58:21)?

5 MR. [REDACTED] Because he was Epstein.

6 MR. [REDACTED] So you think it was
7 because he requested it?

8 MR. [REDACTED] Yes. Well, this is my -
9 he's according to everybody, very important,
10 so.

11 MR. [REDACTED] Right. And with all that
12 we talked about and like, you know, again,
13 speaking about the cameras, the, you know,
14 logs, the count shifts, you know, all this kind
15 of stuff, do you believe there's any suspicious
16 activity at play with regards to Epstein's
17 death?

18 MR. [REDACTED] I think, maybe when he came
19 to maybe a round or a count sheet, yes, could
20 have been stuff messed up, but any foul play
21 with staff, I don't think so.

22 MR. [REDACTED] What about even with like
23 Psychology placing him into the SHU a little
24 early? I know you said it's because he was
25 Epstein, but do you think that it had anything

1 to do with people hoping he killed himself?

2 MR. [REDACTED] I don't think so.

3 MR. [REDACTED] No?

4 MR. [REDACTED] I don't think so. I think
5 this building is always under the radar with
6 everything so instead of attracting attention,
7 "Let's get him out of -" - because if not, his
8 lawyer is going to eat MCC alive, that's what a
9 lot I feel. This building is worried about
10 being on the paper.

11 MR. [REDACTED] Okay.

12 MR. [REDACTED] And what happens? They
13 were on the paper.

14 MR. [REDACTED] Right. Now -.

15 MR. [REDACTED] If I'm not mistaken,
16 another institution the same day, two inmates
17 also committed suicide.

18 MR. [REDACTED] (Indiscernible
19 *02:59:46). Now what about, did anyone ever
20 approach you, either inside or outside the
21 institution about Epstein while he was here?

22 MR. [REDACTED] No.

23 MR. [REDACTED]: With regard to harming
24 him or assisting him?

25 MR. [REDACTED] No.

1 MR. [REDACTED] No? Okay. What are some
2 of the systematic problems inside the MCC and
3 specifically the SHU that allowed for Epstein
4 to die?

5 MR. [REDACTED] The shortage of staff.
6 Staff constantly working doubles with little
7 sleep in between. I think that's - we don't
8 have enough equipment, like, you know, we don't
9 have enough tools to make this SHU specifically
10 succeed.

11 MR. [REDACTED] What about if you're told
12 that people weren't doing counts and rounds, do
13 you think that played into it as well?

14 MR. [REDACTED] Yes.

15 MR. [REDACTED] Do you think if rounds
16 were actually conducted, he would at least be
17 alive on August 10th?

18 MR. [REDACTED] It takes three minutes for
19 a person to - when that's something look the
20 line. If he wanted to commit suicide, he would
21 have whether the staff would conduct the rounds
22 or not.

23 MR. [REDACTED] What about if he had a
24 cell mate with him?

25 MR. [REDACTED] Depending who the cell mate

1 is and how the cell mate sleeps, because Reyes
2 also had medical problems. I think it would
3 have been more of a chance for him to be alive
4 if he had a cell mate. Not that --

5 MR. [REDACTED] So on that note -.

6 MR. [REDACTED] -- he definitely would not
7 have tried.

8 MR. [REDACTED] Right. So on that note,
9 who out of all the people here, who do you
10 believe holds the most responsibility for
11 reassigning Epstein with a cell mate?

12 MR. [REDACTED] I think everybody played a
13 little bit of part.

14 MR. [REDACTED] And can - and this will
15 be the last question, tell me what people -
16 what part people played in like how that could
17 have been rectified as far as getting him a new
18 cell mate?

19 MR. [REDACTED] Um -.

20 MR. [REDACTED] Where it should have
21 begun, where it should it have end?

22 MR. [REDACTED] So it started with his
23 bunkie leaving. So, yes, I told my relief he
24 needs a bunkie. Maybe R&D should have called,
25 say, "Hey, this is Epstein's -" - the whole

1 building knew who Epstein's bunkie was. R&D
2 should -.

3 MR. [REDACTED] So is it acceptable for
4 anybody to say, "I had no idea who Reyes was
5 and I didn't know that Reyes was Epstein's
6 bunkie?"

7 MR. [REDACTED] No.

8 MR. [REDACTED] Did everybody in the
9 building at the know?

10 MR. [REDACTED] Everybody in the building.

11 MR. [REDACTED] And how did they know
12 that?

13 MR. [REDACTED] Just word.

14 MR. [REDACTED] Word of mouth?

15 MR. [REDACTED] Everybody talks and it's
16 not that many of us in this building, so.

17 MR. [REDACTED] Okay. And I apologize
18 for interrupting, I just wanted to ask this.

19 MR. [REDACTED] That's known.

20 MR. [REDACTED] Z: Sorry.

21 MR. [REDACTED] So, R&D, "Hey, we're losing
22 this guy, Reyes is leaving." The Lieutenant,
23 "Hey, Psychology, Reyes is leaving." Everybody
24 and since it was a Friday -.

25 MR. [REDACTED] So who should have

1 notified the Lieutenants?

2 MR. [REDACTED] I think maybe I should have
3 said, "Hey, sir, Reyes is leaving."

4 MR. [REDACTED] And do you -

5 MR. [REDACTED] "We got to get him a
6 bunkie." Instead of, "Hey, sir, you know,
7 Reyes is leaving today, Epstein needs a
8 bunkie," and just me leaving.

9 MR. [REDACTED] And do you believe that
10 you did tell a Lieutenant?

11 MR. [REDACTED] Oh, I definitely, without a
12 doubt, strongly believe I told more than one
13 person that Reyes was leaving.

14 MR. [REDACTED] I know you have the memo
15 saying that you specifically told [REDACTED] as well
16 as [REDACTED] and [REDACTED] were present, but as far
17 as Lieutenants, do you have that belief that
18 you, without saying I can actually put myself
19 there, do you believe that you told a
20 Lieutenant?

21 MR. [REDACTED] Yes. I think I spoke to
22 Lieutenant [REDACTED] and [REDACTED].

23 MR. [REDACTED]: And what do you believe
24 you told them?

25 MR. [REDACTED] "Reyes is leaving, Epstein

1 is going to need a bunkie."

2 MR. [REDACTED] All right. So if they
3 say, "We knew Reyes left, but we didn't know
4 that he wasn't coming back," do you that that's
5 true?

6 MR. [REDACTED] Yes. Because, like I
7 explained before, there's a lot of WABs that go
8 downstairs and within one hour, two hours,
9 sometimes right before the 10 o'clock count,
10 they end up coming back. Or they say they're
11 going to court, they'll spend two, three hours
12 in R&D and come back. So it's not always
13 because it says WAB on the paper, a hundred
14 percent guarantee that they're not going to
15 come back. Whether they take all their stuff
16 or not.

17 MR. [REDACTED] So you think it's
18 extremely likely you told, not only Perez, but
19 also Durant? Should they have made the
20 notification to either the Captain or to the
21 relief?

22 MR. [REDACTED] Maybe they did. I'm sure
23 they did because of --

24 MR. [REDACTED] Well, if I can tell you -
25 -

1 MR. [REDACTED] - who Lieutenant -.
2 MR. [REDACTED] -- nobody notified the
3 Captain. Should have they notified the
4 Captain?
5 MR. [REDACTED] Yeah.
6 MR. [REDACTED] If it's claimed that they
7 didn't tell their relief, should have they
8 notified their relief?
9 MR. [REDACTED] Yes.
10 MR. [REDACTED] All right.
11 MR. [REDACTED] So something everybody,
12 especially being Epstein, you pass it down.
13 MR. [REDACTED] Okay. Now let's say this
14 is a unique situation. Let's say [REDACTED] he's
15 working from 6:00 to 2:00.
16 MR. [REDACTED] Correct. He leaves the
17 same time I leave.
18 MR. [REDACTED] [REDACTED] his relief, she's
19 on a regular time shift until 4:00 so she can't
20 start the Activities Lieutenant until 4:00.
21 MR. [REDACTED] Correct.
22 MR. [REDACTED]: What would happen with
23 those two hours in between? He leaves at 2:00,
24 she starts at 4:00. Was he supposed to stay
25 until 4:00 --

1 MR. [REDACTED] No.

2 MR. [REDACTED]: -- until he's relieved or
3 can he leave at 2:00 and then just the
4 Activities Lieutenant goes unfilled for two
5 hours?

6 MR. [REDACTED]: He could leave at 2:00
7 because you have Operations Lieutenant until 4
8 o'clock.

9 MR. [REDACTED] Okay. So because - well,
10 I thought both Activities and Lieutenant -
11 thought they both stopped at 2:00.

12 MR. [REDACTED] No, one is 6:00 to 2:00,
13 another was 8:00 to 4:00.

14 MR. [REDACTED] Okay. So at that time
15 when someone is doing the -

16 MR. [REDACTED] Somebody has to be in that
17 position until the next Lieutenant comes in and
18 take over, and -.

19 MR. [REDACTED] But [REDACTED] at that time,
20 they're allowing the Ops Lieutenants to leave
21 two hours earlier than their shift due to
22 traffic. So the Ops Lieutenant actually is
23 leaving at 2:00 as well --

24 MR. [REDACTED] No.

25 MR. [REDACTED] -- and then he's being

1 replaced by [REDACTED] who is, although the
2 assignment says 4:00, he actually comes in at
3 2:00.

4 MR. [REDACTED] So, if -.
5 MR. [REDACTED] Because [REDACTED] is there,
6 can [REDACTED] and [REDACTED] both leave?
7 MR. [REDACTED] Yes, because [REDACTED] is
8 still in the building.

9 MR. [REDACTED]: Although [REDACTED] doesn't
10 take on Activities shift until 4:00?
11 MR. [REDACTED] Until 4 o'clock, correct,
12 yes.

13 MR. [REDACTED]: So there can be just one
14 Ops Lieutenant from 2:00 to 4:00?
15 MR. [REDACTED] Yes.
16 MR. [REDACTED]: Okay.
17 MR. [REDACTED] Just like now, there's only
18 one Ops Lieutenant from 6:00 to 10:00 --
19 MR. [REDACTED] Okay.
20 MR. [REDACTED] -- by themselves.
21 MR. [REDACTED] So, [REDACTED] and [REDACTED] if
22 they both knew, they didn't notify the Captain
23 or their relief, what should have happened
24 next? Should --
25 MR. [REDACTED]: If they did not -.

1 MR. [REDACTED]: -- at the 4 o'clock
2 count, is that when - so you're saying you kind
3 of could take a little bit of responsibility
4 but you also believe that you not only notified
5 your relief, but you also passed it up the
6 chain, correct?

7 MR. [REDACTED]: Correct.

8 MR. [REDACTED]: So now it gets passed up
9 the chain and nothing happens. When should -
10 what should have happened next with regard to
11 the cell mate? When should have the next time
12 this thing have been brought back up? The 4:00
13 -.

14 MR. [REDACTED]: Whenever - whoever was -
15 the first person that found out that Reyes was
16 not coming back, that person should have passed
17 it down to everybody again.

18 MR. [REDACTED]: And that would have been,
19 you believe somebody like [REDACTED] or one of
20 those?

21 MR. [REDACTED]: It could have been [REDACTED]
22 It could have been R&D that the first person
23 pretty much, like, "Oh, you know, Reyes is not
24 coming back." "Okay." Let's say R&D found out
25 first, then they should have called the Captain

1 or even they should have just notified the
2 Lieutenant. If Reyes found out -.

3 MR. [REDACTED] So R&D would actually to
4 straight to the Captain?

5 MR. [REDACTED]: Or most likely the
6 Lieutenant first, then, "Okay, I did my part,
7 that's pretty much - I did my part, I told the
8 Lieutenant," that's the rest is on - it's on
9 them because I did my part in notifying
10 somebody.

11 MR. [REDACTED]: Now, if we're told that
12 R&D usually just goes direct to the SHU, does
13 that sound right to you or do they usually go
14 first to like the Ops or Activity and then
15 somebody else -.

16 MR. [REDACTED] Like inform?

17 MR. [REDACTED] Yeah, so if they know,
18 "Hey, Reyes isn't - we now know he didn't come
19 back, he was released." R&D is the first
20 person to get that word. What is their typical
21 procedure? Do they contact both the SHU and
22 the Lieutenant or do they contact one or the
23 other?

24 MR. [REDACTED] Depending who is working.
25 Sometimes they'll tell both of them, sometimes

1 they'll call SHU, sometimes they'll just call
2 the Lieutenant, the Lieutenant calls SHU and
3 says, "Hey, this guy is not coming back." Or
4 if they call SHU, then SHU would fix it on the
5 computer or SHU would call Control, say, "Can
6 you take Reyes off the count?"

7 MR. [REDACTED] And would the person that
8 got contacted in R&D, you said everybody knew,
9 would the person in R&D know that Reyes was
10 Epstein's cell mate?

11 MR. [REDACTED] I would assume they did.

12 MR. [REDACTED] And are they on this
13 form?

14 MR. [REDACTED] Are they, no.

15 MR. [REDACTED] How would we find out who
16 was working at approximately 4:00 - what does
17 their shift go from? You said 2:00 to 10:00?

18 MR. [REDACTED] Yes. Think -.

19 MR. [REDACTED] How would we find out --

20 MR. [REDACTED] There was one that -.

21 MR. [REDACTED] -- who was - do we know
22 who was working --

23 MR. [REDACTED] It's -.

24 MR. [REDACTED] -- 2:00 to 10:00?

25 MR. [REDACTED] They're 6:00 to 2:00 --

1 MR. [REDACTED] Not for R&D.

2 MR. [REDACTED] -- 2:00 to 10:00 and 12:00
3 to 8:00, R&D. 6:00 to 2:00, 12:00 to 8:00 and
4 2:00 to 10:00, that's R&D's schedule.

5 MR. [REDACTED]: So the 2:00 to 10:00
6 would be the people that would have found out,
7 I'm assuming.

8 MR. [REDACTED] Yes.

9 MR. [REDACTED] How do we find out at
10 this point who was working in R&D from 2:00 to
11 10:00?

12 MR. [REDACTED] You would have to get with
13 an R&D supervisor.

14 MR. [REDACTED] Who is an R&D supervisor
15 that we can get with right now?

16 MR. [REDACTED]: Is that Ms. [REDACTED]?

17 MR. [REDACTED] Ms. [REDACTED] doesn't know. We
18 reached out already.

19 MR. [REDACTED] Oh.

20 MR. [REDACTED] She said she doesn't know
21 but wouldn't they keep track of like who worked
22 -.

23 MR. [REDACTED] (Indiscernible *03:10:02) did
24 and she didn't seem to know. Is there like a
25 schedule? Do they keep it somewhere?

1 MR. [REDACTED] That - because, this is our
2 schedule and that goes back for years, so.

3 MR. [REDACTED] That's why I would think
4 that also R&D would have something similar.

5 MR. [REDACTED] But with them --

6 MR. [REDACTED] So let's go with --

7 MR. [REDACTED] -- they're not -.

8 MR. [REDACTED] -- Beth Arie (Phonetic
9 Sp. *03:10:17), let's ask her --

10 MR. [REDACTED] Okay.

11 MR. [REDACTED] -- about that.

12 MR. [REDACTED] They're not on our -
13 they're not on a roster. The only time they
14 would be on a roster if it's - if they're doing
15 overtime with us.

16 MR. [REDACTED]: Uh-huh.

17 MR. [REDACTED] So we could say they do
18 night off, then we would put them on our roster
19 for night off.

20 MR. [REDACTED] Okay. So it sounds like
21 you have very limited liability because you do
22 believe, in fact, you not only - and you're
23 confident you passed it to [REDACTED]?

24 MR. [REDACTED] I'm very.

25 MR. [REDACTED] Under oath, like, "Yes, I

1 did," or is it like, "I believe I did?"

2 MR. [REDACTED] No, like, very, very, very
3 confident.

4 MR. [REDACTED] Like you can actually
5 recall passing that information?

6 MR. [REDACTED] Yes. The same thing with
7 Shak being there too.

8 MR. [REDACTED] So you specifically
9 recall, like almost like you can see, you can
10 remember --

11 MR. [REDACTED] See --

12 MR. [REDACTED] -- I said this.

13 MR. [REDACTED] -- I'm in SHU, [REDACTED] is
14 walking in, we're there, "Make sure this guy
15 gets a bunkie." "All right, G."

16 MR. [REDACTED] You said, "Make sure
17 Epstein," or, "This guy?" What did you say?

18 MR. [REDACTED] Well, Epstein

19 MR. [REDACTED]: Okay. And [REDACTED] is the
20 one that said, "All right, G?"

21 MR. [REDACTED] Uh-huh.

22 MR. [REDACTED]: All right. And you
23 believe, although you can't recall with such
24 clarity that you passed it to the Lieutenants.

25 MR. [REDACTED] Correct.

1 MR. [REDACTED] Okay.

2 MR. [REDACTED] If [REDACTED] or [REDACTED] or any one
3 of them turns around and says that, "Hey
4 listen, you never told them," would they be
5 lying?

6 MR. [REDACTED]: Most like, I don't think
7 they would tell you that, but -.

8 MR. [REDACTED] No, no, but I'm asking, I
9 said, you know, I have to cover both sides.

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED] Would they be lying if they -
12 .

13 MR. [REDACTED]: They - I strongly believe
14 they wouldn't tell you that --

15 MR. [REDACTED]: Because, again, it's a little
16 bit of people, we're always - it was only us
17 throughout the whole time. So I strongly,
18 strongly believe that I spoke to - [REDACTED] I
19 even forgot [REDACTED] was there, but, [REDACTED] and
20 [REDACTED], yes.

21 MR. [REDACTED] On the same note, if we ask
22 the same thing towards Lieutenant Perez or
23 [REDACTED] --

24 MR. [REDACTED]: I didn't speak to [REDACTED]
25 I don't even remember seeing him that day.

1 MR. [REDACTED] But [REDACTED]
2 MR. [REDACTED] But Lieutenant [REDACTED] and
3 [REDACTED], yes.
4 MR. [REDACTED] They would say that you spoke
5 to them about it?
6 MR. [REDACTED] Yeah.
7 MR. [REDACTED] Okay.
8 MR. [REDACTED]: Although, if they claim,
9 "Yeah, we know he went but we didn't know that
10 he was not coming back," that also holds
11 weight?
12 MR. [REDACTED] I was actually - because,
13 again, not everybody has WAB.
14 MR. [REDACTED] Sure.
15 MR. [REDACTED] Doesn't -.
16 MR. [REDACTED] So could have you - could
17 have a new cell mate been assigned to Epstein
18 prior to 4:00 p.m.?
19 MR. [REDACTED] Only if it was confirmed
20 that Reyes is not coming back.
21 MR. [REDACTED] But a new cell mate can
22 not be - so, a new cell mate cannot be assigned
23 to Epstein until it's confirmed that Reyes
24 isn't coming back?
25 MR. [REDACTED] I mean, you could assign

1 them even with Reyes being there.

2 MR. [REDACTED] I know, but I'm just
3 saying, like in this case, that's his cell
4 mate.

5 MR. [REDACTED] That's his cell. He's -.

6 MR. [REDACTED] So you -.

7 MR. [REDACTED] He's keyed into that cell.

8 MR. [REDACTED] Right.

9 MR. [REDACTED] So until we know for a
10 fact, "You know what? Reyes is not coming
11 back, we're going to key him out," then, "Shit,
12 let's get him -" - now we have from let's say
13 we found out Reyes left the building at 1
14 o'clock in the afternoon, we have until 8
15 o'clock to get him a bunkie because he's in
16 attorney visit.

17 MR. [REDACTED] And was it confirmed that
18 Reyes wasn't coming back while you were on
19 duty?

20 MR. [REDACTED] No.

21 MR. [REDACTED] So no one ever told you
22 he was not --

23 MR. [REDACTED] No.

24 MR. [REDACTED] -- coming back.

25 MR. [REDACTED] All I saw was that WAB and

1 I assumed he's not.

2 MR. [REDACTED] You assumed, but, yeah,
3 but you didn't - but you be- --

4 MR. [REDACTED] But I didn't know for sure.

5 MR. [REDACTED] -- but you didn't believe
6 you should -.

7 MR. [REDACTED] Get him a bunkie because,
8 "Hey, there's still a chance this guy could
9 come back."

10 MR. [REDACTED] Okay.

11 MR. [REDACTED] If I would have known for a
12 fact, we wouldn't even be here I think.

13 MR. [REDACTED]: And is that the reason
14 why you told [REDACTED]? Did you also say, "Hey, if
15 Reyes doesn't come back, get him a bunkie," or
16 did you just say, "Hey, Reyes isn't coming
17 back, get him a bunkie?"

18 MR. [REDACTED] No, I know I didn't tell
19 him he is not coming back because I didn't
20 know.

21 MR. [REDACTED] Right.

22 MR. [REDACTED] So -.

23 MR. [REDACTED] So what do you think you
24 actually said?

25 MR. [REDACTED] "Hey, you know, if Reyes

1 doesn't come back, he needs a bunkie."

2 MR. [REDACTED] Okay.

3 MR. [REDACTED] Which he already knows
4 Epstein needs a bunkie.

5 MR. [REDACTED] And you said that? You
6 believe you said the same thing to both [REDACTED]
7 and [REDACTED]

8 MR. [REDACTED] Yeah.

9 MR. [REDACTED] And that would have been
10 probably, leaving [REDACTED] doing his rounds at
11 about 11:30? Would have that been when you
12 told him or do you believe you would have
13 called?

14 MR. [REDACTED] No, probably when he's
15 doing his rounds.

16 MR. [REDACTED] Doing his rounds? And
17 you said you actually do remember speaking with
18 [REDACTED] that day?

19 MR. [REDACTED]: [REDACTED] I remember him being
20 there and just told him, I always talk to him.

21 MR. [REDACTED] Would it be like talking
22 to him in the SHU?

23 MR. [REDACTED] Yeah.

24 MR. [REDACTED]: So both [REDACTED] and [REDACTED]
25 would have visit -.

1 MR. [REDACTED] One at a time.

2 MR. [REDACTED] But they both would do

3 it?

4 MR. [REDACTED] They both would have walked

5 over, yes.

6 MR. [REDACTED] And are they both

7 actually required to do it or just one?

8 MR. [REDACTED]: No, they're both required

9 to do the rounds.

10 MR. [REDACTED] Oh, they are?

11 MR. [REDACTED] Yeah.

12 MR. [REDACTED] All right. I thought it

13 was one or the other. So looking at that

14 sheet, was also Perez on it? Would he had to

15 have logged in like something when he did a

16 round in the SHU? Can you get me that

17 Lieutenant's log? So both the Activities and

18 the Ops Lieutenant are both required to do a

19 round in the SHU.

20 MR. [REDACTED] Correct. At least once per

21 shift.

22 MR. [REDACTED] And that was also the

23 case in August of 2019?

24 MR. [REDACTED] Yes. But like on the round

25 sheets, if one signed it, the other is not

1 going to sign over it.

2 MR. [REDACTED] (Indiscernible *03:15:35).

3 MR. [REDACTED] There it is.

4 MR. [REDACTED] It's right here, sorry.

5 MR. [REDACTED] So is [REDACTED] on this at

6 all? Can ask, but I don't remember him there.

7 MR. [REDACTED] No, he's actually not.

8 MR. [REDACTED] So --

9 MR. [REDACTED] Unless --.

10 MR. [REDACTED] -- should have there been

11 a --.

12 MR. [REDACTED] Unless because [REDACTED] did

13 it. He didn't do it. Just like on --.

14 MR. [REDACTED] Because we were told if

15 the Ops Lieutenant is too busy, he just tells

16 Activities Lieutenant to go do it. But you

17 believe --

18 MR. [REDACTED] I mean - I mean --

19 MR. [REDACTED] : -- they actually both --.

20 MR. [REDACTED] -- physically and you

21 actually both Activities and Operations have to

22 walk and do the rounds.

23 MR. [REDACTED] : And you actually - not

24 together though.

25 MR. [REDACTED] Not together.

1 MR. [REDACTED] Separately.

2 MR. [REDACTED] That's - and one or the
3 other fills it in on TRUSCOPE.

4 MR. [REDACTED] Okay. So is it
5 surprising you to see that [REDACTED] doesn't even
6 have anything logged on this day?

7 MR. [REDACTED] No, not really.

8 MR. [REDACTED] No? And does this
9 suggest - when they sign this, does it show
10 where it was signed from?

11 MR. [REDACTED] No.

12 MR. [REDACTED] No? Just they can change
13 like this -.

14 MR. [REDACTED] Well, wherever you logged
15 it from, that, I don't even know how it shows
16 up somewhere else.

17 MR. [REDACTED] Okay. Because aren't
18 they supposed to actually log it from the
19 actual unit themselves?

20 MR. [REDACTED] Well, now, if as long as
21 you do it one, you could log in from
22 downstairs, let's say the Lieutenant's office
23 and logged in a unit.

24 MR. [REDACTED] But are you supposed -
25 like if someone visits the SHU, aren't they

1 supposed to actually log the round from the
2 SHU?

3 MR. [REDACTED] Yes, log it in the computer
4 and log it in.

5 MR. [REDACTED] Yeah, yeah, yeah, that's
6 what I was - okay. Did I get - so we said the
7 cell mate - so you said, told at least [REDACTED]
8 and you remember that specifically. You
9 believe that the other two, [REDACTED] and them,
10 they should have - once it was actually
11 verified that he wasn't coming back, that's
12 when it really should have been done though.

13 MR. [REDACTED] Correct.

14 MR. [REDACTED] But we just don't know
15 exactly when it was verified or how it was
16 verified.

17 MR. [REDACTED] Correct.

18 MR. [REDACTED] And you believe R&D - how
19 does R&D receive that verification?

20 MR. [REDACTED] I think through the
21 Marshals.

22 MR. [REDACTED] So the Marshals tell them
23 and then they're supposed to make the proper
24 notifications? Are they supposed to go, you
25 said it depends on who is in R&D but they're

1 supposed to notify the appropriate housing
2 unit?

3 MR. [REDACTED]: No, they can just call the
4 housing unit, "Hey, this guy is not coming
5 back," or call Control.

6 MR. [REDACTED]: And let Control know.

7 MR. [REDACTED]: Correct.

8 MR. [REDACTED]: All right. And do we
9 know who at - let me see that August 9th one -
10 who in Control - would Control always be in the
11 loop with that?

12 MR. [REDACTED]: Not really because there's
13 times that R&D would call SHU and if there's
14 somebody in SHU that has enough knowledge to
15 just key him back in, they'll key them back in,
16 or R&D would key them back in. So now, you
17 don't need to speak to R&D, I mean, you don't
18 need to speak to Control because the inmate is
19 walking back up to SHU and R&D already keyed
20 him back into the building.

21 MR. [REDACTED]: All right. And then,
22 what is the - what about like when Noel and
23 Thomas are working on their morning shift,
24 should they have recognized that Reyes wasn't
25 there?

1 MR. [REDACTED] Definitely by that time
2 they - by 10 o'clock, it's way after, they
3 should have known that he's not coming back.

4 MR. [REDACTED] But I just mean the start
5 of a new shift now. Now midnight starts a new
6 shift, we're now on morning watch. Should they
7 have recognized, "Hey, Epstein is by himself."

8 MR. [REDACTED] Yes.

9 MR. [REDACTED] And when and how?

10 MR. [REDACTED] Yes.

11 MR. [REDACTED] No, when should have they
12 noticed and how?

13 MR. [REDACTED] Right on their first round
14 on morning watch.

15 MR. [REDACTED] So, during a round they
16 should have -.

17 MR. [REDACTED] You have to do a count at
18 midnight, so, at that time you should have saw
19 he was by himself. That's a little light
20 should have went off in your head saying -.

21 MR. [REDACTED] : So immediately, right
22 away, midnight, Epstein is by himself. If the
23 count was done, they would have known, "We've
24 got to make this notification?"

25 MR. [REDACTED] Yes.

1 MR. [REDACTED] And would have they known
2 that that notification needed to be made?

3 MR. [REDACTED] es.

4 MR. [REDACTED] And do you believe that
5 both Thomas and Noel knew that Epstein was
6 required to have a cell mate?

7 MR. [REDACTED] They should have known,
8 yes.

9 MR. [REDACTED]: And how should have they
10 known?

11 MR. [REDACTED] Due to the little paper I
12 had there and -.

13 MR. [REDACTED] Well, the paper said, "Do
14 rounds," right?

15 MR. [REDACTED] And supposedly somebody
16 else had another paper there saying that he
17 needed a bunkie, but -.

18 MR. [REDACTED] Now, so this - so you
19 know of a different paper that was -.

20 MR. [REDACTED] No, from what you told me
21 earlier.

22 MR. [REDACTED] No, that was somebody
23 saying that you created another paper saying
24 that he -.

25 MR. [REDACTED] Oh, that I don't remember.

1 MR. [REDACTED] So you don't remember
2 ever creating a paper saying he needed a
3 bunkie.

4 MR. [REDACTED] Maybe I did, but I don't
5 remember doing it.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED] I remember this just
8 because it has the God phrase and it was kind
9 of funny to us.

10 MR. [REDACTED]: Yeah, yeah, yeah.

11 MR. [REDACTED] But we all know that if an
12 inmate comes from suicide watch, he has to have
13 a bunkie.

14 MR. [REDACTED]: And everybody knows that.

15 MR. [REDACTED] Everybody knows that.

16 MR. [REDACTED]: All right. Any other
17 questions?

18 MR. [REDACTED] Just a couple follow ups. Do
19 you know why Tartaglione was in the SHU?

20 MR. [REDACTED] If - I think he got into
21 a fight or somebody hit him while he was in 11
22 South.

23 MR. [REDACTED] So he -.

24 MR. [REDACTED] On that time.

25 MR. [REDACTED] So he was put in there for

1 his own protection or did he --

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED] -- assault somebody end up in
4 that?

5 MR. [REDACTED] So, I think he had a fight
6 or somebody assaulted him and they both ended
7 up in SHU.

8 MR. [REDACTED] What about Reyes?

9 MR. [REDACTED] Reyes, I think it was
10 because of smoking, I think. No.

11 MR. [REDACTED]: Contraband?

12 MR. [REDACTED] Yeah, contraband. Nothing
13 that I can remember.

14 MR. [REDACTED] You got something else?

15 MR. [REDACTED] The only other question I
16 would say is, outside of the SHU, now we got
17 [REDACTED] and we got [REDACTED] and then we also have
18 [REDACTED] later on. If they were actually
19 conducting rounds as they should have, would
20 have they at that time known Epstein was by
21 himself and needed a cell mate? Should have
22 they known if they're conducting rounds after
23 4:00 p.m.?

24 MR. [REDACTED] Yes.

25 MR. [REDACTED] So all of them have some

1 liability then too to know, "Hey, this guy -
2 where is Epstein's cell mate?"

3 MR. [REDACTED] Well, maybe at 4 o'clock,
4 depending what time they did the rounds, no,
5 because Epstein was always downstairs in his
6 attorney visit until 8 o'clock at night.

7 MR. [REDACTED] But if no one is actually
8 in Epstein's cell, wouldn't they notice that?

9 MR. [REDACTED] They would notice that it
10 was empty, but, "Hey, where's Epstein?" "Oh,
11 he's in -" - because you - people don't ask for
12 Reyes usually.

13 MR. [REDACTED] Right.

14 MR. [REDACTED] "Where's Epstein?" "He's
15 in his legal visit." "Oh, okay." And the
16 Lieutenant, the Lieutenant's office is like ten
17 steps away from the attorney conference so you
18 would know that Epstein is still there and you
19 got to (Indiscernible *03:22:21) count.

20 MR. [REDACTED] All right. And when you
21 were there, do you recall that the Activities
22 and the Ops Lieutenant were actually conducting
23 rounds in the SHU?

24 MR. [REDACTED]: I know [REDACTED] for a fact
25 and then Lieutenant [REDACTED], he always just

1 walked around to see what was going on.

2 MR. [REDACTED] Who would?

3 MR. [REDACTED] Lieutenant [REDACTED]

4 MR. [REDACTED] So he wouldn't actually

5 do the -.

6 MR. [REDACTED]: No, he would walk around

7 just to see what was going on because he --

8 MR. [REDACTED]: What -.

9 MR. [REDACTED] -- was the SHU Lieutenant

10 before too.

11 MR. [REDACTED] What about [REDACTED]

12 MR. [REDACTED] [REDACTED], he's always

13 walking, but I didn't see him that day.

14 MR. [REDACTED] What about [REDACTED]

15 [REDACTED]

16 MR. [REDACTED] I know for a fact she

17 always does her rounds.

18 MR. [REDACTED]: So if she says that she

19 wasn't required to walk the tier, she just

20 needed to check in, do you think that - what

21 would you say to that?

22 MR. [REDACTED]: Maybe she knows something I

23 don't know. Because, I mean, I'm a new

24 Lieutenant, I still - I walk around every

25 range, every tier.

1 MR. [REDACTED] But when you were the SHU
2 OIC, you recall all these Lieutenants coming in
3 and actually walking the tiers?

4 MR. [REDACTED] Yes, because that round
5 sheet, on the bottom of it, it says,
6 "Operations Lieutenant."

7 MR. [REDACTED] And, yeah.

8 MR. [REDACTED] If you look at it.

9 MR. [REDACTED] Yes. And that actually
10 is for conducting rounds of the tiers, not just
11 doing rounds with your -.

12 MR. [REDACTED]: In the Special Housing
13 Unit, correct.

14 MR. [REDACTED] Yeah, yeah, yeah. I
15 guess what I'm saying is, some people are
16 saying, "No, it's I'm doing a round with my
17 staff. I'm not doing a round on inmates, it's
18 the staff's members to do the round on inmates,
19 I'm doing a round with my staff."

20 MR. [REDACTED] But, again, that bottom --

21 MR. [REDACTED]: That bottom.

22 MR. [REDACTED] -- little square says,
23 "Operations Lieutenant," which even if you
24 don't know anything about it, if you read it,
25 it says, "Operations Lieutenant."

1 MR. [REDACTED] Doing a round of the
2 actual inmates.

3 MR. [REDACTED] Or does it also mean that
4 they're certifying that those other rounds by
5 the COs were conducted?

6 MR. [REDACTED] It could be that, but
7 regardless, you got to sign it and go down the
8 range.

9 MR. [REDACTED] Yeah, that's where I
10 wasn't sure if this was signed to make sure
11 that you guys were doing their job.

12 MR. [REDACTED] I understand as to make
13 sure you did your round.

14 MR. [REDACTED] Okay. Now, let's do
15 that.

16 MR. [REDACTED] That the Lieutenant.

17 MR. [REDACTED]: Lieutenant.

18 MR. [REDACTED] Lieutenant.

19 MR. [REDACTED]: Yes.

20 MR. [REDACTED] Okay.

21 MR. [REDACTED] Okay. I'm sure we could
22 sit here and just pick your brain all day long,
23 but we've been here a long time, so, are we
24 missing anything?

25 MR. [REDACTED]: No. That's it. I hope,

1 you know, everybody takes this as a learning
2 experience, you're fucking up, stop fucking up.
3 Excuse my language.

4 MR. [REDACTED]: Now, do you think one
5 person fucked up more than another in this?

6 MR. [REDACTED]: No, I mean, I think it was
7 going to happen if you wanted it to happen,
8 regardless whether rounds were done, whether he
9 had a cell mate, maybe less likely that he
10 would have with a cell mate, but also, a cell
11 mate could go to the law library, you know.
12 Thirty minutes is a long time, 40 minutes is a
13 long time, so.

14 MR. [REDACTED]: Yeah, so, but you do
15 believe it's the cell mate thing that would
16 have actually helped keep him alive.

17 MR. [REDACTED]: I think it would have
18 helped a little bit.

19 MR. [REDACTED]: Right.

20 MR. [REDACTED]: If he wanted to do it, he
21 was going to do it.

22 MR. [REDACTED]: Uh-huh. And you think
23 everybody from the point that you left on plays
24 a large responsibility in the fact that he
25 wasn't assigned a new cell, especially since

1 you specifically told people, "Make sure he
2 gets a bunkie if Reyes doesn't come back."

3 MR. [REDACTED] I mean, I don't blame
4 anybody. I think everybody should maybe pass
5 the information a little more. Maybe it got
6 lost in miscommunication.

7 MR. [REDACTED] All right.

8 MR. [REDACTED] No, that's it.

9 MR. [REDACTED] But you don't believe
10 that the people that you told will actually
11 admit that they were told it?

12 MR. [REDACTED] Correct.

13 MR. [REDACTED] Right. And you are
14 swearing, again, under oath, under penalty of
15 perjury of law that you did tell them that?

16 MR. [REDACTED] I'm very, very confident
17 that I told more than one person.

18 MR. [REDACTED]: And who are you confident
19 that you told?

20 MR. [REDACTED]: I told [REDACTED] [REDACTED] was
21 there. Lieutenant [REDACTED] saw Reyes leaving,
22 but even Reyes we weren't sure -.

23 MR. [REDACTED] So [REDACTED] actually saw
24 Reyes leaving?

25 MR. [REDACTED]: He was downstairs, I think,

1 --

2 MR. [REDACTED]: Okay.

3 MR. [REDACTED] -- and saw. But, again, I

4 don't blame anybody and it's just unfortunate

5 everybody got to go through this.

6 MR. [REDACTED] Yeah. Okay. You good?

7 MR. [REDACTED] I'm good.

8 MR. [REDACTED]: Anything else you want to

9 add for us?

10 MR. [REDACTED] That's it.

11 MR. [REDACTED]: Thank you, sir.

12 MR. [REDACTED] Thank you for --

13 MR. [REDACTED]: I can't thank you enough.

14 MR. [REDACTED] -- taking three hours of my

15 day. What time is it now?

16 MR. [REDACTED] You got a nice cozy seat,

17 you know, we gave you the most comfortable one

18 we had.

19 MR. [REDACTED] Turn up the heat.

20 MR. [REDACTED] 4:39.

21 MR. [REDACTED]: All right. It's 4:40

22 p.m. on Wednesday, July 14, 2021. This is

23 Senior Special Agent [REDACTED] and I'm

24 turning off the recorder.

25

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]

A handwritten signature in cursive script, appearing to read 'Wendy Brewer', written over a horizontal line.

Wendy Brewer, Transcriber

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