

DIGITALLY RECORDED
 SWORN STATEMENT
 OF
 LAMINE N'DIAYE

OIG CASE #:
 2019-010614

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

RESOLUTE DOCUMENTATION SERVICES
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APPEARANCES:

OFFICE OF THE INSPECTOR GENERAL

BY: [REDACTED]
 BY: [REDACTED]

WITNESS:

LAMINE N'DIAYE

OTHER APPEARANCES:

[REDACTED]

1 MR. [REDACTED]: The recorder is on. My
 2 name is [REDACTED], and I am a Senior
 3 Special Agent with the U.S. Department of
 4 Justice, Office of the Inspector General, New
 5 York Field Office, and these are my
 6 credentials.
 7 MR. N'DIAYE: Okay. Mm-hmm.
 8 MR. [REDACTED]: This interview with
 9 Federal Bureau of Prisons employee - is it
 10 Lamine?
 11 MR. N'DIAYE: Lamine N'Diaye.
 12 MR. [REDACTED]: Is being conducted as
 13 part of an official U.S. Department of Justice,
 14 Office of the Inspector General investigation.
 15 Today's date is October 27th, 2021, and the
 16 time is 1:53 p.m. This interview is being
 17 conducted - what is the -? Is it 1515?
 18 MR. [REDACTED]: 515.
 19 MR. [REDACTED]: 515?
 20 MR. N'DIAYE: Yes.
 21 UNKNOWN MALE: Madison Avenue. 31st
 22 floor.
 23 MR. [REDACTED]: Okay. 515 Madison
 24 Avenue, 31st floor. New York, New York. Also
 25 present is DOJ/OIG Special Agent [REDACTED].

1 As well as --
 2 UNKNOWN MALE: [REDACTED].
 3 MR. [REDACTED]: -- Mr. N'Diaye's
 4 attorney. I'm sorry. What is it?
 5 MR. [REDACTED]: [REDACTED].
 6 First name [REDACTED].
 7 MR. [REDACTED]: Thank you, sir. Who is
 8 representing Mr. N'Diaye. This interview will
 9 be recorded by me, Senior Special Agent [REDACTED]
 10 [REDACTED]. could everyone please identify
 11 themselves for the record, and spell your last
 12 name? To start, again, I am DOJ/OIG Senior
 13 Special Agent, [REDACTED]. M-A-T-U-L-E-
 14 W-I-C-Z.
 15 MR. [REDACTED]: This is DOJ Special Agent
 16 [REDACTED]. [REDACTED]. And these are my
 17 credentials.
 18 MR. N'DIAYE: Okay. And I am --
 19 MR. [REDACTED]: I can't --
 20 MR. N'DIAYE: -- Lamine --
 21 MR. [REDACTED]: -- I can't show you any
 22 credentials.
 23 MR. N'DIAYE: -- N'Diaye. First name --
 24 MR. [REDACTED]: Okay.
 25 MR. N'DIAYE: -- Lamine, L-A-M-I-N-E. And

5
1 last name N'Diaye, N-, as in Nathan,
2 apostrophe, D-, as in █████, I-A-Y-E.
3 MR. █████: Thank you, sir. Do you
4 happen to one --
5 MR. █████: I still don't know how he
6 pronounces his name. Is it -? Yeah. And I'm
7 so arrogant that I don't carry identification.
8 You know what I mean?
9 MR. █████: No. That's fine.
10 MR. █████: Yeah. But you are sitting
11 down here, you are willing to pay the fee.
12 MR. N'DIAYE: Yeah.
13 MR. █████: You know who I am.
14 MR. █████: So, I am looking at Mr.
15 N'Diaye's law enforcement officer credentials.
16 And it has a picture. And a signature of the
17 gentleman sitting in front of me. Thank you,
18 sir. And his attorney, do you mind - and
19 again, it's █████ --
20 MR. █████: █████ --
21 MR. █████: -- █████.
22 MR. █████: -- █████. And I'm sorry, I
23 don't have -. I really --
24 MR. █████: No. That's quite all
25 right.

7
1 Department of Justice, Office of the Inspector
2 General, Warnings and Assurances to Employee
3 Requested to Provide Information on a Voluntary
4 Basis. It says, "You are being asked to
5 provide information as part of an investigation
6 being conducted by the Office of the Inspector
7 General. This investigation is being conducted
8 pursuant to the Inspector General Act of 1978,
9 as amended. This investigation pertains to job
10 performance failure, and security failure."
11 And this is what we are writing for everyone
12 that we speak to, just because we're looking at
13 it as a --
14 MR. N'DIAYE: Right.
15 MR. █████: -- whole of what
16 happened. "This is a voluntary interview.
17 Accordingly, you do not have to answer
18 questions. No disciplinary action will be
19 taken against you if you chose not to answer
20 questions. Any statements you furnish may be
21 used as evidence in any future criminal
22 proceedings, or agency disciplinary
23 proceedings, or both." And there is a waiver
24 section. It says, "I understand the Warnings
25 and Assurances stated above, and I am willing

6
1 MR. █████: -- as I say --
2 MR. █████: But you are --
3 MR. █████: -- █████. I'm his
4 lawyer.
5 MR. █████: -- perfect, and we're in
6 your office.
7 MR. █████: Right.
8 MR. █████: This is an official
9 DOJ/OIG investigation into the death of inmate
10 Jeffrey Epstein and the circumstances
11 surrounding it, and you are being asked to
12 voluntarily provide answers to our questions.
13 Will you agree to a voluntary interview with
14 the DOJ/OIG?
15 MR. N'DIAYE: Yes, I will.
16 MR. █████: Thank you, sir. This is
17 the form that we have to do all interviews,
18 interviewees.
19 MR. █████: Is that form B?
20 MR. █████: This is the OIG form III-
21 226/2.
22 MR. █████: Yeah.
23 MR. N'DIAYE: Okay.
24 MR. █████: But it says is - I'm
25 going to read it for you - United States

8
1 to make a statement and answer questions. No
2 promises or threats have been made to me, and
3 no pressure or coercion of any kind has been
4 used against me." If you would like to take a
5 look at it, you may. If you agree to it, if
6 you want your attorney to look at it, he may,
7 as well.
8 MR. N'DIAYE: Okay.
9 MR. █████: You can sign where it
10 says "Employee Signature." And then, also
11 write your name. I did read it verbatim.
12 MR. █████: I'm sure you did. Okay.
13 There is no place that said attorneys --
14 MR. █████: No, no, no.
15 MR. █████: -- signatures.
16 MR. █████: It's not for you to sign.
17 It's for him, myself, and the witness. It's
18 just if you wanted to review it, or ask any --
19 MR. █████: No, that's all right.
20 MR. █████: -- questions about it.
21 MR. █████: That's all right. I do have a
22 question.
23 MR. N'DIAYE: Where do you want me to
24 sign?
25 MR. █████: In other words, if you say to

9
1 him --
2 MR. [REDACTED]: Oh, so, where it says --
3 MR. [REDACTED]: Right side.
4 MR. [REDACTED]: -- "Employee Signature."
5 MR. [REDACTED]: Do you have sex with ducks?
6 And so, I'm not going to answer that question.
7 That's the - he can't get in trouble for that?
8 MR. [REDACTED]: I won't be asking that
9 question.
10 MR. [REDACTED]: I mean, (Indiscernible
11 *00:04:18).
12 MR. [REDACTED]: (Indiscernible *00:04:20).
13 MR. [REDACTED]: (Indiscernible *00:04:22).
14 MR. N'DIAYE: (Indiscernible *00:04:21).
15 Okay.
16 MR. [REDACTED]: Under the interview that
17 we are doing right now, for voluntary
18 interviews, he doesn't have to answer our
19 questions.
20 MR. N'DIAYE: Okay. Great.
21 MR. [REDACTED]: All right. So, thank you
22 for signing that, sir. Did you have any
23 questions on the form?
24 MR. N'DIAYE: No, I don't.
25 MR. [REDACTED]: All right. So, I'm

11
1 MR. N'DIAYE: Mm-hmm.
2 MR. [REDACTED]: Do you swear to tell the
3 truth and nothing but the truth during this
4 interview?
5 MR. N'DIAYE: I do.
6 MR. [REDACTED]: Thank you, sir. What is
7 your current home address?
8 MR. N'DIAYE: [REDACTED]
9 [REDACTED].
10 MR. [REDACTED]: And what is your date of
11 birth?
12 MR. N'DIAYE: [REDACTED].
13 MR. [REDACTED]: And what --
14 MR. [REDACTED]: Jesus Christ.
15 MR. [REDACTED]: -- what is the --
16 MR. [REDACTED]: I'm old.
17 MR. [REDACTED]: -- what are the last four
18 of your social security number?
19 MR. N'DIAYE: [REDACTED]
20 MR. [REDACTED]: Is it correct that you
21 were interviewed regarding the Epstein matter
22 on August 19th, 2019?
23 MR. N'DIAYE: Yeah.
24 MR. [REDACTED]: Or in August of 2019.
25 MR. N'DIAYE: I know it was some time in

10
1 signing as the signature of the Office of the
2 Inspector General, Special Agent. I'm printing
3 my name.
4 MR. [REDACTED]: Oh, one thing. So,
5 ordinarily, I would take notes. I've been at
6 [REDACTED] (Phonetic Sp. *00:04:49) for 50 years,
7 as you saw, to which my body is falling apart.
8 I had severe arthritis in my neck, and it's
9 radiated down to my hands. I can't really
10 basically write. So, that's why --
11 MR. [REDACTED]: Sure.
12 MR. [REDACTED]: -- I'm not taking notes. But
13 I have a pretty good memory, so, yeah.
14 MR. [REDACTED]: All right. Great.
15 [REDACTED], can you just sign as the witness?
16 MR. [REDACTED]: Oh.
17 MR. [REDACTED]: Put your name and take
18 care of the rest of the form.
19 MR. [REDACTED]: This is Special Agent [REDACTED]
20 [REDACTED]. I'm signing as the witness, and dating
21 it.
22 MR. [REDACTED]: All right. Before
23 starting the interview, I would like to place
24 you under oath. Mr. N'Diaye, can you please
25 raise your right hand?

12
1 August.
2 MR. [REDACTED]: Correct. Okay. How long
3 have you worked for the BOP?
4 MR. N'DIAYE: 30 years. And August,
5 September, October, November. 30 years and
6 three months.
7 MR. [REDACTED]: All right. And what is
8 your current position with the BOP?
9 MR. N'DIAYE: I'm the Warden at FCI Fort
10 Dix.
11 MR. [REDACTED]: Okay. And what are your
12 -. You are the warden, you said?
13 MR. N'DIAYE: Yes.
14 MR. [REDACTED]: Were you previously a
15 regional director?
16 MR. N'DIAYE: I was the deputy regional
17 director in Philadelphia.
18 MR. [REDACTED]: And how long have you
19 been the warden at FCI Fort Dix?
20 MR. N'DIAYE: About two or three weeks.
21 Two weeks.
22 MR. [REDACTED]: Oh, so --
23 MR. N'DIAYE: Yeah.
24 MR. [REDACTED]: -- it's a brand --
25 MR. N'DIAYE: Yeah.

1 MR. [REDACTED]: -- new position?
 2 MR. N'DIAYE: It just got there. Yeah.
 3 MR. [REDACTED]: Okay. How long were you
 4 the deputy regional director?
 5 MR. N'DIAYE: I got it in February.
 6 MR. [REDACTED]: Okay.
 7 MR. N'DIAYE: Of 2021.
 8 MR. [REDACTED]: Okay. And as the deputy
 9 regional director, what were your duties and
 10 responsibilities?
 11 MR. N'DIAYE: Monitoring he activities of
 12 the 20 institutions in the region, and, you
 13 know, managing the administratives within the
 14 northeast region, and, you know, showing that
 15 institutions were running in an orderly
 16 fashion.
 17 MR. [REDACTED]: Now, did you supervise
 18 the various wardens at those institutions?
 19 MR. N'DIAYE: Yes. I was over there. I
 20 was the rating official on some of the
 21 evaluations.
 22 MR. [REDACTED]: And were you a warden
 23 prior to that position?
 24 MR. N'DIAYE: Yes, I was.
 25 MR. [REDACTED]: Where were you a warden?

1 you familiar with inmate Jeffrey Epstein, who
 2 was housed within the MCC in July and August of
 3 2019?
 4 MR. N'DIAYE: Yes.
 5 MR. [REDACTED]: Yes. Okay. Great. What
 6 I have here is an after-action report that was
 7 written by the BOP.
 8 MR. N'DIAYE: Mm-hmm.
 9 MR. [REDACTED]: Have you seen this?
 10 MR. N'DIAYE: I have not seen that.
 11 MR. [REDACTED]: All right. So, this is
 12 not something that you are actually familiar
 13 with?
 14 MR. N'DIAYE: No, I am not.
 15 MR. [REDACTED]: No one discussed any
 16 findings or anything like that with you?
 17 MR. N'DIAYE: No one.
 18 MR. [REDACTED]: All right. I'm going to
 19 set this aside just in case we need to, you
 20 know, reference it. So, no role in the after-
 21 action report?
 22 MR. N'DIAYE: Nothing. I wasn't
 23 interviewed. I wasn't spoken to.
 24 MR. [REDACTED]: All right. Do you know
 25 of anybody interviewed, or I mean, talked to

1 MR. N'DIAYE: In New York. MCC. The
 2 Metropolitan Correctional Center in New York.
 3 MR. [REDACTED]: And how long were you a
 4 warden there?
 5 MR. N'DIAYE: I came from May of - '17,
 6 '18 - May of '18 until, I forget the date, in
 7 2020. I forget what it was.
 8 MR. [REDACTED]: Okay. So, May 2018 to
 9 some time in 2020 --
 10 MR. N'DIAYE: Yeah.
 11 MR. [REDACTED]: -- when you became the
 12 regional director?
 13 MR. N'DIAYE: No. The position --
 14 MR. [REDACTED]: Yeah.
 15 MR. N'DIAYE: -- prior to that, I was
 16 given --
 17 MR. [REDACTED]: Okay.
 18 MR. N'DIAYE: -- was a liaison to the
 19 regional director. And then, I went into the
 20 deputy position.
 21 MR. [REDACTED]: Okay. Sounds good. And
 22 August of 2019, though, were you a warden at
 23 the MCC New York?
 24 MR. N'DIAYE: Yes, I was.
 25 MR. [REDACTED]: Thank you, sir. And are

1 and at least about, like, providing the
 2 information that they utilized to this report?
 3 MR. N'DIAYE: No.
 4 MR. [REDACTED]: No. Okay. Fair enough.
 5 After the incident occurred, what was your role
 6 with determining what happened and what didn't
 7 happen after Epstein was found on August 10th,
 8 2019?
 9 MR. N'DIAYE: Well, I responded to the
 10 institution. At the time, when I got there, he
 11 was at the hospital. So, I didn't go up to the
 12 unit, as far as - because it was a crime scene,
 13 and I've always been trained, if it was a crime
 14 scene, if you weren't particularly there, the
 15 least amount of people that, you know, that go
 16 through that crime scene, just don't go into
 17 it. So, I didn't go into it, but you know,
 18 basically gathering information on what
 19 happened, notifying the region, notifying the
 20 FBI. The IG.
 21 MR. [REDACTED]: (Indiscernible *00:09:28).
 22 He's already got that phone call.
 23 MR. N'DIAYE: Oh.
 24 MR. [REDACTED]: Oh, yeah, you know what I
 25 mean? Jeffrey Epstein --

1 MR. [REDACTED]: Mm-hmm.
 2 MR. [REDACTED]: -- like, fuck it, I'm going to
 3 sell. Oh, okay.
 4 MR. N'DIAYE: Yeah.
 5 MR. [REDACTED]: That's why we do it for the
 6 next six months.
 7 MR. N'DIAYE: So, there was a lot of
 8 notification on what happened. Trying to find
 9 out the status of inmate Epstein. And things
 10 more along those lines.
 11 MR. [REDACTED]: Now, did you help with
 12 gathering information, up until a certain
 13 point, and then, were you told not to anymore,
 14 or did you continue to gather -?
 15 MR. N'DIAYE: No, like, my boss was
 16 calling me the regional director. They needed
 17 information. You know, starting a timeline on
 18 what happened. So, I had my executive
 19 assistant there, and, you know, we would just
 20 gather any information, and just, you know,
 21 making sure that, you know, things that were
 22 requested were being provided to them, any
 23 information.
 24 MR. [REDACTED]: And who was the regional
 25 director at the time?

1 it says, "See below. Just to ensure you know
 2 what is being relayed to DOJ." Now, is this -.
 3 And then, what I have behind it is, these are
 4 different timelines that are all updated
 5 throughout the day.
 6 MR. N'DIAYE: Mm-hmm.
 7 MR. [REDACTED]: Here is one that was at
 8 2:21 p.m. Same date. And then, the next one
 9 was 3:42 p.m. And the next one was August
 10 12th. And then, the final one that we have is
 11 the August 13th. So, do these look like the
 12 timelines that you would have been gathering
 13 information and providing to Mr. [REDACTED]?
 14 MR. N'DIAYE: Okay. It looks like it.
 15 MR. [REDACTED]: Now, where were you
 16 actually obtaining this information from? You
 17 said [REDACTED] was obtaining it for you?
 18 MR. N'DIAYE: He was the exec, we recall,
 19 and in that, I'm not too familiar on the
 20 specifics on how we get it, because there was
 21 so much going on.
 22 MR. [REDACTED]: Mm-hmm.
 23 MR. N'DIAYE: That, you know, I don't
 24 recall if it was from the logbooks, or, you
 25 know, calling around and trying to find out.

1 MR. N'DIAYE: It was [REDACTED], at the
 2 time.
 3 MR. [REDACTED]: Okay. And then, who was
 4 your executive assistant?
 5 MR. N'DIAYE: [REDACTED] (Phonetic Sp.
 6 *00:10:21).
 7 MR. [REDACTED]: Okay.
 8 MR. [REDACTED]: [REDACTED]?
 9 MR. N'DIAYE: [REDACTED].
 10 MR. [REDACTED]: Now, as part of our
 11 investigation, we have to review everyone's
 12 emails, with regard to the incident.
 13 MR. N'DIAYE: Right.
 14 MR. [REDACTED]: So, you mentioned that
 15 you provided Mr. [REDACTED] with timelines --
 16 MR. N'DIAYE: Yeah.
 17 MR. [REDACTED]: -- and things like that.
 18 So, these are just some timelines from - again,
 19 Mr. Epstein, I believe, was found around 6:33
 20 a.m.
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: In the Special Housing
 23 Unit. This is a timeline starting with, it
 24 looks like, August 10th, 2019, at 11:04 a.m.
 25 So, a few hours after the fact. It just says,

1 So, I don't really recall the specifics.
 2 MR. [REDACTED]: All right. Well, rather
 3 than get into each one of these, because it
 4 will take too long, I'll just do the very first
 5 one. It says, it just says, "7/23/2019, at
 6 1:27 a.m., Epstein found in fetal position in
 7 cell, breathing, but would not acknowledge
 8 staff initially." So, that is referring to the
 9 first initial attempt that Epstein may have had
 10 on his life?
 11 MR. N'DIAYE: Let me see which one. Are
 12 we talking the day of, or -?
 13 MR. [REDACTED]: No. This is --
 14 MR. N'DIAYE: This is July.
 15 MR. [REDACTED]: -- yeah, July,
 16 (Indiscernible *00:12:40) 27.
 17 MR. N'DIAYE: Oh, no. This is July.
 18 MR. [REDACTED]: Yeah.
 19 MR. N'DIAYE: This is the --
 20 MR. [REDACTED]: So, this is the --
 21 MR. N'DIAYE: -- no, the --
 22 MR. [REDACTED]: -- timeline.
 23 MR. N'DIAYE: -- this would -. We would
 24 have probably got this from the SIS
 25 investigation.

1 MR. [REDACTED]: Okay.
 2 MR. N'DIAYE: From that. I thought you
 3 were referring to the actual suicide. This is
 4 --
 5 MR. [REDACTED]: No. What I meant was --
 6 MR. N'DIAYE: -- this is --
 7 MR. [REDACTED]: -- just the information
 8 that was all put in there, as far as --
 9 MR. [REDACTED]: This was his first attempt.
 10 MR. [REDACTED]: -- well, it's everything.
 11 So, so, it starts July 23rd. The next one is
 12 July 29th. And it goes 8/9/2019. And then,
 13 and then, until -. So, it's only - there is
 14 only a few. That's why I was going to read it,
 15 just because there is only, like, three
 16 paragraphs, four or five, four or five
 17 paragraphs.
 18 MR. N'DIAYE: So, this looks to me like we
 19 send the information to the regional director -
 20 -
 21 MR. [REDACTED]: Mm-hmm.
 22 MR. N'DIAYE: -- and what he did was,
 23 compile this information to send to DOJ.
 24 MR. [REDACTED]: Okay. Oh, you're right.
 25 MR. N'DIAYE: Yeah.

1 Neck was red. Placed on suicide watch, and
 2 medical evaluation. Epstein receive daily
 3 psychological evaluations while on suicide
 4 watch." Was that your recollection, too?
 5 MR. N'DIAYE: Yeah. That is what is in
 6 the report. But I want to --
 7 MR. [REDACTED]: Sure.
 8 MR. N'DIAYE: -- clarify what we went -.
 9 You know, when I, when you first read it to me
 10 --
 11 MR. [REDACTED]: Mm-hmm.
 12 MR. N'DIAYE: -- I thought you meant the
 13 day of.
 14 MR. [REDACTED]: Yup, yup.
 15 MR. N'DIAYE: So --
 16 MR. [REDACTED]: Well, we have that, too.
 17 That's --
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: -- that one is here. And
 20 this one is from you, and this is what I
 21 thought it was starting with, as well.
 22 MR. N'DIAYE: Right.
 23 MR. [REDACTED]: Because it said timeline
 24 on it. From you to Mr. [REDACTED]. This initial
 25 one actually talks about Friday, August 9th,

1 MR. [REDACTED]: [REDACTED] --
 2 MR. N'DIAYE: This is not --
 3 MR. [REDACTED]: -- sent this to you. So,
 4 he is saying --
 5 MR. N'DIAYE: -- yeah, this thing.
 6 MR. [REDACTED]: -- "see below --
 7 MR. N'DIAYE: Right.
 8 MR. [REDACTED]: -- just ensure you know."
 9 MR. N'DIAYE: so, this is compiled off of
 10 several different documents --
 11 MR. [REDACTED]: Okay.
 12 MR. N'DIAYE: -- which he condensed.
 13 MR. [REDACTED]: So --
 14 MR. N'DIAYE: From --
 15 MR. [REDACTED]: -- he sent it to you.
 16 I'm sorry. I read that incorrectly. So,
 17 looking at this, then, let's just review it and
 18 make each point, just make sure that it's what
 19 you understand. It says, "On July 23rd, 2019,
 20 Epstein was found in a fetal position in cell,
 21 breathing, but would not acknowledge staff
 22 initially."
 23 MR. N'DIAYE: Right.
 24 MR. [REDACTED]: "After removed, he
 25 interacted with staff and speaking to staff.

1 2019. It starts with, "8:00 a.m., inmate [REDACTED]
 2 [REDACTED], reg number 85993-054, departs for
 3 court. WAB-USMS-SDNY. [REDACTED] is Epstein's
 4 cellmate."
 5 MR. N'DIAYE: Right.
 6 MR. [REDACTED]: So, just starting with
 7 that, then, I do have, we're going to get into
 8 that later, but what does that tell you, if it
 9 says inmate [REDACTED] is departing for court, but
 10 it also says WAB-USMS-SDNY?
 11 MR. N'DIAYE: So, that would mean With All
 12 Belongings.
 13 MR. [REDACTED]: So, that means he's not
 14 returning. Correct?
 15 MR. N'DIAYE: Yes.
 16 MR. [REDACTED]: All right. So, at 8:00
 17 a.m., [REDACTED] is actually leaving, not
 18 coming back to the MCC.
 19 MR. N'DIAYE: Mm-hmm.
 20 MR. [REDACTED]: All right. Great. And
 21 then, it just goes on from there, what happens
 22 throughout that day. And we're going to get
 23 into these things more in detail, so I don't
 24 want to go through each thing, because we're
 25 going to have to get into it later. But so,

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

3 [REDACTED].
4 MR. N'DIAYE: That would probably be
5 information that we sent up to him.

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

16 MR. N'DIAYE: (Indiscernible *00:16:27).

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

20 MR. N'DIAYE: Mm-hmm. (Indiscernible
21 *00:16:34).

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

1 day.

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

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

12 MR. N'DIAYE: It should be, but I don't
13 want to attest to it. I mean --

14 MR. [REDACTED]: Yeah, yeah.

15 MR. N'DIAYE: -- yeah.

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

23 MR. N'DIAYE: That's how it typically
24 works. At, you know, but I can't, I can't
25 attest to it --

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

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

10 MR. N'DIAYE: Yeah. I don't know why it
11 would be --

12 MR. [REDACTED]: So --

13 MR. N'DIAYE: -- under Friday, because I
14 wasn't --

15 MR. [REDACTED]: -- yeah. Okay.

16 MR. N'DIAYE: -- I wasn't working.

17 MR. [REDACTED]: So, you were actually off

18 --

19 MR. N'DIAYE: I was off --

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

21 MR. N'DIAYE: -- on Friday. Yes.

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

24 MR. N'DIAYE: Huh?

25 MR. [REDACTED]: Everybody was off that

1 MR. [REDACTED]: And yeah.

2 MR. N'DIAYE: -- of whether it was
3 accurate, but typically, the last one that you
4 send usually, you know, if you have to make
5 corrections, you make the corrections. And
6 information, if you have to.

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

10 MR. N'DIAYE: Mm-hmm.

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

16 MR. N'DIAYE: Mm-hmm.

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

19 MR. N'DIAYE: And so, I write the date --

20 MR. [REDACTED]: If you could --

21 MR. N'DIAYE: -- and put reviewed on it,
22 or -?

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

1 have you do every single one. And I'm going to
 2 put this in a pile, back in a paper clip, and
 3 I'm going to hand it to my friend over here.
 4 MR. N'DIAYE: What's the date? The 18th?
 5 MR. [REDACTED]: 27th.
 6 MR. N'DIAYE: 27th.
 7 MR. [REDACTED]: 10/27/21.
 8 MR. [REDACTED]: Thank you, sir, for
 9 initialing and dating that. All right. I'm
 10 going to just actually, because it's the
 11 timeline, I'm going to keep it in front of me
 12 because we might have to reference it.
 13 MR. [REDACTED]: I can tell --
 14 MR. [REDACTED]: All right.
 15 MR. [REDACTED]: -- this is going to be a long-
 16 ass interview.
 17 MR. [REDACTED]: It's going to be pretty
 18 long. That's where I was trying to --
 19 MR. [REDACTED]: Yeah. Just --
 20 MR. [REDACTED]: -- you know? All right.
 21 So, July 23rd incident. That was, what do you
 22 recall what happened on July 23rd with inmate
 23 [REDACTED] and Mr. Epstein? Do you recall?
 24 MR. N'DIAYE: I recall the investigation
 25 that couldn't determine if they had an

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

1 altercation, or I believe if it was an attempt
 2 at suicide.
 3 MR. [REDACTED]: All right. So --
 4 MR. N'DIAYE: Yeah.
 5 MR. [REDACTED]: -- so, something happened
 6 on the July 23rd --
 7 MR. N'DIAYE: Something happened --
 8 MR. [REDACTED]: -- where Mr. --
 9 MR. N'DIAYE: -- in his cell.
 10 MR. [REDACTED]: -- Epstein was found
 11 with, like, a - was it a noose around his neck?
 12 MR. N'DIAYE: It wasn't determined. It
 13 was, you know, that he was laying in his cell,
 14 but I don't recall the specifics of the report.
 15 But I know it went back and forth where there
 16 was a suicide attempt, or an issue with inmate
 17 --
 18 MR. [REDACTED]: [REDACTED].
 19 MR. N'DIAYE: -- with - yeah -
 20 [REDACTED]. Yeah.
 21 MR. [REDACTED]: All right. So, these are
 22 emails that we reviewed with regard --
 23 MR. N'DIAYE: Mm-hmm.
 24 MR. [REDACTED]: -- to that incident.
 25 MR. N'DIAYE: Mm-hmm.

1 "From the memo attached, the information I
 2 received is not what I was told happened."
 3 MR. N'DIAYE: Right.
 4 MR. [REDACTED]: So, what I wanted to know
 5 is, and I guess, would you like me just to
 6 refresh your memory, to really quickly read
 7 what she said happened, so we can figure out
 8 what it is that didn't happen?
 9 MR. N'DIAYE: Okay. Yeah.
 10 MR. [REDACTED]: All right. So, this is
 11 subject, "Possible suicide attempt." Again,
 12 July 23rd, 2019. It says, "On July -". Let me
 13 just sit back so you can just kind of read
 14 along with me. Would you mind if I sit next to
 15 you?
 16 MR. N'DIAYE: No. No problem.
 17 MR. [REDACTED]: I'm vaccinated, just so
 18 you know. It says, "On July 23rd, 2019, at
 19 approximately 1:27 a.m., a call for assistance
 20 on the Special Housing Unit was announced by
 21 the control center. Upon my arrival, I was
 22 informed that an inmate had attempted suicide
 23 and proceeded to cell Z05-124LAD. I observed
 24 inmate Epstein, Jeffrey, number 76318-054,
 25 lying in the fetal position on the floor of his

1 cell, wearing a t-shirt and boxers.

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

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

17 MR. N'DIAYE: Health. Health Services.

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

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

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

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

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

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

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

25 He stated that he then called the guards,

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

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

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

23 MR. N'DIAYE: [REDACTED].
24 MR. [REDACTED]: [REDACTED]. "Was
25 notified and briefed. It was determined that

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

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

16 MR. N'DIAYE: No.

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

22 MR. N'DIAYE: I think she - if I recall -
23 that she told, that said that it was an
24 attempted suicide, but then she got any
25 additional information that it might have been

1 weren't even able to do that.

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

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

11 MR. [REDACTED]: And were you satisfied
12 with that response, or did you think that they
13 missed something?

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

17 MR. [REDACTED]: Okay.

18 MR. N'DIAYE: -- it was a suicide, or it
19 was assault. So, we separated them.

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

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

1 Epstein and [REDACTED] having an issue in his
2 cell.

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

6 MR. N'DIAYE: In the investigation.

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

9 MR. N'DIAYE: I can't speculate.

10 MR. [REDACTED]: You don't -.

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

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

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

1 other --

2 MR. [REDACTED]: Sure.

3 MR. N'DIAYE: -- conclusions could have
4 been drawn from it.

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

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

13 MR. [REDACTED]: Okay. So, just so, that
14 is just so you know, if you don't mind just
15 initialing and dating that one, that we just
16 read. Okay. So, this next one is from
17 Charisma [REDACTED] to a [REDACTED] [REDACTED].
18 (Phonetic Sp. *00:30:05).

19 MR. N'DIAYE: She's a psychologist.

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

22 MR. N'DIAYE: Right.

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

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

4 MR. N'DIAYE: Mm-hmm.

5 MR. [REDACTED]: Was that something
6 normal? Was that an easy mistake?

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

16 MR. [REDACTED]: Okay.

17 MR. N'DIAYE: But they did document, so.

18 MR. [REDACTED]: Now, C.O. [REDACTED]. Is
19 this Michael Thomas that you, are you aware?

20 MR. N'DIAYE: I had two [REDACTED]. I don't
21 know which one it was.

22 MR. [REDACTED]: Okay. So, if I tell you
23 it was --

24 MR. N'DIAYE: No, no, no. It had to be
25 Officer [REDACTED], because if it was C.O. [REDACTED],

1 he would have been - his title is material
2 handler.

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

5 MR. N'DIAYE: No. I think it was the
6 officer.

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

10 MR. N'DIAYE: Okay.

11 MR. [REDACTED]: -- with Mr. Thomas.

12 MR. N'DIAYE: Can I see the log --

13 MR. [REDACTED]: Sure.

14 MR. N'DIAYE: -- how he opened the log?

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

17 MR. N'DIAYE: Where does it show that he
18 started his shift? Because usually, when you
19 come on shift, you write --

20 MR. [REDACTED]: This is what --

21 MR. N'DIAYE: -- the name.

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

24 MR. N'DIAYE: Yeah. Typically, when you
25 start your shift, your start off, you know,

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

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

10 MR. N'DIAYE: So, this is --

11 MR. [REDACTED]: Hmm.

12 MR. N'DIAYE: See, this is what I mean by
13 when someone comes on duty, but this is what
14 they leave --

15 MR. [REDACTED]: This is the --

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

21 MR. [REDACTED]: Okay.

22 MR. N'DIAYE: And you typically say who
23 you relieved on there.

24 MR. [REDACTED]: All right. So, it looks
25 like they maybe didn't fill it out correctly.

1 MR. N'DIAYE: They didn't fill it out
2 correctly.

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

5 MR. N'DIAYE: Okay.

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

8 MR. N'DIAYE: Mm-hmm.

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

13 MR. N'DIAYE: Yes.

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

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

1 MR. [REDACTED]: Sure. And then, all
 2 these documents that we're reviewing right
 3 here, on these two emails, what are they?
 4 MR. N'DIAYE: Which one?
 5 MR. [REDACTED]: Both of them.
 6 MR. N'DIAYE: The suicide watch log?
 7 MR. [REDACTED]: Yeah. So, is this
 8 suicide watch log, as well as this?
 9 MR. N'DIAYE: Yeah. The suicide
 10 observation log, and this appears to be the
 11 cover of a logbook, for suicide watch.
 12 MR. [REDACTED]: Perfect.
 13 MR. N'DIAYE: Okay.
 14 MR. [REDACTED]: All right. Do you mind
 15 just initial and dating this? And again, these
 16 aren't trick questions --
 17 MR. N'DIAYE: Okay.
 18 MR. [REDACTED]: -- I just don't want to,
 19 like, put answers in your -. If I think it is
 20 something, but maybe it's not, you might be
 21 able to tell me what it actually is.
 22 MR. N'DIAYE: This one, too?
 23 MR. [REDACTED]: Yes, please. Thank you,
 24 sir. And this is, this says psych ops. So,
 25 this is another one of those emails. This one

1 MR. [REDACTED]: So, if you can keep them,
 2 and then write a note on them.
 3 MR. [REDACTED]: Okay.
 4 MR. [REDACTED]: So that when we are -.
 5 After this thing is transcribed, we can keep
 6 things in order. This one is regarding the
 7 first attempt, and the one we read from [REDACTED]
 8 [REDACTED]. And can you tell me, sir, what
 9 this is? This is July 30th. So, it is that
 10 same date that he came off of -. What am I
 11 looking at here?
 12 MR. N'DIAYE: So, this is -. Date, name,
 13 signature. Inmate name. Reg number. This is
 14 -. Is this a entrance log to the Special
 15 Housing Unit?
 16 MR. [REDACTED]: I'm not sure. That's
 17 what I'm saying.
 18 MR. N'DIAYE: I'm just, I don't know. It
 19 might be an entrance log. This is 7/30.
 20 MR. [REDACTED]: These are all dates, but
 21 at least up until 7/30, that he was in the
 22 Special Housing Unit, but this says J. Epstein.
 23 So, I don't know if he would sign himself in.
 24 MR. N'DIAYE: No, no.
 25 MR. [REDACTED]: So -.

1 is from [REDACTED] to you. Also dated August 10th,
 2 2019. It says, "Psych ops is discontinued on
 3 7/30/2018." I think she means 2019. Correct?
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: At 8:15 a.m.
 6 MR. N'DIAYE: Mm-hmm.
 7 MR. [REDACTED]: So, is this also part of
 8 the suicide watch log?
 9 MR. N'DIAYE: That is a log you would also
 10 use.
 11 MR. [REDACTED]: Okay. Great. And does
 12 it say in there, I guess right here, "8:15
 13 a.m., psych observation is being
 14 discontinued."
 15 MR. N'DIAYE: Yes.
 16 MR. [REDACTED]: Okay. Awesome. Do you
 17 mind just initial and dating this? And [REDACTED],
 18 as I am giving these to you, can you try to
 19 keep these in order with regard to --
 20 MR. [REDACTED]: I've just been stacking them.
 21 MR. [REDACTED]: -- making a note. Don't
 22 stack them on top, though, keep them, like,
 23 bundled together, so we know this is psych.
 24 This is, like, the psych observation logbook.
 25 MR. [REDACTED]: Okay.

1 MR. N'DIAYE: I don't know. It might be
 2 an entrance --
 3 MR. [REDACTED]: Or is it to the attorney
 4 visits or something?
 5 MR. N'DIAYE: -- it might be attorney
 6 visits. Let me see. 7/30. G tall (Phonetic
 7 Sp. *00:36:57). Signature. Inmate name.
 8 Name. This might be an attorney log. Name.
 9 Fall. Signature. Yeah. This might. This is
 10 probably an attorney --
 11 MR. [REDACTED]: Mm-hmm.
 12 MR. N'DIAYE: -- the log into the attorney
 13 room. I think that's probably it.
 14 MR. [REDACTED]: Here is Epstein again.
 15 It shows 7/30, 7/30, 7/30.
 16 MR. N'DIAYE: The different attorneys.
 17 He, you know, he could have had one attorney
 18 that comes in early in the morning --
 19 MR. [REDACTED]: Okay.
 20 MR. N'DIAYE: -- and then, any time a new
 21 one comes in, they have to sign in, saying who
 22 you came to see.
 23 MR. [REDACTED]: Okay.
 24 MR. N'DIAYE: So, he had multiple --
 25 MR. [REDACTED]: So, this is --

1 MR. N'DIAYE: -- (Indiscernible
2 *00:37:46).
3 MR. [REDACTED]: -- an attorney log.
4 MR. N'DIAYE: This is an attorney log. He
5 usually had multiple attorneys.
6 MR. [REDACTED]: So, it wasn't Epstein
7 signing his name. They are --
8 MR. N'DIAYE: No, no.
9 MR. [REDACTED]: -- saying they were
10 visiting this person.
11 MR. N'DIAYE: Whoever comes and visits has
12 to put who --
13 MR. [REDACTED]: Okay.
14 MR. N'DIAYE: -- they are visiting.
15 MR. [REDACTED]: So, the visitor logs were
16 for attorneys.
17 MR. N'DIAYE: Attorneys. Yeah.
18 MR. [REDACTED]: All right. You mind just
19 initial and dating that? And again, [REDACTED], if
20 you want to write on here, just --
21 MR. [REDACTED]: Okay.
22 MR. [REDACTED]: -- attorney logbook
23 visit. So, again, so that we can keep track of
24 what it is these things are. Now, is this the
25 same thing we just looked at? This looks like,

1 this is the first page, it looks like, of the
2 logbook. Does this tell you --
3 MR. N'DIAYE: Mm-hmm.
4 MR. [REDACTED]: -- anything different
5 than what we looked at before, or is this the
6 same thing?
7 MR. N'DIAYE: It's the same. It's an
8 inmate suicide watch --
9 MR. [REDACTED]: Okay.
10 MR. N'DIAYE: -- log.
11 MR. [REDACTED]: So, it doesn't say
12 Michael Thomas on it, it just --
13 MR. N'DIAYE: No. It says inmate
14 companion was watching him.
15 MR. [REDACTED]: Okay. You said inmate --
16 Oh, so, this is an inmate companion instead of
17 --
18 MR. N'DIAYE: Yeah, yeah.
19 MR. [REDACTED]: -- the actual. Okay.
20 MR. N'DIAYE: You have --
21 MR. [REDACTED]: I got you. So, whatever,
22 does it tell us which, who the inmate was, that
23 was his companion?
24 MR. N'DIAYE: Inmate companion [REDACTED]
25 (Phonetic Sp. *00:39:51), and it has his number

1 again, it says, "Inmate companion assumed
2 duties from staff on 7/23/19, at 7:00 until
3 7/24/19, at 8:45 a.m. Epstein was transferred
4 to psych observation on 7/24/2019, at 8:45 a.m.
5 until 7/30/2019 at 8:15 a.m. Inmate companion
6 was utilized."
7 MR. N'DIAYE: Mm-hmm.
8 MR. [REDACTED]: So, this one says July
9 23rd, 24th. And this one, again, suicide watch
10 chronological log.
11 MR. N'DIAYE: Mm-hmm.
12 MR. [REDACTED]: Inmate companion logs.
13 Does this tell you anything more about Michael
14 Thomas, or anything different? What is this?
15 This one is the PP-37. What does that tell us?
16 That's just he's on it?
17 MR. N'DIAYE: Yeah. It just says, you
18 know, (Indiscernible *00:39:01), let me see.
19 You got category. I don't know what the MDS
20 is, but typically, it's an assignment. Like, I
21 could put in and do a PP-37 and say where he
22 was housed at. So, I could put quarters. So,
23 this must be a medical term. Concerning his
24 medical status.
25 MR. [REDACTED]: Okay. Great. And then,

1 right there.
2 MR. [REDACTED]: Okay. Great.
3 MR. N'DIAYE: Assumed responsibility for
4 inmate Epstein on --
5 MR. [REDACTED]: Perfect.
6 MR. N'DIAYE: So, that's why I was telling
7 you, the staff one should read just like that,
8 too.
9 MR. [REDACTED]: All right. So, this one
10 is 7/23 is the actual inmate that was --
11 MR. N'DIAYE: Mm-hmm.
12 MR. [REDACTED]: -- Epstein's companion on
13 7/23 until 7/24. Do you mind just initial and
14 dating that?
15 MR. [REDACTED]: And this is right after the
16 incident. The first incident, right?
17 MR. [REDACTED]: This is -- so, July 23rd
18 or the 24th -- yes, this is when he was on
19 suicide watch, not on observation.
20 MR. N'DIAYE: Mm-hmm.
21 MR. [REDACTED]: And this is that, it
22 looks like this one is, again, it's from you to
23 Mr. [REDACTED].
24 MR. N'DIAYE: Mm-hmm.
25 MR. [REDACTED]: It says psych ops/suicide

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

3 MR. N'DIAYE: Right.

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

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

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

18 MR. N'DIAYE: (Indiscernible *00:41:11).

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

22 MR. N'DIAYE: That, too.

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

25 MR. N'DIAYE: Same.

1 MR. [REDACTED]: -- same procedures?

2 MR. N'DIAYE: Yes.

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

9 MR. N'DIAYE: If they are on that watch,
10 no.

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

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

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

24 MR. N'DIAYE: They will always call. I
25 mean, they would. There was always a number

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

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

5 MR. N'DIAYE: No, I don't. I don't
6 recall.

7 MR. [REDACTED]: Okay.

8 MR. N'DIAYE: Speaking with a judge.

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

13 MR. N'DIAYE: No. Judges wouldn't
14 typically call for that.

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

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

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

1 on either suicide watch or psychological
2 observations?

3 MR. N'DIAYE: I don't recall that.

4 MR. [REDACTED]: You don't recall.

5 MR. N'DIAYE: No.

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

7 MR. N'DIAYE: Mm-hmm.

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

13 MR. N'DIAYE: I don't know --

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

16 MR. N'DIAYE: -- if he was on that status,
17 then he would not have been --

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

19 MR. N'DIAYE: -- I don't believe so.

20 MR. [REDACTED]: Okay.

21 MR. N'DIAYE: No. I don't believe so.

22 MR. [REDACTED]: No problem. All right.

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

25 MR. N'DIAYE: Mm-hmm.

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

9 MR. N'DIAYE: Mm-hmm.

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

16 MR. N'DIAYE: He stayed until the 30th.

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

19 MR. N'DIAYE: I think that was a typo.

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

22 MR. N'DIAYE: Well, this answers your
23 previous question.

24 MR. [REDACTED]: What's that?

25 MR. N'DIAYE: About being on psych ops and

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

3 MR. N'DIAYE: Mm-hmm.

4 MR. [REDACTED]: -- to your recollection -
5 -

6 MR. N'DIAYE: No.

7 MR. [REDACTED]: -- he wouldn't have?

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

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

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

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

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

3 MR. [REDACTED]: Well, it says that he had
4 an attorney visit --

5 MR. N'DIAYE: Right.

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

9 MR. N'DIAYE: Right. Oh, because he was
10 released on July 30th.

11 MR. [REDACTED]: Right.

12 MR. N'DIAYE: Okay.

13 MR. [REDACTED]: So, just saying, like,
14 yeah, he was released and --

15 MR. N'DIAYE: Mm-hmm.

16 MR. [REDACTED]: -- he was visiting with
17 his attorneys.

18 MR. N'DIAYE: Mm-hmm.

19 MR. [REDACTED]: And that's something
20 we've had a little bit of a conflicting
21 information.

22 MR. N'DIAYE: Mm-hmm.

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

1 How do you think it's -?

2 MR. N'DIAYE: [REDACTED].

3 MR. [REDACTED]: Okay.

4 MR. N'DIAYE: Yeah.

5 MR. [REDACTED]: Okay. So, did you have
6 any involvement with selecting [REDACTED] as
7 Epstein's cellmate?

8 MR. N'DIAYE: We did.

9 MR. [REDACTED]: Okay. And how was that
10 selection made?

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

21 MR. [REDACTED]: And who made the
22 decision?

23 MR. N'DIAYE: To put them together?

24 MR. [REDACTED]: Mm-hmm.

25 MR. N'DIAYE: I did.

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

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

9 MR. [REDACTED]: So --

10 MR. N'DIAYE: Yeah.

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

19 MR. N'DIAYE: Which --? Well, are we
20 talking about [REDACTED]?

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

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

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

12 MR. [REDACTED]: [REDACTED] [REDACTED]?
13 MR. N'DIAYE: -- [REDACTED], that [REDACTED] would
14 be the most appropriate because we couldn't
15 find anybody.

16 MR. [REDACTED]: Okay. So --

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

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

22 MR. N'DIAYE: [REDACTED].

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

25 MR. N'DIAYE: I mean, it was in

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

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

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

11 MR. [REDACTED]: Some kind of narcotics.

12 MR. N'DIAYE: -- huh?

13 MR. [REDACTED]: Some kind of narcotics.

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

17 MR. [REDACTED]: Yeah.

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

1 into the cell upon them. So, [REDACTED] was,
2 you know, the best --

3 MR. [REDACTED]: The other inmates --

4 MR. N'DIAYE: -- inmates --

5 MR. [REDACTED]: -- would not accept Epstein,
6 nor would not accept a pedophile.

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

13 MR. [REDACTED]: So, someone actually
14 spoke with [REDACTED] and he said he was
15 willing to do it?

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

18 MR. [REDACTED]: Okay.

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

23 MR. [REDACTED]: Okay. And if someone did
24 speak with him, who would that have been?
25 Would that have been captain?

1 MR. N'DIAYE: It might have been the
2 captain. Shoot, (Indiscernible *00:50:02).
3 But it probably would have been the captain,
4 but -
5 MR. [REDACTED]: Okay.
6 MR. N'DIAYE: -- you know, typically, you
7 know, we're going to make a move, and we're
8 putting somebody in there, we're not going to,
9 you know, sit down and consult with an inmate,
10 if that's okay with you. I mean --
11 MR. [REDACTED]: Sure.
12 MR. N'DIAYE: -- we just have a feel of
13 the unit --
14 MR. [REDACTED]: No.
15 MR. N'DIAYE: -- that, who is appropriate
16 to go in there, okay, I'm not going to put a
17 drug dealer in there with him. So, you know,
18 typically, another high-profile inmate would be
19 appropriate.
20 MR. [REDACTED]: Okay. Now, do you have
21 any reason to believe that [REDACTED] did, in
22 fact, try to harm Epstein on July 23rd?
23 MR. N'DIAYE: Again=, I can't speculate on
24 that.
25 MR. [REDACTED]: Sure. Just because -

1 MR. [REDACTED]: [REDACTED] wasn't in the cell
2 at the time.
3 MR. N'DIAYE: So --
4 MR. [REDACTED]: On July 23rd, he was.
5 MR. N'DIAYE: -- he was. So, he --
6 MR. [REDACTED]: He was. Oh, I --
7 MR. N'DIAYE: -- yeah.
8 MR. [REDACTED]: -- yeah, right.
9 MR. N'DIAYE: Yeah. So, here's how I'm
10 going to put this. As far as [REDACTED], we
11 and his behavior in the institution, he wasn't
12 a model prisoner. I mean, we caught him, you
13 know, with a cellphone. You know, making
14 calls, you know, and circumventing his case,
15 and whatever. But so, I don't, I can't
16 speculate on, you know, whether he would do
17 something, or he wouldn't do something. So,
18 that was, you know, my dealings with
19 [REDACTED], when I was aware of him. Plus,
20 you know, his case.
21 MR. [REDACTED]: Mm-hmm.
22 MR. N'DIAYE: And the request from his
23 attorneys.
24 MR. [REDACTED]: Okay. So, following
25 Epstein's time on suicide watch and

1 MR. N'DIAYE: I mean -.
2 MR. [REDACTED]: -- it would be pure
3 speculation, if you did?
4 MR. N'DIAYE: Yeah. It would be. I would
5 be speculating on that.
6 MR. [REDACTED]: Okay.
7 MR. N'DIAYE: I can't -.
8 MR. [REDACTED]: Okay.
9 MR. N'DIAYE: Yeah.
10 MR. [REDACTED]: And you just prefer not
11 to do that?
12 MR. N'DIAYE: Yeah. I don't want to
13 speculate.
14 MR. [REDACTED]: Okay. Now, so, our
15 assessment from other people has been that --
16 MR. N'DIAYE: Mm-hmm.
17 MR. [REDACTED]: -- [REDACTED] was trying
18 to beat his case --
19 MR. N'DIAYE: Mm-hmm.
20 MR. [REDACTED]: -- and that he had every
21 reason in the world not to harm Epstein. And
22 that [REDACTED] was actually the person who
23 notified the guards that Epstein was in need of
24 help. Is that what you -? Is that a correct
25 assessment?

1 psychological observation, was he placed back
2 in the SHU?
3 MR. N'DIAYE: Yes.
4 MR. [REDACTED]: Okay. So, and I
5 apologize to read all these, but this is just -
6 again - we're not going to through them one by
7 one, but just to show what it is that we have
8 here. So, this one says it's from an [REDACTED]
9 [REDACTED] to [REDACTED]. Did I get this from you?
10 I think this is something that forwarded on.
11 MR. [REDACTED]: She say even gave your own
12 drinking --
13 MR. [REDACTED]: This one says, "Can you
14 send me notes on Epstein? On his suicide
15 attempt. Thanks." That was from [REDACTED].
16 [REDACTED], it looks like, sent it up. So,
17 [REDACTED] said, "I need this ASAP." And it
18 says, "Here are his notes."
19 MR. N'DIAYE: So, he said [REDACTED] (Phonetic
20 Sp. *00:52:59). I guess the regional is
21 requesting it.
22 MR. [REDACTED]: Okay. So, the region
23 wanted this?
24 MR. N'DIAYE: Yeah.
25 MR. [REDACTED]: So, this, is this what

1 this is? Is this the psychology file of
 2 Epstein?
 3 MR. N'DIAYE: Those are clinical notes.
 4 MR. [REDACTED]: So, these are all
 5 clinical notes --
 6 MR. N'DIAYE: Yeah.
 7 MR. [REDACTED]: -- here?
 8 MR. N'DIAYE: Mm-hmm.
 9 MR. [REDACTED]: Would this have been,
 10 like, okay, it starts with, it looks like July
 11 31st, and then goes back, July 30th. So, it
 12 looks like these are clinical notes from the
 13 day he got there --
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: -- up until July 31st.
 16 MR. N'DIAYE: Right.
 17 MR. [REDACTED]: I wonder why. Why would
 18 they only send until July 31st? Do you know?
 19 MR. N'DIAYE: You said --
 20 MR. [REDACTED]: Not August.
 21 MR. N'DIAYE: -- they sent from where?
 22 MR. [REDACTED]: Well, it --
 23 MR. N'DIAYE: From --?
 24 MR. [REDACTED]: -- started from the day
 25 that he arrived, it looks like, on, it's July

1 why that would be?
 2 MR. N'DIAYE: Hold on. If an inmate is
 3 cleared off of - so, and you have to talk them
 4 about it - but most inmates didn't, once you
 5 are cleared off of suicide watch, they have
 6 other things that they do. You can come down
 7 and they give you some (Indiscernible
 8 *00:54:42) courses to take. So, they have
 9 other types of therapy, but it doesn't
 10 necessarily have to be entered in as a medical
 11 encounter.
 12 MR. [REDACTED]: Okay. So, this is, so,
 13 psychology could have been still meeting with
 14 them, just not noted as a medical encounter?
 15 MR. N'DIAYE: Yeah. You - I mean - you
 16 see them, and you can just, like, if you have
 17 patients, you will go, how is everything going?
 18 You doing all right? Yeah. I'm fine. I'm
 19 okay. So, it doesn't have to be noted as a
 20 medical encounter.
 21 MR. [REDACTED]: Okay. So, your
 22 involvement with this, being that he came off
 23 of psychological observation on July 30th,
 24 should psychology had interacted with him more
 25 in that type of setting, where they would have

1 8th, 2019.
 2 MR. N'DIAYE: Right.
 3 MR. [REDACTED]: To July 31st, 2019.
 4 MR. N'DIAYE: It's any encounter you have
 5 with him. Any medical --
 6 MR. [REDACTED]: So, did they not --
 7 MR. N'DIAYE: -- (Indiscernible
 8 *00:53:53).
 9 MR. [REDACTED]: -- have any encounters
 10 after July 31st, 2019?
 11 MR. [REDACTED]: Do you know?
 12 MR. N'DIAYE: No. I am not aware of that
 13 because it would only - they would only
 14 annotate if they had encounters with him.
 15 MR. [REDACTED]: Okay. So, you are
 16 unaware of, after July 31st, if anyone had any
 17 kind of, any psychology had any interactions
 18 with him?
 19 MR. N'DIAYE: No. If it's not in the BEMR
 20 notes, and that, I guess they didn't have any.
 21 MR. [REDACTED]: So, you would assume that
 22 --
 23 MR. N'DIAYE: Yeah.
 24 MR. [REDACTED]: -- there wouldn't be?
 25 Okay. Do you mind initialing? And do you know

1 been writing clinical notes? Or do you --
 2 MR. N'DIAYE: No. I think they --
 3 MR. [REDACTED]: -- or --?
 4 MR. N'DIAYE: -- did everything. Because
 5 they cleared him at the time. I mean, based on
 6 the SIS investigation, it was inconclusive
 7 whether he committed, you know, tried to --
 8 MR. [REDACTED]: Sure.
 9 MR. N'DIAYE: -- attempted to commit
 10 suicide, and I didn't read all the reports, but
 11 if he's sitting in the report, saying, no, I
 12 wasn't trying to kill myself, and I didn't do
 13 it, that's their assessment of it.
 14 MR. [REDACTED]: Right. No. I guess what
 15 I'm saying is that, I know you're not a
 16 psychologist, but if the 30th was the day that
 17 they cleared him to go back to the SHU --
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: -- do you think that they
 20 should have continued at least checking with
 21 him, or no?
 22 MR. N'DIAYE: Well, they probably did. I
 23 mean, when --
 24 MR. [REDACTED]: Okay.
 25 MR. N'DIAYE: -- you make your SHU rounds.

1 You know, seeing him in other parts of the
 2 institution. So, and you would have to ask
 3 them. But there were probably encounters with
 4 him.
 5 MR. [REDACTED]: Okay.
 6 MR. N'DIAYE: But that didn't require --
 7 MR. [REDACTED]: A report.
 8 MR. N'DIAYE: -- a report, and a medical
 9 annotation in there.
 10 MR. [REDACTED]: Okay. So, this next
 11 email, it talks about, it says, "Warden
 12 N'Diaye," and this is from [REDACTED] [REDACTED], and
 13 again --
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: -- is he the coordinator?
 16 Or, who is he?
 17 MR. N'DIAYE: Oh.
 18 MR. [REDACTED]: Oh, here it is. National
 19 suicide prevention coordinator for the BOP.
 20 MR. N'DIAYE: Right.
 21 MR. [REDACTED]: It says, "Thank you for
 22 supporting our scheduling of the psychological
 23 reconstructive for inmate Epstein. I will be
 24 joined by [REDACTED] [REDACTED], (Phonetic Sp.
 25 *00:56:44) Correction Service Administration of

1 assistant --
 2 MR. [REDACTED]: Yeah.
 3 MR. N'DIAYE: -- get the information.
 4 MR. [REDACTED]: So, it says, "I am
 5 attaching a list of materials we use to
 6 complete the reconstruction. We routinely take
 7 these documents with us, so please ensure that
 8 a copy of any documents you also need."
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: It says, "Your assistance
 11 in gathering these documents, appreciate it,
 12 will be helpful." So, you would just, you
 13 would provide that to, like, [REDACTED] or
 14 someone?
 15 MR. N'DIAYE: Yeah. We tell the exec,
 16 hey, I need you to gather this information, and
 17 it might not be [REDACTED]. It could be the
 18 chief psychologist. Whoever is assigned to do
 19 it.
 20 MR. [REDACTED]: Okay. But as far as you
 21 know, was that completed? Did he show up and
 22 do that?
 23 MR. N'DIAYE: I wasn't at the institution.
 24 MR. [REDACTED]: Oh, okay.
 25 MR. N'DIAYE: I --

1 the Northeast Region. So, do you know if that
 2 was ever completed? The actual suicide
 3 reconstruction.
 4 MR. N'DIAYE: They might have, but nobody
 5 talked to me.
 6 MR. [REDACTED]: Okay. They didn't talk
 7 to you?
 8 MR. N'DIAYE: Nah.
 9 MR. [REDACTED]: Okay. Fair enough. And
 10 then, behind it, it looks like, just, it looks
 11 like a template is attached here.
 12 "(Indiscernible *00:57:00 national suicide
 13 prevention program, suicide reconstruction
 14 materials."
 15 MR. N'DIAYE: Mm-hmm.
 16 MR. [REDACTED]: Would have you been the
 17 one that would have gathered these things for
 18 him?
 19 MR. N'DIAYE: No. You probably --
 20 Typically, when this happens, this comes from,
 21 when I used to do them, I would make contact
 22 with someone in the institution, to get it.
 23 So, you might --
 24 MR. [REDACTED]: Mm-hmm.
 25 MR. N'DIAYE: -- have the executive

1 MR. [REDACTED]: So, you --
 2 MR. N'DIAYE: -- I was removed from the
 3 institution.
 4 MR. [REDACTED]: -- when were you removed
 5 from the institution?
 6 MR. N'DIAYE: Monday.
 7 MR. [REDACTED]: Monday, August 12th?
 8 MR. N'DIAYE: Yes.
 9 MR. [REDACTED]: Okay. That's what I was
 10 kind of asking you before. Maybe I wasn't
 11 clear with my question. I was wondering if
 12 something happened to you after this, that you
 13 were removed and no longer --
 14 MR. N'DIAYE: No. They just told me, go
 15 report to the region.
 16 MR. [REDACTED]: -- all right. So, as of
 17 Monday, August 12th, 2019, you were no longer
 18 at the MCC?
 19 MR. N'DIAYE: I was no longer at the MCC.
 20 MR. [REDACTED]: And did you ever go back
 21 after that?
 22 MR. N'DIAYE: No, I didn't.
 23 MR. [REDACTED]: Okay. So, that was --
 24 Okay.
 25 MR. N'DIAYE: Well, I did today, to go

1 park.
 2 MR. [REDACTED]: Okay. But after this
 3 instance, and you were not really involved
 4 after that, then?
 5 MR. N'DIAYE: That was it. I didn't have
 6 any -.
 7 MR. [REDACTED]: Yeah. You check in today.
 8 Did you just say?
 9 MR. N'DIAYE: No, I had to park a vehicle,
 10 because I had to -. I had the government
 11 vehicle, so parking them, I had the prop, so I
 12 parked there, and took the train out,
 13 (Indiscernible *00:58:46).
 14 MR. [REDACTED]: I think when we started, and
 15 Dennis asked when you started at the regional
 16 office, I think you mentioned 2020.
 17 MR. N'DIAYE: So, the problem is, and he
 18 was talking about job title. My job title
 19 still remained the same.
 20 MR. [REDACTED]: As warden?
 21 MR. N'DIAYE: As the warden in New York,
 22 and it wasn't removed until 2020.
 23 MR. [REDACTED]: Okay. Well, now, but as of
 24 August 12th, 2019, you started reporting to the
 25 region?

1 Aw [REDACTED] to yourself.
 2 MR. N'DIAYE: Mm-hmm.
 3 MR. [REDACTED]: And it just says, "FYI,
 4 from Dr. [REDACTED], regarding her last interaction
 5 with Epstein, prior to her departure on
 6 Thursday."
 7 MR. N'DIAYE: Mm-hmm.
 8 MR. [REDACTED]: Dr. [REDACTED] was the
 9 psychologist at MCC?
 10 MR. N'DIAYE: Yes.
 11 MR. [REDACTED]: Correct?
 12 MR. N'DIAYE: She was the chief
 13 psychologist.
 14 MR. [REDACTED]: Okay. Great. And it
 15 says that, "I visited inmate Epstein in SHU on
 16 Thursday." Thursday, meaning August 8th --
 17 MR. N'DIAYE: Right.
 18 MR. [REDACTED]: -- 2019. "He was getting
 19 ready to meet with his attorneys for the day,
 20 so I had gone to visit him, right after the SHU
 21 meeting.
 22 MR. N'DIAYE: Mm-hmm.
 23 MR. [REDACTED]: He had a cellmate at the
 24 time, with whom I saw him interact with. He
 25 did not report any medical, or any mental

1 MR. N'DIAYE: Yeah. DRD (Phonetic Sp.
 2 *00:59:14) came. I did my - when was it? - I
 3 had an interview at the U.S. Attorney's Office.
 4 And then, my boss came and said, hey, I'm, you
 5 know, we're signing you up to the regional
 6 office. So, I went up, you know, no reason why
 7 I was being removed. And I was just told to go
 8 up there. So, that's what transpired.
 9 MR. [REDACTED]: Was there another warden in
 10 place?
 11 MR. N'DIAYE: They brought another one in.
 12 MR. [REDACTED]: So, there was two people with
 13 the title of warden, at that point?
 14 MR. N'DIAYE: Well, they had Mr. Partruchi
 15 (Phonetic Sp. *00:59:52), and Lacombe Vitale
 16 (Phonetic Sp. *01:00:01). She is.
 17 MR. [REDACTED]: Okay.
 18 MR. [REDACTED]: All right. So, if you
 19 don't mind, just initialing and dating that.
 20 MR. N'DIAYE: Mm-hmm.
 21 MR. [REDACTED]: We'll get that out of
 22 your way. So, this looks like this answers our
 23 question.
 24 MR. N'DIAYE: Mm-hmm.
 25 MR. [REDACTED]: So, this is an email from

1 health concerns, and he denied any suicidal
 2 thoughts or intention. He was asking the
 3 writer to go to general population and was
 4 making requests for various leads he had at the
 5 time. He wanted social calls without them
 6 being on a speaker phone. He wanted a book he
 7 had left in the suicide watch area.
 8 His mood was not depressed or anxious.
 9 There were no signs of stress. He had planned
 10 on meeting with his attorneys to work on his
 11 legal situation." So, there is that. And
 12 then, there is also, I don't know if this was
 13 attached. [REDACTED], I don't know how this was
 14 printed, but it also looks like all the
 15 contacts. It says, "15 contacts in one month.
 16 Starting on July 6, 2019, when Epstein arrived.
 17 And after the -". It does say that there was a
 18 contact that looks like, on the 31st.
 19 MR. [REDACTED]: What does he mean by
 20 "contact"?
 21 MR. [REDACTED]: A psychology contact.
 22 MR. [REDACTED]: Okay.
 23 MR. [REDACTED]: And then, here's one,
 24 8/1/2019, Dr. [REDACTED], SRA, was --
 25 MR. N'DIAYE: Yeah.

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1 MR. [REDACTED]: -- being conducted. What
2 is SRA? Do you know?
3 MR. N'DIAYE: It's a seg group.
4 Segregation review.
5 MR. [REDACTED]: Oh.
6 MR. [REDACTED]: So, it says --
7 MR. N'DIAYE: Yeah.
8 MR. [REDACTED]: -- it says, "Court sent a
9 form. Suicidal tendencies."
10 MR. N'DIAYE: No. That must be a
11 psychological thing. I thought it said SRO.
12 If it says SRA, that must be for SHU.
13 MR. [REDACTED]: Okay. And it says, "On
14 August 1st, 2019, he denied any suicide ally,
15 friends (Indiscernible *01:02:07) supportive
16 Jewish against his religion, still denied
17 knowing what happened to him on 7/23/2019, when
18 he was discovered with a string loosely tied
19 around his neck. Said his incident report for
20 self-mutilation was expunged. His cellmate is
21 talkative, but will give it a chance. Noisy in
22 SHU, he lives for fighting this case and going
23 back to his normal life." And again, it say
24 that the 2019 was with Dr. [REDACTED], what I just
25 --

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1 MR. N'DIAYE: Mm-hmm.
2 MR. [REDACTED]: [REDACTED], and it just
3 says everyone who is attached to this sent,
4 this was sent to.
5 MR. N'DIAYE: Mm-hmm.
6 MR. [REDACTED]: Is this something that
7 they normally do, after someone comes off of
8 psych observation or suicide watch? Do they
9 send this out to everyone? Or was it a special
10 case for this?
11 MR. N'DIAYE: No. It's typical.
12 MR. [REDACTED]: That's typical?
13 MR. N'DIAYE: Typical. Because you have
14 to let the lieutenants, the shift lieutenants,
15 everyone know, you know, the person is coming
16 off. And where to house them. Some go back to
17 their units. In his case, he was going back to
18 the Special Housing Unit.
19 MR. [REDACTED]: Okay. Great. Do you
20 mind just initial and dating that? And that
21 was - is it their job to determine if a
22 cellmate has to be housed with another
23 cellmate? I mean, an inmate has to be housed
24 with another inmate.
25 MR. N'DIAYE: Well, typically, I mean,

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1 MR. N'DIAYE: Right.
2 MR. [REDACTED]: -- read. And on
3 8/10/2019. So, I guess they did (Indiscernible
4 *01:02:40), just not in this (Indiscernible
5 *01:02:40).
6 MR. N'DIAYE: Yeah. You don't have to
7 always.
8 MR. [REDACTED]: So, yeah, then maybe
9 those weren't required.
10 MR. N'DIAYE: No.
11 MR. [REDACTED]: Yeah, do you mind, maybe
12 the bottom on this one?
13 MR. N'DIAYE: Mm-hmm.
14 MR. [REDACTED]: That wasn't attached to the
15 email. That was just a separate document.
16 MR. [REDACTED]: Oh, that's a separate
17 document? Okay. There you go. Can you go to
18 psychology? All right. And this is the last
19 one to cover what psychology. This was an
20 email that was sent out by a [REDACTED] [REDACTED].
21 To, it says, "Suicide watch/psych observation
22 update." On 7/30/2019, at 12:30 p.m., and it
23 says, "Inmate Epstein is being taken off of
24 psych observation and needs to be housed with an
25 appropriate cellmate."

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1 it's just - if there's nothing in policy that
2 sounds, you know, you know, in the correctional
3 setting, if somebody has been on, you know,
4 attempted suicide, or attempted to self-
5 mutilation, you usually put them in with
6 someone.
7 MR. [REDACTED]: Okay. So, were you or
8 your staff involved with the decision to have
9 Epstein removed from suicide watch or
10 psychological observation?
11 MR. N'DIAYE: Psychology makes the
12 determination that the individual is, you know,
13 no longer suicidal. This is for any inmate.
14 MR. [REDACTED]: Sure.
15 MR. N'DIAYE: Is no longer suicidal. And
16 there is no reason for him to be on suicide
17 watch. So, they either get released wherever
18 they came from, whether it was the general
19 population unit, or the Special Housing Unit.
20 MR. [REDACTED]: So, on background on
21 that. So, one of the individuals in psychology
22 department --
23 MR. N'DIAYE: Mm-hmm.
24 MR. [REDACTED]: -- who would meet with
25 Mr. Epstein, she said that she discussed this,

1 one of the steps down with Dr. [REDACTED], as well
 2 as AW [REDACTED].
 3 MR. N'DIAYE: Mm-hmm.
 4 MR. [REDACTED]: And I was informed that
 5 that is kind of pretty routine, that that is
 6 conducted in coordination with executive staff
 7 members. Is that --
 8 MR. N'DIAYE: Right. That is.
 9 MR. [REDACTED]: -- so, that's where I
 10 want to make sure that I'm understanding --
 11 MR. N'DIAYE: We do.
 12 MR. [REDACTED]: -- what you are saying.
 13 MR. N'DIAYE: But we also do, we have what
 14 we call a - and if it is an inmate that is in
 15 our Special Housing Unit, we have a weekly
 16 meeting, and if there are any issues, that's
 17 brought up in the meeting.
 18 MR. [REDACTED]: Okay. So, is it solely,
 19 though, up to psychology, if the inmate goes
 20 from, say, suicide watch to psych observation,
 21 and again, psych observation back to a housing
 22 unit? Is that their call, or does the
 23 executive staff, or anyone in the BOP, outside
 24 of psychology, have an influence on that?
 25 MR. N'DIAYE: Psychology are the subject

1 the word "courtesy" as a telling, but they're
 2 keeping us informed, saying, okay, we need to
 3 take him off of suicide watch. Now, let's say
 4 I come in and interject and say, no, I want him
 5 on there. What is my reasoning for putting him
 6 on there?
 7 MR. [REDACTED]: Mm-hmm.
 8 MR. N'DIAYE: What medical degree do I
 9 have to justify keeping an individual on
 10 suicide watch? Because now, it could go the
 11 other way. I decide to turn around and do
 12 something like that, I would be having a
 13 conversation with you about something else.
 14 MR. [REDACTED]: Sure.
 15 MR. N'DIAYE: So.
 16 MR. [REDACTED]: Okay.
 17 MR. N'DIAYE: Yeah.
 18 MR. [REDACTED]: So, is it more to keep
 19 you apprise --
 20 MR. N'DIAYE: To keep us apprised --
 21 MR. [REDACTED]: -- if anything else?
 22 MR. N'DIAYE: -- you know, and saying,
 23 hey, this is the way we're removing an
 24 individual, and we move forward. I mean,
 25 obviously, we will have questions. You know,

1 matter experts. They are the doctors. They
 2 release someone off of suicide watch. I can't
 3 - if an individual is on suicide watch - I
 4 can't turn around and come in there, and say,
 5 take him off.
 6 MR. [REDACTED]: Sure.
 7 MR. N'DIAYE: I'm not a trained
 8 psychologist. Now, I can put somebody on
 9 there. But then, you know, after hours, or if
 10 it is an emergency, or he attempted suicide,
 11 any staff member could put him on there.
 12 MR. [REDACTED]: Okay.
 13 MR. N'DIAYE: But as far as taking him
 14 off, you have to have a medical reason, as far
 15 as them coming off.
 16 MR. [REDACTED]: So, in that interview
 17 with that individual, they said the decision
 18 was discussed with AW [REDACTED] and that
 19 individual concurred with that decision. If
 20 they didn't concur, though, would that matter
 21 to them?
 22 MR. N'DIAYE: What do you mean, if the AW
 23 didn't concur with it?
 24 MR. [REDACTED]: Mm-hmm.
 25 MR. N'DIAYE: I mean, I don't want to use

1 if we had questions.
 2 MR. [REDACTED]: Guys, I want to go for a
 3 second. All right?
 4 MR. N'DIAYE: Okay.
 5 MR. [REDACTED]: I got to go pee.
 6 MR. [REDACTED]: Do you want us to
 7 continue or wait?
 8 MR. [REDACTED]: No, just stay by me. Oh,
 9 don't continue. I'll be right back.
 10 MR. [REDACTED]: Absolutely. I'm going to
 11 pause this recording then. It is currently
 12 3:00 p.m. on Wednesday, October 27th, 2021.
 13 This is Special Agent [REDACTED], and I
 14 am pausing the recording.
 15 (Whereupon, the above-entitled matter went
 16 off the record and back on the record).
 17 MR. [REDACTED]: All right. The recorder
 18 is back on. It is 3:04 p.m. after a quick,
 19 short break. Mr. N'Diaye, just reminding you
 20 that you are under oath.
 21 MR. N'DIAYE: Okay.
 22 MR. [REDACTED]: All right. Sorry.
 23 Address these.
 24 MR. N'DIAYE: Oh.
 25 MR. [REDACTED]: All right. So, the last

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

7 MR. N'DIAYE: Yes.

8 MR. [REDACTED]: Okay. And who made that
9 decision?

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

15 MR. [REDACTED]: Okay.

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

23 MR. [REDACTED]: Okay.

24 MR. N'DIAYE: Yeah.

25 MR. [REDACTED]: And that's Mr. [REDACTED],

1 MR. N'DIAYE: I don't -. I didn't -.

2 MR. [REDACTED]: Okay.

3 MR. N'DIAYE: Read. But that's -. We
4 didn't --

5 MR. [REDACTED]: Yeah.

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

10 MR. [REDACTED]: Okay.

11 MR. N'DIAYE: So.

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

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

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

22 MR. N'DIAYE: No.

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

24 MR. N'DIAYE: When he first came in, the
25 whole process was --

1 again?

2 MR. N'DIAYE: Yes.

3 MR. [REDACTED]: Okay. Great. But it was
4 based upon a list that you provided?

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

9 MR. [REDACTED]: Oh, so, you wanted
10 Epstein to actually be in general pop?

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

13 MR. [REDACTED]: Sure.

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

24 MR. [REDACTED]: And who called you?

25 MR. [REDACTED]: Did he qualify as a pedophile?

1 MR. [REDACTED]: Oh, I see.

2 MR. N'DIAYE: -- to get him out to general
3 population.

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

6 MR. N'DIAYE: Yeah, we're talking about --

7 MR. [REDACTED]: -- that timeframe.

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

12 MR. [REDACTED]: Mm-hmm.

13 MR. N'DIAYE: I mean, we had the attorneys
14 contacting our legal, why can't he be in
15 general population?

16 MR. [REDACTED]: Sure.

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

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

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

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

16 MR. [REDACTED]: And guess who's paying his
17 bill?

18 MR. N'DIAYE: -- right. That's not an
19 appropriate unit, and that's not what that unit
20 is for.

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

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

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

7 MR. N'DIAYE: Yeah. The terrorists up
8 there.

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

11 MR. N'DIAYE: Well, you had [REDACTED]
12 (Phonetic Sp. *01:13:05), but he was in for
13 espionage, and had a SAMs on him. So, he --

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

16 MR. N'DIAYE: -- he had -. No. His
17 status was based on, and I know there was
18 (Indiscernible *01:13:18), his escape status --

19 MR. [REDACTED]: Sure.

20 MR. N'DIAYE: -- and stuff. So, he was a
21 high profile person that had escaped from
22 another prison before --

23 MR. [REDACTED]: Mm-hmm.

24 MR. N'DIAYE: -- so, that was an
25 appropriate place to place him.

1 or no?

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

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

13 MR. N'DIAYE: So.

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

17 MR. N'DIAYE: Well, not the attorney
18 visits, but that is the SAMS unit.

19 MR. [REDACTED]: Okay.

20 MR. N'DIAYE: And he's not a SAMs inmate.
21 And then --

22 MR. [REDACTED]: What's a SAMs unit?

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

1 MR. [REDACTED]: I see.

2 MR. N'DIAYE: [REDACTED] was in general
3 population, and a SAMs was placed on him by his
4 attorney --

5 MR. [REDACTED]: What was the other name again?

6 MR. N'DIAYE: -- [REDACTED]. And he was
7 placed up there.

8 MR. [REDACTED]: Can I ask you --

9 MR. N'DIAYE: Yeah.

10 MR. [REDACTED]: -- a totally irrelevant
11 question?

12 MR. N'DIAYE: Mm-hmm.

13 MR. [REDACTED]: What was El Chapo like?

14 MR. N'DIAYE: Just like any other inmate.

15 MR. [REDACTED]: Is that right?

16 MR. N'DIAYE: Yeah. Just like any other
17 inmate.

18 MR. [REDACTED]: Polite?

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

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

25 MR. N'DIAYE: I mean, I could have, but I

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

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

9 MR. N'DIAYE: I mean --

10 MR. [REDACTED]: Is that --

11 MR. N'DIAYE: -- in essence --

12 MR. [REDACTED]: -- accurate, or --?

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

18 MR. [REDACTED]: Mm-hmm.

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

23 MR. [REDACTED]: Now - and this is a total
24 Monday morning quarterback --

25 MR. N'DIAYE: Mm-hmm.

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

5 MR. N'DIAYE: I think he was appropriately
6 placed.

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

8 MR. N'DIAYE: Mm-hmm.

9 MR. [REDACTED]: -- was the --

10 MR. N'DIAYE: That was the appropriate --

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

13 MR. N'DIAYE: -- place for him.

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: Quick question.

16 MR. N'DIAYE: Mm-hmm.

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

19 MR. N'DIAYE: Where?

20 MR. [REDACTED]: In --

21 MR. N'DIAYE: Yes, there were.

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

24 MR. N'DIAYE: El Chapo had left. I got
25 the one that ran the call with people in

1 Brooklyn. He was there.

2 MR. [REDACTED]: What was his name?

3 MR. N'DIAYE: I forget.

4 MR. [REDACTED]: What did he do? What was he
5 in there for?

6 MR. N'DIAYE: That's the one that killed
7 the pedestrians in lower Manhattan and ran --

8 MR. [REDACTED]: Oh, yeah.

9 MR. N'DIAYE: -- the vehicle into them.

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

12 MR. N'DIAYE: Yeah.

13 MR. [REDACTED]: -- (Indiscernible *01:15:28).

14 MR. N'DIAYE: He was there. I remember

15 [REDACTED]

16 MR. [REDACTED]: Mm-hmm.

17 MR. N'DIAYE: Who else? We had [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

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

1 MR. N'DIAYE: Right.

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

4 MR. N'DIAYE: It's the Combined -. He's
5 the supervisory attorney for Brooklyn and New
6 York.

7 MR. [REDACTED]: Okay.

8 MR. N'DIAYE: At the time.

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

11 MR. N'DIAYE: Yeah. He was the
12 supervisory attorney. So --

13 MR. [REDACTED]: Okay.

14 MR. N'DIAYE: -- he was in charge.

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

22 MR. N'DIAYE: Right.

23 MR. [REDACTED]: "Attorney [REDACTED],"
24 so, [REDACTED]. Next word, [REDACTED]. "With
25 whom I spoke in person in the late morning, had

1 asked, as an aside, whether we would consider
 2 housing him in the cadre." What is the cadre?
 3 MR. N'DIAYE: Cadre is the camp.
 4 MR. [REDACTED]: Is that low level?
 5 MR. N'DIAYE: It's like our lower security
 6 inmates. Yeah.
 7 MR. [REDACTED]: So, you have an actual
 8 camp at the MCC?
 9 MR. N'DIAYE: It's low security inmates.
 10 But remember, they are designated. So, we
 11 couldn't put him in that unit because he's pre-
 12 trial. We can't mix designated and pre-trial
 13 inmates together.
 14 MR. [REDACTED]: Okay. It says, "I
 15 advised we could not," since he was a pre-
 16 inmate.
 17 MR. N'DIAYE: Right.
 18 MR. [REDACTED]: "Later that day, but
 19 prior to 1:00, close out meeting, I spoke to
 20 attorney Michael [REDACTED] on the phone. He had
 21 asked whether we could house Mr. Epstein alone
 22 in the SHU, to which I replied that we could
 23 not, based on his prior suicide
 24 attempt/gesture."
 25 MR. [REDACTED]: It's just, I've never heard of

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: But all right. If -.
 3 MR. [REDACTED]: That was \$1,000 a phone call.
 4 MR. [REDACTED]: Excuse me?
 5 MR. [REDACTED]: That was \$1,000 a phone call.
 6 (Indiscernible *01:18:25) charging.
 7 MR. [REDACTED]: Oh. Now, this answers
 8 our question from before. So, this actually
 9 says, it's from you to Mr. [REDACTED], it says
 10 attorney logs. This is that same thing that we
 11 were looking at.
 12 MR. N'DIAYE: Okay.
 13 MR. [REDACTED]: So, it looks like July
 14 30th is highlighted, and Mr. Epstein. And
 15 again, all these --
 16 MR. N'DIAYE: These are the attorney
 17 assignment.
 18 MR. [REDACTED]: -- (Indiscernible
 19 *01:18:43).
 20 MR. N'DIAYE: Yeah.
 21 MR. [REDACTED]: Yeah. So, that does now
 22 clarify what it is, because, previously, there
 23 was nothing that was in the subject liner.
 24 MR. N'DIAYE: Okay.
 25 MR. [REDACTED]: Or the body. Okay.

1 his lawyers. You would think that his lawyers
 2 would be somebody that I was familiar with.
 3 MR. N'DIAYE: Yeah.
 4 MR. [REDACTED]: Since they're probably
 5 charging him \$2,000 an hour.
 6 MR. [REDACTED]: "He acknowledged that he
 7 understood. To my recollection, neither
 8 attorney referenced consideration for suicide
 9 watch or psychological observation during
 10 yesterday's conversation. Please let me know
 11 if you need any further information." Now, was
 12 this just a request to any contact that he had
 13 with his attorneys?
 14 MR. N'DIAYE: He was just keeping me
 15 informed because the attorneys were calling
 16 every day, with different types of requests.
 17 MR. [REDACTED]: But this was the day,
 18 obviously, of when he was found. So, this
 19 would --
 20 MR. N'DIAYE: Right.
 21 MR. [REDACTED]: -- he's talking about
 22 context, just literally the previous day --
 23 MR. N'DIAYE: Right.
 24 MR. [REDACTED]: -- that he was looking
 25 for different housing type arrangements.

1 MR. [REDACTED]: Yeah. I'm looking at the
 2 stack, and I'm sitting here, just Jesus Christ.
 3 MR. [REDACTED]: We're coming to - hey -
 4 we're almost halfway through.
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: Well, that's the way you're
 7 looking at it. (Indiscernible *01:19:04). A
 8 little bit different, fellas. I'm thinking
 9 about, I'm going to miss today's workout and
 10 tomorrows.
 11 MR. N'DIAYE: Well.
 12 MR. [REDACTED]: Now, you've already
 13 answered this, but did you work at the MCC on
 14 August 9th?
 15 MR. N'DIAYE: For that --
 16 MR. [REDACTED]: 2019.
 17 MR. N'DIAYE: -- was Friday. Friday, I
 18 was off.
 19 MR. [REDACTED]: What about on August
 20 10th, 2019?
 21 MR. N'DIAYE: 10th was a Saturday --
 22 MR. [REDACTED]: Correct.
 23 MR. N'DIAYE: -- I was, I worked on
 24 Saturday.
 25 MR. [REDACTED]: All right. But did you

1 work in response to this?
 2 MR. N'DIAYE: No. I had to respond, if
 3 the day of the suicide was August 10th --
 4 MR. [REDACTED]: Mm-hmm.
 5 MR. N'DIAYE: -- yeah, I had to respond if
 6 I came in.
 7 MR. [REDACTED]: Okay. So, but you
 8 weren't scheduled to work?
 9 MR. N'DIAYE: No. I wasn't scheduled to
 10 work.
 11 MR. [REDACTED]: All right. This is just
 12 for - and this is going to be put in here, in
 13 case you need to reference it - these are
 14 emails that were from you to Mr. [REDACTED], with
 15 the staff roster.
 16 MR. N'DIAYE: Right.
 17 MR. [REDACTED]: And the reason I'm using
 18 these is because these were literally sent on
 19 Sunday, August 11th. So, I know that we can
 20 rely on these --
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: -- based upon being so
 23 close. So, this one is for Friday, August 9th.
 24 It's showing who was working that day. And
 25 this one is from Saturday, August 10th. Again,

1 place this, again, here, just in case we need
 2 to reference it, and again, it's just if we
 3 need to look at who was working, and what
 4 position --
 5 MR. N'DIAYE: There's two on there.
 6 MR. [REDACTED]: -- and what. Yes,
 7 please. So, this one would be for the August
 8 9th, that one is for August 10th. This
 9 actually was not - the August 10th one - was
 10 not attached to your email. Right?
 11 MR. [REDACTED]: Yeah. You are right.
 12 MR. [REDACTED]: So, the August 9th one
 13 was attached, but the August 10th wasn't.
 14 MR. [REDACTED]: Yeah.
 15 MR. [REDACTED]: Yeah. So, we had to pull
 16 that from --
 17 MR. N'DIAYE: Okay.
 18 MR. [REDACTED]: -- just for full
 19 disclosure, but just so that we have both. The
 20 August 9th one was something that you had sent.
 21 All right. Since Epstein was required to have
 22 a cellmate, who was ultimately responsible to
 23 make sure that all the SHU staff were aware of
 24 this requirement?
 25 MR. N'DIAYE: That they were notified?

1 showing who was --
 2 MR. [REDACTED]: This is a correctional
 3 roster.
 4 MR. [REDACTED]: -- correct.
 5 MR. [REDACTED]: Okay.
 6 MR. [REDACTED]: Correct. This is a
 7 correctional roster. Right.
 8 MR. N'DIAYE: Mm-hmm.
 9 MR. [REDACTED]: So, who was, basically I
 10 think, involved with Epstein during that date?
 11 So, yes. How many rosters would there be,
 12 aside from correctional?
 13 MR. N'DIAYE: Well, the correctional
 14 officers are the only ones that keep a daily
 15 roster.
 16 MR. [REDACTED]: Like, R&D wouldn't do
 17 anything like that?
 18 MR. N'DIAYE: No. Because their staff are
 19 already assigned to where they are working at.
 20 MR. [REDACTED]: Okay.
 21 MR. N'DIAYE: Yeah. And they have rosters
 22 that show where everyone is working at. But
 23 not, like, the correctional officer roster.
 24 MR. [REDACTED]: Okay. So, I'm going to
 25 have you just initial and date. I'm going to

1 MR. [REDACTED]: So, how -. So, Dr. [REDACTED]
 2 or Mrs. [REDACTED] sent out that email, saying --
 3 MR. N'DIAYE: Mm-hmm.
 4 MR. [REDACTED]: -- Epstein is required to
 5 have a cellmate. The one that we reviewed.
 6 MR. N'DIAYE: Right.
 7 MR. [REDACTED]: Who was required to make
 8 sure that staff that is working in the SHU is
 9 aware of that requirement?
 10 MR. N'DIAYE: Well, the captain passes it
 11 on to the lieutenants, and the officers are
 12 then made aware that he, you know, any inmate,
 13 if they are required a cellmate --
 14 MR. [REDACTED]: Mm-hmm.
 15 MR. N'DIAYE: -- that, you know, that he -
 16 they are to require cellmate, if somebody
 17 leaves or goes out.
 18 MR. [REDACTED]: Now, someone such as an
 19 Epstein, who was just coming off of suicide
 20 watch, you know, a week, a week and a half
 21 prior, should all staff know that that person
 22 is supposed to be housed with a cellmate?
 23 MR. N'DIAYE: In the Special Housing Unit,
 24 anybody working in there would know that he was
 25 supposed to have a cellmate.

1 MR. [REDACTED]: Do you believe that there
 2 was any anybody - especially anybody that's got
 3 a quarterly bit of post there --
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: -- but anybody that's
 6 working in the SHU on August 9th or 10th, do
 7 you believe that there could be a reason why
 8 they would say, we didn't know he was supposed
 9 to have a cellmate? Do you think that would be
 10 an acceptable excuse?
 11 MR. N'DIAYE: Because you had the staff
 12 that usually work up there, were up there. It
 13 should be, it should have been annotated on his
 14 - what do you call it? - it's called a 292.
 15 MR. [REDACTED]: The hot list, you are
 16 referring to, or --
 17 MR. N'DIAYE: No. Not the hot list.
 18 MR. [REDACTED]: -- or what? Oh, you
 19 mean, oh, the 292. You're talking about the
 20 SHU --
 21 MR. N'DIAYE: Yeah.
 22 MR. [REDACTED]: -- file.
 23 MR. N'DIAYE: The SHU file. It should be
 24 annotated on the SHU file because, when you
 25 come in, you have to annotate on there his

1 that, you know, as we know, Mr. [REDACTED] left --
 2 MR. N'DIAYE: Right.
 3 MR. [REDACTED]: -- in the morning of
 4 August 9th, Mr. Epstein was found the --
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: -- the morning of August
 7 10th.
 8 MR. N'DIAYE: Mm-hmm.
 9 MR. [REDACTED]: SHU staff that is working
 10 in there at that time, he's 24 hours basically
 11 gone, you know, with no, without a cellmate.
 12 Do you think that this is a reasonable excuse
 13 for them to say that we didn't know he was
 14 required to have a cellmate?
 15 MR. N'DIAYE: No, because they did know,
 16 because I - from what I understand - someone
 17 wrote a memorandum, and had it that day, that
 18 they knew.
 19 MR. [REDACTED]: Okay. Well, yeah, we can
 20 get into that. Now then, so these are --
 21 MR. [REDACTED]: One other question. I want to
 22 open a box.
 23 MR. [REDACTED]: Absolutely.
 24 MR. [REDACTED]: That means I'm going to have
 25 to bring a sharp object in here. Is that going

1 meals, did he eat, the medical rounds. So, it
 2 would have been on there, it would have been on
 3 there, too. So.
 4 MR. [REDACTED]: Would it have also been
 5 on the hot list, though?
 6 MR. [REDACTED]: Guys. I need an interpreter.
 7 MR. N'DIAYE: Yeah.
 8 MR. [REDACTED]: What does the hot list mean?
 9 MR. [REDACTED]: It's just --
 10 MR. N'DIAYE: That's --
 11 MR. [REDACTED]: -- sorry.
 12 MR. N'DIAYE: -- yeah. I guess the high
 13 risk suicide inmates. Yeah. So.
 14 MR. [REDACTED]: Whether it's suicide, or high
 15 risk for some other kind of problem?
 16 MR. N'DIAYE: It could be -. It's mainly
 17 for, like, suicide, just to --
 18 MR. [REDACTED]: Medical.
 19 MR. N'DIAYE: -- to watch out for. Yeah.
 20 Medical. Okay.
 21 MR. [REDACTED]: Seizures. You know, stuff
 22 like that?
 23 MR. N'DIAYE: Yeah. So.
 24 MR. [REDACTED]: So, point being is, do
 25 you think that, if any staff that is working in

1 to bother anybody?
 2 MR. [REDACTED]: No. No.
 3 MR. N'DIAYE: No. No.
 4 MR. [REDACTED]: No, no, no, no.
 5 MR. [REDACTED]: Okay.
 6 MR. [REDACTED]: I'm sorry, I thought you
 7 were talking about, like, this hypothetical
 8 situation of if we were in the MCC or
 9 something.
 10 MR. N'DIAYE: Yeah.
 11 MR. [REDACTED]: Oh, no. No. This is just a -
 12 -
 13 MR. [REDACTED]: You're just wanting to
 14 know if you can use scissors. Yeah. That's
 15 fine.
 16 MR. [REDACTED]: Yeah.
 17 MR. [REDACTED]: I guess we should wait
 18 until he gets --
 19 MR. N'DIAYE: Mm-hmm.
 20 MR. [REDACTED]: -- back again. If we
 21 speak loudly, will you be able to hear our
 22 questions?
 23 MR. [REDACTED]: Yeah.
 24 MR. [REDACTED]: All right. We're going
 25 to continue, then. The answer was yes.

1 MR. N'DIAYE: I don't know if that was
 2 somebody.
 3 MR. [REDACTED]: There might be clients in the
 4 office.
 5 MR. [REDACTED]: Oh.
 6 MR. N'DIAYE: Huh?
 7 MR. [REDACTED]: Okay.
 8 MR. [REDACTED]: That's why.
 9 MR. [REDACTED]: Then we will wait.
 10 MR. [REDACTED]: He wasn't kidding about the
 11 knife.
 12 MR. N'DIAYE: Oh.
 13 MR. [REDACTED]: You know why I got this? This
 14 movie called Gangs of New York.
 15 MR. [REDACTED]: That's a great movie.
 16 MR. [REDACTED]: And he - and a good movie -
 17 and the lead actress was a woman named Cameron
 18 Diaz.
 19 MR. [REDACTED]: Sure.
 20 MR. [REDACTED]: And I had a wild eyed crush on
 21 Cameron Diaz, and this is the shiv, the knife -
 22 seriously - I found the guy who made the knife
 23 that she carried in the show, and I said, I
 24 want you to make me an exact duplicate. How
 25 sick is that? Of that knife. And so, this is

1 of people we've talked to thought he went to
 2 court, and that at court, it was determined he
 3 wasn't coming back. Had you heard that?
 4 MR. N'DIAYE: That's what I heard, too. I
 5 had heard he was going to court. And then, I
 6 guess word got back that he wasn't coming back.
 7 That's what I heard. So, I never got
 8 (Indiscernible *01:27:00).
 9 MR. [REDACTED]: It's either a good day in
 10 court, or a bad day in court.
 11 MR. N'DIAYE: Yeah. I never got the
 12 actual story because I was, I was removed. So.
 13 MR. [REDACTED]: Okay. And again, what
 14 does WAB mean?
 15 MR. N'DIAYE: It means With All
 16 Belongings.
 17 MR. [REDACTED]: Okay.
 18 MR. N'DIAYE: But I don't know, and I
 19 don't know if people will say that he left, and
 20 then they went and got him from the office.
 21 So, I am not sure.
 22 MR. [REDACTED]: Okay. So, this is --
 23 MR. N'DIAYE: Yeah.
 24 MR. [REDACTED]: -- one of those documents
 25 that says --

1 it.
 2 MR. [REDACTED]: That's super cool.
 3 MR. [REDACTED]: So.
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: Sorry. I'll ask a few
 6 more questions before we get into these
 7 documents. Were any plans made on how to
 8 address this situation for if [REDACTED] was removed
 9 as Epstein's cellmate? Like, if he -. Because
 10 I know at MCC, inmates certainly leave.
 11 (Indiscernible *01:26:13).
 12 MR. N'DIAYE: No. I mean, the plan would
 13 have been, you know, we would have assessed it,
 14 because usually, you get ahead of time, we
 15 would have just said, okay, when is -? When
 16 [REDACTED] leaves, or you know, when he was leaving,
 17 then before he was placed back in that cell, an
 18 assessment would have been made.
 19 MR. [REDACTED]: Okay. Now, what is your
 20 understanding of what happened with inmate
 21 [REDACTED] on August 9th, 2019?
 22 MR. N'DIAYE: When I got back after the
 23 fact, I guess the Marshals came and removed him
 24 from the institution.
 25 MR. [REDACTED]: Okay. So, there is a lot

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: -- from Charisma [REDACTED] to
 3 you.
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: With inmate Epstein as
 6 the subject.
 7 MR. N'DIAYE: Right.
 8 MR. [REDACTED]: And it says, "So far,
 9 this is the documentation I have in my
 10 possession."
 11 MR. [REDACTED]: Wow.
 12 MR. N'DIAYE: Mm-hmm.
 13 MR. [REDACTED]: And if you see, you know,
 14 here, it talks about all the documentation
 15 pertaining to him. These look like all the BOP
 16 database --
 17 MR. N'DIAYE: Right.
 18 MR. [REDACTED]: -- things. Then down
 19 here, it says, "Documentation re: [REDACTED], [REDACTED]
 20 --
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: -- reg number 85993-054.
 23 Cellmate."
 24 MR. [REDACTED]: Right.
 25 MR. N'DIAYE: Right.

1 MR. [REDACTED]: It says, "Court
2 documentation regarding WAB 8/09 --
3 MR. N'DIAYE: '19.
4 MR. [REDACTED]: -- '19.
5 MR. N'DIAYE: Mm-hmm.
6 MR. [REDACTED]: And then, also SHU file.
7 So, "Showing court documentation regarding WAB
8 8/09/19." What documentation is she referring
9 to there?
10 MR. N'DIAYE: I guess whatever came
11 through R&D.
12 MR. [REDACTED]: Mm-hmm.
13 MR. N'DIAYE: Our Receiving and Discharge.
14 They might have gotten -. They must have
15 gotten information to release him, and that he
16 was being transferred.
17 MR. [REDACTED]: So, would it be at all- I
18 know R&D creates something called, like, a
19 court production list, or --
20 MR. N'DIAYE: Right.
21 MR. [REDACTED]: -- would that be what
22 she's talking about, the court production list,
23 or would she be, do you think --
24 MR. N'DIAYE: So --
25 MR. [REDACTED]: -- or, like, a PP-38, or

1 MR. [REDACTED]: But --
2 MR. N'DIAYE: -- with him --
3 MR. [REDACTED]: -- but that's what would
4 have been used by the SHU staff, in order to
5 produce [REDACTED] to the R&D.
6 MR. N'DIAYE: No. Not necessarily. What
7 typically happens is, the R&D staff will call
8 up to SHU, and say, hey, I need [REDACTED] down. He
9 has court. Or he's being released. So, there
10 wouldn't have been a document sent up.
11 MR. [REDACTED]: So, everyone that we
12 talked to said R&D said, yes, we created this
13 document.
14 MR. N'DIAYE: Right.
15 MR. [REDACTED]: And the SHU staff,
16 including the OIC, said, yes, we had
17 documentation showing that he was WAB. So
18 then, and they all said it was because it was
19 this court production list that you sent out
20 emails to -.
21 MR. N'DIAYE: Unless it's sent in the
22 early morning.
23 MR. [REDACTED]: And it's not something
24 that's sent electronically. It's something
25 they said that they generate, print out --

1 something, or whatever -?
2 MR. N'DIAYE: I think, and I'm speculating
3 now, it was probably the court list, and it
4 probably said, we're sending him off to court.
5 And it was a possibility that he might be
6 getting released.
7 MR. [REDACTED]: Because the document that
8 has been alluding me --
9 MR. N'DIAYE: Mm-hmm.
10 MR. [REDACTED]: -- is that court
11 production list. Do you know if that was ever
12 obtained? Do you know, the thing that, that
13 R&D creates this list, they provide it to the -
14 -
15 MR. N'DIAYE: Oh, the court --
16 MR. [REDACTED]: -- different housing
17 units.
18 MR. N'DIAYE: -- list. I don't. I don't
19 know what they do with it.
20 MR. [REDACTED]: They just, they all say
21 they --
22 MR. N'DIAYE: Now --
23 MR. [REDACTED]: -- destroy it after that
24 time.
25 MR. N'DIAYE: Yeah, they do, but --

1 MR. N'DIAYE: Right.
2 MR. [REDACTED]: -- and hand to
3 different, the ops lieutenant has one, every
4 housing unit has one. Internal goes around and
5 collects people, based upon it or something. I
6 think. And then --
7 MR. N'DIAYE: So --
8 MR. [REDACTED]: -- then they basically
9 destroy it at the end of the day, and nothing
10 is maintained in the system. They just use a
11 template, and create a new one for every day.
12 MR. N'DIAYE: So, that must have been the
13 early court movement. So, I was under the
14 impression that he was, he left in the
15 afternoon. So, when typically in the
16 afternoon, they will just call up and say, hey,
17 we got one that's leaving. So, I assumed he
18 had left that afternoon.
19 MR. [REDACTED]: Okay. So, is it, then,
20 are you not - then to answer that question -
21 are you not sure exactly what she's referring
22 to when she says "court documentation regarding
23 WAB"?
24 MR. N'DIAYE: Like, the way you explained
25 it, then that means they were talking about

1 morning courts.
 2 MR. [REDACTED]: Well, that's what they
 3 were --
 4 MR. N'DIAYE: Yeah.
 5 MR. [REDACTED]: -- I'm just talking about
 6 --
 7 MR. N'DIAYE: Yeah.
 8 MR. [REDACTED]: -- specifically, what
 9 she's talking about in this email to you. Do
 10 you --?
 11 MR. N'DIAYE: But when you say WAB, with
 12 All Belongings, it depends on the time of day
 13 they left.
 14 MR. [REDACTED]: Mm-hmm.
 15 MR. N'DIAYE: You know? You could have
 16 afternoon court, and you don't have that list
 17 generated, and they say --
 18 MR. [REDACTED]: But if --
 19 MR. N'DIAYE: -- we need all his
 20 belongings.
 21 MR. [REDACTED]: -- this might help --
 22 MR. N'DIAYE: Yeah.
 23 MR. [REDACTED]: -- and then, we will keep
 24 this in front of you --
 25 MR. N'DIAYE: Okay.

1 MR. [REDACTED]: Do we know what kind of
 2 medication he was taking?
 3 MR. [REDACTED]: Well, that's [REDACTED]
 4 [REDACTED]. We're not talking about --
 5 MR. N'DIAYE: That's [REDACTED].
 6 MR. [REDACTED]: We're not --
 7 MR. [REDACTED]: I know. I just am curious.
 8 MR. [REDACTED]: It's not --
 9 MR. [REDACTED]: We don't know?
 10 MR. N'DIAYE: Yeah.
 11 MR. [REDACTED]: -- relevant.
 12 MR. [REDACTED]: Yeah.
 13 MR. [REDACTED]: Okay.
 14 MR. [REDACTED]: I don't think it's
 15 relevant. Here is another email that the U.S.
 16 Marshal Service sent. This time, it was at
 17 [REDACTED]. [REDACTED] --
 18 MR. N'DIAYE: Okay.
 19 MR. [REDACTED]: -- [REDACTED]. [REDACTED]. [REDACTED]
 20 [REDACTED]. It says, "Prisoner production." It
 21 looks like it was sent to custody.
 22 MR. N'DIAYE: Mm-hmm.
 23 MR. [REDACTED]: On Thursday, August 8th,
 24 2019, at 3:36 p.m. And then, this, this
 25 document, prisoner schedule report is attached.

1 MR. [REDACTED]: -- this might help
 2 explain this. So, this is an email that was
 3 sent from the U.S. Marshal Service, someone
 4 named [REDACTED] (Phonetic Sp. *01:30:50).
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: On Thursday, August 8th,
 7 2019, at 10:33 a.m. It says, "Transfer of
 8 prisoners from NYM --
 9 MR. N'DIAYE: To GEO.
 10 MR. [REDACTED]: -- to GEO.
 11 MR. N'DIAYE: Okay.
 12 MR. [REDACTED]: The following prisoners
 13 are to be transferred." The second person
 14 listed out of the two is, "[REDACTED], [REDACTED]."
 15 MR. N'DIAYE: Right.
 16 MR. [REDACTED]: "85993-054."
 17 MR. N'DIAYE: Mm-hmm.
 18 MR. [REDACTED]: "Please schedule the
 19 transfer for Friday, 8/09/2019. Please include
 20 seven days medication with the medical summary.
 21 Thank you."
 22 MR. N'DIAYE: Right.
 23 MR. [REDACTED]: So, this obviously was
 24 sent to R&D. Correct?
 25 MR. N'DIAYE: Right.

1 And --
 2 MR. [REDACTED]: You're looking at the second
 3 one.
 4 MR. [REDACTED]: -- so, for the MCC --
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: -- it shows right here,
 7 the second person listed as [REDACTED].
 8 MR. N'DIAYE: Mm-hmm.
 9 MR. [REDACTED]: And it just says, "TF,
 10 transfer within. MCC New York." And right
 11 here, it says, Judge MCC [REDACTED], [REDACTED]. GEO.
 12 MR. N'DIAYE: Mm-hmm.
 13 MR. [REDACTED]: What I was told, that
 14 means that he's transferring from the MCC to
 15 GEO. Is that --
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: -- your understanding?
 18 MR. N'DIAYE: Yes.
 19 MR. [REDACTED]: And then, on this one,
 20 this is the PP-38. On the third - for
 21 8/09/2019 - on the third page, it shows [REDACTED],
 22 from Z06-22. And that means the SHU. Correct?
 23 MR. N'DIAYE: Yes. SHU.
 24 MR. [REDACTED]: To pre-remove.
 25 MR. N'DIAYE: Mm-hmm.

1 MR. [REDACTED]: At 8:38 a.m.
 2 MR. N'DIAYE: Mm-hmm.
 3 MR. [REDACTED]: So, this was 8:38 a.m.
 4 He's keyed out of our system. We got these two
 5 emails from the U.S. Marshal Service, saying
 6 he's being transferred.
 7 MR. [REDACTED]: So, wait. Let me get this
 8 clear. He's being transferred to what place to
 9 what place?
 10 MR. [REDACTED]: From the MCC to GEO.
 11 MR. [REDACTED]: And what is GEO?
 12 MR. N'DIAYE: A contract facility.
 13 MR. [REDACTED]: And what is a contract
 14 facility?
 15 MR. N'DIAYE: A private prison.
 16 MR. [REDACTED]: Okay. And you had nothing to
 17 do with -? In other words, somebody else
 18 decides to go from one place to another --
 19 MR. N'DIAYE: Yes.
 20 MR. [REDACTED]: -- you (Indiscernible
 21 *01:33:11). Okay.
 22 MR. [REDACTED]: The Marshals -.
 23 MR. [REDACTED]: And would that be the judge or
 24 the Marshals?
 25 MR. N'DIAYE: The Marshals, I guess. The

1 MR. [REDACTED]: Does that now tell you
 2 anything about this, court documentation
 3 regarding WAB?
 4 MR. N'DIAYE: Yeah. Now, it explains that
 5 they had gotten a court order to have him go
 6 out.
 7 MR. [REDACTED]: So, what do you think is
 8 referred to that court documentation?
 9 MR. N'DIAYE: I guess it must be all of
 10 these documents right here.
 11 MR. [REDACTED]: This?
 12 MR. N'DIAYE: Yes.
 13 MR. [REDACTED]: So, what we're actually
 14 looking at, you think she's referring to?
 15 MR. N'DIAYE: That's, I think, that's what
 16 she was referring to.
 17 MR. [REDACTED]: All right.
 18 MR. N'DIAYE: Yeah.
 19 MR. [REDACTED]: So, court documentation
 20 meaning, documentation from the Marshal
 21 Service, saying that he was going to be
 22 transferred?
 23 MR. N'DIAYE: Right.
 24 MR. [REDACTED]: All right. Now, based
 25 upon what you are looking at here, specifically

1 judge. I don't know how the Marshals work, but
 2 they --
 3 MR. [REDACTED]: Prosecutors. Marshals.
 4 MR. N'DIAYE: Yeah.
 5 MR. [REDACTED]: Judge.
 6 MR. [REDACTED]: Okay.
 7 MR. [REDACTED]: All in coordination, make
 8 those determinations. But, and then, here is
 9 an email from you to Mr. [REDACTED].
 10 MR. N'DIAYE: Mm-hmm.
 11 MR. [REDACTED]: With what you are talking
 12 about, that memo.
 13 MR. N'DIAYE: Right.
 14 MR. [REDACTED]: It says, "On Friday,
 15 August 9th, 2019," but before we even get into
 16 that, now that you have seen this, you have
 17 seen these two emails.
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: From the Marshal Service
 20 on August 8th. On August 9th, at 8:38, R&D
 21 actually keys him out.
 22 MR. N'DIAYE: Right.
 23 MR. [REDACTED]: All of them say pre-
 24 removed or transferred.
 25 MR. N'DIAYE: Mm-hmm.

1 from the Marshal Service --
 2 MR. N'DIAYE: Mm-hmm.
 3 MR. [REDACTED]: -- and the fact that
 4 [REDACTED], whom -. Is it -? I've been told
 5 that everyone at the MCC knew who [REDACTED] was
 6 because they knew he was Epstein's cellmate.
 7 MR. N'DIAYE: Mm-hmm.
 8 MR. [REDACTED]: But at the very least,
 9 everyone in the SHU should have known who
 10 [REDACTED] was.
 11 MR. N'DIAYE: Right.
 12 MR. [REDACTED]: Because he was Epstein's
 13 cellmate. What should have happened once, on
 14 August 8th, as early as 10:33 a.m., and as late
 15 as 3:33 p.m., the day before [REDACTED] is
 16 transferred, what should have happened?
 17 MR. N'DIAYE: As far as Epstein getting a
 18 cellmate?
 19 MR. [REDACTED]: Correct.
 20 MR. N'DIAYE: Right.
 21 MR. [REDACTED]: The notification is being
 22 made that this person is being transferred,
 23 everyone gathers him up. And so, what this,
 24 I'm going to read this just to give you more
 25 information --

1 MR. N'DIAYE: Right.
 2 MR. [REDACTED]: -- on his backtrack.
 3 This is a memorandum, dated August the 12th,
 4 2019, to the warden - yourself.
 5 MR. N'DIAYE: Right.
 6 MR. [REDACTED]: From [REDACTED], who, my
 7 understanding is he was the OIC of the SHU at
 8 the time.
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: It says, "Subject passed
 11 information from Special Housing Unit." So,
 12 "On a Friday, August 9th, 2019, at
 13 approximately 1:50 p.m., I, SOS [REDACTED],
 14 passed onto oncoming staff member, Officer
 15 [REDACTED], and present shift staff, SOS [REDACTED] and
 16 Officer [REDACTED], that inmate [REDACTED] was going
 17 WAB, and possibly may not return.
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: Also, that inmate Epstein
 20 will be needing a cellmate upon arrival from
 21 his attorney visit." Now, what this doesn't
 22 state is that Officer [REDACTED], or SOS
 23 [REDACTED], walked, I mean, both Epstein --
 24 MR. [REDACTED]: I'll go get that.
 25 MR. [REDACTED]: -- as well as [REDACTED], down

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: This is kind of our
 3 primary purpose --
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: -- for us being here.
 6 So, I apologize if you're going into that, but
 7 I want you to have all the information --
 8 MR. N'DIAYE: Right.
 9 MR. [REDACTED]: -- before I answer. What
 10 should have happened here? So, R&D is
 11 contacted the day before, or two days before
 12 Epstein, or Epstein is found. One day before
 13 [REDACTED] is, you know, gone. They contacted both
 14 custody, as well as R&D.
 15 MR. N'DIAYE: Right.
 16 MR. [REDACTED]: R&D pre-removes him at
 17 8:38 on 8/09.
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: The SHU OIC walks him
 20 down, to R&D --
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: -- and actually has this
 23 conversation with Epstein and [REDACTED], saying, I
 24 know you are WAB, we're going to get you a new
 25 staff, we're going to get you a new cellmate.

1 to R&D --
 2 MR. N'DIAYE: Mm-hmm.
 3 MR. [REDACTED]: -- with all belongings.
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: Spoke with both Epstein
 6 and Mr. [REDACTED], and stated to Mr. [REDACTED] - I think
 7 [REDACTED] stated to [REDACTED] - make sure you get
 8 him a cellmate.
 9 MR. N'DIAYE: Mm-hmm.
 10 MR. [REDACTED]: I'm not coming back. And
 11 [REDACTED], responding to Mr. Epstein, saying,
 12 "Don't worry. We're going to get you a new
 13 cellmate."
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: Now, with all that
 16 information, being that he is the OIC, he's
 17 working in the SHU, he knows that he's WAB.
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: We've got all this stuff
 20 going on.
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: This is the real big
 23 reason why I want to talk to you --
 24 MR. N'DIAYE: Mm-hmm.
 25 MR. [REDACTED]: -- as the warden.

1 MR. [REDACTED]: Which means - WAB means what?
 2 MR. [REDACTED]: With All Belongings,
 3 means they're not coming back.
 4 MR. [REDACTED]: But Epstein is not coming
 5 back?
 6 MR. [REDACTED]: No.
 7 MR. [REDACTED]: His cellmate.
 8 MR. [REDACTED]: [REDACTED].
 9 MR. [REDACTED]: [REDACTED].
 10 MR. [REDACTED]: His cellmate.
 11 MR. [REDACTED]: So, the theory is, if you are
 12 investigating, somebody says that you're not
 13 going to have a cellmate anymore, and in that
 14 conversation, or present during that
 15 conversation, is Epstein?
 16 MR. [REDACTED]: Epstein is present. Yes.
 17 MR. [REDACTED]: Okay. So, Epstein knows that
 18 he's not going to have a cellmate for the
 19 immediate future?
 20 MR. [REDACTED]: No. Epstein is going to
 21 attorney conference. So, he's going to be --
 22 MR. [REDACTED]: No, no, but I'm saying --
 23 MR. [REDACTED]: -- in attorney conference
 24 until about 7:00 p.m..
 25 MR. [REDACTED]: -- that Epstein knows that,

1 over the next, say, 24 hours, he's not going to
2 have a cellie.

3 MR. [REDACTED]: No. [REDACTED], the OIC,
4 tells Epstein, as well as [REDACTED], that they are
5 going to get him a cellmate. Before he comes
6 back from attorney/client, his attorney visit.

7 MR. [REDACTED]: Okay. So, Epstein would know
8 that he hasn't - going to have a cellmate.

9 MR. [REDACTED]: Yeah, yeah. So, this
10 isn't part of the theory. What my question to
11 your client is, what should have happened based
12 upon the knowledge that he was WAB? The
13 contact with the Marshal Service, telling him
14 that he's being transferred. The fact that
15 R&D, you know, the OIC walked him down to R&D,
16 and R&D actually logged him out of our system.
17 What should have happened?

18 MR. N'DIAYE: So, what should have
19 happened was, this information should have been
20 passed up to the supervisors.

21 MR. [REDACTED]: At what point?

22 MR. N'DIAYE: See, with the, this
23 information coming in, as far as, you know,
24 when R&D --

25 MR. [REDACTED]: Mm-hmm.

1 house with Epstein.

2 MR. [REDACTED]: Now, if the operations
3 lieutenant, his name is [REDACTED].

4 MR. N'DIAYE: Right.

5 MR. [REDACTED]: [REDACTED] --

6 MR. N'DIAYE: Right.

7 MR. [REDACTED]: -- [REDACTED].

8 MR. N'DIAYE: Right.

9 MR. [REDACTED]: If he says, yes, I know
10 Epstein was gone, but I believe that he was at
11 court --

12 MR. N'DIAYE: No. You mean --

13 MR. [REDACTED]: -- and he might be
14 returning back.

15 MR. N'DIAYE: -- [REDACTED] is gone.

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: So, [REDACTED] [REDACTED] knows
18 that -. Sorry, did I say Epstein?

19 MR. N'DIAYE: Yeah. You said Epstein.

20 MR. [REDACTED]: Yes. [REDACTED] [REDACTED] knows
21 that [REDACTED] is gone.

22 MR. N'DIAYE: Mm-hmm.

23 MR. [REDACTED]: But I think he's at
24 court, and then, he might not be coming back.
25 I didn't pass this information onto my relief,

1 MR. N'DIAYE: -- typically, it would come
2 up to the Special Housing Unit. Once it got up
3 to that, to the Special Housing Unit, the
4 lieutenants should have been notified.

5 MR. [REDACTED]: Okay. And which
6 lieutenant?

7 MR. N'DIAYE: Whoever was the SHU
8 lieutenant, whoever was the operations
9 lieutenant.

10 MR. [REDACTED]: Now, on this case --

11 MR. N'DIAYE: If the --

12 MR. [REDACTED]: -- the SHU lieutenant is
13 also on leave.

14 MR. N'DIAYE: Right.

15 MR. [REDACTED]: So, we've got the chief
16 psychologist on leave, the warden on leave, the
17 SHU lieutenant on leave. But we do have an ops
18 lieutenant, we do have an activities
19 lieutenant. And we do have a captain.

20 MR. N'DIAYE: So, you should have let the
21 operations lieutenant know, if you didn't have
22 a SHU lieutenant. They, in turn, would let the
23 captain know, and the captain would push it up
24 to the execs then. Then, we would have to come
25 to a determination on who we were going to

1 who was Cannata (Phonetic Sp. *01:39:59).

2 MR. N'DIAYE: Mm-hmm.

3 MR. [REDACTED]: However, as our
4 investigation has revealed, the ops lieutenant
5 also has one of these court production lists,
6 that lists [REDACTED] --

7 MR. N'DIAYE: Mm-hmm.

8 MR. [REDACTED]: -- as WAB.

9 MR. N'DIAYE: Mm-hmm.

10 MR. [REDACTED]: With that knowledge, is
11 that a reason that he thinks that he went to
12 court, and might be coming back?

13 MR. N'DIAYE: I can't interpret what his
14 thought process was, but if it said, you know,
15 he was leaving, and I don't know what he was
16 reading at the time.

17 MR. [REDACTED]: Right.

18 MR. N'DIAYE: He could have been reading,
19 because sometimes the inmates do go out to
20 court and come back. So, I don't know. I
21 can't speak to what he read. Or why he made
22 that determination.

23 MR. [REDACTED]: So, listen, wouldn't have most
24 inmates, when they go to court, come back?

25 MR. [REDACTED]: The point being here --

1 MR. N'DIAYE: What I'm saying --
 2 MR. [REDACTED]: -- he didn't go to court.
 3 MR. N'DIAYE: Yeah.
 4 MR. [REDACTED]: He was transferred.
 5 MR. N'DIAYE: He was transferred.
 6 MR. [REDACTED]: And I know you might have
 7 covered this, in your understanding, in your
 8 experience at the MCC, if an inmate is listed
 9 as WAB --
 10 MR. N'DIAYE: Mm-hmm.
 11 MR. [REDACTED]: -- With All Belongings --
 12 MR. N'DIAYE: Yeah.
 13 MR. [REDACTED]: -- what is your
 14 understanding? Are they coming back or are
 15 they gone?
 16 MR. N'DIAYE: That means he's
 17 transferring.
 18 MR. [REDACTED]: Has there been situations
 19 where they come back?
 20 MR. N'DIAYE: There have been --
 21 MR. [REDACTED]: After WAB?
 22 MR. N'DIAYE: -- situations that, you
 23 know, they go out and they have to have them
 24 sending them back, if there was an issue.
 25 MR. [REDACTED]: Is that a unique situation,

1 MR. [REDACTED]: Okay. So, would it fall
 2 solely on the shoulders of [REDACTED]?
 3 MR. N'DIAYE: No. I mean, okay, so,
 4 here's the other checks and balance. So, what
 5 about the other people on the other shift?
 6 MR. [REDACTED]: That's my question.
 7 MR. N'DIAYE: Yeah.
 8 MR. [REDACTED]: So, or --
 9 MR. N'DIAYE: I mean --
 10 MR. [REDACTED]: -- or the people that are
 11 working on his same shift.
 12 MR. N'DIAYE: -- yeah. On his own same,
 13 shift --
 14 MR. [REDACTED]: So, who --
 15 MR. N'DIAYE: -- if it was the
 16 notification should have been made to the
 17 operations lieutenant. Or the captain. And
 18 said, hey, cellmate left. He needs a cellmate.
 19 MR. [REDACTED]: Okay.
 20 MR. [REDACTED]: And that cellmate would now,
 21 at some point, he goes back to the cell, but
 22 that's at the end of the day.
 23 MR. N'DIAYE: At the end of the day.
 24 MR. [REDACTED]: Okay. So, nobody is in a
 25 position to say, hey, he's in a cell by

1 or it happens quite often?
 2 MR. N'DIAYE: No. I wouldn't say. I
 3 would say that it's probably unique. But
 4 usually, WAB, they're gone.
 5 MR. [REDACTED]: So, as the operations
 6 lieutenant, if you see somebody listed as WAB,
 7 should he have understood that that person is
 8 gone, and not coming back?
 9 MR. N'DIAYE: Should have. But then,
 10 you're talking off the document. I don't know
 11 what document they read. So, I don't want to
 12 speculate what, you know, was it, you know,
 13 send them to R&D, whether he saw that. I don't
 14 know what document. But I'm saying, if it is
 15 this document, that clearly stated WAB.
 16 MR. [REDACTED]: Okay. But as far as your
 17 concern, it doesn't sound like what you were
 18 saying is, [REDACTED], who was the OIC at the
 19 time, should have he notified the ops
 20 lieutenant?
 21 MR. N'DIAYE: Yes. Whoever is - yeah - in
 22 there should have notified the operations
 23 lieutenant, hey, [REDACTED] left, and --
 24 MR. [REDACTED]: He needs a cellmate.
 25 MR. N'DIAYE: -- he needs a cellmate,

1 himself. Until the end of the day.
 2 MR. N'DIAYE: Right. But the information
 3 is passed onto each other. You know, when you
 4 --
 5 MR. [REDACTED]: And they are supposed to
 6 be doing 30-minute rounds, where they would
 7 notice that one cell had zero inmates in it.
 8 MR. N'DIAYE: Had zero inmates in it.
 9 MR. [REDACTED]: Yeah.
 10 MR. N'DIAYE: So, I mean --
 11 MR. [REDACTED]: And that's what brings us all
 12 to --
 13 MR. N'DIAYE: Right.
 14 MR. [REDACTED]: -- here today.
 15 MR. N'DIAYE: So --
 16 MR. [REDACTED]: Uh-huh.
 17 MR. N'DIAYE: -- I mean, that's how it
 18 would have made, and when that got pushed up,
 19 we would have said, okay, we would have to
 20 formulate, okay, who can we get a cellmate for,
 21 for Epstein?
 22 MR. [REDACTED]: And I apologize to ask
 23 this because, but, like, so, on each shift
 24 would be the OIC, that would be responsible for
 25 that. So, for instance, would [REDACTED] be on

1 the day watch shift up until 2:00 p.m., he
 2 would be the one to responsible to provide the
 3 ops lieutenant, but then, the following shift,
 4 would it be --
 5 MR. N'DIAYE: Whoever is the --
 6 MR. [REDACTED]: -- the next OIC --
 7 MR. N'DIAYE: -- right.
 8 MR. [REDACTED]: -- or would also the
 9 people that are working in that unit, the other
 10 SHU staff, would they be responsible? Or is
 11 that a chain of command thing? Like, no, the
 12 OIC is really the person making that
 13 notification.
 14 MR. N'DIAYE: Everybody has a
 15 responsibility for their safety. Everybody. I
 16 mean --
 17 MR. [REDACTED]: Sure.
 18 MR. N'DIAYE: -- I might be the OIC, but I
 19 have some responsibilities. If I know, okay,
 20 you know what? They might need a cellmate,
 21 because I, in essence, I can have an individual
 22 assigned to that post, and they're just filling
 23 in for somebody that, the regular person that's
 24 up there. And then, I have the regular people
 25 working up there, who are familiar with what's

1 MR. N'DIAYE: You have --
 2 MR. [REDACTED]: -- at that point.
 3 MR. N'DIAYE: -- you have two other
 4 lieutenants. Now, I don't know if you are
 5 familiar with the Special Housing Unit, but it
 6 is a very busy unit.
 7 MR. [REDACTED]: Yeah.
 8 MR. N'DIAYE: You know, you're giving out
 9 showers. You're giving out recreation. You're
 10 doing a whole lot of stuff. You, you know,
 11 running around all day, and, you know,
 12 sometimes things happen.
 13 MR. [REDACTED]: Understood. But in this
 14 case, wasn't Epstein at your most high-profile
 15 inmate? At that time.
 16 MR. N'DIAYE: I mean, besides [REDACTED]
 17 [REDACTED].
 18 MR. [REDACTED]: Well, I guess, at least
 19 the Nine South.
 20 MR. N'DIAYE: I would say he was a high-
 21 profile. Yeah. He was a high-profile inmate.
 22 MR. [REDACTED]: Is it, I mean, on that
 23 note, don't you think that they would have, you
 24 know, found it pretty important to notify?
 25 Especially they - and I don't know that we

1 going on. So, it's kind of everyone's
 2 responsibility. You know?
 3 MR. [REDACTED]: So, is everyone kind of
 4 equally responsible, then, for this? That was
 5 working there and didn't pass the information
 6 on.
 7 MR. [REDACTED]: Can you say? Don't guess.
 8 MR. N'DIAYE: You know what?
 9 MR. [REDACTED]: No, as the warden, he
 10 would be able to say.
 11 MR. N'DIAYE: I mean, it should have been,
 12 it should have been passed on. So, I don't
 13 know the dynamics to, as far as what was going
 14 on that day, who was working up there. What
 15 rounds were being made --
 16 MR. [REDACTED]: Mm-hmm.
 17 MR. N'DIAYE: -- up there. You know, was
 18 the lieutenant coming around? Was the captain?
 19 How busy they were.
 20 MR. [REDACTED]: So, the lieutenant was
 21 not on - the lieutenant of the SHU - was not
 22 on. However, we do have records that the
 23 activities lieutenant at least visited --
 24 MR. N'DIAYE: Yeah.
 25 MR. [REDACTED]: -- the SHU --

1 brought this today - but there was even signs
 2 up that they created, saying, "Mandatory 30-
 3 minute rounds on Epstein, signed by God." Or
 4 something, you know, along the lines. Not, you
 5 know, meaning, like, do this. You know? Like
 6 --
 7 MR. N'DIAYE: No, that was me.
 8 MR. [REDACTED]: Is that right?
 9 MR. N'DIAYE: That was me. No. I mean, I
 10 mean, but it was emphasized to them. I mean,
 11 so, no one could say that they didn't know.
 12 MR. [REDACTED]: So, point being, there
 13 was, like, signs specific to even Epstein,
 14 check on this guy every 30 minutes.
 15 MR. N'DIAYE: Right.
 16 MR. [REDACTED]: You know, orange signs
 17 that are posted up there.
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: So, point being, with
 20 this --
 21 MR. N'DIAYE: It should have been passed
 22 up.
 23 MR. [REDACTED]: -- and that is where -.
 24 So, for us, I guess --
 25 MR. N'DIAYE: Right.

1 MR. [REDACTED]: -- again, and I know that
 2 you are probably trying to, you know, hesitate
 3 on maybe saying, like, this person did
 4 something wrong, but really, who dropped the
 5 ball here? Knowing, though, that you could
 6 take a look, the day before, all these people
 7 are the ones who received the email --
 8 MR. N'DIAYE: Right.
 9 MR. [REDACTED]: -- in custody. And so, I
 10 know we see Lieutenant [REDACTED]. I'm sure - I'm
 11 assuming [REDACTED] would be on there.
 12 MR. [REDACTED]: I think [REDACTED] is on there.
 13 MR. N'DIAYE: Who?
 14 MR. [REDACTED]: Is [REDACTED] on there?
 15 MR. [REDACTED]: It's just --
 16 MR. [REDACTED]: I didn't see [REDACTED].
 17 MR. [REDACTED]: -- maybe.
 18 MR. [REDACTED]: But again, this one, that
 19 one is not even as clear. This one
 20 specifically spells out --
 21 MR. [REDACTED]: Yeah.
 22 MR. [REDACTED]: -- this one, you would
 23 actually have to go in and look at this
 24 prisoner's schedule report.
 25 MR. [REDACTED]: Okay. Let me just take a

1 Service report that they just provided to the
 2 BOP, so that they know which inmates --
 3 MR. [REDACTED]: Right.
 4 MR. [REDACTED]: -- they need to produce,
 5 and for what reason.
 6 MR. [REDACTED]: Okay. Got it.
 7 MR. [REDACTED]: Now, is that correct?
 8 MR. N'DIAYE: Yes.
 9 MR. [REDACTED]: So, yeah. Based upon
 10 what you are looking at here, on the 8th, and
 11 then again, what we know about [REDACTED] at the
 12 very least producing, at 8:00, knowing he was
 13 WAB, and R&D knowing he was WAB.
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: What should have happened
 16 there? Like, who, in your opinion here,
 17 dropped the ball?
 18 MR. N'DIAYE: I think at all levels, it
 19 was the checks and balance. If it went to the
 20 lieutenant's office, somebody should have
 21 picked it up. Working in the unit. It should
 22 have been passed up to the lieutenant's office.
 23 So, there were a couple of safety nets that
 24 could have caught it.
 25 MR. [REDACTED]: So, pretty much everybody

1 look, just so I have, my mind is clear. There
 2 is a prisoner's schedule. The prisoner's
 3 schedule literally means prisoner's schedule.
 4 MR. [REDACTED]: Well, yeah. So, the
 5 prisoner's schedule report is something like
 6 this, but it will tell you that they are either
 7 going to, like, transfer, or they are going to
 8 go to court. Whereas this other document that
 9 was sent to R&D was just specifically about the
 10 transfer.
 11 MR. [REDACTED]: Okay. But there is nothing
 12 that says recreation, personnel care. It's
 13 mostly going to and from court, or leaving the
 14 institution.
 15 MR. [REDACTED]: Yeah. Because it's a
 16 prisoner's schedule.
 17 MR. [REDACTED]: Okay.
 18 MR. [REDACTED]: Report.
 19 MR. [REDACTED]: Okay.
 20 MR. [REDACTED]: So, it's, like, what they
 21 are scheduled to do. Sorry. Yeah. No. It's
 22 not, like, what their daily schedule is. Like,
 23 in the institution.
 24 MR. [REDACTED]: Right.
 25 MR. [REDACTED]: It's a U.S. Marshal

1 dropped the ball?
 2 MR. N'DIAYE: I mean, if we're looking at
 3 it like this, if you're saying going by an
 4 email being sent around.
 5 MR. [REDACTED]: Well, not only the email,
 6 but I mean, the email, I can understand if
 7 people are busy and they don't always, you
 8 know, this one --
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: -- it would be hard to -
 11 that one would be hard to --
 12 MR. N'DIAYE: Right.
 13 MR. [REDACTED]: -- you know, say that you
 14 didn't know. This one, I could see maybe, you
 15 know, the prisoner's schedule --
 16 MR. N'DIAYE: Well, this one, I don't --
 17 MR. [REDACTED]: -- (Indiscernible
 18 *01:48:52).
 19 MR. N'DIAYE: -- I mean, I don't know what
 20 gets sent out. I know, if this whole thing, I
 21 don't know if it gets sent out to the staff. I
 22 think more --
 23 MR. [REDACTED]: Well, this is --
 24 MR. N'DIAYE: -- of a condensed version.
 25 MR. [REDACTED]: -- this is with this.

1 MR. N'DIAYE: Right.
 2 MR. [REDACTED]: So, this was what was
 3 sent with this. This was sent specifically,
 4 just that. It's not a document. That's the
 5 body.
 6 MR. N'DIAYE: Right. That was sent.
 7 MR. [REDACTED]: But that is, again, R&D.
 8 MR. N'DIAYE: Right.
 9 MR. [REDACTED]: But, which again, R&D -
 10 we didn't cover this - R&D is outside of
 11 custody. Correct?
 12 MR. N'DIAYE: Right.
 13 MR. [REDACTED]: But speaking with R&D,
 14 they said they would have produced this list,
 15 which SHU would have had, as well as ops
 16 lieutenant --
 17 MR. N'DIAYE: Mm-hmm.
 18 MR. [REDACTED]: -- the lieutenant's
 19 office, all the housing units, which it listed
 20 [REDACTED] as WAB.
 21 MR. N'DIAYE: Right.
 22 MR. [REDACTED]: Do you know if they are
 23 actually looking - like, the lieutenant's
 24 office, people in the lieutenant's office, or
 25 the ops lieutenant, activities lieutenant - are

1 MR. [REDACTED]: No, no, no.
 2 MR. N'DIAYE: -- they tear up.
 3 MR. [REDACTED]: We are being told, by the
 4 lieutenants, as well as --
 5 MR. N'DIAYE: Right.
 6 MR. [REDACTED]: -- by R&D, they all have
 7 it, and they all, and it would all - and it
 8 would have said WAB. Unfortunately, I haven't
 9 found that document to show you this is what
 10 I'm referring to. But it's a document they
 11 apparently create, which they call the court
 12 production list. Are you --
 13 MR. N'DIAYE: The court list.
 14 MR. [REDACTED]: -- yeah.
 15 MR. N'DIAYE: I've heard of the court
 16 list.
 17 MR. [REDACTED]: But it's like a --
 18 MR. N'DIAYE: And it -.
 19 MR. [REDACTED]: -- from my understanding,
 20 it is an informal document that they are just
 21 providing so that, you know, these are the
 22 people that we need to produce today.
 23 MR. N'DIAYE: For internal, yeah. The
 24 internal officer goes around and drops them off
 25 at every, you know, every unit, like hey, I

1 they actually look at that list and saying, or
 2 that's just based upon the busyness of their
 3 day?
 4 MR. N'DIAYE: Yeah. I wouldn't speculate.
 5 I mean, I don't know. I can't say what --
 6 MR. [REDACTED]: Okay.
 7 MR. N'DIAYE: -- lieutenant is looking at
 8 stuff. I mean, it's, like, the documents.
 9 MR. [REDACTED]: No. I mean, but should
 10 have they, I guess is the question?
 11 MR. N'DIAYE: As far as what? Emails that
 12 are coming through, on who's leaving?
 13 MR. [REDACTED]: No, no, no. This would
 14 be a physical paper that they were provided.
 15 MR. N'DIAYE: Right.
 16 MR. [REDACTED]: Internal would go around
 17 and provide everybody with this physical paper
 18 that they create, and then, they apparently
 19 destroy it at the end of the day.
 20 MR. N'DIAYE: Right. So, I don't know if
 21 the, you know, when internal gets the forms to
 22 go, they are dropping it off at different
 23 units. So, I don't know if one was passed off
 24 to the lieutenant. The lieutenant would - I
 25 guess this probably be the only document --

1 need this guy, I need that guy. It's a court
 2 list.
 3 MR. [REDACTED]: Yeah.
 4 MR. N'DIAYE: In the morning.
 5 MR. [REDACTED]: Exactly.
 6 MR. N'DIAYE: So, yeah, that's not
 7 anything that's kept on record.
 8 MR. [REDACTED]: Right. So, I guess the
 9 question, though, being that they had these
 10 court lists, is another one of these checks and
 11 balances? Or is that really just for the
 12 Special Housing Unit?
 13 MR. N'DIAYE: I think they -. You mean as
 14 far as the court list, I don't understand your
 15 question, but --
 16 MR. [REDACTED]: Yeah. It's just getting
 17 back to the point of, like, [REDACTED] left. We
 18 were notified on the 8th. He left on the
 19 morning of the 9th.
 20 MR. N'DIAYE: Right.
 21 MR. [REDACTED]: Epstein was found on the
 22 10th. Didn't have a cellmate for 24 hours, and
 23 we knew for almost 48 hours. What should have
 24 happened, and who didn't do their job? Is
 25 really the question.

1 MR. N'DIAYE: And like I said before, when
2 the notification, whoever was on the unit, knew
3 that he was leaving, it should have been passed
4 up to his supervisor.

5 MR. [REDACTED]: All right.

6 MR. N'DIAYE: This guy is leaving. But
7 then, okay, let's say the supe, or whoever is
8 working in there, doesn't do it, and somebody
9 should have stepped up and said, hey, this guy
10 needs a cellmate. And notified the lieutenant
11 that he needs a cellmate.

12 MR. [REDACTED]: And that goes back to my,
13 anyone that was working in the SHU, should have
14 made that notification.

15 MR. N'DIAYE: Should have said it. It
16 doesn't just -. Just because you are not OIC,
17 doesn't mean all the responsibilities falls on
18 you. It's everybody's job up there to say,
19 hey, okay, we need to, you know, this is what
20 we need to do.

21 MR. [REDACTED]: And would that be the
22 case for, when he left during the day shift --

23 MR. N'DIAYE: Right.

24 MR. [REDACTED]: -- the next shift is the
25 night shift, when he would have - I believe

1 you know, called and said, lieutenant, we got a
2 - this guy needs a --

3 MR. [REDACTED]: A cellmate.

4 MR. N'DIAYE: -- a cellmate.

5 MR. [REDACTED]: And again, I know we're
6 Monday morning quarterback because of the
7 result here, but what is your - as the warden
8 of the institution, on these days - how do you
9 interpret this? Is this a really significant
10 failure on their part, the not have caught this
11 and passed that information up?

12 MR. N'DIAYE: It's not following the
13 directive. I mean, and then, look at result.

14 MR. [REDACTED]: Right.

15 MR. N'DIAYE: So, I mean, the result is
16 what, you know, caused it to be a serious
17 matter.

18 MR. [REDACTED]: Okay.

19 MR. N'DIAYE: Yeah.

20 MR. [REDACTED]: Now, as far as going back
21 to this memo, do you know why Mr. [REDACTED]
22 wrote this memo/

23 MR. N'DIAYE: I forgot. I might have
24 called -. I might have called Lieutenant
25 [REDACTED], and said - and I don't know if he was

1 during the night shift - he would have come
2 back --

3 MR. N'DIAYE: Mm-hmm.

4 MR. [REDACTED]: -- and again, if they
5 were doing rounds, they would have noticed that
6 [REDACTED] wasn't there in the first place. But
7 also, certainly, when they brought --

8 MR. N'DIAYE: Epstein back.

9 MR. [REDACTED]: -- Epstein back to his
10 cell. There would have been no cellmate in
11 there.

12 MR. N'DIAYE: You should have known he was
13 a cellmate.

14 MR. [REDACTED]: And would it be the same
15 thing for the morning shift? That they would
16 know that Epstein was in there alone?

17 MR. N'DIAYE: Because if the morning shift
18 is doing their 30-minute checks, you would have
19 realized he was in there by himself.

20 MR. [REDACTED]: So, should have every
21 single shift reported it to the ops lieutenant,
22 that there is no one -?

23 MR. N'DIAYE: Whoever caught it should
24 have, you know, let's say one shift missed it,
25 the next shift should have picked up and said,

1 working - said, what happened up there?

2 MR. [REDACTED]: Now, when you say [REDACTED],
3 because he was the ops lieutenant, or are you
4 talking about [REDACTED], who was the SHU lieutenant?

5 MR. N'DIAYE: [REDACTED], who was the
6 operations -. Because first, I know when I got
7 back, somebody told me [REDACTED] wasn't at work,
8 because that was my first question. Who was
9 the SHU lieutenant? Where they are at. And
10 then, I think I did reach out to [REDACTED], and
11 said, what happened up there?

12 MR. [REDACTED]: Okay.

13 MR. N'DIAYE: And that's when I found that
14 out.

15 MR. [REDACTED]: And did you ever speak
16 with either [REDACTED] or [REDACTED] about this?

17 MR. N'DIAYE: No.

18 MR. [REDACTED]: Okay.

19 MR. N'DIAYE: Because by the time I had
20 gotten it, was the day -. That, I got that the
21 day of, when I had to go up to, I think the
22 U.S. Attorney's Office.

23 MR. [REDACTED]: Okay. To speak with them
24 about this?

25 MR. N'DIAYE: When I speak up to them, and

1 them the agent had the memorandum.
 2 MR. ██████: He already had it on him?
 3 MR. N'DIAYE: He had it on him. Because
 4 he was during the interrogation, he presented
 5 it to the U.S. Attorney that was there.
 6 MR. ██████: And was that the first
 7 time you had seen it?
 8 MR. N'DIAYE: No. I think I -. I don't
 9 recall when I first saw it, but I know I had
 10 gotten it. And I don't know if I had gotten
 11 it, and then sent it up to my boss. And then,
 12 given it to the IG. I forgot. I forget his
 13 name, and who was handling the case.
 14 MR. ██████: For the IG?
 15 MR. N'DIAYE: Yeah.
 16 MR. ██████: ██████.
 17 MR. ██████: If you weren't giving it
 18 to (Indiscernible *01:55:18), it would have
 19 been ██████.
 20 MR. N'DIAYE: Because he sat in there with
 21 us.
 22 MR. ██████: ██████ ██████.
 23 MR. N'DIAYE: So, he - I remember - he had
 24 a copy of it.
 25 MR. ██████: Okay.

1 it on to the next guy, saying that you guys got
 2 to do it.
 3 MR. N'DIAYE: Now --
 4 MR. ██████: Do you think he should
 5 have done it, passed the infraction on during
 6 his shift?
 7 MR. N'DIAYE: Yeah. Absolutely. It
 8 should have been letting the lieutenant know.
 9 MR. ██████: Uh-huh.
 10 MR. N'DIAYE: That, hey, this is - we got
 11 a guy that needs to be --
 12 MR. ██████: A cellmate.
 13 MR. N'DIAYE: -- that needs a cellmate.
 14 MR. ██████: I should clarify that.
 15 MR. N'DIAYE: What?
 16 MR. ██████: I think on the elevator was
 17 ██████.
 18 MR. N'DIAYE: Right.
 19 MR. ██████: ██████ was escorting ██████
 20 down to R&D. And ██████ was escorting
 21 Epstein over to attorney conference. They just
 22 happened to cross paths, I think --
 23 MR. ██████: Yeah, they were together,
 24 though. Right?
 25 MR. ██████: -- yeah, but I think ██████ is

1 MR. N'DIAYE: Because we had told him that
 2 they knew that they were supposed to -.
 3 MR. ██████: So, not including when
 4 you were speaking with the OIG and the FBI, did
 5 you discuss this at all with anyone from the
 6 BOP, such as ██████ or ██████?
 7 MR. N'DIAYE: No. I just got the
 8 memorandum, and that was it. Because I was,
 9 like, wanting to know, like, what happened.
 10 The, you know, the directives were given. What
 11 happened?
 12 MR. ██████: And when you asked what
 13 happened, was there a verbal response?
 14 MR. N'DIAYE: It was a verbal response.
 15 MR. ██████: And what did you -? What
 16 were you told?
 17 MR. N'DIAYE: That they knew he was
 18 supposed to -. That ██████ had passed it on
 19 to other individuals about it.
 20 MR. ██████: Now, do you think that
 21 that -. What is your thought process of
 22 ██████, who is the one who actually presented
 23 - excuse me - ██████ to R&D and WAB, what is
 24 your thought of him now saying, you know, prior
 25 to the end of my shift at 2:00 p.m., I passed

1 the one that brought him down to the - ██████ -
 2 down to R&D.
 3 MR. N'DIAYE: Then that would make sense.
 4 Because if ██████ is internal, internal takes
 5 him to court.
 6 MR. ██████: Okay.
 7 MR. N'DIAYE: And then, if somebody is
 8 going to R&D, I mean, to attorney visit, then
 9 it would be SHU staff taking him.
 10 MR. ██████: All right. So, if ██████
 11 is the one who is actually providing him to
 12 R&D, did he have a responsibility, that if he
 13 was WAB, to make any notifications?
 14 MR. N'DIAYE: I don't know if internal -.
 15 You know, ██████ was internal, and I don't know
 16 if he knew, you know, the situation.
 17 MR. ██████: And typically, would it
 18 be internal's job - if they come and collect
 19 somebody as WAB - would it be their job to tell
 20 control, or the ops lieutenant, to say this guy
 21 is off our books, or anything, or -?
 22 MR. N'DIAYE: No. Because we have a lot
 23 of inmates that move in and out.
 24 MR. ██████: Sure.
 25 MR. N'DIAYE: So, he wouldn't be able to

1 keep track of every particular inmate that is
 2 going and coming.
 3 MR. [REDACTED]: Okay. Basically,
 4 everyone had a share of responsibility?
 5 MR. N'DIAYE: (Indiscernible *01:57:54).
 6 MR. [REDACTED]: All right. Before we
 7 belabor this thing anymore, we want to just
 8 initial and date these both documents. We can
 9 get them out of your way and move on.
 10 MR. N'DIAYE: All of them?
 11 MR. [REDACTED]: Oh, yeah. Top of this,
 12 top of this.
 13 MR. N'DIAYE: Okay.
 14 MR. [REDACTED]: This guy. You know, this
 15 one. All right.
 16 MR. [REDACTED]: Let me take this.
 17 MR. [REDACTED]: Thank you, sir. Now,
 18 prior to this meeting, did you know that [REDACTED]
 19 was actually transferred at MCC, and didn't go
 20 to court?
 21 MR. N'DIAYE: Wait, prior to when?
 22 MR. [REDACTED]: This meeting.
 23 MR. N'DIAYE: Oh, no. I knew he -. I
 24 heard that. You know? After his death, that
 25 he was --

1 responsible to make sure that Epstein has a
 2 cellmate?
 3 MR. N'DIAYE: I mean, if it's the
 4 directive that is given out, I mean, whoever is
 5 working decide - passes it up, and then, that
 6 ensures, you know, to make sure he has a
 7 cellmate. So -.
 8 MR. [REDACTED]: So, SHU staff.
 9 MR. N'DIAYE: Whoever was working up
 10 there.
 11 MR. [REDACTED]: Okay. When you say
 12 working up there, does that include, like,
 13 lieutenants doing lieutenant rounds and things
 14 like that? Or -?
 15 MR. N'DIAYE: Well, yeah, from what
 16 transpired, it is obvious the lieutenants
 17 didn't know. I mean, they knew he was, based
 18 on the email that, you know, they knew he was
 19 leaving, but as far as when the finality of it
 20 was, when you realize, okay, [REDACTED] is gone.
 21 You take Epstein, you bring him back up in his
 22 cell, and he doesn't have a cellmate. I mean,
 23 something should have went off on somebody to
 24 make some notifications.
 25 MR. [REDACTED]: Okay. I know we're going

1 MR. [REDACTED]: Transferred.
 2 MR. N'DIAYE: -- removed. That he was
 3 transferred.
 4 MR. [REDACTED]: Okay.
 5 MR. N'DIAYE: When I came in on Saturday.
 6 MR. [REDACTED]: Were you required - or I
 7 mean - were you aware that the Marshal Service
 8 had sent those emails on August 8th, 2019?
 9 MR. N'DIAYE: I was not aware.
 10 MR. [REDACTED]: No? Well, did anyone
 11 ever, prior to August 10th, did anyone ever
 12 make you aware that [REDACTED] was transferred from
 13 the institution?
 14 MR. N'DIAYE: Prior to October 10th?
 15 MR. [REDACTED]: August 10th. 2019.
 16 MR. N'DIAYE: I found out when I came in
 17 that morning, because I --
 18 MR. [REDACTED]: Okay.
 19 MR. N'DIAYE: -- was, like, where is his
 20 cellmate?
 21 MR. [REDACTED]: Okay. So, you didn't
 22 know that he didn't have a cellmate on August
 23 9th?
 24 MR. N'DIAYE: No, I did not.
 25 MR. [REDACTED]: Now, who was ultimately

1 to talk about counts.
 2 MR. N'DIAYE: Mm-hmm.
 3 MR. [REDACTED]: Mm-hmm.
 4 MR. [REDACTED]: Wait, wait. The notification.
 5 Would that go up as high as you? If someone
 6 would say?
 7 MR. N'DIAYE: They would send it up to the
 8 lieutenants, then they would tell the captain.
 9 And the captain would let the associate warden
 10 know, and then it would get up to me.
 11 MR. [REDACTED]: Especially an instance
 12 since you have a say in who --
 13 MR. N'DIAYE: Right.
 14 MR. [REDACTED]: -- gotcha.
 15 MR. N'DIAYE: We would have to sit down
 16 and say, okay, of all the available individuals
 17 that are on the unit now, who can we house
 18 Epstein with?
 19 MR. [REDACTED]: Now, what about in the
 20 this case, where as you actually weren't
 21 working that day, would that --
 22 MR. N'DIAYE: Mm-hmm.
 23 MR. [REDACTED]: -- should have they
 24 called you --
 25 MR. N'DIAYE: Yeah. Whoever is --

1 MR. [REDACTED]: -- on the -?
 2 MR. N'DIAYE: -- whoever was the acting
 3 warden.
 4 MR. [REDACTED]: That would make the
 5 determination?
 6 MR. N'DIAYE: She would have made the
 7 determination to.
 8 MR. [REDACTED]: Who was the acting warden
 9 that day, do you know?
 10 MR. N'DIAYE: I don't know if I left
 11 [REDACTED] or [REDACTED] in --
 12 MR. [REDACTED]: Okay.
 13 MR. N'DIAYE: -- as the acting.
 14 MR. [REDACTED]: One of those two.
 15 MR. N'DIAYE: It would be one of those
 16 two.
 17 MR. [REDACTED]: And it wouldn't be the
 18 [REDACTED]?
 19 MR. N'DIAYE: No. He's the executive
 20 assistance.
 21 MR. [REDACTED]: Now, what is the
 22 difference between, like, an executive
 23 assistance and an AW?
 24 MR. N'DIAYE: The associate warden is a
 25 GS-14, and the executive assistant is a 13.

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: -- so frequently, was
 3 there, like, a list that was set in place, that
 4 we would now consider these people, or would it
 5 be just the whole new -?
 6 MR. N'DIAYE: No. Because we would have
 7 to base it on who was there.
 8 MR. [REDACTED]: Okay.
 9 MR. N'DIAYE: Because of the turnover in
 10 the unit.
 11 MR. [REDACTED]: Mm-hmm.
 12 MR. [REDACTED]: All right. Now, we're
 13 going to get into counts.
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: So, this is an email sent
 16 from you to Mr. [REDACTED]. It's the count slips
 17 for --
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: -- it was sent on
 20 Saturday, August 10th, 2019, at 5:11 p.m.
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: This shows, ZA is the
 23 SHU. Correct?
 24 MR. N'DIAYE: Right.
 25 MR. [REDACTED]: So, this says, at 8:10,

1 MR. [REDACTED]: Okay. So, they are not -
 2 -
 3 MR. N'DIAYE: No.
 4 MR. [REDACTED]: -- but what, is that
 5 executive assistant just mainly to assist you
 6 in your functions?
 7 MR. N'DIAYE: He assists in the functions.
 8 I had also given him some other departments to
 9 monitor.
 10 MR. [REDACTED]: Mm-hmm.
 11 MR. N'DIAYE: So, they manage, also, those
 12 other departments.
 13 MR. [REDACTED]: Okay.
 14 MR. [REDACTED]: I just got a question. I
 15 don't know if you may be asked him about the
 16 backup list. Was there a backup list of names?
 17 MR. N'DIAYE: For?
 18 MR. [REDACTED]: I think, I think we did
 19 talk about it, but if [REDACTED] - we did --
 20 MR. [REDACTED]: Okay.
 21 MR. [REDACTED]: -- but --
 22 MR. [REDACTED]: Sorry.
 23 MR. [REDACTED]: -- when we talked about
 24 if [REDACTED] was removed because the institution
 25 always has people coming and going --

1 it shows that the count for ZA was 73. Signed
 2 by M. [REDACTED] and Ms. Noel.
 3 MR. N'DIAYE: Mm-hmm.
 4 MR. [REDACTED]: And it says, that count
 5 was done, it looks like, at --
 6 MR. N'DIAYE: 12:01 a.m.
 7 MR. [REDACTED]: -- 12:01 a.m. And then,
 8 we get the next one is at 3:00 a.m.
 9 MR. N'DIAYE: Mm-hmm.
 10 MR. [REDACTED]: It goes down to 72.
 11 MR. N'DIAYE: Mm-hmm.
 12 MR. [REDACTED]: At 5:00 a.m., there is
 13 72. And here is the count, the institutional
 14 count, it shows 72 at - what time? - 12:00 a.m.
 15 Or no. This one is 3:00 a.m.
 16 MR. N'DIAYE: 3:00 a.m.
 17 MR. [REDACTED]: I don't know why this is
 18 all out of order. 5:00 a.m. So, at 12:00
 19 a.m., this says 72. 72.
 20 MR. [REDACTED]: I think that was just an --
 21 MR. [REDACTED]: 72.
 22 MR. [REDACTED]: -- attachment to that email
 23 that you sent.
 24 MR. [REDACTED]: So, but as you know, as
 25 you notice, one of them said -. So, the count

1 slip said 73 for 12:00 a.m., over the
 2 institutional count. And as you see here, for
 3 12:00 a.m., it said 72.
 4 MR. [REDACTED]: By the institution, you mean
 5 the SHU?
 6 MR. [REDACTED]: No. The institution.
 7 MR. N'DIAYE: It means the whole.
 8 MR. [REDACTED]: MCC does a count --
 9 MR. N'DIAYE: Yeah.
 10 MR. [REDACTED]: -- and --
 11 MR. [REDACTED]: Right.
 12 MR. [REDACTED]: -- its' what the official
 13 --
 14 MR. [REDACTED]: The count.
 15 MR. [REDACTED]: -- number show --
 16 MR. [REDACTED]: Yeah. Okay.
 17 MR. [REDACTED]: -- the SHU, these count
 18 slips are supposed to be the -. Actually, let
 19 you, you can answer my question. What is
 20 supposed to be the difference between what
 21 happens with the count slip, and what happens
 22 with the institutional count? So, I'm not
 23 answering your question.
 24 MR. N'DIAYE: So, what happens is, on the
 25 shift, you call the count, and the different

1 it in there, they say, it says 25, they tell me
 2 it's a bad count.
 3 MR. [REDACTED]: Mm-hmm.
 4 MR. N'DIAYE: So, they have to go back and
 5 count again.
 6 MR. [REDACTED]: So, the E1 is created
 7 based upon what inmates are listed within your
 8 system.
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: The count slips are based
 11 upon how many inmates they actually count.
 12 MR. N'DIAYE: What they count.
 13 MR. [REDACTED]: And the purpose of that
 14 is what? Why are the inmates counting inmates,
 15 and why are they providing that number to
 16 control?
 17 MR. N'DIAYE: So, we make sure every
 18 inmate is in the institution.
 19 MR. [REDACTED]: The countability of the
 20 inmates. Correct?
 21 MR. N'DIAYE: Yes.
 22 MR. [REDACTED]: Great. So, the - so,
 23 does that answer your question?
 24 MR. [REDACTED]: Mm-hmm.
 25 MR. [REDACTED]: So, the next email is

1 units call in the count to control center.
 2 MR. [REDACTED]: And how do they get that
 3 count number?
 4 MR. N'DIAYE: From counting. They have to
 5 go around and count.
 6 MR. [REDACTED]: Physically counting an
 7 inmate?
 8 MR. N'DIAYE: You have to --
 9 MR. [REDACTED]: Correct?
 10 MR. N'DIAYE: -- physically count the
 11 bodies.
 12 MR. [REDACTED]: And then, they take that
 13 total amount of inmates, and they call that
 14 into the control center?
 15 MR. N'DIAYE: They call that into the
 16 control.
 17 MR. [REDACTED]: And where does the
 18 control center get their numbers from?
 19 MR. N'DIAYE: This is what is called an
 20 E1. Which is a print out of the number of
 21 inmates in each unit.
 22 MR. [REDACTED]: Right.
 23 MR. N'DIAYE: So, if an instance, for
 24 example, we look at BA unit. So, there is
 25 supposed to be 26 in there. If somebody calls

1 sent about one hour later, at 6:13 p.m., on
 2 August 10th. It says, "Why did the count
 3 change from 73 to 72 between 12:00 a.m. and
 4 3:00 a.m.?"
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: Do you remember what your
 7 response was to that?
 8 MR. N'DIAYE: I don't.
 9 MR. [REDACTED]: And then, this one is
 10 another one from [REDACTED] to yourself.
 11 MR. N'DIAYE: Mm-hmm.
 12 MR. [REDACTED]: It says, "The 12:00 a.m.
 13 count slip reads 73, and the 12:00 a.m. --
 14 MR. N'DIAYE: E1.
 15 MR. [REDACTED]: -- E1 says 72."
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: So, those kind of go
 18 together. Do you remember what your findings
 19 were there?
 20 MR. N'DIAYE: I don't remember. Because
 21 typically what happens on the count, you are
 22 supposed to - the lieutenant is supposed to
 23 take one count at night, and then review
 24 documentation. So, I don't know what happened
 25 with the discrepancy.

1 MR. [REDACTED]: I mean, this isn't really that
 2 relevant, because we noted Epstein was there.
 3 MR. [REDACTED]: No. It's relevant for
 4 our investigation.
 5 MR. N'DIAYE: Right.
 6 MR. [REDACTED]: All right. So, if you
 7 don't mind, just initialing and dating that,
 8 and then, we can explain to you why that is
 9 relevant. So, you don't, though, recall? You
 10 didn't find out what actually happened?
 11 MR. N'DIAYE: I don't recall what the
 12 response is I gave.
 13 MR. [REDACTED]: No? And do you remember
 14 looking into it at all?
 15 MR. N'DIAYE: When was that sent?
 16 MR. [REDACTED]: That was the day --
 17 MR. N'DIAYE: When did he send it?
 18 MR. [REDACTED]: -- that was the day of.
 19 MR. N'DIAYE: The day of.
 20 MR. [REDACTED]: The day Epstein was
 21 found.
 22 MR. N'DIAYE: I don't because it was just
 23 so much going on.
 24 MR. [REDACTED]: Yeah.
 25 MR. N'DIAYE: That I can't really remember

1 make their rounds. And I don't recall if it
 2 was, they put it in the logbook, that they made
 3 rounds, but that in all actuality, it wasn't
 4 done.
 5 MR. [REDACTED]: Okay.
 6 MR. N'DIAYE: So, that might have been
 7 something that came up afterwards.
 8 MR. [REDACTED]: But you are not super --
 9 You know, this, you don't really know what
 10 happened or didn't happen?
 11 MR. N'DIAYE: That day. Because I mean,
 12 it happened that weekend, everything was
 13 moving, and then, by Monday --
 14 MR. [REDACTED]: Right. So --
 15 MR. N'DIAYE: -- everything lese just
 16 changed. So --
 17 MR. [REDACTED]: -- but on the 10th or
 18 11th, you didn't hear --
 19 MR. N'DIAYE: -- I didn't --
 20 MR. [REDACTED]: -- find out?
 21 MR. N'DIAYE: -- hear anything about,
 22 recall anything about that.
 23 MR. [REDACTED]: But had you heard that
 24 they didn't at least conduct some of their
 25 rounds and counts?

1 what, how I responded to them on that day.
 2 MR. [REDACTED]: Do you remember learning
 3 anything about the accuracy or inaccuracy of
 4 the counts, on the 9th and 10th?
 5 MR. N'DIAYE: What do you mean the
 6 accuracy and inaccuracy?
 7 MR. [REDACTED]: Like, if the counts were
 8 actually accurate or not.
 9 MR. N'DIAYE: I don't recall that.
 10 MR. [REDACTED]: You don't recall --
 11 MR. N'DIAYE: No. I can't think of that.
 12 MR. [REDACTED]: -- finding out about
 13 that?
 14 MR. N'DIAYE: No.
 15 MR. [REDACTED]: Did you recall, did you
 16 find out if the SHU counts and rounds were not
 17 conducted by the SHU on August 9th or 10th,
 18 2019? By the SHU staff.
 19 MR. N'DIAYE: If they did rounds or not?
 20 MR. [REDACTED]: Correct. Did you find
 21 out if the SHU staff had conducted both 30-
 22 minutes rounds, as well as the institution
 23 counts on August 9th and 10th?
 24 MR. N'DIAYE: I don't know if it was after
 25 the fact that I was told that the Officer did

1 MR. N'DIAYE: That they didn't?
 2 MR. [REDACTED]: That they did not.
 3 MR. N'DIAYE: It was - and I don't want to
 4 use the word that it was just, you know, an
 5 assumption, you know, like, because one of
 6 them, I had asked to come up and speak with,
 7 but it was Thomas, and he wouldn't come up.
 8 MR. [REDACTED]: And this was on the 10th
 9 in the morning?
 10 MR. N'DIAYE: This was on the 10th, when
 11 we got him up, because I wanted to speak with
 12 him because people were telling me he was
 13 distraught.
 14 MR. [REDACTED]: Mm-hmm.
 15 MR. N'DIAYE: So, I wanted to make sure he
 16 was all right. You know? And he just, he
 17 didn't want to come up and talk.
 18 MR. [REDACTED]: What are your thoughts of
 19 Thomas as an employee?
 20 MR. N'DIAYE: I've known Thomas a couple
 21 years. I never had any issues with him. You
 22 know, it was any, you know, like any other
 23 employee, you do something, I correct you on
 24 the spot, and that's it. But I have never
 25 encountered him to do anything, known him not

1 to count, do his job, you know?
 2 MR. [REDACTED]: What about Ms. Tova Noel?
 3 MR. N'DIAYE: She was new. So, she had
 4 just gotten there. You know, she got the same
 5 spiel from me that everybody else does. You
 6 know? You are new. You can't do the things
 7 that somebody at 20, that has 20 years in it.
 8 They're not doing their job, you shouldn't be
 9 following it.
 10 MR. [REDACTED]: And did you --
 11 MR. N'DIAYE: So --
 12 MR. [REDACTED]: -- actually speak with
 13 her about that?
 14 MR. N'DIAYE: Oh, I do that in my
 15 (Indiscernible *02:09:22) class, when they
 16 first come in.
 17 MR. [REDACTED]: Okay. So, that is
 18 something --
 19 MR. N'DIAYE: And I had --
 20 MR. [REDACTED]: -- you would have said to
 21 everyone?
 22 MR. N'DIAYE: Oh, I said it clear as day.
 23 And same thing I would say in my ART class.
 24 Annual Refresher Training.
 25 MR. [REDACTED]: Because this is --

1 MR. [REDACTED]: All right. So, this is
 2 going to go back. This is just my little list
 3 that I wrote of exactly what happened, and then
 4 I'll read to you, but --
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: -- I just want just for
 7 our purposes, I'm going to just show you, and
 8 you can refer to them. On this one, at first,
 9 going to be the count on the 9th, that was
 10 conducted at --
 11 MR. [REDACTED]: 4:00 p.m.
 12 MR. [REDACTED]: -- is this 4:00 p.m. Is
 13 this the 4:00 p.m. or the 5:00 p.m. here?
 14 MR. N'DIAYE: No. This?
 15 MR. [REDACTED]: 4:00 p.m.
 16 MR. [REDACTED]: 4:00 p.m. count. There's
 17 just signed off --
 18 MR. N'DIAYE: No. There's no 4:00 p.m.
 19 count.
 20 MR. [REDACTED]: -- yeah, it's the 5:00.
 21 MR. [REDACTED]: 5:00. Sorry.
 22 MR. N'DIAYE: Yeah. It's --
 23 MR. [REDACTED]: Yeah.
 24 MR. N'DIAYE: -- 12:00. 12:00. 3:00.
 25 And 5:00.

1 MR. N'DIAYE: (Indiscernible *02:09:34).
 2 MR. [REDACTED]: -- one of her excuses,
 3 saying that 20 year guys, I'm following them,
 4 they are not doing it, so I'm not doing it. Is
 5 that something you clearly entrust --
 6 MR. N'DIAYE: So, here's my speech --
 7 MR. [REDACTED]: -- to her?
 8 MR. N'DIAYE: -- my spiel I used to tell
 9 people. I said, go ahead and follow that 20
 10 year guy, and you are on probation, guess what
 11 happens? He might get some time in the street.
 12 You're getting fired.
 13 MR. [REDACTED]: And are you confident
 14 that Ms. Noel would have heard that speech from
 15 you?
 16 MR. N'DIAYE: She heard the speech from
 17 me.
 18 MR. [REDACTED]: Okay.
 19 MR. N'DIAYE: Yeah. I'm confident.
 20 That's the speech I gave everybody. Same thing
 21 in the ART.
 22 MR. [REDACTED]: Okay.
 23 MR. N'DIAYE: Yeah.
 24 MR. [REDACTED]: Good enough.
 25 MR. N'DIAYE: So.

1 MR. [REDACTED]: No, no. This is afternoon.
 2 MR. [REDACTED]: Yeah. So, this is
 3 Friday.
 4 MR. [REDACTED]: I'd say (Indiscernible
 5 *02:10:40)--
 6 MR. [REDACTED]: All right. Friday. Is
 7 that a --
 8 MR. [REDACTED]: -- (Indiscernible *02:10:41)
 9 MR. [REDACTED]: -- 4:00 p.m. --
 10 MR. [REDACTED]: You told him about overnight.
 11 MR. [REDACTED]: -- count?
 12 MR. N'DIAYE: Oh, it's a 4:00 p.m. count.
 13 MR. [REDACTED]: It's a 4:00 p.m.
 14 MR. [REDACTED]: Yeah.
 15 MR. N'DIAYE: Okay.
 16 MR. [REDACTED]: Then 4:00 p.m. Then
 17 there is the 8:00 p.m.
 18 MR. [REDACTED]: No, no. 4:00 p.m. 10:00.
 19 MR. [REDACTED]: 4:00 p.m. 10:00 p.m.
 20 Sorry.
 21 MR. [REDACTED]: And midnight.
 22 MR. [REDACTED]: 4:00 p.m. 10:00 p.m.
 23 Midnight.
 24 MR. [REDACTED]: 3:00 and 5:00.
 25 MR. [REDACTED]: 3:00. And 5:00. So,

1 these are basically the time period in
2 question. Everywhere from 4:00 p.m. through
3 the 5:00 a.m. count the next day, on August 9th
4 and 10th.

5 MR. N'DIAYE: Okay.

6 MR. [REDACTED]: Here are the lieutenant
7 logs. And these are the emails that, again,
8 I'm going, just going over these just because,
9 so I'm not blowing things out of thin air.
10 These are the --

11 MR. N'DIAYE: Mm-hmm.

12 MR. [REDACTED]: -- yeah, emails that we
13 were able to obtain. So, this was from a
14 [REDACTED]. Who was the ops
15 lieutenant at that time.

16 MR. N'DIAYE: Right.

17 MR. [REDACTED]: Fairly regularly.

18 MR. N'DIAYE: Mm-hmm.

19 MR. [REDACTED]: And during the morning
20 watch. So, this one was sent, from her, on
21 Saturday, August 10th, 2019, at 9:26 a.m. It
22 says, these are the August 10th, 2019. Daily
23 activity report. And then, we got the daily
24 lieutenant's log here.

25 MR. N'DIAYE: Mm-hmm.

1 MR. N'DIAYE: Mm-hmm.

2 MR. [REDACTED]: Is that -? I know she
3 sent it out after the incident, and after, you
4 know, everything happened, but do you think it
5 was weird that she sent that one out at 9:26
6 a.m. versus prior to that 6:33 a.m., when her
7 shift ends at 6:00 a.m.?

8 MR. N'DIAYE: I mean --

9 MR. [REDACTED]: She was relieved at 5:30 a.m.
10 by Lieutenant [REDACTED].

11 MR. N'DIAYE: That's what I'm saying. She
12 wasn't at the -. When I got there, Lieutenant
13 [REDACTED] was the lieutenant --

14 MR. [REDACTED]: Correct.

15 MR. N'DIAYE: -- who contacted me
16 regarding --

17 MR. [REDACTED]: She was supposed to be
18 gone by 5:30 a.m.

19 MR. N'DIAYE: So, yeah. I don't know. If
20 she left at 5:30 or whatever, and I don't know
21 how they (Indiscernible *02:13:07).

22 MR. [REDACTED]: Well, that's when she was
23 relieved. She didn't leave until after this
24 was sent out at 9:26 a.m.

25 MR. N'DIAYE: I don't recall her being in

1 MR. [REDACTED]: So, where would this -?
2 This is just out of order. This should have
3 been first. So, Friday, August 9th, 2019, she
4 sends one at -. So, first, I want to ask this
5 question. So, on Friday, August 9th, 2019, she
6 sends one at 5:11 a.m.

7 MR. N'DIAYE: Mm-hmm.

8 MR. [REDACTED]: And Saturday, she sends
9 it at August 10th, 2019, at 9:26 a.m.

10 MR. N'DIAYE: Mm-hmm.

11 MR. [REDACTED]: And on Sunday, August
12 11th, 2019, she sends it at 6:15 a.m.

13 MR. N'DIAYE: Mm-hmm.

14 MR. [REDACTED]: Now, reviewing all of the
15 lieutenant logs that came out prior to that
16 time, they are all sent out pretty much between
17 5:00 a.m. and 6:00 a.m. --

18 MR. N'DIAYE: Mm-hmm.

19 MR. [REDACTED]: -- by all the various --

20 MR. N'DIAYE: Right.

21 MR. [REDACTED]: -- ops lieutenants. Do
22 you find it odd that she didn't send this one
23 out until 9:26 a.m., being that, I know Epstein
24 was found at 6:33 a.m., but typically, they
25 were sent out much earlier than that.

1 the institution around then.

2 MR. [REDACTED]: She - after Epstein was
3 found - she actually went into the SHU. She
4 helped with feeding. And then, she went back,
5 and she did some things on the computer.

6 MR. N'DIAYE: I thought --

7 MR. [REDACTED]: And she sent it.

8 MR. N'DIAYE: -- I thought [REDACTED] relieved
9 her, and she left.

10 MR. [REDACTED]: At 5:30 a.m., she was
11 relieved. She stuck around because she said
12 she had work to do. After Epstein was found,
13 she came to the SHU, and assisted [REDACTED]
14 [REDACTED], who also wasn't working in the SHU, but
15 was there because he was the Comtech guy. And,
16 at the time, [REDACTED] was gone. Noel was there.
17 But at some point, Noel left.

18 MR. N'DIAYE: And I'm looking at this, but
19 I was under the impression, when [REDACTED] had told
20 me he had relieved her, and she left.

21 MR. [REDACTED]: So, do you find that odd,
22 then, that she was still there until --

23 MR. N'DIAYE: Until 9:30.

24 MR. [REDACTED]: -- at least 9:30 a.m.?

25 MR. N'DIAYE: Yeah. I didn't, I didn't --

1 Yeah.
 2 MR. [REDACTED]: This is the first you're
 3 hearing of this?
 4 MR. N'DIAYE: Yeah. Because when I was
 5 told she was gone. So, unless --
 6 MR. [REDACTED]: Because you wanted to
 7 talk with her?
 8 MR. N'DIAYE: -- no. I mean, he relieved
 9 her. So, I guess, technically, when you
 10 relieve somebody, then it becomes your issue.
 11 So, I was talking to Lieutenant [REDACTED]. But I
 12 didn't want, you know, I assumed she was the
 13 one that -. But I heard she had left. I
 14 didn't know she had come back.
 15 MR. [REDACTED]: She allegedly did not
 16 come back. She allegedly was there --
 17 MR. N'DIAYE: There.
 18 MR. [REDACTED]: -- the entire time.
 19 MR. N'DIAYE: So then, that is kind of
 20 odd, because usually, your log is completed
 21 before you leave.
 22 MR. [REDACTED]: Right.
 23 MR. N'DIAYE: On your log, you will write
 24 on there, relieved by such and such.
 25 MR. [REDACTED]: So, is that suspicious to

1 Can you rephrase your question, like, what are
 2 we saying?
 3 MR. [REDACTED]: Yeah. I mean, I'm going
 4 all the way to -. I just ramped it up to 100
 5 miles an hour. I'm just saying all the way to
 6 --
 7 MR. N'DIAYE: I can't --
 8 MR. [REDACTED]: -- to probably, could you
 9 -. Was there any reason to believe that she
 10 could be potentially involved with this?
 11 MR. N'DIAYE: As far as doing harm to him?
 12 MR. [REDACTED]: Keeping his cell door
 13 open. And letting another cell door open for
 14 someone else. You know --
 15 MR. N'DIAYE: I wouldn't --
 16 MR. [REDACTED]: -- anything like that.
 17 MR. N'DIAYE: -- I wouldn't see that.
 18 MR. [REDACTED]: No?
 19 MR. N'DIAYE: I couldn't see that. No.
 20 MR. [REDACTED]: No reason to believe it
 21 would go that far, just maybe insubordination
 22 is the highest that she goes?
 23 MR. N'DIAYE: Yeah. I would, you know, I
 24 --
 25 MR. [REDACTED]: She --

1 you at all?
 2 MR. N'DIAYE: Kind of. Yeah. But I'm
 3 curious as to why you didn't log it down
 4 something.
 5 MR. [REDACTED]: Now, why -? What kind of
 6 employee is [REDACTED]?
 7 MR. N'DIAYE: Had some issues with her. I
 8 mean, I don't want to -. You know, everything
 9 that is going on is an allegation. So, I don't
 10 want to go speaking on allegations that I have
 11 sent up.
 12 MR. [REDACTED]: Was she a problem
 13 employee, then?
 14 MR. N'DIAYE: I had some issues. Yeah.
 15 MR. [REDACTED]: Any reason why she
 16 believed that she might be involved with
 17 Epstein and his death?
 18 MR. N'DIAYE: Oh, no. I wouldn't put it
 19 as far as that. I mean, but it is just, I
 20 wouldn't. And I don't know --
 21 MR. [REDACTED]: She's (Indiscernible
 22 *02:15:29) to tell. I mean --
 23 MR. N'DIAYE: -- I mean --
 24 MR. [REDACTED]: -- (Indiscernible *02:15:29).
 25 MR. N'DIAYE: -- that's why I went over -.

1 MR. N'DIAYE: -- she has the allegations
 2 up. I know you guys were seeing the
 3 allegations. So, I, yeah, but I wouldn't go
 4 that far. But I can't -.
 5 MR. [REDACTED]: Well, is she in a position to
 6 do something like that?
 7 MR. N'DIAYE: What?
 8 MR. [REDACTED]: To leave the door open, or
 9 something that's egregious?
 10 MR. [REDACTED]: She does lieutenant
 11 rounds.
 12 MR. N'DIAYE: Yeah.
 13 MR. [REDACTED]: She's the ops lieutenant.
 14 MR. [REDACTED]: She is in position to do that.
 15 MR. N'DIAYE: But remember, when you are
 16 going down range and the range door keys, you
 17 can't have both. Somebody would have to let
 18 her down there.
 19 MR. [REDACTED]: Okay.
 20 MR. N'DIAYE: And those keys. Those keys
 21 go down.
 22 MR. [REDACTED]: Do you know if she was
 23 particularly friendly with either Noel or
 24 Thomas?
 25 MR. N'DIAYE: I don't know what their

1 relationship was. She was the shift
 2 lieutenant. So, I don't know what
 3 relationships. Who she's had (Indiscernible
 4 *02:16:48).
 5 MR. [REDACTED]: For the 8th, I just realized
 6 we might not have the daily log for it.
 7 MR. [REDACTED]: Fortunately, I brought
 8 backups of different things. So, I think I got
 9 --
 10 MR. [REDACTED]: Jesus Christ.
 11 MR. [REDACTED]: The 9th and the 10th is in
 12 there.
 13 MR. [REDACTED]: I keep looking at this pile.
 14 I think those eff'ing sons a bitches are
 15 working hard.
 16 MR. [REDACTED]: I don't think the 9th is
 17 in there.
 18 MR. N'DIAYE: Yeah.
 19 MR. [REDACTED]: Just the 10th.
 20 MR. [REDACTED]: Yeah.
 21 MR. [REDACTED]: No, no. It's the second set.
 22 MR. [REDACTED]: No, that's the 10th.
 23 MR. [REDACTED]: No, the dates are --
 24 MR. N'DIAYE: Can I say --?
 25 MR. [REDACTED]: -- the following dates.

1 August 9th.
 2 MR. N'DIAYE: Okay. This is at what time?
 3 MR. [REDACTED]: This just, that says morning
 4 watch.
 5 MR. [REDACTED]: Ish.
 6 MR. N'DIAYE: Yeah, but why is it saying
 7 the 10th?
 8 MR. [REDACTED]: So, it was, the email was
 9 sent out on the 10th morning. Right? But when
 10 --
 11 MR. [REDACTED]: So, she was -. Her --
 12 MR. [REDACTED]: -- she included everything -
 13 -
 14 MR. [REDACTED]: -- shift --
 15 MR. [REDACTED]: -- everything from the
 16 previous day.
 17 MR. N'DIAYE: Yeah, but this is August
 18 9th.
 19 MR. [REDACTED]: They sent it out the day
 20 after.
 21 MR. N'DIAYE: Epstein is back.
 22 MR. [REDACTED]: So, see this one? This
 23 one is sent out on Sunday, August 11th, for the
 24 day prior, starting --
 25 MR. N'DIAYE: Right. So --

1 Sorry.
 2 MR. N'DIAYE: Can I see the time
 3 (Indiscernible *02:17:14)?
 4 MR. [REDACTED]: Just, I just want to confirm
 5 with that.
 6 MR. [REDACTED]: Of course. Yeah, yeah.
 7 Okay. That's the August 9th.
 8 MR. [REDACTED]: Yeah.
 9 MR. [REDACTED]: Okay. Great.
 10 MR. [REDACTED]: So, those two.
 11 MR. [REDACTED]: Yeah.
 12 MR. [REDACTED]: That's the previous date we
 13 don't have.
 14 MR. [REDACTED]: All right.
 15 (Indiscernible *02:17:25) right now. All
 16 right. So, what did you want to see?
 17 MR. N'DIAYE: I wanted to see that 9:26
 18 one.
 19 MR. [REDACTED]: Yeah. So, that is --
 20 MR. N'DIAYE: Mm-hmm.
 21 MR. [REDACTED]: -- and this is what we
 22 were going to show you, is the count numbers,
 23 that's what we are getting at next.
 24 MR. N'DIAYE: Wait. Which is the one --?
 25 MR. [REDACTED]: So, this is from Friday,

1 MR. [REDACTED]: -- Saturday, August 10th.
 2 MR. N'DIAYE: -- no, I get that. So, she
 3 started. Her shift was morning watch on
 4 Friday. Okay? So, she goes to 12:00. So, she
 5 is relieved by Lieutenant [REDACTED].
 6 MR. [REDACTED]: So, no, no.
 7 MR. N'DIAYE: No, this is -. This should
 8 be Thursday into Friday.
 9 MR. [REDACTED]: Yes.
 10 MR. N'DIAYE: Okay. No. I --
 11 MR. [REDACTED]: So then, it goes --
 12 MR. N'DIAYE: -- yeah. See. I thought
 13 this was --
 14 MR. [REDACTED]: -- into day watch.
 15 MR. N'DIAYE: -- the day of. Then you go
 16 to day watch, and it goes to evening watch.
 17 Now, what is the --? Which log is it for the
 18 day of?
 19 MR. [REDACTED]: So, this is the day of.
 20 MR. [REDACTED]: Mm-hmm.
 21 MR. N'DIAYE: Okay.
 22 MR. [REDACTED]: And this is, we are going
 23 to get into. So, this one is the day before,
 24 August 9th, when [REDACTED] left, and we can look to
 25 see on here, as well, where it says -. So, if

1 we go to this 8:38 on the lieutenant's log, it
 2 says that [REDACTED] is pre-removed. Right here.
 3 "[REDACTED] to pre-remove at 8:38 a.m."
 4 MR. N'DIAYE: Okay. So --
 5 MR. [REDACTED]: That is August 9th, 2019.
 6 So, we're going to go all the way down to --
 7 The one thing, I guess --
 8 MR. [REDACTED]: So, the count --
 9 MR. [REDACTED]: -- we want to look at is,
 10 here, we got this individual, [REDACTED]
 11 (Phonetic Sp. *02:19:31). Who is on dry cell
 12 with staff in R&D watch.
 13 MR. N'DIAYE: Right.
 14 MR. [REDACTED]: From the SHU. So, if you
 15 look at the count -. Where the heck is the -?
 16 MR. N'DIAYE: Okay. So, I just want to go
 17 back to clarify something with --
 18 MR. [REDACTED]: Yup.
 19 MR. N'DIAYE: -- with Lieutenant [REDACTED].
 20 So, we are saying this is at 9:23, she did it.
 21 Right?
 22 MR. [REDACTED]: 9:26.
 23 MR. N'DIAYE: So - 9:26 --
 24 MR. [REDACTED]: She did it.
 25 MR. N'DIAYE: -- this was on --

1 Okay.
 2 MR. [REDACTED]: I don't think you're
 3 right, bud. I think she's just doing the 9th.
 4 The next day does the 10th.
 5 MR. N'DIAYE: Yeah. That's right.
 6 MR. [REDACTED]: Yeah. Okay.
 7 MR. [REDACTED]: (Indiscernible *02:20:41)
 8 combined.
 9 MR. N'DIAYE: Yeah. That's what --
 10 MR. [REDACTED]: Okay.
 11 MR. N'DIAYE: -- that's why I'm a little
 12 confused about.
 13 MR. [REDACTED]: Yeah. No. She's not --
 14 MR. [REDACTED]: Because when she came --
 15 MR. [REDACTED]: -- she does the day
 16 before.
 17 MR. [REDACTED]: -- she came on shift at 10:00
 18 p.m.
 19 MR. [REDACTED]: She started her shift at
 20 10:00 --
 21 MR. [REDACTED]: 10:00 p.m.
 22 MR. [REDACTED]: -- p.m.
 23 MR. [REDACTED]: Of the 9th --
 24 MR. [REDACTED]: And worked until --
 25 MR. [REDACTED]: -- evening.

1 MR. [REDACTED]: The 10th morning. Saturday
 2 morning.
 3 MR. N'DIAYE: -- this is when she sent it
 4 out.
 5 MR. [REDACTED]: Correct. Like, three
 6 hours after Epstein was found.
 7 MR. N'DIAYE: And this is --
 8 MR. [REDACTED]: (Indiscernible
 9 *02:20:03).
 10 MR. N'DIAYE: -- Friday's log.
 11 MR. [REDACTED]: Correct.
 12 MR. N'DIAYE: That that's --
 13 MR. [REDACTED]: But they - the same
 14 thing, though - they all seem to sending it out
 15 the day before.
 16 MR. N'DIAYE: The day before. And then,
 17 she sent the day before logs out on Saturday.
 18 Yeah.
 19 MR. [REDACTED]: She combined it. If you look
 20 through it, it has everything combined.
 21 MR. N'DIAYE: Right.
 22 MR. [REDACTED]: It goes from morning watch,
 23 day watch, evening watch, into --
 24 MR. N'DIAYE: Right. But I'm just --
 25 That should have been done the day before.

1 MR. [REDACTED]: -- 6:00 a.m., but got
 2 relieved at 5:30. So --
 3 MR. N'DIAYE: That's right.
 4 MR. [REDACTED]: -- yeah.
 5 MR. N'DIAYE: The lieutenants were working
 6 from 10:00. 10:00 to 6:00.
 7 MR. [REDACTED]: Correct. Because the, we
 8 were told because of traffic issues --
 9 MR. N'DIAYE: Yeah.
 10 MR. [REDACTED]: -- or something else.
 11 MR. N'DIAYE: And short -. Yeah.
 12 MR. [REDACTED]: So, what we want to, and
 13 I want to kind of reference here is, [REDACTED]
 14 [REDACTED] on dry cell, with SHU staff and R&D.
 15 MR. N'DIAYE: Right.
 16 MR. [REDACTED]: And the end of this shows
 17 72.
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: So, on August 9th, 2019,
 20 at 11:59 a.m. - or August 10th, 2019, at 12:00
 21 a.m. - there is supposed to be 72 inmates,
 22 according to this log that [REDACTED] sent
 23 out.
 24 MR. N'DIAYE: Right.
 25 MR. [REDACTED]: There is supposed to only

1 be 72 inmates there.
 2 MR. N'DIAYE: Right.
 3 MR. [REDACTED]: Now, look at the shift
 4 for August 10th, when this person started their
 5 shift, there was 73.
 6 MR. N'DIAYE: So --
 7 MR. [REDACTED]: And the institutional
 8 logs --
 9 MR. N'DIAYE: -- right.
 10 MR. [REDACTED]: -- show at 12:00 a.m.,
 11 there were - or so, that looks like - so, there
 12 is -. Let's go. So, for ZA, there shows 75 at
 13 the 4:00 p.m. count. The 10:00 p.m. count,
 14 there shows 73. And then, at the midnight
 15 count, there it says 72. However, the count
 16 slips, if you recall --
 17 MR. [REDACTED]: 73.
 18 MR. [REDACTED]: -- where are the count
 19 slips? So, it is --
 20 MR. [REDACTED]: The counts.
 21 MR. [REDACTED]: -- it says the SHU
 22 submitted a count slip for 73 at 12:00 a.m.
 23 Here you go. So, that is not the count. Oh,
 24 yeah. There. So, see? 12:00 a.m., they
 25 submit it. [REDACTED]/Noel submitted 73.

1 MR. [REDACTED]: -- keyed out.
 2 MR. N'DIAYE: What - yeah - what they
 3 should --
 4 MR. [REDACTED]: Keyed out of the SHU.
 5 So, the institutional counts were reflecting --
 6 MR. N'DIAYE: 73.
 7 MR. [REDACTED]: -- 73. That is what the
 8 SHU continued reporting. 73. Because that is
 9 what - that's what, according to the system,
 10 was supposed to be in there. But if they had
 11 physically --
 12 MR. N'DIAYE: Counted.
 13 MR. [REDACTED]: -- counted --
 14 MR. N'DIAYE: They would have known --
 15 MR. [REDACTED]: -- it would have --
 16 MR. N'DIAYE: -- he wasn't there.
 17 MR. [REDACTED]: -- been 72. Correct?
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: So, with this
 20 information, and I guess as the warden, would
 21 that suggest to you that they were not actually
 22 conducting their counts?
 23 MR. N'DIAYE: They weren't counting. And
 24 then, there is no count slip here for the
 25 inmate that was on dry cell in R&D.

1 Although, the institutional count says 72.
 2 Now, not [REDACTED], but the next one
 3 shows that, the next ops lieutenant shows that
 4 73 is what is written in this. She went back
 5 and changed 72, the day before, with the 9:30,
 6 because it was determined --
 7 MR. N'DIAYE: That he was on the outcount,
 8 and on --
 9 MR. [REDACTED]: -- oh, yeah.
 10 MR. N'DIAYE: -- (Indiscernible
 11 *02:22:57).
 12 MR. [REDACTED]: And so, [REDACTED] was
 13 never removed -. So, look at -. It shows it
 14 on this. "One SHU correction. [REDACTED] dry
 15 cell." So, at 12:35 a.m., and we do have
 16 [REDACTED] right here.
 17 MR. [REDACTED]: Looking back.
 18 MR. [REDACTED]: Okay. So, this just
 19 says, this is what happened with him. He was
 20 found to have contraband, that he was providing
 21 to a visitor in the SHU, at approximately,
 22 like, I think 1:00 p.m. on August 9th. He was
 23 moved from the SHU to dry cell. And he was
 24 never --
 25 MR. N'DIAYE: Keyed in.

1 MR. [REDACTED]: Right.
 2 MR. N'DIAYE: There should have been a
 3 count slip for him over there. So, what should
 4 have happened was, the inmate - him - he should
 5 have been outcounted in R&D. And then, the
 6 R&D, you would have seen one. So, there was a
 7 count slip. Whoever is sitting and watching
 8 him should have did a count slip on him. And
 9 then, whoever his back up was should have done
 10 a count slip.
 11 MR. [REDACTED]: And this is, from my
 12 review of everything --
 13 MR. N'DIAYE: Mm-hmm.
 14 MR. [REDACTED]: -- this is what I found.
 15 I don't want to put my words into [REDACTED]
 16 mouth, but let me know if this makes sense to
 17 you. It says, "Count discrepancy on the August
 18 9th, 2019. Per the daily activity report dated
 19 August 10th, 2019, and the attachment
 20 lieutenant log from August 9th, 2019." So,
 21 that's what we are looking at here.
 22 MR. N'DIAYE: Mm-hmm.
 23 MR. [REDACTED]: "The day began with 77
 24 inmates assigned to ZA." Or the SHU. "The
 25 5:00 a.m. E1 institution count, respective ZA

1 SHU count slips, eyes on count shows 77. At
2 8:38 a.m., inmate [REDACTED] is pre-removed from ZA
3 for count, and taken off the lieutenant log.
4 The accurate ZA SHU count moves down to 76.
5 [REDACTED] was removed from the institution and does
6 not - and should not - appear on any counts at
7 this time.

8 At 3:15 p.m., inmate [REDACTED] was placed
9 on RA dry cell from ZA, which moves the
10 accurate ZA count down to 75 on the lieutenant
11 log. The 4:00 p.m. E1 shows a total of 76
12 inmates assigned to ZA." With one in attorney
13 conference, which was Epstein. "This indicates
14 that [REDACTED] was not keyed out of the SHU,
15 and keyed into RA. The ZA eyes on count slip
16 shows 75. Inaccurate.

17 It should have reflected 74 because,
18 although there were 75 inmates assigned to the
19 SHU, Epstein was in attorney conference. There
20 were no inmates assigned to RA on the E1
21 institutional count, and there was no count
22 slip for RA, eyes on count." This is where the
23 problem begins.

24 MR. N'DIAYE: Mm-hmm.

25 MR. [REDACTED]: "At 6:34 p.m., inmate

1 -
2 MR. [REDACTED]: -- now, I did foreign
3 language --

4 MR. [REDACTED]: I don't understand --

5 MR. N'DIAYE: -- should be done.

6 MR. [REDACTED]: -- the fuck are you talking
7 about.

8 MR. [REDACTED]: Yeah, yeah, yeah.

9 MR. N'DIAYE: Huh.

10 MR. [REDACTED]: This is --

11 MR. [REDACTED]: All these initials, and this,
12 and that.

13 MR. N'DIAYE: -- but the count --

14 MR. [REDACTED]: So, which is interesting
15 is all of these are, as you notice, crossed
16 off.

17 MR. N'DIAYE: -- right.

18 MR. [REDACTED]: These two are not crossed
19 off. This one says 9S + 1. This one says 73 +
20 1. The question had been, when did this
21 happen?

22 MR. N'DIAYE: Yeah.

23 MR. [REDACTED]: When did they put these
24 plus ones, or why weren't they crossed out?

25 MR. N'DIAYE: But you can't do a -. This

1 Hemingway is moved to ZA, and brings it down to
2 74. 6:47 p.m., inmate [REDACTED] (Phonetic Sp.
3 *02:26:10) is moved from ZA to ES, bringing it
4 down to 73. At 8:21 p.m., Felix (Phonetic Sp.
5 *02:26:15) and William is moved to ZA, to
6 suicide watch, bringing the accurate count down
7 to 71. At 8:28 p.m., inmate Garcia Pina
8 (Phonetic Sp. *02:26:23) is moved from K into
9 ZA, bringing the accurate count up to 72.

10 The 10:00 p.m. E1 shows a total of 73
11 inmates assigned to the ZA, but zero inmates
12 assigned to RA. The ZA eyes on count slip
13 shows 73." Oh, this is another one. I don't
14 think we brought this. "One of the counts
15 actually shows 73 plus one." Do we have that
16 in there?

17 MR. [REDACTED]: The 10:00 p.m.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: I admire your guys'
20 (Indiscernible *02:26:48).

21 MR. [REDACTED]: Yeah. You would also -.
22 This is all probably --

23 MR. [REDACTED]: 73 (Indiscernible *02:26:52).

24 MR. [REDACTED]: -- all Chinese to you.

25 MR. N'DIAYE: That's how our count slips -

1 is an inaccurate count slip. Because you are
2 supposed to have the accurate count. You can't
3 do -. If this is 73 + 1, then you should have
4 74 on there.

5 MR. [REDACTED]: Or, in this case, it
6 should be 73 minus one because the accurate
7 count was actually 72.

8 MR. N'DIAYE: No, but you wouldn't write
9 minus one on there. You would write the actual
10 count on there.

11 MR. [REDACTED]: Right.

12 MR. N'DIAYE: So --

13 MR. [REDACTED]: Okay.

14 MR. N'DIAYE: -- either it was 72 or 74.

15 MR. [REDACTED]: Right.

16 MR. N'DIAYE: But there is no --

17 MR. [REDACTED]: All right. Guys, I'm going to
18 --

19 MR. N'DIAYE: -- such thing as --

20 MR. [REDACTED]: -- splash water on my face
21 again.

22 MR. N'DIAYE: -- okay. There is no such
23 thing --

24 MR. [REDACTED]: You guys are getting ready to
25 kill me.

1 MR. N'DIAYE: -- there is no such thing as
 2 plus one on the --
 3 MR. [REDACTED]: Right.
 4 MR. N'DIAYE: -- on that.
 5 MR. [REDACTED]: You're not allowed to
 6 ghost count. Correct?
 7 MR. N'DIAYE: No. No. There should have
 8 been an outcount done. So, and this should
 9 have been caught, whoever the shift lieutenant
 10 was, because they have to, you know, on each
 11 shift, conduct a count, and review the count
 12 slips.
 13 MR. [REDACTED]: Does this tell you
 14 anything, though, that these were crossed off,
 15 and these weren't?
 16 MR. N'DIAYE: Yeah. Unless, I don't know
 17 why --
 18 MR. [REDACTED]: Do you think that they
 19 were replaced at a later date, or -?
 20 MR. N'DIAYE: I mean, it gives the
 21 appearance. Because at first, I would want to
 22 know, why you cross out. Why these --
 23 MR. [REDACTED]: They cross out because,
 24 as things come in --
 25 MR. N'DIAYE: No.

1 his consistent way of checking it out. But if
 2 this is all on that shift --
 3 MR. [REDACTED]: But point being, you will
 4 agree, this indicates that, from 4:00 p.m. on,
 5 the counts were not conducted. Correct?
 6 MR. N'DIAYE: No. They weren't done
 7 right.
 8 MR. [REDACTED]: The SHU counts?
 9 MR. N'DIAYE: Yeah.
 10 MR. [REDACTED]: Okay. Then we don't need
 11 to really go into too much --
 12 MR. N'DIAYE: Mm-hmm.
 13 MR. [REDACTED]: -- detail with that. Is
 14 this the first that you are seeing this?
 15 MR. N'DIAYE: Yeah. I haven't seen that
 16 before.
 17 MR. [REDACTED]: Okay.
 18 MR. [REDACTED]: This was still on the counts?
 19 MR. N'DIAYE: No.
 20 MR. [REDACTED]: Now, we're going to move
 21 on because the warden agrees that there is not
 22 really reason to really dig further, because he
 23 agrees this clearly shows that the counts were
 24 not conducted in the SHU, from a certain time
 25 on.

1 MR. [REDACTED]: -- you check it off.
 2 MR. N'DIAYE: So, that's what I want to
 3 know. Like, whose habit is this? Like, okay,
 4 I'm looking at --
 5 MR. [REDACTED]: So, basically, I think it's
 6 standard practice, as a control officer?
 7 MR. N'DIAYE: No. I mean, I've worked
 8 control, and what I would do is, I would do the
 9 check off, if I'm doing this. I've never --
 10 And that's people's style.
 11 MR. [REDACTED]: Okay.
 12 MR. N'DIAYE: That might be their style.
 13 So, I just want to know --
 14 MR. [REDACTED]: This one is [REDACTED]
 15 (Phonetic Sp. *02:28:46), I believe.
 16 MR. N'DIAYE: Huh?
 17 MR. [REDACTED]: [REDACTED].
 18 MR. N'DIAYE: So then --
 19 MR. [REDACTED]: This one.
 20 MR. N'DIAYE: -- then that's how [REDACTED] does
 21 it. So, my question is then, why isn't this
 22 done --
 23 MR. [REDACTED]: Right.
 24 MR. N'DIAYE: -- like that. I mean,
 25 this, if [REDACTED] does it like that, then that's

1 MR. [REDACTED]: Do you want to ask about the
 2 [REDACTED] key?
 3 MR. [REDACTED]: What about it?
 4 MR. [REDACTED]: Who's responsible?
 5 MR. [REDACTED]: So, [REDACTED] -- Oh, can
 6 you just - sorry - would you mind signing,
 7 initialing and just dating? If [REDACTED] was
 8 actually removed from the SHU --
 9 MR. N'DIAYE: Mm-hmm.
 10 MR. [REDACTED]: -- and placed onto R, you
 11 know, RA dry cell, or R&D dry cell, oh, RA and
 12 R&D are interchangeable. Correct?
 13 MR. N'DIAYE: RA --
 14 MR. [REDACTED]: Because RA for - RA, I
 15 believe, is what it shows in the count slip,
 16 but it stands for the R&D --
 17 MR. N'DIAYE: That's the R&D --
 18 MR. [REDACTED]: -- right?
 19 MR. N'DIAYE: -- area. I believe. Yeah.
 20 MR. [REDACTED]: So, if he's actually
 21 moved there around the 3:00 p.m., on August
 22 9th, 2019, who would have been responsible for
 23 keying him out of the SHU, and placing him into
 24 the RA, so that the count would be accurately
 25 reflected?

1 MR. N'DIAYE: SHU would have notified
2 control center, that we are moving one over to
3 R&D.
4 MR. [REDACTED]: And by that notification,
5 do they also say, can you please key him out,
6 and into? Or is that just automatically done
7 by control?
8 MR. N'DIAYE: Well, the notification is
9 made to control that inmate such and such is
10 being placed on dry cell in R&D. And then, you
11 key the inmate to that area.
12 MR. [REDACTED]: Sure.
13 MR. [REDACTED]: So, I'll give you a quick
14 background. It looks like [REDACTED] --
15 MR. [REDACTED]: Who is that?
16 MR. N'DIAYE: Right.
17 MR. [REDACTED]: -- witnessed this.
18 MR. [REDACTED]: (Indiscernible
19 *02:31:02).
20 MR. N'DIAYE: Uh-huh.
21 MR. [REDACTED]: And he wrote up the shot.
22 MR. N'DIAYE: Right.
23 MR. [REDACTED]: And he called the lieutenant.
24 He requested the lieutenant.
25 MR. N'DIAYE: Right.

1 figure out why these things went wrong. So,
2 this is -. Let me just make sure, before we
3 move on, that I got everything. All right?
4 So, first, before we get into rounds, when a
5 lieutenant conducts a round in the SHU --
6 MR. N'DIAYE: Mm-hmm.
7 MR. [REDACTED]: -- are they required to
8 conduct a round of the inmates going up and
9 down the different tiers, or does the round
10 consist of just checking in with the officers
11 to make sure everything is okay?
12 MR. N'DIAYE: Well, you check the officer
13 to make sure they are all right, and you check
14 the documentation. So, you check, you know,
15 you edit, you would have to review the post
16 orders also. To state what their duties are.
17 I mean, all of us had different, you know, I
18 was a lieutenant, so it was different things
19 you did, but I always checked the 292s, to make
20 sure, you know, the officers checked off, you
21 know, if the person ate or not. Any medical.
22 I would check to see if medical came up. So,
23 it would factor and depend on what shift you
24 went on. You know, the day shift, the inmates
25 are up, so you're going, you know, you can go

1 MR. [REDACTED]: And it looks like he
2 requested the lieutenant, but he never notified
3 control --
4 MR. N'DIAYE: Okay.
5 MR. [REDACTED]: -- that an inmate was being
6 moved. Right? If - and I'm (Indiscernible
7 *02:31:20).
8 MR. [REDACTED]: Well, no, no, no, no. I
9 wouldn't (Indiscernible *02:31:21) --
10 MR. [REDACTED]: He doesn't recall --
11 MR. [REDACTED]: -- I wouldn't -.
12 MR. N'DIAYE: But then, while the counts
13 are going on, there is somebody in R&D. So,
14 whoever is sitting in R&D should know that I
15 need to do a count slip because I have an
16 inmate down there.
17 MR. [REDACTED]: Is this where somebody
18 disappears, that we're looking for?
19 MR. N'DIAYE: Right.
20 MR. [REDACTED]: Again, I told you, this
21 was more of an administrative thing. Just to
22 say what does the warden, you know, and the
23 boss of this place, what is his take on these
24 matters? Because as you have gathered, a lot
25 of things went wrong this day. So, we need to

1 around. Evening shift, you can see what's
2 going on. The midnight shift, they're
3 sleeping. But you are definitely checking a
4 30-minute log, to see if the inmates are doing
5 their 30-minute checks. And, you know, just
6 documentation.
7 MR. [REDACTED]: Now, as the warden, did
8 you expect your lieutenants, though, to go down
9 range when they were doing their lieutenant
10 visits in the SHU? Their rounds. And this is
11 specifically when they are, like, signing off
12 on the different, like, on, as you can see,
13 this is what I'm going to be showing you.
14 These are round sheets that --
15 MR. N'DIAYE: Mm-hmm.
16 MR. [REDACTED]: -- you sent to Mr.
17 [REDACTED], where it shows the different
18 lieutenants signed on/off that they did their
19 round.
20 MR. N'DIAYE: But what does --
21 MR. [REDACTED]: So, what does that -?
22 MR. N'DIAYE: -- what the lieutenants are
23 checking for is accuracy of the officer's
24 rounds.
25 MR. [REDACTED]: Okay. This is -.

1 MR. N'DIAYE: So, what they are checking
2 is, okay, were the 30-minute infrequent checks
3 done? Now, if there is an easy, that they are
4 not being done, you know, so, you know, then it
5 needs to be annotated and said, okay, this is
6 what the issue was. But if they are signing
7 it, they are kind of acknowledging that, you
8 know, that the time that the round will put
9 down, that they were down.

10 MR. [REDACTED]: Now, what would be -?
11 This is the round, it looks lie for 8/8. Can
12 you think of a reason why these wouldn't be
13 done? But they would be signed off on right
14 here?

15 MR. N'DIAYE: Let me see. So, if a
16 lieutenant made rounds and saw this thing was
17 empty like this, then it is a problem.

18 MR. [REDACTED]: Because you have this
19 8/8. And then, there is zero rounds showing
20 that they were conducted, but this lieutenant
21 signed it.

22 MR. N'DIAYE: That's a problem.

23 MR. [REDACTED]: The same thing. We go,
24 this whole thing. So, this whole shift looks
25 like they didn't even sign it until here. On

1 means --

2 MR. [REDACTED]: So, this is just wrong?

3 MR. N'DIAYE: -- yeah. This is wrong.

4 MR. [REDACTED]: Should have this
5 lieutenant signed that?

6 MR. N'DIAYE: No. He should have signed
7 it. They should have put something --

8 MR. [REDACTED]: Okay.

9 MR. N'DIAYE: -- listed as some
10 discrepancy, why the checks weren't done.

11 MR. [REDACTED]: And on these, whereas it
12 looks like, this lieutenant is signing, it
13 looks like probably because these are done. Do
14 you think that is the reason why this
15 individual hadn't signed these? Because these
16 weren't correct?

17 MR. N'DIAYE: Probably. I can't speculate
18 on that.

19 MR. [REDACTED]: Because it says --

20 MR. N'DIAYE: I can't.

21 MR. [REDACTED]: -- reviewed by morning
22 watch lieutenant. Where they do that, well,
23 that lieutenant does start signing it here,
24 where they are now filled out.

25 MR. N'DIAYE: Right.

1 8/8.

2 MR. N'DIAYE: Wait. Did you print these
3 off the logbook, or -?

4 MR. [REDACTED]: This is what you sent to
5 Mr. [REDACTED].

6 MR. N'DIAYE: Right.

7 MR. [REDACTED]: On Saturday, August 10th,
8 at 6:21 p.m.

9 MR. N'DIAYE: Now, the only other thing I
10 can think of, and when I had gathered
11 something, I might have said, because the
12 checks are done at, like -. No, these are 30-
13 minute checks, so they --

14 MR. [REDACTED]: This is also --

15 MR. N'DIAYE: -- you know, these are --

16 MR. [REDACTED]: -- this is the day, this
17 is two days before Epstein was found.

18 MR. N'DIAYE: -- no, this is -. No. I
19 was thinking of the log. The log did it
20 electronic. But this, no. This --

21 MR. [REDACTED]: We have the electronic
22 version.

23 MR. N'DIAYE: -- yeah. This is --

24 MR. [REDACTED]: Which one?

25 MR. N'DIAYE: -- no, this is -. That

1 MR. [REDACTED]: For the same date.

2 MR. N'DIAYE: So, this looks - hey, I
3 don't know who it was - but this looks
4 (Indiscernible *02:36:10) worked it.

5 MR. [REDACTED]: Okay.

6 MR. N'DIAYE: Let me see how those 30-
7 minute. That's the same one. I don't know who
8 it was. Who it was.

9 MR. [REDACTED]: Okay. So, that was
10 (Indiscernible *02:36:19). Certainly go look,
11 but whomever it was during those shift. And
12 then, we get into, it looks like,
13 (Indiscernible *02:36:30) still. And these.

14 Here is the 8/9. Where --

15 MR. N'DIAYE: Right.

16 MR. [REDACTED]: -- it's signed off,
17 signed off, until 2:00 p.m.

18 MR. N'DIAYE: That's a problem.

19 MR. [REDACTED]: After that, no sign off.
20 Same thing.

21 MR. N'DIAYE: Yeah.

22 MR. [REDACTED]: That's just when I think
23 [REDACTED] left his shift, or somewhere around
24 that time. So -.

25 MR. [REDACTED]: The point of this, if I may

1 ask, is we got a miscount, right?
 2 MR. N'DIAYE: Mm-hmm.
 3 MR. [REDACTED]: We're not --
 4 MR. [REDACTED]: This is --
 5 MR. [REDACTED]: -- we've moved on from
 6 counts. Now we're on rounds.
 7 MR. [REDACTED]: Okay. Now, counts. The
 8 significance of the counts is, at some point,
 9 [REDACTED] disappears?
 10 MR. [REDACTED]: No. The significance of
 11 the counts is that, if inmates - or if the
 12 staff members aren't conducting counts and -
 13 counts are to the accountability of the
 14 inmates, to make sure everybody is there.
 15 MR. [REDACTED]: Right.
 16 MR. [REDACTED]: Rounds --
 17 MR. [REDACTED]: Mm-hmm.
 18 MR. [REDACTED]: -- are basically to make
 19 sure everyone is alive and breathing. Is that
 20 correct, sir?
 21 MR. N'DIAYE: You are right. Counts are
 22 accountability, and then, the 30-minute checks
 23 are basically safety checks.
 24 MR. [REDACTED]: So, the point of these
 25 questioning is, it looks like at - what we just

1 you now, since I'm making that explanation - if
 2 they were conducting their rounds, would that
 3 be a way to at least try to help ensure that
 4 inmates such as Epstein were alive and well? I
 5 know it's not going to prevent it in every
 6 case, but is that part of the reason, to make
 7 sure that, if they are conducting a round, you
 8 are checking to see if they are alive, and they
 9 are breathing.
 10 MR. N'DIAYE: It is true, but I mean, and
 11 because I mean, an inmate can, you know, you
 12 can do your 30-minute rounds, and if they want
 13 to do their harm to themselves, they are going
 14 to do it.
 15 MR. [REDACTED]: Right. And that goes
 16 into play with why --
 17 MR. [REDACTED]: They just --
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: -- they just look, they do
 20 rounds by looking in their cell.
 21 MR. N'DIAYE: Right.
 22 MR. [REDACTED]: So, if you want to --
 23 MR. N'DIAYE: To check.
 24 MR. [REDACTED]: -- do harm, you just wait
 25 until they go passed your cell.

1 finished was counts - we have shown that the
 2 staff members were not conducting their counts.
 3 MR. N'DIAYE: Right.
 4 MR. [REDACTED]: Right. Because that is why
 5 you have 72 when it should be --
 6 MR. [REDACTED]: Now we are doing rounds.
 7 MR. [REDACTED]: -- (Indiscernible *02:37:41).
 8 MR. [REDACTED]: To find out were the
 9 staff members conducting their rounds.
 10 MR. [REDACTED]: Got it.
 11 MR. [REDACTED]: And again, we have, in
 12 this case, a very high-profile inmate that was
 13 deceased. Became deceased at some point.
 14 MR. [REDACTED]: And they think --
 15 MR. [REDACTED]: And --
 16 MR. [REDACTED]: -- plus it's whether they --
 17 MR. [REDACTED]: -- yeah, it --
 18 MR. [REDACTED]: -- noticed on their rounds
 19 that the guy was deceased.
 20 MR. [REDACTED]: -- if they were
 21 conducting --
 22 MR. [REDACTED]: Or --
 23 MR. [REDACTED]: -- rounds at all. And if
 24 they were conducting rounds, would that be -
 25 and this is a question to you, like, we'll ask

1 MR. N'DIAYE: Right. And then, you kind
 2 of figure out the timing of the route. But the
 3 fact remains, if you are not showing on the
 4 form that you did your rounds, then that's a
 5 problem.
 6 MR. [REDACTED]: So, when you are looking
 7 at these rounds that you sent Mr. [REDACTED], are
 8 you finding problems because they are not
 9 completed correctly? You know, what we just
 10 looked through. In fact, you know, these are
 11 August 10th. (Indiscernible *02:39:09),
 12 they're not signed off. There's blocks that
 13 are not filled in.
 14 MR. N'DIAYE: Yeah. Looking at them now?
 15 MR. [REDACTED]: Right.
 16 MR. N'DIAYE: What is the question?
 17 MR. [REDACTED]: Well, does it show you
 18 that, at least this paperwork doesn't appear to
 19 be filled out correctly?
 20 MR. N'DIAYE: Yes.
 21 MR. [REDACTED]: And that is for the 8th,
 22 as well?
 23 MR. N'DIAYE: Right.
 24 MR. [REDACTED]: Okay. So, that was --
 25 MR. [REDACTED]: And that is something, it was

1 your job to pass that on to [REDACTED]?
 2 MR. N'DIAYE: No. He requested --
 3 MR. [REDACTED]: No, no, no, no.
 4 MR. N'DIAYE: -- the information.
 5 MR. [REDACTED]: This is just to show that
 6 --
 7 MR. N'DIAYE: Yeah.
 8 MR. [REDACTED]: -- what the round sheets
 9 that the warden sent to the regional director
 10 were these rounds. So, it's just a matter of,
 11 hey, do you know if these rounds were -? It
 12 has nothing to do with his, you know, if he did
 13 it right or not. It's, what his staff members
 14 --
 15 MR. [REDACTED]: Right.
 16 MR. [REDACTED]: -- doing it right.
 17 MR. [REDACTED]: Right.
 18 MR. [REDACTED]: And who was responsible
 19 to make sure the round sheets are done
 20 correctly?
 21 MR. N'DIAYE: Well, the staff working up
 22 there are responsible. And then, the
 23 supervisor is supposed to ensure that they are
 24 doing it.
 25 MR. [REDACTED]: And what is this? This

1 log.
 2 MR. [REDACTED]: Okay. So, this goes with
 3 you.
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: So, all to this. This is
 6 something else that we asked for the BOP to
 7 print out for us, and this one specifically one
 8 we asked. When you send us the cell searches
 9 that were conducted on 8/9/2019 --
 10 MR. N'DIAYE: Mm-hmm.
 11 MR. [REDACTED]: -- we got back one. By
 12 Mr. [REDACTED].
 13 MR. N'DIAYE: Mm-hmm.
 14 MR. [REDACTED]: It say that it was
 15 conducted at 12:36 p.m.
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: On 8/9/2019.
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: Is that a problem? That
 20 only one cell search was conducted in the SHU?
 21 According to, at least according to TruScope.
 22 MR. N'DIAYE: Because I believe the post
 23 orders state it is supposed to be - and don't
 24 quote me on it --
 25 MR. [REDACTED]: Mm-hmm.

1 was also attached. What is that right there,
 2 that we are looking at?
 3 MR. N'DIAYE: Hmm.
 4 MR. [REDACTED]: TruScope logs?
 5 MR. N'DIAYE: Yeah. This looks like
 6 TruScope. This looks like the log. And so,
 7 like, if they are doing what areas they search.
 8 MR. [REDACTED]: And these are searches?
 9 MR. N'DIAYE: Yeah. These looks like
 10 searches.
 11 MR. [REDACTED]: Okay.
 12 MR. N'DIAYE: Let me see that. Search.
 13 Did the areas. Visiting. Strip room.
 14 Recreation area. Yeah. These are --
 15 MR. [REDACTED]: Okay.
 16 MR. N'DIAYE: -- these are search areas.
 17 MR. [REDACTED]: Does it show anywhere in
 18 there that there was any cells that were
 19 searched, or are they just all, like, common
 20 areas?
 21 MR. N'DIAYE: No. They searched it. Look
 22 how -. What is this? Nine South. SHU.
 23 Completed all. These are, these looks like
 24 everything they have done in there. The fire
 25 and safety checks. This is - it looks like the

1 MR. N'DIAYE: -- you have to look at the
 2 post orders - but they state, I think five a
 3 shift. A minimum of five.
 4 MR. [REDACTED]: It's five, I believe --
 5 MR. N'DIAYE: Yeah.
 6 MR. [REDACTED]: -- for the night watch.
 7 The day watch, I believe, is more. And the
 8 morning --
 9 MR. [REDACTED]: They're supposed to do five --
 10 MR. [REDACTED]: -- watch is just
 11 (Indiscernible *02:41:59).
 12 MR. [REDACTED]: -- cell searches?
 13 MR. N'DIAYE: No, no. Each shift is a
 14 minimum of five.
 15 MR. [REDACTED]: I don't think --
 16 MR. N'DIAYE: And then --
 17 MR. [REDACTED]: -- that includes that
 18 morning watch, though --
 19 MR. N'DIAYE: -- the morning watch is --
 20 MR. [REDACTED]: -- because there's --
 21 MR. N'DIAYE: -- area.
 22 MR. [REDACTED]: -- right.
 23 MR. N'DIAYE: Yeah. You are --
 24 MR. [REDACTED]: Common areas.
 25 MR. N'DIAYE: -- picking the common area.

1 MR. [REDACTED]: So, let me get this clear.
 2 MR. N'DIAYE: Yeah.
 3 MR. [REDACTED]: You are supposed to do five
 4 cell shifts, five cell searches per shift?
 5 MR. N'DIAYE: Yes. That is -.
 6 MR. [REDACTED]: All right. And in this case,
 7 there is only an indication that they did one?
 8 MR. N'DIAYE: One. Right?
 9 MR. [REDACTED]: One the whole day.
 10 MR. N'DIAYE: One the day whole.
 11 MR. [REDACTED]: Not per shift. The whole
 12 day.
 13 MR. [REDACTED]: Okay. Now, whose job is it --
 14 MR. N'DIAYE: No.
 15 MR. [REDACTED]: -- to say why aren't you doing
 16 those? I was going to use the F word. Why
 17 aren't you doing all the cell shifts?
 18 MR. [REDACTED]: Well, this is, this is my
 19 question to the warden is, is that a problem,
 20 that there was only one logged into TruScope?
 21 MR. N'DIAYE: Mm-hmm. It is a problem.
 22 MR. [REDACTED]: Does that indicate that
 23 the cells were not being searched, to you? Or
 24 that they just weren't logging them in?
 25 MR. N'DIAYE: And again, whoever was

1 days when the guys are going out to take a
 2 shower, you might go out and do that.
 3 MR. [REDACTED]: So, with your suggestion
 4 that computers could be down and things like
 5 that, as you can see from the email attachment
 6 that you said, there are certainly plenty of
 7 searches that were entered in there --
 8 MR. N'DIAYE: Oh.
 9 MR. [REDACTED]: -- but there is only one
 10 cell search.
 11 MR. N'DIAYE: Right.
 12 MR. [REDACTED]: And so, I would assume,
 13 would that indicate that the computers are
 14 actually up and running?
 15 MR. N'DIAYE: Yes. So, this one, this is
 16 the same day?
 17 MR. [REDACTED]: What are you looking --
 18 MR. N'DIAYE: That could be (Indiscernible
 19 *02:43:42).
 20 MR. [REDACTED]: -- yeah, this should be
 21 8/10, and 8/9 and 8/10.
 22 MR. N'DIAYE: 8/9 --
 23 MR. [REDACTED]: I would think.
 24 MR. N'DIAYE: -- reg number. Reg number.
 25 MR. [REDACTED]: It shows the dates here.

1 working that day, you're going to have to ask
 2 them. I mean --
 3 MR. [REDACTED]: And we have.
 4 MR. N'DIAYE: -- looking at --
 5 MR. [REDACTED]: And it was just --
 6 MR. N'DIAYE: -- looking on paper, I mean,
 7 it shows you didn't, you didn't conduct your
 8 searches.
 9 MR. [REDACTED]: Okay.
 10 MR. N'DIAYE: I mean, now, there might
 11 have been a reason where the person said, okay,
 12 the computers were down or whatever, but it is
 13 highly unlikely for -.
 14 MR. [REDACTED]: So, but you are literally
 15 going into a cell and search it? Does that
 16 mean --
 17 MR. N'DIAYE: Yeah, yeah.
 18 MR. [REDACTED]: -- you throw over the
 19 mattresses, the whole thing?
 20 MR. N'DIAYE: No. You pull them out. You
 21 look at --
 22 MR. [REDACTED]: Okay.
 23 MR. N'DIAYE: -- look and check the
 24 lockers. You check under their stuff. You
 25 know, and you typically do it, like on certain

1 I just can't see them.
 2 MR. N'DIAYE: Yeah. Change base. Yeah.
 3 This is a search one. This is the log.
 4 MR. [REDACTED]: Okay. So, problematic,
 5 in your opinion?
 6 MR. N'DIAYE: Yes. It is.
 7 MR. [REDACTED]: All right. So, not only
 8 searching them, but is it equally as important
 9 to actually log it in, as well, so that we know
 10 whether things are being searched?
 11 MR. N'DIAYE: Yes. You should log it.
 12 MR. [REDACTED]: All right. Now, this,
 13 this comes to the kind of question on this.
 14 When Epstein was found, are you aware that he
 15 was in a cell that didn't coincide with what
 16 his inmate history quarters, and what the BOP
 17 database said, where he should have been? He
 18 was in the wrong cell.
 19 MR. N'DIAYE: I did hear, afterwards, that
 20 there were some issues with Sentry and the way
 21 they keyed into the cells.
 22 MR. [REDACTED]: All right. And what did
 23 you hear?
 24 MR. N'DIAYE: I think, just that the cell,
 25 the way the inmates were being keyed in was

1 off, it didn't match this cell.
 2 MR. [REDACTED]: Right.
 3 MR. N'DIAYE: That.
 4 MR. [REDACTED]: So, yeah, his assigned
 5 cell within the BOP database was not where he
 6 was located --
 7 MR. N'DIAYE: Mm-hmm.
 8 MR. [REDACTED]: -- in person. At least
 9 when he was found on August 10th, 2019.
 10 MR. N'DIAYE: Right.
 11 MR. [REDACTED]: Now, is that something that is
 12 - I should shut up, right?
 13 MR. [REDACTED]: No, no. I'm good.
 14 MR. N'DIAYE: Go ahead.
 15 MR. [REDACTED]: Now, is that something that
 16 goes on up to you? Is that your responsibility
 17 to see where guys are being celled?
 18 MR. N'DIAYE: No. But I mean --
 19 MR. [REDACTED]: Yeah. Most of my
 20 questions to him isn't that --
 21 MR. N'DIAYE: Right.
 22 MR. [REDACTED]: -- it's his
 23 responsibility, it's whose responsibility was
 24 it?
 25 MR. [REDACTED]: Okay. Got it.

1 cord didn't reach the plug.
 2 MR. N'DIAYE: Mm-hmm.
 3 MR. [REDACTED]: So, they had to move him
 4 to a different cell.
 5 MR. N'DIAYE: Right.
 6 MR. [REDACTED]: So, from July 30th to
 7 August 10th, he was in the incorrectly assigned
 8 cell. No one ever caught that. No one ever,
 9 you know, and my thought being is, well, if
 10 they are doing their cell searches --
 11 MR. N'DIAYE: Oh, I thought you meant --
 12 MR. [REDACTED]: -- wouldn't --
 13 MR. N'DIAYE: -- the cell didn't match up
 14 with --
 15 MR. [REDACTED]: No, no, they --
 16 MR. N'DIAYE: -- (Indiscernible
 17 *02:46:52).
 18 MR. [REDACTED]: -- they logged him into
 19 the cell that he was placed in, coming out of
 20 psychological observation.
 21 MR. N'DIAYE: Right.
 22 MR. [REDACTED]: On the 30th. Then, they
 23 physically moved him to a different cell.
 24 MR. N'DIAYE: Right.
 25 MR. [REDACTED]: On the 30th. Because his

1 MR. N'DIAYE: And then --
 2 MR. [REDACTED]: So, who should have made
 3 sure that Epstein's cell, in the BOP database,
 4 matched where he was physically located?
 5 Because obviously, people get a hold of the
 6 information that he wasn't in his assigned
 7 cell. You know, that is just more reason to
 8 people not trusting the government. So, we are
 9 just trying to figure out --
 10 MR. N'DIAYE: Well, and this is not a
 11 problem limited to one person. It is a problem
 12 - and I think it is a Bureau-wide problem, as
 13 far as specific keying in cells. I don't think
 14 this was done in a malicious --
 15 MR. [REDACTED]: So, what happened here,
 16 our investigation shows is that when he came
 17 back from --
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: -- from suicide, or
 20 psychological observation, he was placed into
 21 the cell that it shows on July 30th, on this
 22 form. However, because his - is it CPAP
 23 (Phonetic Sp. *02:46:24)?
 24 MR. [REDACTED]: CPAP.
 25 MR. [REDACTED]: His CPAP machine, the

1 CPAP machine wasn't, the cord didn't reach.
 2 MR. [REDACTED]: What is a CPAP machine?
 3 MR. [REDACTED]: It's the snore --. It's
 4 to help you breathe when you are sleeping.
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: And he needed a CPAP machine?
 7 MR. [REDACTED]: Yes, sir.
 8 MR. N'DIAYE: For the snoring.
 9 MR. [REDACTED]: So --
 10 MR. [REDACTED]: Don't call me sir. Please.
 11 I'm old. All right? You're reminding me.
 12 MR. [REDACTED]: And so, no one ever went
 13 back into the system from, all the way from the
 14 30th up to August 10th, and made that
 15 correction.
 16 MR. N'DIAYE: Right.
 17 MR. [REDACTED]: Who was responsible for
 18 that?
 19 MR. N'DIAYE: So, whoever made the cell
 20 change should have contacted control center.
 21 MR. [REDACTED]: And is the control center
 22 that actually made the change, not the
 23 individuals in SHU, or the SHU lieutenant?
 24 MR. N'DIAYE: No. The --
 25 MR. [REDACTED]: Because my understanding

1 it would have been the SHU lieutenant or the
 2 OIC.
 3 MR. N'DIAYE: Bed changes?
 4 MR. [REDACTED]: To verify their cellmates
 5 where were the -. Wherever the BOP databases
 6 said they are.
 7 MR. N'DIAYE: So, you have to, you would
 8 have to call control center to make that
 9 change.
 10 MR. [REDACTED]: Okay. So, who should
 11 have called the control center?
 12 MR. N'DIAYE: Whoever made the change in
 13 Sentry. Because I - and then, don't quote me
 14 if I'm wrong - because I don't believe SHU
 15 staff have control over keying where an inmate
 16 is in.
 17 MR. [REDACTED]: Yeah. No. I thought the
 18 OIC might, or the that the SHU --
 19 MR. N'DIAYE: No, because --
 20 MR. [REDACTED]: -- lieutenant would.
 21 MR. N'DIAYE: -- in that case, beds would
 22 be really messed up.
 23 MR. [REDACTED]: Right, right, right.
 24 MR. N'DIAYE: So, the control center is a
 25 centralized area.

1 searches? Would that be caught, if they were
 2 doing searches?
 3 MR. N'DIAYE: Well, if you are doing a
 4 cell search, all you are going to do is put
 5 down the cell number, and the individual in it.
 6 It wouldn't -. You wouldn't necessarily be
 7 able to find out if it is the correct room.
 8 MR. [REDACTED]: Okay.
 9 MR. N'DIAYE: And the correct bed in
 10 Sentry.
 11 MR. [REDACTED]: All right.
 12 MR. N'DIAYE: But, you know -.
 13 MR. [REDACTED]: So, in this instance,
 14 then, and I'll shut up so I can actually let
 15 you answer, who --
 16 MR. [REDACTED]: I have the same problem.
 17 MR. [REDACTED]: -- who is it that should
 18 have notified control center to make this
 19 change? It sounds like you said whoever
 20 physically moved him, at the time?
 21 MR. N'DIAYE: So, what happens is, whoever
 22 physically moved him should have said, okay,
 23 this is where, you know, you are, this is where
 24 we are moving him. And then, you let the -
 25 typically - the OIC know, and then, they will

1 MR. [REDACTED]: Okay.
 2 MR. N'DIAYE: So, a call should have been
 3 made down to control, saying, hey, this is
 4 where he's being keyed to, and this is what -.
 5 MR. [REDACTED]: And who should have made
 6 that call?
 7 MR. N'DIAYE: Whoever made the change.
 8 Whoever switched him.
 9 MR. [REDACTED]: And my understanding is
 10 that the OIC and the SHU lieutenant were
 11 supposed to review cell assignments, to make
 12 sure inmates were in their assigned cells, at
 13 least on a periodical basis. Is that correct?
 14 MR. N'DIAYE: Yeah. You do a, what we
 15 call a bed book check, to make sure. Because
 16 your board, you know, when you are in the unit,
 17 you have a board up there, and you just match
 18 where everyone is at.
 19 MR. [REDACTED]: And how often should that
 20 happen?
 21 MR. N'DIAYE: There is no set policy, but
 22 as a good practice, you know, you kind of want
 23 to check what your open cells are, where, you
 24 know, where individuals are. And should it
 25 also be checked if they were doing cell

1 call down to control center.
 2 MR. [REDACTED]: And if that didn't -.
 3 MR. [REDACTED]: Can I speak to my client for a
 4 second?
 5 MR. N'DIAYE: Yeah.
 6 MR. [REDACTED]: Sure.
 7 MR. N'DIAYE: Mm-hmm.
 8 MR. [REDACTED]: Do you want me --
 9 MR. N'DIAYE: Yeah.
 10 MR. [REDACTED]: -- do you want me to push
 11 pause?
 12 MR. N'DIAYE: No.
 13 MR. [REDACTED]: Yeah, no. I'll take him to
 14 the other -.
 15 MR. [REDACTED]: Okay.
 16 MR. [REDACTED]: Sure. Okay. It's 4:46
 17 p.m., and this is Senior Special Agent [REDACTED]
 18 [REDACTED], and I'm pushing pause.
 19 (Whereupon, the above-entitled matter went
 20 off the record and back on the record).
 21 MR. [REDACTED]: The recorder is back on.
 22 It is 4:53 p.m., after a short break. And I
 23 remind you, sir, you are still under oath.
 24 MR. N'DIAYE: Mm-hmm.
 25 MR. [REDACTED]: All right. So, we

1 stopped with the, we were talking about who was
 2 responsible for making sure Mr. Epstein was
 3 logged into the correct cell within the --
 4 MR. N'DIAYE: Question.
 5 MR. ██████: -- BOP database system.
 6 MR. N'DIAYE: Were there other cells that
 7 were wrong?
 8 MR. ██████: Do you know that, ██████?
 9 MR. ██████: Not -. We don't know if -.
 10 This, we know only because we checked this.
 11 MR. N'DIAYE: Okay. So, I mean,
 12 everything else could have been right, and that
 13 could have been a --
 14 MR. ██████: No. Well, we found out,
 15 this is the reason was because, again, he was
 16 placed into that cell, and then moved because
 17 of the CPAP machine.
 18 MR. N'DIAYE: No. I was --
 19 MR. ██████: Well, our question was --
 20 MR. N'DIAYE: -- you know, wondering if it
 21 is a systematic, or an individual problem.
 22 MR. ██████: Correct.
 23 MR. N'DIAYE: That's why I was just
 24 curious.
 25 MR. ██████: Yeah. And that's

1 MR. ██████: -- whether there's a guy in
 2 there. Well, whatever number he's in, or he's
 3 not in, he's still in his cell.
 4 MR. ██████: No. Correct.
 5 MR. ██████: You know?
 6 MR. ██████: But because we are doing
 7 this deep dive review --
 8 MR. ██████: Okay. I gotcha.
 9 MR. ██████: -- it's showing these
 10 different, you know --
 11 MR. ██████: Got it. Okay.
 12 MR. ██████: -- and again, this is,
 13 this is one of those things --
 14 MR. ██████: You're just being extra
 15 careful. Yeah. It's (Indiscernible
 16 *02:52:14).
 17 MR. ██████: -- and not like
 18 (Indiscernible *02:52:15). Yeah. We just have
 19 to, we have to address the fact that --
 20 MR. ██████: He wasn't in the right cell.
 21 MR. ██████: -- Mr. Epstein wasn't in
 22 the cell that he was assigned to.
 23 MR. ██████: Okay. I mean, it's not just
 24 that. Someone (Indiscernible *02:52:22) that
 25 he said, oh, he doesn't have a roommate, and,

1 something that we should probably -.
 2 MR. ██████: Well, and my question is, does
 3 that have any effect on count? I mean, they
 4 still should be able to look in the cells if
 5 there was a (Indiscernible *02:51:28).
 6 MR. N'DIAYE: Well, when --
 7 MR. ██████: Well, the problem comes
 8 in, again, I think is the credibility of, hey,
 9 now we have Epstein, who was found in a cell,
 10 and it's not his assigned cell. So, that just,
 11 you know --
 12 MR. ██████: But I'm saying --
 13 MR. ██████: -- the media says all of
 14 these things that went wrong.
 15 MR. ██████: -- yeah.
 16 MR. ██████: One being --
 17 MR. ██████: I've had that.
 18 MR. ██████: -- wait, he's not even in
 19 the right cell. Well, how did that happen, and
 20 who was responsible?
 21 MR. ██████: Okay. Now, so, my question
 22 is, does it make any difference? I mean, if
 23 they are supposed to do the count, the count is
 24 you look in the cell, and see --
 25 MR. N'DIAYE: Right.

1 you know, by the way, we also counted the wrong
 2 number of prisoners.
 3 MR. ██████: Right.
 4 MR. ██████: That's a lot of mistakes.
 5 MR. ██████: Right. And we haven't
 6 even gotten involved.
 7 MR. N'DIAYE: Mm-hmm.
 8 MR. ██████: As I'm sure you know.
 9 But --
 10 MR. ██████: Right.
 11 MR. ██████: -- so, after the person
 12 who moved him didn't contact and have this
 13 changed, how would have, then, how would we,
 14 then, how would have anyone found out that he
 15 was in the wrong cell? What processes are in
 16 place to ensure that where they are matches up
 17 with the actual database?
 18 MR. N'DIAYE: Well, I guess if they were
 19 doing --
 20 MR. ██████: You said bed book counts?
 21 MR. N'DIAYE: -- yeah. Usually, you could
 22 do, you do your bed book counts, to ensure, you
 23 know, that every inmate is in the cell that
 24 they are supposed to be. When you are updating
 25 your accountability board, you would look and

1 see, okay, you got him here, where is he at?
 2 And then, match it up with, you know, with
 3 Sentry.
 4 MR. [REDACTED]: And who would be doing
 5 those things?
 6 MR. N'DIAYE: The staff working up there
 7 in SHU.
 8 MR. [REDACTED]: Is the lieutenant, the
 9 SHU lieutenant, at all involved, as far as you
 10 know, in making sure that this is all accurate?
 11 MR. N'DIAYE: Well, he was spearheading it
 12 to make sure everything was --
 13 MR. [REDACTED]: He was the supervisor.
 14 MR. N'DIAYE: -- was right. Yeah. He was
 15 the supervisor. But going in and saying, okay,
 16 let's, did this happen? Have we done this?
 17 And have we done that?
 18 MR. [REDACTED]: Okay.
 19 MR. [REDACTED]: And -. Okay. Just to make me
 20 clear, somebody dropped the ball as to whether
 21 or not he should have a, he had a roommate.
 22 MR. N'DIAYE: Right.
 23 MR. [REDACTED]: Okay. And somebody dropped
 24 the ball as to whether he was in the right
 25 cell.

1 Epstein was housed with two other inmates
 2 during his assignment in SHU. Sentry does not
 3 reflect this information accurately. Inmate
 4 Epstein was found within cell 220, that Sentry
 5 never reflects him being housed within that
 6 cell at any time." But to answer your
 7 question, the first sentence says that there is
 8 significant --
 9 MR. N'DIAYE: Okay.
 10 MR. [REDACTED]: -- discrepancies.
 11 MR. N'DIAYE: Mm-hmm.
 12 MR. [REDACTED]: The way that I read that
 13 is, overall, whether they are referring to
 14 specifically Epstein --
 15 MR. N'DIAYE: Epstein.
 16 MR. [REDACTED]: -- that, I am not able to
 17 determine --
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: -- based upon that
 20 sentence, but it does sound like, overall, that
 21 they had some discrepancies. So, Lieutenant
 22 [REDACTED] would have supervised it, but it's really
 23 the staff that would be responsible for doing
 24 these bed book counts, and making sure
 25 assignments are --

1 MR. N'DIAYE: Right.
 2 MR. [REDACTED]: Okay. And then, somebody
 3 would have dropped the ball as to either,
 4 dropped the ball or they maliciously didn't
 5 find out that he wasn't on the count. They had
 6 said we did a count, but they didn't notice
 7 that, or didn't - that he wasn't breathing, you
 8 know what I mean?
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: Okay. That starts to be a
 11 problem.
 12 MR. [REDACTED]: So, [REDACTED] just pointed
 13 out to me. On the after-action review --
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: -- they did review this.
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: And it says that,
 18 according to their review --
 19 MR. N'DIAYE: Right.
 20 MR. [REDACTED]: -- this is not my review.
 21 MR. N'DIAYE: Right.
 22 MR. [REDACTED]: Or [REDACTED] review.
 23 "Significant discrepancies exist within Sentry
 24 regarding cell quarters assignments." QRT.
 25 QTR. "Although it is well documented, inmate

1 MR. N'DIAYE: Yeah. He did it right there
 2 --
 3 MR. [REDACTED]: -- the inmates are in
 4 their assigned -?
 5 MR. N'DIAYE: -- and then, whoever is
 6 moving an inmate from a cell to a cell, you
 7 make the notification.
 8 MR. [REDACTED]: And is it surprising to
 9 you that almost two weeks later, that wasn't
 10 caught?
 11 MR. N'DIAYE: At two weeks later from
 12 where?
 13 MR. [REDACTED]: From -. He was placed
 14 into the cell on July 30th, 2019. He's found
 15 August 10th, 2019. That entire time, it was
 16 never caught that he was not --
 17 MR. N'DIAYE: In the right cell.
 18 MR. [REDACTED]: -- locked in the right
 19 cell.
 20 MR. N'DIAYE: Yeah.
 21 MR. [REDACTED]: Is that a significant
 22 amount of time that went by without catching
 23 that?
 24 MR. N'DIAYE: Without catching it. It is.
 25 MR. [REDACTED]: Now, is that, you know,

1 all staff that was in there, or is it, like,
 2 really -?
 3 MR. N'DIAYE: And again, and you probably
 4 have to speak to the captain who was
 5 responsible for doing the checks, and doing the
 6 count.
 7 MR. [REDACTED]: So, would the captain
 8 have some responsibility on this, too?
 9 MR. N'DIAYE: Well, did the captain is in
 10 charge of correctional services. So, that is
 11 the unit he is over.
 12 MR. [REDACTED]: Okay.
 13 MR. N'DIAYE: So, he has overall
 14 responsibility to make sure, you know, in
 15 conjunction with the lieutenant, that the unit
 16 is running the way it is supposed to run.
 17 MR. [REDACTED]: And what should have the
 18 captain done in order to make sure that that
 19 was accurate?
 20 MR. N'DIAYE: Well, now, there is
 21 different ways of finding out if stuff is
 22 accurate. Like, you have the perpetual audit
 23 system. Where they are responsible - the
 24 lieutenants - are responsible to conduct
 25 perpetual audits. So, you can find out through

1 MR. N'DIAYE: -- you do your perpetual
 2 audits, and then you catch it, and say, oh,
 3 wow. We did an audit. And this is wrong. And
 4 then, you come up with the corrective action to
 5 fix it.
 6 MR. [REDACTED]: So, that's how the
 7 captain could have determined, I guess --
 8 MR. N'DIAYE: Yeah.
 9 MR. [REDACTED]: -- but how, in those --
 10 MR. N'DIAYE: The captain would find out.
 11 MR. [REDACTED]: -- ten or 11 days, how
 12 would have that been caught?
 13 MR. N'DIAYE: Again, you would have to see
 14 your inmate accountability board.
 15 MR. [REDACTED]: Mm-hmm.
 16 MR. N'DIAYE: You know, are you matching
 17 Sentry, if you are pulling off Sentry and
 18 matching it with what is on the board.
 19 MR. [REDACTED]: But - and I apologize
 20 that I'm beating --
 21 MR. N'DIAYE: Right.
 22 MR. [REDACTED]: -- a dead horse here,
 23 but, like, who does that?
 24 MR. N'DIAYE: Again, I don't know who, you
 25 know, who the lieutenant assigned it to, who

1 those, when you do it. And they are usually
 2 quarterly. But if there is discrepancies and
 3 things are going on in that department of
 4 correctional services, we have what we call
 5 perpetual audits, which he maintained the
 6 records of, and that is another checks and
 7 balance where you would find out if something
 8 is wrong.
 9 MR. [REDACTED]: And how often are those
 10 done?
 11 MR. N'DIAYE: Those are done quarterly.
 12 MR. [REDACTED]: Quarterly?
 13 MR. N'DIAYE: Yeah.
 14 MR. [REDACTED]: All right. So, the fact
 15 that this is, we are talking about, like, ten
 16 or 11 days, there is a good chance that they
 17 weren't done during that time period? Or do
 18 you know when they would be done? Are they
 19 done, like, on a certain date?
 20 MR. N'DIAYE: What, the quarterly?
 21 MR. [REDACTED]: Yeah.
 22 MR. N'DIAYE: It's - and I don't know when
 23 the dates of the quarter starts - but that is
 24 to your checks and balance. You know --
 25 MR. [REDACTED]: Right.

1 the OIC. You know, everybody has different
 2 duties, and --
 3 MR. [REDACTED]: So, it is not like --
 4 MR. N'DIAYE: -- different ways that work.
 5 MR. [REDACTED]: -- not like morning watch
 6 does this, or it's just based upon what passed
 7 down from lieutenant to the OIC --
 8 MR. N'DIAYE: Right. Like, what --
 9 MR. [REDACTED]: -- to whoever.
 10 MR. N'DIAYE: -- no, but basically, when
 11 you decide to do it. You know, I mean, I can't
 12 see, on the midnight shift, you are doing an
 13 accountability check like that, because the
 14 guys are sleeping, and, you know, you are
 15 looking for a living, breathing body, but you
 16 can't physically see them.
 17 MR. [REDACTED]: Mm-hmm.
 18 MR. N'DIAYE: You know, so, what shift was
 19 picked to check and say, okay, let's make sure
 20 our cell, the accountability in the cell. So,
 21 I can't --
 22 MR. [REDACTED]: You can't really answer
 23 the question.
 24 MR. N'DIAYE: -- I can't really speak --
 25 MR. [REDACTED]: Sure. That's fine.

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: All right. Let's get
 3 this stuff out of your way. If you don't mind,
 4 this --
 5 MR. [REDACTED]: Am I right that we are getting
 6 close to the bottom of the pile?
 7 MR. [REDACTED]: We are. We are getting
 8 close.
 9 MR. [REDACTED]: Because Jesus Christ, I can't
 10 take this. L-O-L. (Indiscernible *02:58:29).
 11 MR. [REDACTED]: We are -. (Indiscernible
 12 *02:58:31) with this.
 13 MR. [REDACTED]: Yeah.
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: So, this is the email
 16 with all the rounds, and the SHU assignment.
 17 And these were separate.
 18 MR. [REDACTED]: Now, let me ask the question
 19 (Indiscernible *02:58:48) the supervisors.
 20 Your job is the prison. It's your job to look
 21 down into the prison, as far as these counts
 22 and, you know, accountability boards, and so
 23 forth.
 24 MR. N'DIAYE: No. I mean, that is what
 25 you have a captain for and a lieutenant for.

1 what's going on.
 2 MR. [REDACTED]: Mm-hmm.
 3 MR. [REDACTED]: All right. So, should
 4 they, though, be walking down the ranges on
 5 both the morning, or the day watch and the
 6 night watch? Evening watch.
 7 MR. N'DIAYE: This is what I will say.
 8 You probably got to look at the post orders and
 9 see --
 10 MR. [REDACTED]: Yeah. The post orders --
 11 MR. N'DIAYE: -- the post orders.
 12 MR. [REDACTED]: -- aren't clear with
 13 that.
 14 MR. N'DIAYE: Yeah.
 15 MR. [REDACTED]: We haven't --
 16 MR. N'DIAYE: So, it's not --
 17 MR. [REDACTED]: -- we haven't been able
 18 to --
 19 MR. N'DIAYE: It's not --
 20 MR. [REDACTED]: -- specifically
 21 determine.
 22 MR. N'DIAYE: -- that's what I mean, it's
 23 not a requirement.
 24 MR. [REDACTED]: Okay.
 25 MR. N'DIAYE: You know, for the

1 (Indiscernible *02:59:06). You know?
 2 MR. [REDACTED]: Okay.
 3 MR. [REDACTED]: And then, we touched on
 4 this before, but this is an email that the
 5 captain sent to you.
 6 MR. N'DIAYE: Right.
 7 MR. [REDACTED]: Regarding the lieutenant
 8 rounds on 8/9 to 8/10. He sent them, he sent
 9 this email on August 11th, 2019. He said,
 10 "Warden, here are the lieutenant rounds for 8/9
 11 to 8/10. Below are the workstations logged on
 12 to complete rounds."
 13 MR. N'DIAYE: Mm-hmm.
 14 MR. [REDACTED]: But again, for you, a
 15 lieutenant round, and I don't know if we ever
 16 came to that conclusion, or that we may have
 17 got off topic on that. But a lieutenant round
 18 is used primarily to check in, and it's not
 19 necessarily to go down the different ranges?
 20 MR. N'DIAYE: On the midnight shift. So,
 21 they typically not, you know, unless they have
 22 an issue, but like you said, you as a
 23 lieutenant can walk - should walk - around and
 24 see. Now, the midnight shift is hard, but the
 25 other shifts, you, you know, walk around, see

1 (Indiscernible *03:00:26), they are in there,
 2 making rounds, checking the books, to see if
 3 you got a problem on the range. You would call
 4 that. But most lieutenants do, you know, just
 5 walk the ranges. Just to see what is going on.
 6 MR. [REDACTED]: Because most lieutenants
 7 that we talked to --
 8 MR. N'DIAYE: Mm-hmm.
 9 MR. [REDACTED]: -- said that they were
 10 absolutely required to do --
 11 MR. N'DIAYE: Right.
 12 MR. [REDACTED]: -- a round, just like a
 13 SHU staff member --
 14 MR. N'DIAYE: Right.
 15 MR. [REDACTED]: -- was to do a round.
 16 Some lieutenants --
 17 MR. N'DIAYE: Mm-hmm.
 18 MR. [REDACTED]: -- specifically,
 19 lieutenants that worked that day --
 20 MR. N'DIAYE: Right.
 21 MR. [REDACTED]: -- said, nope, there's no
 22 requirement to do that.
 23 MR. N'DIAYE: But --
 24 MR. [REDACTED]: So, that's where I'm, as
 25 the warden --

1 MR. N'DIAYE: Well --
 2 MR. [REDACTED]: -- who is right?
 3 MR. N'DIAYE: No. The expectation is,
 4 like you hit any unit, you make your rounds
 5 within the unit. The SHU unit is no different.
 6 That you say, hey, I'm going to go in there,
 7 make sure everything is, you know, check on the
 8 inmates. And make sure they are fine. But if
 9 we are talking about the post orders, were they
 10 required to? The post, you know, the post
 11 orders, I don't believe had the requirement
 12 that they have to, you know --
 13 MR. [REDACTED]: Okay.
 14 MR. N'DIAYE: -- physically go in the
 15 (Indiscernible *03:01:24).
 16 MR. [REDACTED]: So, does that - if I
 17 understand you correctly - the expectation was
 18 that they conduct a round, just like a SHU
 19 staff member, but there is no requirement to do
 20 so?
 21 MR. N'DIAYE: Yeah. You should be walking
 22 around.
 23 MR. [REDACTED]: All right.
 24 MR. N'DIAYE: To see if everything -.
 25 MR. [REDACTED]: But it's not like you

1 MR. [REDACTED]: But if you were still the
 2 warden of the MCC, and found out that your
 3 lieutenants, when they were signing off on
 4 doing rounds --
 5 MR. N'DIAYE: Right.
 6 MR. [REDACTED]: -- and you found out that
 7 they were only checking in with the staff
 8 members, and they were not actually walking
 9 down the ranges, is that something that you
 10 would find problematic?
 11 MR. N'DIAYE: I would correct it.
 12 MR. [REDACTED]: And when you say correct
 13 it, what do you mean by that?
 14 MR. N'DIAYE: I would tell, you know, get
 15 with the captain, and I would tell the captain
 16 they need to be, you know, in inmate grounds,
 17 they need to walk the ranges.
 18 MR. [REDACTED]: So, they should be
 19 walking the ranges, then?
 20 MR. N'DIAYE: Off of the post orders, it's
 21 not in there, you know --
 22 MR. [REDACTED]: I know. I --
 23 MR. N'DIAYE: -- any place saying that you
 24 have to do it. But as a supervisor, that like
 25 any unit you walk on, you want to see what is

1 told them, you gave them a directive, make sure
 2 you are doing this.
 3 MR. N'DIAYE: No.
 4 MR. [REDACTED]: So, there is no --
 5 MR. N'DIAYE: No.
 6 MR. [REDACTED]: -- so, if someone wasn't
 7 doing it, it's not like something they would be
 8 disciplined for?
 9 MR. N'DIAYE: See, that's hard. I mean,
 10 to say you would discipline. There is a
 11 difference between what is written down, and
 12 what you need to be doing. I mean, if you are
 13 coming in, and I enter there as a supervisor, I
 14 want to see what's going around the unit. I
 15 might ask the officer, all right, do we have
 16 any problems. The inmates, when you come on,
 17 hey, they know the lieutenants on, hey,
 18 lieutenant, I need to talk to you. So, you are
 19 going down the ranges. You know, so, when you
 20 are going down the range, you are seeing
 21 something. You get to another range. The
 22 inmate said, hey, I need to talk to you. So,
 23 it is something you should be doing as part of
 24 your rounds, and going up into SHU. Just
 25 walking around, to make sure everything is -.

1 going on in the unit. So, do I want to use the
 2 word "sound correctional judgement"? You know,
 3 just to see, as a supervisor, what is going on.
 4 I mean, you have some people that go above and
 5 beyond. And then, do their job, and you have
 6 some people that want to do the bear minimum.
 7 But that is something --
 8 MR. [REDACTED]: Mm-hmm.
 9 MR. N'DIAYE: -- from a rounds point of
 10 view, I would say you need to make those
 11 rounds.
 12 MR. [REDACTED]: Okay. Let me ask you a
 13 question.
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: You do the rounds. Does that
 16 mean literally walk up and down this, what we,
 17 what I would call the cell block?
 18 MR. N'DIAYE: Yeah. You walk around the
 19 unit. You know, you are interacting with
 20 inmates. You are talking to inmates. Same
 21 thing with the inmates in SHU. You know, you
 22 are walking around. Hey, what's going on?
 23 MR. [REDACTED]: So, what you are not
 24 familiar with is the way the SHU is set up.
 25 MR. N'DIAYE: Right.

1 MR. [REDACTED]: There is different
 2 levels, and there is different --
 3 MR. [REDACTED]: Yeah, I've been to the SHU.
 4 MR. [REDACTED]: -- hallways.
 5 MR. [REDACTED]: Know what I remember about the
 6 SHU, it's fucking cold.
 7 MR. N'DIAYE: Right.
 8 MR. [REDACTED]: Yeah. So, like, if you
 9 are just, you can simply go in and go to the
 10 officer's station, and check in with the staff
 11 and say --
 12 MR. N'DIAYE: Right.
 13 MR. [REDACTED]: -- everything good? You
 14 got all your paperwork in order? All your
 15 paperwork is actually right here on the desk.
 16 Did you find it problematic that they are
 17 keeping all of their round sheets on the desk
 18 versus on the ranges themselves?
 19 MR. N'DIAYE: Different places do it
 20 different ways.
 21 MR. [REDACTED]: Okay.
 22 MR. N'DIAYE: Some --
 23 MR. [REDACTED]: So --
 24 MR. N'DIAYE: -- some places have it, they
 25 keep it at the end of the range, and you sign

1 MR. [REDACTED]: So, what we are trying to
 2 say is, which one is right?
 3 MR. N'DIAYE: Well, now, for the ones that
 4 are saying that I don't have to go down and
 5 check every range, they are going off the post
 6 office.
 7 MR. [REDACTED]: Mm-hmm.
 8 MR. N'DIAYE: The ones that are doing
 9 their job, they are going around and checking
 10 every time.
 11 MR. [REDACTED]: Okay.
 12 MR. N'DIAYE: Making sure the wellbeing of
 13 the inmates, and you are checking on the
 14 wellbeing of your staff.
 15 MR. [REDACTED]: All right. So, it kind
 16 of sounds like nobody is right, and nobody is
 17 wrong? They need to change the post orders?
 18 MR. N'DIAYE: Well, they would, they would
 19 have - should put in --
 20 MR. [REDACTED]: Yeah.
 21 MR. N'DIAYE: -- their post orders, but
 22 they should be going around, and --
 23 MR. [REDACTED]: So, they should have a rule --
 24 MR. N'DIAYE: -- the wellness check.
 25 MR. [REDACTED]: -- that says, you got to go

1 it. Some have it right there, the log, you
 2 know, take the logbook and they just sign it.
 3 So --
 4 MR. [REDACTED]: So, the individuals, the
 5 ops lieutenants and activities lieutenant that
 6 we spoke to, that worked on August 9th and
 7 August 10th --
 8 MR. N'DIAYE: Mm-hmm.
 9 MR. [REDACTED]: -- a majority of them
 10 said, if not all of them, no, no, no, all I
 11 needed to do was go to that officer's station,
 12 check in with my officers, make sure their
 13 paperwork is done, and then I left. Every
 14 other lieutenant that we talked to said, no.
 15 MR. N'DIAYE: Mm-hmm.
 16 MR. [REDACTED]: When you sign that paper,
 17 you are signing it just like you conducted a
 18 round, as if the SHU staff conducted a round.
 19 MR. N'DIAYE: Mm-hmm.
 20 MR. [REDACTED]: You had to go down every
 21 range --
 22 MR. N'DIAYE: Right.
 23 MR. [REDACTED]: -- make sure everything
 24 was good to go. You are not just checking on.
 25 MR. N'DIAYE: Mm-hmm.

1 around?
 2 MR. N'DIAYE: Yeah.
 3 MR. [REDACTED]: Okay.
 4 MR. N'DIAYE: So.
 5 MR. [REDACTED]: So, no one technically
 6 did anything wrong. They should just really do
 7 it?
 8 MR. N'DIAYE: They should. They should
 9 just do it.
 10 MR. [REDACTED]: Okay. Fair enough.
 11 MR. [REDACTED]: The term used was "sound
 12 correctional judgment."
 13 MR. N'DIAYE: Yes.
 14 MR. [REDACTED]: All right. So, that -
 15 again - was that email from [REDACTED] to you, with
 16 the lieutenant rounds.
 17 MR. [REDACTED]: Damn. That pile is a lot
 18 lower.
 19 MR. [REDACTED]: Unless you want to go right
 20 back on it.
 21 MR. [REDACTED]: Now, this says --
 22 MR. [REDACTED]: Wait a minute. Wait a minute.
 23 I'm fucking out of here. If you bring that
 24 pile back, I'm out of here. Now, I'm going to
 25 give you some of that money back, but I can't

1 take this shit no more.
 2 MR. [REDACTED]: So, this one says it's
 3 from [REDACTED].
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: To you.
 6 MR. N'DIAYE: Mm-hmm.
 7 MR. [REDACTED]: Who is [REDACTED] [REDACTED]?
 8 MR. N'DIAYE: He was a unit manager there
 9 for the PCU Unit (Phonetic Sp. *03:06:23).
 10 MR. [REDACTED]: Okay. At the MCC?
 11 MR. N'DIAYE: Yeah.
 12 MR. [REDACTED]: It says, subject, "Weekly
 13 rounds --"
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: -- as requested."
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: So, these are weekly
 18 rounds from August 4th, 10, 2019. What is that
 19 for?
 20 MR. N'DIAYE: That was for our Wood sec
 21 unit (Phonetic Sp. *03:06:34).
 22 MR. [REDACTED]: Oh, okay.
 23 MR. N'DIAYE: Yeah.
 24 MR. [REDACTED]: So, you actually had your
 25 own separate wood sec unit?

1 MR. [REDACTED]: So, this has nothing to
 2 do with Epstein.
 3 MR. N'DIAYE: No.
 4 MR. [REDACTED]: All right. I'm not even
 5 going to --
 6 MR. [REDACTED]: Yeah.
 7 MR. [REDACTED]: -- you can keep that over
 8 here, so we don't get that confused.
 9 MR. [REDACTED]: Yeah.
 10 MR. [REDACTED]: All right. So, this one.
 11 As far as this one, it says, from you to Mr.
 12 [REDACTED]. It says SHU rounds.
 13 MR. N'DIAYE: Mm-hmm.
 14 MR. [REDACTED]: What SHU rounds are we
 15 looking at here? This is a new document here.
 16 MR. N'DIAYE: Okay. This is on -. This
 17 is eight, for the --
 18 MR. [REDACTED]: This is for executive
 19 staff --
 20 MR. N'DIAYE: -- the week starting at
 21 eight --
 22 MR. [REDACTED]: -- or-?
 23 MR. N'DIAYE: -- this is starting for 8/4
 24 rounds. So, this is, these are my rounds that
 25 I'm doing.

1 MR. N'DIAYE: Yeah.
 2 MR. [REDACTED]: So, that is not in SHU?
 3 Or is it?
 4 MR. N'DIAYE: Huh? No. That's not in
 5 SHU. That is a separate unit all together.
 6 MR. [REDACTED]: So, why was this
 7 provided? For any reason?
 8 MR. N'DIAYE: Because I like to -. I used
 9 to like to track who was making their rounds
 10 and not making their rounds.
 11 MR. [REDACTED]: All right.
 12 MR. N'DIAYE: So, they had to send it to
 13 me every week.
 14 MR. [REDACTED]: So, was this just
 15 coincidental? Nothing to do with Epstein?
 16 MR. N'DIAYE: Yeah. This had nothing to
 17 do with him.
 18 MR. [REDACTED]: Mm-hmm.
 19 MR. N'DIAYE: This was probably what he
 20 had to send up that week.
 21 MR. [REDACTED]: Okay.
 22 MR. N'DIAYE: It was the end of the week.
 23 MR. [REDACTED]: Okay.
 24 MR. N'DIAYE: So, that's what he sent.
 25 So, that had nothing to do with him.

1 MR. [REDACTED]: Now, is there some kind
 2 of a requirement that you conduct rounds?
 3 MR. N'DIAYE: Yeah. The warden is
 4 supposed to go up and go --
 5 MR. [REDACTED]: So, you are supposed to
 6 conduct rounds in the SHU?
 7 MR. N'DIAYE: Yeah. About once --
 8 MR. [REDACTED]: Or is this --
 9 MR. N'DIAYE: -- a week. Like, you can go
 10 up as many times, but, you know, the warden is
 11 supposed to be going.
 12 MR. [REDACTED]: All right.
 13 MR. [REDACTED]: Now, that means you are
 14 supposed to conduct rounds in the SHU?
 15 MR. N'DIAYE: Yeah. I go in the SHU. I
 16 walk around and do rounds in every area of the
 17 institution. So.
 18 MR. [REDACTED]: And is everyone on here
 19 supposed to do a round weekly? Because I have
 20 never seen this round sheet until reviewing
 21 your emails.
 22 MR. N'DIAYE: No. This is every Bureau
 23 institution has this. This is where you sign
 24 into the Special Housing Unit. This is the
 25 log. And this is showing that they made their

1 rounds. So, these are the lieutenants right
2 here, showing that they made their rounds. So,
3 at the end of the week, when they send me the
4 round sheet, and let's say it looked like this,
5 my question would be, okay, did they make
6 rounds, or did they forget to make rounds?

7 MR. [REDACTED]: Is this and this the same
8 thing?

9 MR. N'DIAYE: For the lieutenants, it
10 would be.

11 MR. [REDACTED]: Just the lieutenants?
12 And no one else?

13 MR. N'DIAYE: Yeah. No one else. This is
14 computer services. The duty officer has to go
15 up there.

16 MR. [REDACTED]: Now, so --

17 MR. N'DIAYE: Right there.

18 MR. [REDACTED]: -- this shows that you
19 did two rounds.

20 MR. N'DIAYE: Right.

21 MR. [REDACTED]: And you are only required
22 to do one. Correct?

23 MR. N'DIAYE: Yeah.

24 MR. [REDACTED]: AW programs.

25 MR. N'DIAYE: That, she did it on Friday.

1 MR. N'DIAYE: The PA's.

2 MR. [REDACTED]: By the end of the day, man,
3 I'll be ready to go to MCC myself. I hated
4 going to prison.

5 MR. N'DIAYE: Psychology. You know?

6 MR. [REDACTED]: So, which ones on here
7 that are actually required to conduct rounds?

8 MR. N'DIAYE: You have the unit team
9 that's supposed to go up. The lieutenants.

10 MR. [REDACTED]: Well, SIS, it doesn't
11 appear that they did any rounds.

12 MR. N'DIAYE: That's --

13 MR. [REDACTED]: But I'm assuming they
14 certainly should have. Correct?

15 MR. N'DIAYE: SIS should have been up
16 there, to go around. So, and again, I would
17 look at it and see who was on leave. Somebody
18 might have been on leave, not on leave.

19 MR. [REDACTED]: And what are -- so, when
20 these type of individuals, it looks like more
21 high level such as, I mean, obviously, you are
22 the highest level, what is a warden round look
23 like? Do you all have to walk down the range,
24 or --

25 MR. N'DIAYE: So, what I --

1 MR. [REDACTED]: So, the fact that AW
2 operations has nothing in there, is that
3 problematic?

4 MR. N'DIAYE: And here is the other thing
5 could have happened. A lot of times, they make
6 the rounds, sometimes they forget to initial
7 and sign it.

8 MR. [REDACTED]: All right.

9 MR. N'DIAYE: So, what I would do is, I
10 would look at it and say, okay, when I got at
11 the end of the week, what happened? How come
12 you didn't make rounds?

13 MR. [REDACTED]: So, all of these blank
14 spaces, were these people supposed to be doing
15 rounds in SHU?

16 MR. N'DIAYE: Not everybody is required.
17 They should have been up there, but they are
18 not required. Like, the finance facility --

19 MR. [REDACTED]: The correctional judgement --

20 MR. N'DIAYE: -- food services.

21 MR. [REDACTED]: -- would be they could go up
22 to that.

23 MR. N'DIAYE: But health services has to
24 make rounds.

25 MR. [REDACTED]: You're getting it.

1 MR. [REDACTED]: -- is that what you do?

2 MR. N'DIAYE: -- what I do is, I walk
3 around and I go to every cell, and I talk to
4 the guy, got any issues, any problems?

5 They're, like, no, I'm good. You might have
6 some that say, hey, I'm up here for an

7 investigation. Why am I here? Why am I up
8 here? So, I take my little notes. Okay.

9 Fine. Some of it I can address right there,
10 some of it I can't. But I would typically walk
11 around what we call is the SHU roster. Which,
12 that is the reason why you are up there. Why
13 am I up here? And, you know, a lot of times,
14 you go by it, it says --

15 MR. [REDACTED]: It's because you are a fucking
16 mass murderer, that's why you're up here.

17 MR. N'DIAYE: -- and, like, you know why
18 you are locked up. And then, they would say,
19 well, how come the investigation is taking so
20 long? And it would depend. If the FBI had it,
21 if it was an OIG investigation. It would
22 depend. So, you know, I would usually tell
23 them, like, you know, it's an outside agency
24 handling. We are in contact with them. And
25 somebody will come see.

1 MR. [REDACTED]: Okay.
 2 MR. N'DIAYE: Some could be up for
 3 administrative, like an incident report.
 4 MR. [REDACTED]: So, you went through and
 5 talked to everybody, but were you required to
 6 do that, or is it just because you just were a
 7 good employee?
 8 MR. N'DIAYE: I mean, that's what you
 9 should be doing.
 10 MR. [REDACTED]: That's what you should
 11 do. But I mean, like you talked about before,
 12 well, the post orders don't say that.
 13 MR. N'DIAYE: Well, I don't have post
 14 orders.
 15 MR. [REDACTED]: Right.
 16 MR. N'DIAYE: Yeah. So, I mean --
 17 MR. [REDACTED]: But you are -. But
 18 something does say that you are required to do
 19 it once a week?
 20 MR. N'DIAYE: There's nothing in writing
 21 to tell me you have to do it. But just like I
 22 visit every area, I have to, I visit every area
 23 of the institution. You know, make sure I see
 24 every employee going there on the off shifts.
 25 I would go on the off shifts, you know, to see

1 MR. [REDACTED]: Now, is there any way to
 2 determine, like, these people that, for
 3 instance, visited on Friday, what time they
 4 visited? Because this is the day that [REDACTED]
 5 was gone. So, it says the captain was in there
 6 on Friday.
 7 MR. N'DIAYE: Mm-hmm.
 8 MR. [REDACTED]: Should have he noticed
 9 that [REDACTED] wasn't there?
 10 MR. N'DIAYE: Not necessarily. If he
 11 didn't go down range. And he could have come
 12 up, and remember, we have Ten South that's
 13 connected. So, I don't know if he came up
 14 there, you know, for an issue for Ten South.
 15 MR. [REDACTED]: Mm-hmm.
 16 MR. N'DIAYE: So, I don't know. And then,
 17 him making his rounds, even if he's making his
 18 rounds, you are going to have empty cells on
 19 the range.
 20 MR. [REDACTED]: Oh, you will?
 21 MR. N'DIAYE: Yeah. Well, somebody --
 22 MR. [REDACTED]: Even if -
 23 MR. N'DIAYE: -- somebody could be at
 24 medical. Somebody could be on an attorney
 25 visit.

1 the staff, but it's --
 2 MR. [REDACTED]: It's a surprise. In other
 3 words, you are not telling them you are coming,
 4 you are just going.
 5 MR. N'DIAYE: Yeah. I'm coming up. I'm
 6 making my rounds. I'm sitting, talking to
 7 staff. What's your issues? I mean, it's more
 8 the issue of them just work. I mean -.
 9 MR. [REDACTED]: So, when you say there's
 10 nothing in writing, saying that you should do
 11 it, or is there something in writing saying
 12 these people that didn't do it, that they
 13 should have done it?
 14 MR. N'DIAYE: No. And there could be
 15 reasons. Now, they - and this is what I would
 16 get the report and look into - like, there are
 17 people that make the rounds, they come up to
 18 SHU but they forget to sign in.
 19 MR. [REDACTED]: Right.
 20 MR. N'DIAYE: So, when I get the report, I
 21 would, you know, talk to the captain, that this
 22 the entrance log, and say, hey, why didn't such
 23 and such make a round? Now, that AW might have
 24 been out that week, and I had this one covering
 25 both. So, they came up with the AW.

1 MR. [REDACTED]: So, it wouldn't --
 2 MR. N'DIAYE: So --
 3 MR. [REDACTED]: -- it wouldn't caused a
 4 red flag, you don't think, if he saw, like,
 5 Epstein's cell empty?
 6 MR. N'DIAYE: Well, if empty cell is
 7 empty, the first thing you're saying, he's down
 8 on attorney visit. Because the rounds are made
 9 during the daytime.
 10 MR. [REDACTED]: And in that note, would
 11 they say, though, because it says [REDACTED]
 12 [REDACTED], and it looks like was there, too --
 13 MR. N'DIAYE: Right.
 14 MR. [REDACTED]: -- should have those two
 15 people, if they actually did a round, say
 16 Epstein is down there, but where is [REDACTED]?
 17 MR. N'DIAYE: I mean, they could have. I
 18 mean, but [REDACTED] could have been in the shower.
 19 MR. [REDACTED]: Mm-hmm.
 20 MR. N'DIAYE: You know? I mean --
 21 MR. [REDACTED]: But it wouldn't be
 22 something that would be normally asked?
 23 MR. N'DIAYE: No.
 24 MR. [REDACTED]: It was, like, oh --
 25 MR. N'DIAYE: Hmm-mm.

1 MR. [REDACTED]: -- Epstein, high-profile
 2 guy, where is his cellmate? That wouldn't be -
 3 ?
 4 MR. N'DIAYE: No. I mean --
 5 MR. [REDACTED]: No.
 6 MR. N'DIAYE: -- you're just saying, okay,
 7 Epstein is downstairs, his, you know, or maybe
 8 his cellmate was in attorney visit, it could
 9 have been on a shower day. He could have been
 10 in rec.
 11 MR. [REDACTED]: Okay.
 12 MR. N'DIAYE: I mean --.
 13 MR. [REDACTED]: So, you are more
 14 concerned about the people that are there, as
 15 opposed to who weren't there, it sounds like
 16 that? To check in with them.
 17 MR. N'DIAYE: That, I mean, you want to
 18 see, making sure you are around, making rounds,
 19 talking to everyone. So, I don't know what,
 20 you know, what the thought process is, or, you
 21 know, if somebody was in the shower or not.
 22 MR. [REDACTED]: Mm-hmm.
 23 MR. N'DIAYE: So.
 24 MR. [REDACTED]: Sure. No. And I'm not
 25 trying --

1 MR. N'DIAYE: Hmm.
 2 MR. [REDACTED]: [REDACTED], you had two
 3 follow up questions before we move on. Why
 4 don't you ask those?
 5 MR. [REDACTED]: If the counts and the rounds
 6 were done --
 7 MR. N'DIAYE: Mm-hmm.
 8 MR. [REDACTED]: -- as they were supposed to
 9 be done, let's say in the afternoon, by the SHU
 10 C.O.s, would they have caught the fact that
 11 Epstein's cell was empty, and inmate [REDACTED] was
 12 actually not where he was supposed to be? In
 13 terms of that, if he was assigned, if Epstein
 14 was required to have a cellmate, and [REDACTED] was
 15 transferred, would they have caught onto the
 16 fact that Epstein needed a cellmate?
 17 MR. N'DIAYE: I don't understand what --.
 18 MR. [REDACTED]: Let's say [REDACTED] was
 19 transferred, right?
 20 MR. N'DIAYE: Mm-hmm.
 21 MR. [REDACTED]: If the counts and the rounds
 22 were done, in the afternoon, the 4:00 p.m.
 23 count, the rounds in between, if they were
 24 done, would the SHU C.O.s have caught on to the
 25 fact that [REDACTED] was missing from the cell?

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: -- to get you to say
 3 that.
 4 MR. [REDACTED]: How many days a week can you
 5 take a shower when you're in -?
 6 MR. N'DIAYE: The entire of three times.
 7 Monday. Typically, it's Monday, Wednesday, and
 8 Friday.
 9 MR. [REDACTED]: And what about this one?
 10 This one is from [REDACTED] [REDACTED] to you. Weekly
 11 rounds on August 12th, 2019. Is this --
 12 MR. N'DIAYE: The PCU.
 13 MR. [REDACTED]: -- is this -? So, this
 14 is the same thing?
 15 MR. N'DIAYE: That's the PCU unit. Wood
 16 sec unit.
 17 MR. [REDACTED]: The wood sec unit.
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: All right. So, this
 20 might be the exact same thing as -. Oh, this
 21 is what I did (Indiscernible *03:14:50).
 22 Sorry. All right. That sounds good. Do you
 23 mind just initialing and dating that?
 24 MR. [REDACTED]: Now, we are getting close to
 25 the end.

1 MR. N'DIAYE: But they already knew that.
 2 MR. [REDACTED]: If the word of mouth --.
 3 MR. [REDACTED]: So, the claim is --
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: -- [REDACTED] made up that
 6 stuff in the memo. And [REDACTED] says [REDACTED]
 7 never told me that.
 8 MR. N'DIAYE: Right.
 9 MR. [REDACTED]: That they say that's
 10 bullshit, and he's lying.
 11 MR. N'DIAYE: Right.
 12 MR. [REDACTED]: The people that he said
 13 were present say the same thing.
 14 MR. N'DIAYE: Right.
 15 MR. [REDACTED]: He didn't say that.
 16 MR. N'DIAYE: Right.
 17 MR. [REDACTED]: So, point being is, well,
 18 if [REDACTED] didn't pass that information on, if
 19 they were actually conducting their rounds,
 20 should they have noticed that he wasn't there?
 21 MR. N'DIAYE: Yeah. If they knew that he
 22 didn't -. If they knew, they knew that -
 23 what's his name? - Epstein wasn't supposed to
 24 have a cellmate. So, if you see his cell on
 25 there, that I guess, and on the outside of the

1 cell, they would have his name and the other
2 person. Then you should be saying, okay, where
3 is the cellmate? We know he's not in the
4 attorney room.

5 MR. [REDACTED]: Okay.

6 MR. N'DIAYE: So.

7 MR. [REDACTED]: I got it.

8 MR. N'DIAYE: So, you know he's down in
9 the attorney room. So, you would have said,
10 okay, somebody's got to be in that cell.

11 MR. [REDACTED]: Hmm. Ace bastard. That's a
12 way to fuck with the other guys.

13 MR. [REDACTED]: Meaning, if they actually did
14 the rounds and the counts like they were
15 supposed to, there was more than enough time
16 for them to turn around and assign another
17 cellmate, if needed.

18 MR. N'DIAYE: Or to say, of course, to
19 your point, where they are saying that nobody
20 ever told them, if you were making your rounds,
21 you would have saw that there was nobody in
22 that cell, and then ask you a question, where
23 he's at.

24 MR. [REDACTED]: And the person whose job it is
25 to make sure they are doing their rounds is the

1 what he is saying is that, the beginning of
2 their shift, they are going in and they are
3 just writing, they are initialing and putting
4 in the time. At the very beginning, for the
5 rest of their shift.

6 MR. N'DIAYE: So, let me put it to you
7 this way. If I --

8 MR. [REDACTED]: I saw you smile --

9 MR. N'DIAYE: -- no, no.

10 MR. [REDACTED]: -- when he asked that.

11 MR. N'DIAYE: Because if I become aware
12 and know that somebody is doing something like
13 that, that is reportable misconduct. I'm going
14 to report that. So, if somebody came to me and
15 said, well, this person is pre-filling out
16 count slips, that would be something that I
17 would say, okay, you know, I have to do a
18 referral, or if I don't have enough evidence
19 for it, I would have a supervisor, you know,
20 put it out, said, hey, you cannot do pre-count
21 slips.

22 MR. [REDACTED]: So, if we have people
23 confessing, admitting that they are not only
24 pre-filling out their count slips, but also
25 doing it with their round sheets --

1 lieutenant or the captain?

2 MR. N'DIAYE: On the shift, it is the
3 lieutenant would check. But now, in fairness
4 to the lieutenant, if you are going off of a
5 sheet, and the sheet says, hey, you made your
6 rounds, and then, something like this happens,
7 then you find out people didn't make their
8 rounds.

9 MR. [REDACTED]: And I think what [REDACTED]
10 question to you was, does this suggest to you
11 that they were not actually conducting their
12 rounds? The fact that [REDACTED] was gone for 24
13 hours, and the notifications weren't made?

14 MR. N'DIAYE: It would appear that that is
15 the appearance.

16 MR. [REDACTED]: (Indiscernible *03:18:07).

17 MR. N'DIAYE: Yeah. I mean.

18 MR. [REDACTED]: I just have one other
19 question.

20 MR. [REDACTED]: When I do cross examinations,
21 and it says, it would appear that, yeah,
22 that's, yeah, somebody found.

23 MR. [REDACTED]: Have you ever heard of C.O.s
24 pre-filling round sheets?

25 MR. [REDACTED]: When he says pre-filling,

1 MR. N'DIAYE: Right.

2 MR. [REDACTED]: -- what is your response
3 to that? How bad of a -? How bad is that?

4 MR. N'DIAYE: Well, that is a referral. I
5 would have to do a referral for you guys to
6 look into it.

7 MR. [REDACTED]: And then, if they are
8 actually pre-filling those out, does that also
9 suggest to you that they didn't do their counts
10 or their rounds?

11 MR. N'DIAYE: Well, I mean, if they're
12 telling you that we pre-filled it out, it's
13 obvious that they did not, they are not
14 counting.

15 MR. [REDACTED]: Right.

16 MR. N'DIAYE: Because if somebody is pre-
17 filling out a sheet, that means --

18 MR. [REDACTED]: They're not counting.

19 MR. N'DIAYE: -- they have no intention of
20 counting.

21 MR. [REDACTED]: And does that indicate to
22 you, as the warden, that they are falsely
23 certifying rounds and counts that they did not
24 conduct?

25 MR. N'DIAYE: If they come to you, and

1 they say, hey, we didn't fill out, we haven't
2 done our count slip, that is an admission of
3 misconduct.

4 MR. [REDACTED]: Right. But a false
5 certification, as well. Correct?

6 MR. N'DIAYE: Yeah. That is falsifying the
7 document. I mean, but they have admitted that
8 to you. But as far as --

9 MR. [REDACTED]: Now, what if you --

10 MR. N'DIAYE: -- me --

11 MR. [REDACTED]: -- what if they are
12 saying - they are a newer employer - and they
13 are saying, well, we are doing it because we
14 watched a 20-year guy do it. That's how I
15 learned. He didn't tell me to do it. But I
16 watched him do it.

17 MR. N'DIAYE: So --

18 MR. [REDACTED]: So, I did that.

19 MR. N'DIAYE: -- I would -. So, I would
20 say to you, when did that person come in?
21 Because anybody that came in under me, you get
22 the spiel that, hey, I was new, I was an
23 officer. I know what it is to be new. But I
24 always, always tell people, you got to know
25 what's near and dear to you.

1 MR. [REDACTED]: But specifically about
2 not watching the 20-year guy. What is it that
3 you tell them?

4 MR. N'DIAYE: So, what I tell them is, I
5 come in --

6 MR. [REDACTED]: Because it sounds like it
7 is the same thing you tell them every time.

8 MR. N'DIAYE: -- right. So, what I
9 basically tell them, I said, you got some good
10 people that work in the institution. And then,
11 I had, you got some people with time, that just
12 want to do what they want to do. And I tell
13 them, don't follow them around. I said, you've
14 got one. If you are on probation coming in,
15 you need to be doing your job. I said, if
16 someone comes in, and they're not doing their
17 job, or they're telling you not to do
18 something, you make sure you let your
19 supervisor know. I said, I make rounds, you
20 can talk to me.

21 MR. [REDACTED]: Okay.

22 MR. N'DIAYE: You know? So, the
23 expectation was clear. But with any other
24 agency - and I'm not just saying our agency -
25 there are people that come in and they become

1 MR. [REDACTED]: And that is why I asked
2 you specifically --

3 MR. N'DIAYE: Right.

4 MR. [REDACTED]: -- with Tova Noel. Are
5 you confident that you gave her that spiel?

6 MR. N'DIAYE: Talk to whoever was in her
7 class, and you talk to any, any new class that
8 came through, and they will tell you my spiel.

9 MR. [REDACTED]: Okay.

10 MR. N'DIAYE: Okay? You can go into our
11 annual training, when we have it, talk to
12 people, and they will tell you about my spiel.

13 MR. [REDACTED]: Do you say that always at
14 annual training?

15 MR. N'DIAYE: I cover everything. Because
16 I have --

17 MR. [REDACTED]: Yeah, but do you always say
18 is, you have to do what you have to do. Don't
19 do it just because the 20-year-old guy did
20 that.

21 MR. N'DIAYE: I do. I tell people about
22 doing their job. The same thing when it comes
23 to use of force. I tell staff all the time.
24 Use enough force necessary to control the
25 situation.

1 followers.

2 MR. [REDACTED]: Now, we're going to move
3 on.

4 MR. N'DIAYE: Mm-hmm.

5 MR. [REDACTED]: We talked about the phone
6 call.

7 MR. N'DIAYE: Right.

8 MR. [REDACTED]: On August 9th. What is
9 your understanding of what transpired with
10 Epstein being provided a phone call on the
11 night of August 9th, 2019?

12 MR. N'DIAYE: So, from what I understand,
13 when you come in, you have to be able to do,
14 for the monitored calls, the voice analysis and
15 all that. So, from what I understand
16 afterwards, Epstein was never available for
17 that to be done. Because he went down to the
18 attorney room, and he would come up at night.
19 So, from what I understand, he was given an
20 unmonitored call.

21 MR. [REDACTED]: And what do you mean by
22 an "unmonitored call"?

23 MR. N'DIAYE: An unmonitored call is a
24 call that is not recorded with the inmate phone
25 system.

1 MR. [REDACTED]: Is it your --
 2 MR. [REDACTED]: In other words, they don't
 3 listen to what you say?
 4 MR. N'DIAYE: Right. They don't.
 5 MR. [REDACTED]: -- is it your
 6 understanding that anyone physically monitored
 7 the call, or did you -?
 8 MR. N'DIAYE: From what I understand, the
 9 individual was standing right there when he
 10 made the call.
 11 MR. [REDACTED]: All right. So, it is our
 12 understanding that, "On August 9th, 2019,
 13 Epstein made a request to MCC unit manager,
 14 [REDACTED], to provide him with a phone
 15 call, so that he - Epstein - could call his
 16 mother.
 17 MR. N'DIAYE: Mm-hmm.
 18 MR. [REDACTED]: [REDACTED] checked Epstein's
 19 pack and PIN, and found out it was not yet set
 20 up.
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: Therefore, [REDACTED] took
 23 Epstein to a shower area in the SHU, and
 24 plugged a phone into a legal line. [REDACTED]
 25 dialed the number. A man answered. He handed

1 phone. Is that problematic to you?
 2 MR. N'DIAYE: I didn't hear that it was a
 3 -. Who did I -? They said it was his -.
 4 MR. [REDACTED]: So, that information might
 5 have come out after.
 6 MR. N'DIAYE: It came out after. I didn't
 7 - I heard that after the fact - so, I didn't
 8 hear any specifics, but I heard it was -. I
 9 forgot who they said it was that called, but
 10 then afterwards, they said, whoever they said
 11 it was, was deceased. That he didn't have that
 12 talk.
 13 MR. [REDACTED]: I think it was his
 14 mother.
 15 MR. N'DIAYE: Yeah. I think it might -.
 16 So, and that, that is what I heard.
 17 MR. [REDACTED]: His --
 18 MR. N'DIAYE: Yeah.
 19 MR. [REDACTED]: -- his mother died during the
 20 time of this investigation.
 21 MR. N'DIAYE: Hmm.
 22 MR. [REDACTED]: She was previously deceased.
 23 MR. N'DIAYE: Deceased.
 24 MR. [REDACTED]: So, wait, wait, wait, wait,
 25 wait.

1 the phone to Epstein. And then, [REDACTED] left
 2 for the day. [REDACTED] stayed -. Oh, sorry.
 3 MR. N'DIAYE: Mm-hmm.
 4 MR. [REDACTED]: "Then we found out that
 5 the SHU C.O.s were around.
 6 MR. N'DIAYE: Mm-hmm.
 7 MR. [REDACTED]: And [REDACTED] did not
 8 specifically instruct any one of them to
 9 monitor their phone call. Instead, he called
 10 the SHU after he departed from the MCC, to make
 11 sure that the phone was taken away from Epstein
 12 after his allotted time." Had you heard that
 13 before?
 14 MR. N'DIAYE: I have -. What I heard was
 15 he was there and did the monitoring.
 16 MR. [REDACTED]: So, your understanding
 17 was that, [REDACTED] was there the entire time of
 18 his call?
 19 MR. N'DIAYE: That, at the entire time of
 20 his call.
 21 MR. [REDACTED]: So, a number of questions
 22 off of that. The fact that [REDACTED] dialed the
 23 number that he gave him, and a man called. A
 24 man answered. Who, he said he was calling his
 25 mother. A man answered and he gave him the

1 MR. N'DIAYE: Yeah.
 2 MR. [REDACTED]: So, he calls, looking for his
 3 mother.
 4 MR. [REDACTED]: He said he wanted to talk
 5 to his mother.
 6 MR. [REDACTED]: But his mother was already
 7 dead.
 8 MR. N'DIAYE: Right.
 9 MR. [REDACTED]: And the person who
 10 answered the phone was a male. But he still
 11 gave the phone to Mr. Epstein. Is that
 12 problematic? That he says he wants to talk to
 13 his mother. A man answers. And then gives the
 14 phone to Mr. Epstein.
 15 MR. N'DIAYE: Well, remember, I am hearing
 16 this, that it was a call that all along said
 17 I'm calling the mother. I don't know anything
 18 about a man answering the phone.
 19 MR. [REDACTED]: No, no, no, no, no. I'm
 20 providing this information as in, like, you are
 21 the warden, what is your take on this? Did he
 22 do something wrong there?
 23 MR. N'DIAYE: Well, as far as, you know,
 24 you are saying you want to talk to your mother,
 25 and the --

1 MR. [REDACTED]: And a man answers the
2 phone.
3 MR. N'DIAYE: -- and then, a man answers
4 the phone. Yeah. It might have been some
5 questions he should have been asking.
6 MR. [REDACTED]: Should have he verified
7 who it was he was providing -? If he is giving
8 him an unmonitored call, on an unmonitored
9 line, should have he verified who it was that
10 was on that other line?
11 MR. N'DIAYE: Right. If a male picked up
12 the phone.
13 MR. [REDACTED]: Why do you know it's an
14 unmonitored line?
15 MR. [REDACTED]: Because the legal line
16 isn't recorded?
17 MR. N'DIAYE: Right.
18 MR. [REDACTED]: So, that means unmonitored,
19 that it's --
20 MR. N'DIAYE: Yeah. That you can't -.
21 MR. [REDACTED]: -- it's not recorded.
22 MR. N'DIAYE: Right.
23 MR. [REDACTED]: Correct.
24 MR. [REDACTED]: Okay.
25 MR. [REDACTED]: On that note, were there

1 MR. [REDACTED]: But not in the SHU?
2 MR. N'DIAYE: Not in the SHU.
3 MR. [REDACTED]: Okay. So, not only did
4 he do that, but he then left the SHU for the
5 day. Obviously, he was supposed to sit there
6 and listen to the call. Correct?
7 MR. N'DIAYE: Right.
8 MR. [REDACTED]: Should have he put it on
9 speaker phone?
10 MR. N'DIAYE: Either listen to the call,
11 or if he had somebody else take over the call.
12 MR. [REDACTED]: Okay.
13 MR. N'DIAYE: You know, so, somebody
14 should have been monitoring the call.
15 MR. [REDACTED]: Right.
16 MR. N'DIAYE: Just to stand there and
17 listen.
18 MR. [REDACTED]: All right. Now, the fact
19 that, you know, obviously, [REDACTED] dropped the
20 ball there. He gave him a call, he just wanted
21 to talk to his mom, his mom is deceased, and a
22 male answered.
23 MR. N'DIAYE: Right.
24 MR. [REDACTED]: Second, he didn't stay to
25 listen to the call. Third, he didn't tell

1 any lines that Mr. [REDACTED] could have plugged
2 the phone into, that were monitored, versus if
3 they didn't have a pack and PIN?
4 MR. N'DIAYE: Not on the ranges, I
5 believe. I'm not sure.
6 MR. [REDACTED]: No?
7 MR. N'DIAYE: I don't think there was
8 anything on there.
9 MR. [REDACTED]: Because, yeah, we had
10 been told by someone that many, if not most,
11 BOP facilities have the ability, if a pack and
12 PIN such as that wasn't set up. There are
13 lines that you could plug it into, that are
14 monitored, but at MCC, that wasn't the case --
15 MR. N'DIAYE: No.
16 MR. [REDACTED]: -- in SHU?
17 MR. N'DIAYE: Not on the ranges.
18 MR. [REDACTED]: Okay.
19 MR. N'DIAYE: No.
20 MR. [REDACTED]: You said not on the ranges?
21 MR. N'DIAYE: Yeah.
22 MR. [REDACTED]: Where would it be?
23 MR. N'DIAYE: I'm not sure. I think
24 religious services might have a line. The
25 Chaplin.

1 anybody else to listen to the call. Now, the
2 fact that the other - he leaves the unit - the
3 fact that the other people are in the unit,
4 should have they then, at some point, also
5 said, like, hey, this guy is on a phone call,
6 let's go monitor it, or should have that been
7 something that [REDACTED] --
8 MR. N'DIAYE: Yeah, you couldn't --
9 MR. [REDACTED]: -- would have directed?
10 MR. N'DIAYE: -- you couldn't -. But
11 that's what I'm saying. I don't know the
12 conversation that took place between them. If
13 the call was made, and somebody was told to go
14 monitor it. Did they go over it? Did they not
15 go over it?
16 MR. [REDACTED]: No.
17 MR. N'DIAYE: So, I don't -.
18 MR. [REDACTED]: So, Mr. [REDACTED] told the
19 people --
20 MR. N'DIAYE: Right.
21 MR. [REDACTED]: -- he's on a phone call.
22 Get it back after - whenever it was - 15
23 minutes.
24 MR. N'DIAYE: Mm-hmm.
25 MR. [REDACTED]: They were giving him an

1 unmonitored call.
 2 MR. [REDACTED]: The significance of this is
 3 that, if somebody had monitored the phone call,
 4 they might have found out that he was very
 5 depressed, or he was -?
 6 MR. [REDACTED]: Well, there is -. Can
 7 you tell us, why is it important for us to know
 8 that what inmates are talking about on their
 9 phone calls?
 10 MR. N'DIAYE: I mean, just for the safety
 11 and the security of the institution.
 12 MR. [REDACTED]: Is it true that they
 13 could potentially operate their businesses,
 14 their illegal businesses, from there?
 15 MR. N'DIAYE: You could.
 16 MR. [REDACTED]: Or they call a hit on
 17 someone. Or they could, they could do a lot of
 18 different illegal activities, if we are not
 19 monitoring those calls --
 20 MR. N'DIAYE: Right. That's --
 21 MR. [REDACTED]: -- that we wouldn't know
 22 --
 23 MR. N'DIAYE: -- why we monitor them.
 24 MR. [REDACTED]: All right. I have one more
 25 story.

1 instance that you wouldn't listen to the
 2 conversation?
 3 MR. N'DIAYE: On an unmonitored line?
 4 MR. [REDACTED]: Mm-hmm.
 5 MR. N'DIAYE: No. Somebody should be
 6 standing there.
 7 MR. [REDACTED]: All right. And what are
 8 your thoughts on this specific matter from what
 9 we just, from what I just told you?
 10 MR. N'DIAYE: Like I said, if it's
 11 problematic, if you said, if it's the way you
 12 said it, yeah.
 13 MR. [REDACTED]: And is it a serious
 14 concern and safety violation?
 15 MR. N'DIAYE: Well, yeah. I mean, it's a
 16 breach.
 17 MR. [REDACTED]: And why?
 18 MR. N'DIAYE: Because we don't know what
 19 the conversation was.
 20 MR. [REDACTED]: Okay. You said -. Okay.
 21 You answered that. These are just on this
 22 note, there is just a couple of these. There
 23 is a phone call. This one says it's from an
 24 [REDACTED]. Do you know who that is?
 25 MR. N'DIAYE: Yeah. He's the supervisory

1 MR. N'DIAYE: Yeah. Right.
 2 MR. [REDACTED]: I'm a young lawyer. And I
 3 know it's hard to believe I was ever young.
 4 But I go - I'm supposed to interview a prison -
 5 and I go to the interview, and he says, this
 6 person is the main rat against, and I said, no,
 7 he's not. I said, that person has got no -
 8 fucking nothing to do with it. He don't say
 9 nothing about you. Guy looks at me and says,
 10 oh, man, I better make a phone call.
 11 MR. [REDACTED]: So, is it standard
 12 practice to allow inmates to make personal
 13 calls, as [REDACTED] had done?
 14 MR. N'DIAYE: You do I, sometimes if they
 15 come in, they don't have a pack number. Like,
 16 you could have a family member that has passed
 17 away, and, you know, you allow them to make a
 18 call under that circumstance. You know, I have
 19 a pack number set up. You know, so, sometimes,
 20 but you should be monitoring that. Sometimes,
 21 you make a call to another agency. And the
 22 inmates, you know, you verify, hey, this is
 23 such and such. But you stay and you listen to
 24 the conversation.
 25 MR. [REDACTED]: Was there ever an

1 attorney.
 2 MR. [REDACTED]: So, he is an attorney?
 3 Oh, okay. That's the same guy.
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: Supervisory staff
 6 attorney. It says, "For client Jeffrey
 7 Epstein. Good afternoon. Below, please find
 8 complaints from Epstein's attorneys. Can you
 9 check to see if he has toilet paper, and that
 10 his CPAP is plugged in? I am less concerned
 11 regarding his complaint of having had two
 12 calls, but they were on unmonitored lines. So,
 13 there is no recording of them. His phone
 14 account is set up, so we could get a call on
 15 the ITS, when 30 days has --
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: -- elapsed."
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: So, it looks like this
 20 was actually discussed, and this again, was on
 21 August 6, 2019. Do you know if this was -? It
 22 looks like this was the whole, to the whole
 23 executive staff --
 24 MR. N'DIAYE: Right.
 25 MR. [REDACTED]: -- team. Was this talked

1 about at all?

2 MR. N'DIAYE: It was sent out, and that's
3 when, and I don't recall the timeline, I said
4 he needs to get his stuff set up. Anything --

5 MR. [REDACTED]: Okay.

6 MR. N'DIAYE: -- that he needs, needs to
7 get it set up. So, I believe that was the day
8 when I sent everybody up there, in the attorney
9 room area, and said, get his stuff set up.

10 MR. [REDACTED]: Now, did you - the
11 captain, I believe, informed [REDACTED] that he
12 would give him this call, just make sure it's
13 monitored.

14 MR. N'DIAYE: Mm-hmm.

15 MR. [REDACTED]: Prior to that, did the
16 captain talk to you about this at all?

17 MR. N'DIAYE: About what?

18 MR. [REDACTED]: Well, affording this un,
19 you know, this call on an unmonitored line, but
20 just making sure it was monitored?

21 MR. N'DIAYE: No.

22 MR. [REDACTED]: No?

23 MR. N'DIAYE: Hmm-mm.

24 MR. [REDACTED]: But what you had said,
25 make sure his pack and PIN is set up?

1 MR. [REDACTED]: And he's to you, and it
2 says, "Phone record 104."

3 MR. N'DIAYE: Right.

4 MR. [REDACTED]: Sent on Saturday, August
5 10th, 2019, at 3:04 p.m. Now, it has an
6 attachment here, titled 8.19.19.cap.

7 MR. N'DIAYE: Mm-hmm.

8 MR. [REDACTED]: That we are unable to
9 open. Do you know what that would have been?
10 It appears that it is related to the phone call
11 that Mr. Epstein made. Do you remember if you
12 ever received a recording of that phone call?

13 MR. N'DIAYE: No. I didn't get any
14 recordings.

15 MR. [REDACTED]: Would it have --

16 MR. N'DIAYE: Nuh-uh.

17 MR. [REDACTED]: -- been, maybe, then, the
18 number that he dialed?

19 MR. N'DIAYE: I think it might -. And it
20 might have been the number. I'm not sure. I
21 can't -. I don't recall.

22 MR. [REDACTED]: Okay.

23 MR. N'DIAYE: What that is.

24 MR. [REDACTED]: Do you remember asking
25 Mr. [REDACTED] to provide you with any specific

1 MR. N'DIAYE: Yeah. I had to. Because
2 there was some other things to get set up, and
3 I said, hey, we got to make sure that we can
4 get his stuff going. If that's the date, if I
5 remember, where everyone went up and talked to
6 him at the, where he was in the attorney room.

7 MR. [REDACTED]: Okay. Now, this is one
8 that's going to be -. Now, did you -. Were
9 you able to print out that attachment?

10 MR. [REDACTED]: No. That's just our screen.
11 It's not what they would see.

12 MR. [REDACTED]: I was just hoping -.
13 Okay. So, this is one we got. It's something
14 from [REDACTED] [REDACTED].

15 MR. N'DIAYE: Mm-hmm.

16 MR. [REDACTED]: And who is that?

17 MR. N'DIAYE: That's the communication
18 guy.

19 MR. [REDACTED]: Correct. And he is in
20 charge of, like, the phones --

21 MR. N'DIAYE: The phones.

22 MR. [REDACTED]: -- the cameras.

23 MR. N'DIAYE: Right.

24 MR. [REDACTED]: Correct?

25 MR. N'DIAYE: Mm-hmm.

1 information with regards to the call?

2 MR. N'DIAYE: We might have called him
3 about the line, and what was the number that
4 was called.

5 MR. [REDACTED]: Okay.

6 MR. N'DIAYE: And could they have pulled
7 it up. So, we might have asked him that.

8 MR. [REDACTED]: But it definitely wasn't
9 an actual recording on the phone?

10 MR. N'DIAYE: No. It was --

11 MR. [REDACTED]: Okay.

12 MR. N'DIAYE: -- I think it might have
13 been the number that, you know, I think wanting
14 to pass on to the FBI.

15 MR. [REDACTED]: Great.

16 MR. N'DIAYE: Uh-huh.

17 MR. [REDACTED]: Do you mind just
18 initialing --

19 MR. N'DIAYE: Mm-hmm.

20 MR. [REDACTED]: -- and dating that?

21 MR. N'DIAYE: Mm-hmm.

22 MR. [REDACTED]: I just didn't know what
23 that .cap was.

24 MR. N'DIAYE: Right.

25 MR. [REDACTED]: So, we didn't know, oh my

1 gosh, do we have a recording of this thing?
 2 MR. [REDACTED]: The second one, too.
 3 MR. N'DIAYE: Okay.
 4 MR. [REDACTED]: All right. Now, we are
 5 going to get into the actual incident.
 6 MR. [REDACTED]: Oh my God. Now,
 7 (Indiscernible *03:34:06) getting ready to get
 8 into.
 9 MR. [REDACTED]: We don't have much more.
 10 I promise. I mean, we are way passed the --
 11 MR. [REDACTED]: Yeah.
 12 MR. [REDACTED]: -- yeah. What is your
 13 understanding of what occurred in Epstein's
 14 cell on August 10th, 2019?
 15 MR. N'DIAYE: I don't know.
 16 MR. [REDACTED]: You don't know?
 17 MR. N'DIAYE: I didn't go up there.
 18 MR. [REDACTED]: Do you --
 19 MR. N'DIAYE: I never saw the cell.
 20 MR. [REDACTED]: Do you believe if --. Do
 21 you know if Epstein took his own life?
 22 MR. N'DIAYE: That's what I've been told.
 23 MR. [REDACTED]: Is that your
 24 understanding of what happened?
 25 MR. N'DIAYE: That was what was conveyed

1 the - let's see - this is the Bureau of Prisons
 2 Health Services Clinical Encounter.
 3 MR. N'DIAYE: Right.
 4 MR. [REDACTED]: Did you get to review
 5 this one at all?
 6 MR. N'DIAYE: No.
 7 MR. [REDACTED]: It talks about responding
 8 to a body alarm at 6:35 for medical emergency.
 9 MR. N'DIAYE: I think I might have saw the
 10 memorandums, but I don't --. I don't recall
 11 seeing this.
 12 MR. [REDACTED]: All right. So, let me
 13 just read this, for the record --
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: -- because it is a very
 16 quick one. It says, "Responded to a body alarm
 17 at 6:35 for a medical emergency on Nine South.
 18 Upon arrival, inmate was received on the floor
 19 of his cell, unresponsive, with CPR in progress
 20 by correctional officers. The inmate was cold
 21 with circumferential bruising around the neck
 22 and posterior mottling. Pupils fixed and
 23 dilated. No palpus (Phonetic Sp. *03:35:59)
 24 pulses, call place for EMS, CPR continued.
 25 ED placed. No shock advised. CPR

1 to me.
 2 MR. [REDACTED]: Do you have any
 3 information, with regard to anyone else taking
 4 Epstein's life?
 5 MR. N'DIAYE: No.
 6 MR. [REDACTED]: No. Have you heard that
 7 Epstein's cell door was left opened on the
 8 night of August 9th, 2019, and/or the morning
 9 of August 10th, 2019?
 10 MR. N'DIAYE: I didn't hear that.
 11 MR. [REDACTED]: You have never heard
 12 that?
 13 MR. N'DIAYE: No.
 14 MR. [REDACTED]: Have you heard that any
 15 cellmate's in the SHU - any cells within the
 16 SHU, any of their doors were left opened on the
 17 night of August 9th, 2019 in the morning?
 18 MR. N'DIAYE: I did not hear that.
 19 MR. [REDACTED]: On August 9th. No?
 20 MR. N'DIAYE: Hmm-mm.
 21 MR. [REDACTED]: Do you know if anyone
 22 harmed Epstein?
 23 MR. N'DIAYE: No. I would have reported
 24 it.
 25 MR. [REDACTED]: All right. So, these are

1 continued. Inmate transported to HSU treatment
 2 room, with CPR in progress. 18G, heplock
 3 (Phonetic Sp. *03:36:12)." No. I'm not going
 4 to read the rest of this. It just talks about
 5 continued CPR in progress. Are you aware,
 6 after Epstein was found on August 10th, 2019,
 7 at approximately 6:33 a.m., did he ever show
 8 any signs of life?
 9 MR. N'DIAYE: I never --. I wasn't up
 10 there.
 11 MR. [REDACTED]: Yeah. I just didn't know
 12 if you had heard --
 13 MR. N'DIAYE: No. When I --
 14 MR. [REDACTED]: -- (Indiscernible
 15 *03:36:34).
 16 MR. N'DIAYE: -- when I got there, he was
 17 already out.
 18 MR. [REDACTED]: Because they said that,
 19 you know, he was declared deceased at the
 20 hospital. So, my question is, it sounds like,
 21 from this person's report --
 22 MR. [REDACTED]: Yeah.
 23 MR. [REDACTED]: -- he was --
 24 MR. [REDACTED]: Right.
 25 MR. [REDACTED]: -- there was no signs of

1 life.
 2 MR. N'DIAYE: And that's --
 3 MR. [REDACTED]: And I was just wondering,
 4 had you heard anything from staff? Was there
 5 ever any signs of life, that you are aware of,
 6 while after - from the point he was found, on.
 7 MR. N'DIAYE: Well, the impression that I
 8 was given was, he was alive when he left the
 9 institution.
 10 MR. [REDACTED]: So, you believed he was
 11 actually alive?
 12 MR. N'DIAYE: That's what was conveyed.
 13 MR. [REDACTED]: It was conveyed to you
 14 that -?
 15 MR. N'DIAYE: I think he was still alive,
 16 if I remember right. I think he was -. They
 17 did the CPR. And then, they got him out.
 18 MR. [REDACTED]: And who -. So, according
 19 to this, again, this person arrived at 6:35 --
 20 MR. N'DIAYE: Mm-hmm.
 21 MR. [REDACTED]: -- they're saying the
 22 inmate was cold. You know, "Pupils fixed and
 23 dilated. No palpable pulses." Meaning, I'm
 24 assuming, that means no pulse. You know?
 25 MR. N'DIAYE: So, you would probably have

1 moods.
 2 MR. [REDACTED]: Mm-hmm.
 3 MR. N'DIAYE: But the other thing is, you
 4 know, I don't know, like you just said, the
 5 medical examiner determines, you know, if he's
 6 alive or -.
 7 MR. [REDACTED]: Well, and that was going
 8 to become my follow up. First of all, who -
 9 this person. It says provider, [REDACTED],
 10 RN. Is that someone who worked at -?
 11 MR. N'DIAYE: He was one of the nurses
 12 that worked.
 13 MR. [REDACTED]: Mm-hmm.
 14 MR. [REDACTED]: All right. And is it
 15 your understanding, by saying provider, this is
 16 the person who wrote this report?
 17 MR. N'DIAYE: Yeah. Typically, who has
 18 the encounter fills it, writes it in the
 19 system.
 20 MR. [REDACTED]: Okay. So, up until me
 21 reading these out, you actually were under the
 22 assumption that he was alive?
 23 MR. N'DIAYE: Yeah.
 24 MR. [REDACTED]: When he left.
 25 MR. N'DIAYE: I thought he was alive.

1 to look at the response, the staff responding
 2 memorandums on what -.
 3 MR. [REDACTED]: So, up until this date,
 4 did you think that he was alive when he had
 5 left the institution?
 6 MR. N'DIAYE: That's what I believed.
 7 That was the impression I had.
 8 MR. [REDACTED]: Can I ask a question? Right.
 9 If he was dead when they came, and somebody
 10 found him, or even if he was close to death,
 11 how long would it have been that he tried to
 12 kill himself, and the time that they found him?
 13 In other words, does that mean he tried to kill
 14 himself 45 minutes before? Does that mean he
 15 tried to kill himself 30 minutes before? You
 16 understand the question I'm asking?
 17 MR. [REDACTED]: Sure. I mean, that is
 18 something that the medical examiner, you know,
 19 makes that determination.
 20 MR. [REDACTED]: Because obviously, if he was,
 21 had done whatever he did, during the time that
 22 there was supposed to be a round, and somebody
 23 fucked up, you know what I mean? If you are
 24 there, with a towel around your throat, that's
 25 a hint that you are not exactly in the best of

1 Yeah. That was my assumption.
 2 MR. [REDACTED]: Okay. Does that have
 3 anything to do with the fact that the medical
 4 examiner is the only one who can declare him
 5 dead?
 6 MR. N'DIAYE: It does, too.
 7 MR. [REDACTED]: All right. And also --
 8 MR. N'DIAYE: Yeah.
 9 MR. [REDACTED]: -- I have heard that
 10 inmates don't die at prisons.
 11 MR. N'DIAYE: Well, I mean, people say
 12 that, but again, in reality, we - no one in the
 13 prison can declare an inmate dead.
 14 MR. [REDACTED]: Right, right, right.
 15 MR. N'DIAYE: Even if -.
 16 MR. [REDACTED]: But is that what you mean
 17 by that statement, though? Did you -. I mean,
 18 had you heard that he showed signs from life?
 19 MR. N'DIAYE: From what --
 20 MR. [REDACTED]: Because we have heard
 21 this --
 22 MR. N'DIAYE: -- from --
 23 MR. [REDACTED]: -- type of thing --
 24 MR. N'DIAYE: -- yeah, from what I --
 25 MR. [REDACTED]: -- before.

1 MR. N'DIAYE: -- hear, they were still
 2 performing life-saving measures on him, even
 3 when, from - what do you call it? - EMS coming
 4 in there. So, when you say to me that we are
 5 performing life-saving measures, I'm assuming
 6 that he is still alive.
 7 MR. [REDACTED]: Right. Like, there is --
 8 MR. N'DIAYE: so --
 9 MR. [REDACTED]: -- always a chance you
 10 could bring him back.
 11 MR. N'DIAYE: That, you know --
 12 MR. [REDACTED]: Or you are hoping that
 13 you are going to resuscitate him. But do you
 14 know of any indication of --
 15 MR. [REDACTED]: That he was successful --
 16 MR. [REDACTED]: -- signs of life?
 17 MR. [REDACTED]: -- yeah.
 18 MR. N'DIAYE: I didn't. Again, I'm going
 19 off of, assuming that he was still alive
 20 because they were still working on him.
 21 MR. [REDACTED]: Okay.
 22 MR. N'DIAYE: So, and if somebody start,
 23 now, I've been in situations where the
 24 paramedics come in, and, you know, they work on
 25 them, and they say, you know what? There is

1 MR. [REDACTED]: It's sort of a joke.
 2 MR. N'DIAYE: -- yeah.
 3 MR. [REDACTED]: To (Indiscernible *03:40:46).
 4 MR. N'DIAYE: It's a joke. Because
 5 sometimes, the bodies are still there, and --
 6 MR. [REDACTED]: Right.
 7 MR. N'DIAYE: -- and we know he is
 8 deceased. But then, the doctor and the medical
 9 examiner --
 10 MR. [REDACTED]: Yeah.
 11 MR. N'DIAYE: -- declares --
 12 MR. [REDACTED]: At the hospital --
 13 MR. N'DIAYE: -- (Indiscernible
 14 *03:40:57).
 15 MR. [REDACTED]: -- (Indiscernible *03:40:57)
 16 MR. [REDACTED]: Right.
 17 MR. [REDACTED]: The guy's got a big
 18 (Indiscernible *03:41:00), you know --
 19 MR. N'DIAYE: Uh-huh.
 20 MR. [REDACTED]: -- whatever they call them,
 21 knives in his chest.
 22 MR. N'DIAYE: Mm-hmm.
 23 MR. [REDACTED]: You know, you can tell he's
 24 not coming back, but I mean, you know what I'm
 25 saying, (Indiscernible *03:41:04).

1 nothing else we can do. He still hasn't been
 2 declared dead.
 3 MR. [REDACTED]: Sure.
 4 MR. N'DIAYE: But they still --
 5 MR. [REDACTED]: Right.
 6 MR. N'DIAYE: But from what I gather, they
 7 were still working on them.
 8 MR. [REDACTED]: When you say nobody dies in
 9 prison, you are being facetious?
 10 MR. [REDACTED]: It's just one of those
 11 things that --
 12 MR. [REDACTED]: Yeah. It doesn't --
 13 MR. [REDACTED]: -- it happens at the --
 14 MR. [REDACTED]: Yeah.
 15 MR. [REDACTED]: -- at the hospital.
 16 MR. [REDACTED]: Yeah.
 17 MR. N'DIAYE: Mm-hmm.
 18 MR. [REDACTED]: That's where they are
 19 declared dead.
 20 MR. [REDACTED]: Yeah.
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: Right. Okay.
 23 MR. N'DIAYE: And that's not, you know,
 24 necessarily true. I mean, it's where you are --
 25 like, sometimes --

1 MR. N'DIAYE: Uh-huh.
 2 MR. [REDACTED]: But just, I just want to
 3 be clear, because with that statement, without
 4 me getting a little more clarification, people
 5 are going to read, wait a second, the warden
 6 said that he was still, he thought he was still
 7 alive. Now, I want to make sure I'm clear.
 8 Are you saying that there was a chance for them
 9 to bring him back, or based upon the
 10 conversation with someone - and my follow would
 11 be that, who? - did you believe that he was
 12 still alive?
 13 MR. N'DIAYE: My assumption, from when I
 14 was called, was they were working on him, and
 15 he was - they were being taken to the hospital.
 16 MR. [REDACTED]: Okay.
 17 MR. N'DIAYE: That's --
 18 MR. [REDACTED]: That was --
 19 MR. N'DIAYE: -- that's the term.
 20 MR. [REDACTED]: -- that --. Wait. You were
 21 called at a certain time.
 22 MR. N'DIAYE: Yeah. When the lieutenant
 23 called.
 24 MR. [REDACTED]: Okay. Now, the lieutenant
 25 says --

1 MR. [REDACTED]: So, when you came back
2 and found out, did you ever find out that he
3 wasn't showing signs of life, when you came in
4 and talked to people?
5 MR. N'DIAYE: No. Because I - first of
6 all, when it happened, I wasn't going around
7 questioning people about --
8 MR. [REDACTED]: Okay.
9 MR. N'DIAYE: -- okay, what's going on
10 with this, because then, I knew that it was a
11 criminal case. But not criminal, but there was
12 going to be an investigation into it. And so,
13 I didn't want to give the appearance of
14 anything, that I was interfering with any
15 investigation. But when I did call, they said
16 they were working on him, and that, you know,
17 he was being transported to the outside
18 hospital.
19 MR. [REDACTED]: And who was it that
20 provided you with that information?
21 MR. N'DIAYE: The lieutenant. Lieutenant
22 [REDACTED].
23 MR. [REDACTED]: So, you drew the inference
24 that that --
25 MR. N'DIAYE: Uh-huh.

1 MR. [REDACTED]: Oh, god.
2 MR. [REDACTED]: We only have, really,
3 very brief conversations left. All right. So,
4 this was an email sent from you, to [REDACTED].
5 It just says, subject, "Names."
6 MR. N'DIAYE: Mm-hmm.
7 MR. [REDACTED]: It says Michael Thomas.
8 MR. N'DIAYE: Mm-hmm.
9 MR. [REDACTED]: Tova Noel, and [REDACTED]
10 [REDACTED].
11 MR. N'DIAYE: Mm-hmm.
12 MR. [REDACTED]: Who were -? Why were
13 those people listed?
14 MR. N'DIAYE: Because he wanted to know
15 who was working up there that night.
16 MR. [REDACTED]: Okay.
17 MR. N'DIAYE: Who was the staff working
18 there that night.
19 MR. [REDACTED]: So, why did you write
20 [REDACTED] versus, like, [REDACTED], or who else was
21 up there? Was [REDACTED] (Phonetic Sp. *03:43:25)
22 still there?
23 MR. [REDACTED]: No.
24 MR. [REDACTED]: At least [REDACTED] and
25 [REDACTED]. Was [REDACTED] left off for any reason?

1 MR. [REDACTED]: -- meant he was still alive?
2 MR. N'DIAYE: Right. I assumed that, you
3 know, they were still working on him, and he
4 was still alive.
5 MR. [REDACTED]: And after that
6 conversation, though, and speaking with other
7 people, you never gathered that, oh, he was,
8 they were working on him, attempting to bring
9 him back, but he was not alive?
10 MR. N'DIAYE: I didn't -.
11 MR. [REDACTED]: From -.
12 MR. N'DIAYE: The assumption, my
13 assumption, was that he was deceased at the
14 hospital.
15 MR. [REDACTED]: Okay.
16 MR. N'DIAYE: Yeah. So.
17 MR. [REDACTED]: All right. Do you want
18 to follow up on that at all, anymore?
19 MR. [REDACTED]: No.
20 MR. N'DIAYE: Mm-hmm.
21 MR. [REDACTED]: Okay.
22 MR. [REDACTED]: That kind of covers it.
23 MR. [REDACTED]: Are we through now?
24 MR. N'DIAYE: No.
25 MR. [REDACTED]: No.

1 Because I think [REDACTED] worked --
2 MR. N'DIAYE: I think this --
3 MR. [REDACTED]: -- until midnight, and
4 [REDACTED] only worked until 10:00.
5 MR. N'DIAYE: No. For - and I don't -
6 correct me if I'm wrong - I don't know if he
7 wanted to know who was on the midnight shift.
8 And then, I included who was on Ten South. I'm
9 not sure.
10 MR. [REDACTED]: I think [REDACTED] [REDACTED] was
11 the OIC of the shift previous. And then, just
12 Tova, [REDACTED] --
13 MR. N'DIAYE: Tova would have --
14 MR. [REDACTED]: -- and Tova were the ones
15 from --
16 MR. N'DIAYE: -- been two up there.
17 MR. [REDACTED]: -- midnight afterwards.
18 MR. N'DIAYE: Yeah.
19 MR. [REDACTED]: And then -.
20 MR. [REDACTED]: I think that Ten South was
21 [REDACTED].
22 MR. N'DIAYE: Yeah. So, I don't know,
23 remember it. But I know it had to do with the
24 question about who was working.
25 MR. [REDACTED]: Okay.

1 MR. N'DIAYE: So, I don't know the
2 specifics and why it listed those three.
3 MR. [REDACTED]: And you don't know if,
4 like, because these were, who we considered the
5 subjects.
6 MR. N'DIAYE: No. I mean, these two would
7 have been obvious because they were working up
8 there on the midnight shift. But I don't know
9 why [REDACTED] got thrown in there.
10 MR. [REDACTED]: Okay.
11 MR. N'DIAYE: Mm-hmm.
12 MR. [REDACTED]: Mind just initial and
13 dating that? Okay. And this one is an email
14 from Captain [REDACTED] to you, dated Sunday,
15 August 11, 2019. And it says, subject, "A
16 memorandum, Epstein."
17 MR. N'DIAYE: Mm-hmm.
18 MR. [REDACTED]: And it says that this was
19 dated August 10th, 2019.
20 MR. N'DIAYE: Mm-hmm.
21 MR. [REDACTED]: It's from Captain [REDACTED].
22 It says, subject is, "Security expectations
23 involving inmate Epstein, Jeffrey."
24 MR. N'DIAYE: Mm-hmm.
25 MR. [REDACTED]: Are you familiar with

1 he was informed of my expectations regarding
2 the supervision of inmate Epstein,
3 specifically, he was reminded on several
4 occasions that inmate Epstein was to be housed
5 with a cellmate."
6 MR. N'DIAYE: Right.
7 MR. [REDACTED]: So, is this all, like,
8 the expectations surrounding --
9 MR. N'DIAYE: The expectations.
10 MR. [REDACTED]: -- Epstein?
11 MR. N'DIAYE: Right. Mm-hmm.
12 MR. [REDACTED]: And when he says, "During
13 the week of July 31st, 2019, in order to
14 address management concerns with inmate
15 Epstein," do you know what he is talking about
16 there? With management concerns.
17 MR. N'DIAYE: The housing of them. And in
18 the Special Housing Unit.
19 MR. [REDACTED]: Okay. And do you know
20 if, according to this, it looks like he is
21 saying that he did perform an informal training
22 sessions with staff. Do you know if he, in
23 fact, did that, or is it just based upon --
24 MR. N'DIAYE: Just based upon --
25 MR. [REDACTED]: -- what he wrote here?

1 this? Did you ever see this, that he sent?
2 MR. N'DIAYE: I did.
3 MR. [REDACTED]: Do you know what the
4 purpose of this was?
5 MR. N'DIAYE: Let me read it again.
6 "(Indiscernible *03:44:56), and while this
7 could be conducted, I did, I informed staff
8 (Indiscernible *03:44:59) be dealing with
9 inmate Epstein, and others were notified. I
10 explained that lieutenants were to conduct
11 (Indiscernible *03:45:08), and at that point,
12 (Indiscernible *03:45:09). I explained I
13 could, and they would not (Indiscernible
14 *03:45:15)." Oh, no. I just was asking him
15 when the thing happened, what is the guidance
16 he provided?
17 MR. [REDACTED]: So, what did he provide
18 to, like, the SHU staff and the lieutenant?
19 Because --
20 MR. N'DIAYE: Yeah.
21 MR. [REDACTED]: -- at least the last
22 little point on this first page --
23 MR. N'DIAYE: Yeah.
24 MR. [REDACTED]: -- so, it says, "In
25 detailed conversations with the SHU lieutenant,

1 MR. N'DIAYE: -- on what he sent out.
2 MR. [REDACTED]: Okay. So, there is no
3 other information, aside from what he's telling
4 you?
5 MR. N'DIAYE: Right. Yeah. He told me
6 that.
7 MR. [REDACTED]: So, this one is - I want
8 to get your take on this matter - so, this is
9 back to [REDACTED], who was relieved
10 at 5:30, but she stayed at the institution at
11 least until 9:30, and sent out that email,
12 detailing, you know, what day, and the
13 lieutenant's log, and the daily activity log.
14 So, Captain [REDACTED] sent her an email on
15 8/12/2019, stating, "Lieutenant [REDACTED], I am
16 reminding you to submit your supervisory
17 memorandum for the inmate Epstein incident that
18 occurred on 8/10/2019.
19 Please have it complete and ready for
20 submission on 8/13/2019." She responded with
21 no, addressing nothing, just saying, just
22 responded simply, "In your email, you state,
23 quote, 'I am reminding you.' End quote. I
24 haven't spoken to you or anyone else regarding
25 the incident involving inmate Epstein or

1 anything else pertaining to August 10th, 2019.
2 So, how is it possible for you to be reminding
3 me? Second, I have been properly relieved,
4 prior to the incident involving inmate
5 Epstein." What is your take on that email?

6 MR. N'DIAYE: First of all, any major
7 incident that takes place in the institution,
8 we have to do what is called a report of
9 incident.

10 MR. [REDACTED]: Sure.

11 MR. N'DIAYE: He is well within the scope
12 of his employment, asking, okay, where is your,
13 where is -. And I don't know if he was asking
14 her the overall memorandum. Like, you are the
15 shift lieutenant. You know, when this incident
16 took place. So, technically, you should have
17 been doing the packet. So, he is probably
18 contacting her for that.

19 MR. [REDACTED]: Well, she was relieved at
20 5:30 a.m., but she was still there, and the
21 incident happened at 6:30. And again, she was
22 there at least until 9:30. And she did respond
23 to the SHU afterwards, helping with the
24 feeding. Should have she written a memorandum?

25 MR. N'DIAYE: Yes.

1 MR. N'DIAYE: So, let me ask you this
2 question. I have, I have a medical emergency.
3 A suicide, right? That is an emergency
4 everyone in the institution has to respond to.
5 Why didn't you respond to it?

6 MR. [REDACTED]: So, you think that she
7 maybe came back after?

8 MR. N'DIAYE: It doesn't make sense to say
9 --

10 MR. [REDACTED]: Well, she never sent out
11 her required logs, though.

12 MR. N'DIAYE: Right. So, that, but --

13 MR. [REDACTED]: So, you reviewed her
14 emails. And I would think that she would have
15 sent that out, if she had left, I would think
16 she would have sent that out before she left.
17 Right? As required.

18 MR. N'DIAYE: Right. So, did you leave
19 and come back? I mean, because if you are
20 saying that you were there, you would have been
21 one of the first responders up to the unit.

22 MR. [REDACTED]: Yeah,

23 MR. N'DIAYE: For the emergency.

24 MR. [REDACTED]: That's a really good
25 point.

1 MR. [REDACTED]: Yes?

2 MR. N'DIAYE: I mean, she said she
3 responded to the incident?

4 MR. [REDACTED]: She didn't respond to the
5 incident. She responded after the incident, to
6 help in the SHU with feeding and dealing with
7 the inmates.

8 MR. N'DIAYE: So, she -. Well -.

9 MR. [REDACTED]: So, somebody told her that the
10 fucking guy hung himself, should she have -.
11 Right?

12 MR. N'DIAYE: Again, from what I gather, I
13 am under the impression, when the lieutenant
14 relieved her, she was gone. Because, and, you
15 know, and I can't speculate on what was there.
16 So, if we -.

17 MR. [REDACTED]: She said she stuck
18 around, working on matters that she needed to
19 catch up on.

20 MR. N'DIAYE: Okay. So --

21 MR. [REDACTED]: But it sounds like
22 manipulating those numbers on the counts and
23 stuff.

24 MR. N'DIAYE: Okay.

25 MR. [REDACTED]: Right?

1 MR. N'DIAYE: You know?

2 MR. [REDACTED]: In other words --

3 MR. [REDACTED]: I wish we had --

4 MR. [REDACTED]: -- they're saying it sounds
5 fishy.

6 MR. [REDACTED]: -- I wish we had thought
7 of that.

8 MR. N'DIAYE: I mean, so, and then, if you
9 --

10 MR. [REDACTED]: And if she didn't, why?

11 MR. N'DIAYE: -- and if you didn't
12 respond, why didn't you respond?

13 MR. [REDACTED]: If she -. Is it a claim
14 at all, I had been relieved, I wasn't
15 technically working?

16 MR. N'DIAYE: If you are in the building,
17 you have to respond.

18 MR. [REDACTED]: Is that right?

19 MR. N'DIAYE: It's an emergency.

20 MR. [REDACTED]: Okay.

21 MR. N'DIAYE: I mean, as a lieutenant --

22 MR. [REDACTED]: Okay.

23 MR. N'DIAYE: -- I would want to respond,
24 and say --

25 MR. [REDACTED]: And so, the fact that she

1 states that she was there, and she was working
 2 on her administrative responsibilities --
 3 MR. N'DIAYE: Right.
 4 MR. [REDACTED]: -- so, is that a problem,
 5 then, as the warden? What do you mean you are
 6 working on the administrative? You should have
 7 responded to that emergency.
 8 MR. N'DIAYE: No. But - and I don't want
 9 to speculate on when you are there - but I
 10 just, there is just some questions --
 11 MR. [REDACTED]: Wait, and I think --
 12 MR. N'DIAYE: -- they just don't --
 13 MR. [REDACTED]: -- that is a yes or a no --
 14 MR. N'DIAYE: Right.
 15 MR. [REDACTED]: -- you know, question.
 16 MR. N'DIAYE: Yeah. I mean, it's a
 17 problem. If you are saying I am working on it,
 18 okay. Now, at what point did you say, okay, I
 19 need to, because once they had said, hey, I
 20 have a suicide or something going on, which is
 21 probably over, you know, a real medical
 22 emergency, and you hear the transmission on the
 23 radio, you are going to go up there. So then,
 24 you say, oh, I went up there later, to help
 25 with the feeding. Either way, you were in the

1 conversation, like, you know, first, are you
 2 all right? And then, secondly, what is this?
 3 But yeah.
 4 MR. [REDACTED]: Fair enough.
 5 MR. [REDACTED]: Okay, listen, one last
 6 question.
 7 MR. [REDACTED]: Sure.
 8 MR. [REDACTED]: Does that give the implication
 9 that she is covering up for somebody, or she
 10 just didn't do her job?
 11 MR. N'DIAYE: I don't know.
 12 MR. [REDACTED]: We don't know. That's --
 13 Had you heard anything about her covering up
 14 for someone? Because --
 15 MR. N'DIAYE: I haven't heard anything,
 16 but, you know --
 17 MR. [REDACTED]: Did you hear about
 18 inmates saying that she was making statements
 19 that she was going to cover for other people?
 20 MR. N'DIAYE: Again, I don't want to make
 21 any statements --
 22 MR. [REDACTED]: No, no, I'm asking you --
 23 MR. N'DIAYE: -- that are not factual.
 24 MR. [REDACTED]: (Indiscernible *03:51:56).
 25 MR. [REDACTED]: -- did you ever hear -?

1 building. The captain is asking you, it
 2 happened on your shift, you are responsible for
 3 conducting the report of incident.
 4 MR. [REDACTED]: So, that answer is yes,
 5 she should have written a memorandum?
 6 MR. N'DIAYE: She should have written one.
 7 I don't understand why she didn't, you know?
 8 MR. [REDACTED]: And is that at all -
 9 reading how she responded - is that
 10 insubordination at all, to you?
 11 MR. N'DIAYE: Listen. I will put it this
 12 way. I can't speak on other supervisors or how
 13 they tolerate, but if you had given me a
 14 memorandum like this, we would be having a
 15 conversation. You know?
 16 MR. [REDACTED]: Is that, at the very
 17 least, inappropriate --
 18 MR. N'DIAYE: I think --
 19 MR. [REDACTED]: -- I think it's
 20 inappropriate. I mean, that's the way --
 21 MR. [REDACTED]: I mean, I read it. I
 22 thought it was inappropriate.
 23 MR. N'DIAYE: -- yeah.
 24 MR. [REDACTED]: I just didn't know how --
 25 MR. N'DIAYE: I would have gone to have a

1 MR. N'DIAYE: No, I didn't hear anything.
 2 MR. [REDACTED]: I would hate to --
 3 MR. [REDACTED]: You never heard it.
 4 MR. N'DIAYE: Right.
 5 MR. [REDACTED]: -- I would hate to give my own
 6 client a hard time.
 7 MR. N'DIAYE: Right.
 8 MR. [REDACTED]: But, but it sounds to me like
 9 she's got three hours where she knows this guy
 10 is dead.
 11 MR. N'DIAYE: Right.
 12 MR. [REDACTED]: You know? And she don't say
 13 much. I mean, you know, if I was him, I would
 14 be drawing an inference, saying, what the fuck
 15 is going on? Excuse my language, by the way.
 16 I have a filthy mouth.
 17 MR. N'DIAYE: No. I mean, I understand
 18 what you are saying, but you know, I'm just, my
 19 point of view is - and my concern - is --
 20 MR. [REDACTED]: Yup.
 21 MR. N'DIAYE: -- if you were there --
 22 MR. [REDACTED]: Your concern is, you would
 23 have asked, unlike myself, you would have asked
 24 her a question first --
 25 MR. N'DIAYE: Right.

1 MR. [REDACTED]: -- rather than jumping into,
 2 which is --
 3 MR. N'DIAYE: Because I was --
 4 MR. [REDACTED]: -- which is what I did.
 5 MR. N'DIAYE: -- under the impression,
 6 because when Lieutenant [REDACTED] called me, he was
 7 the operations lieutenant, and he had relieved
 8 her.
 9 MR. [REDACTED]: Right.
 10 MR. N'DIAYE: She had gone home already.
 11 MR. [REDACTED]: Well, he had certainly
 12 relieved her, but --
 13 MR. N'DIAYE: Yeah.
 14 MR. [REDACTED]: -- according to her, she
 15 hadn't gone home.
 16 MR. N'DIAYE: Yeah.
 17 MR. [REDACTED]: Do you mind just
 18 initialing and dating that?
 19 MR. N'DIAYE: Yeah.
 20 MR. [REDACTED]: Maybe you asked this
 21 question. And I just want to clarify. Being
 22 that she started this shift 10:00 p.m. the
 23 night before, right?
 24 MR. N'DIAYE: Mm-hmm.
 25 MR. [REDACTED]: Let's say this incident did

1 MR. [REDACTED]: So, see, wait.
 2 MR. N'DIAYE: -- you got the --
 3 MR. [REDACTED]: -- the lieutenant is supposed
 4 to take in a count. Right?
 5 MR. N'DIAYE: Right. Just to take one
 6 count --
 7 MR. [REDACTED]: He's supposed to --
 8 MR. N'DIAYE: -- on shift.
 9 MR. [REDACTED]: An institutional count.
 10 MR. N'DIAYE: Institutional count.
 11 MR. [REDACTED]: Okay.
 12 MR. [REDACTED]: Not a physical, in the
 13 SHU count.
 14 MR. [REDACTED]: Okay. So, now --
 15 MR. N'DIAYE: But now, if you
 16 (Indiscernible *03:53:53).
 17 MR. [REDACTED]: -- I got to shut up.
 18 MR. N'DIAYE: Yeah. Go ahead.
 19 MR. [REDACTED]: He's supposed to take a count.
 20 MR. N'DIAYE: Right.
 21 MR. [REDACTED]: Right? And he's supposed to
 22 enter the count.
 23 MR. N'DIAYE: Right.
 24 MR. [REDACTED]: Right? Okay. And there was a
 25 count entered, right? And there is no question

1 happen. We're not saying she did. We don't
 2 know. If she went in and she altered the
 3 lieutenant logs, for the previous shift, did
 4 she do something wrong?
 5 MR. [REDACTED]: Well, and again, we are
 6 knowing, though, that she started at 10:00 p.m.
 7 So, that is still her shift.
 8 MR. [REDACTED]: Yeah. But --
 9 MR. [REDACTED]: We've had this
 10 conversation --
 11 MR. [REDACTED]: -- no, no, but --
 12 MR. [REDACTED]: -- before.
 13 MR. [REDACTED]: -- let's just say, you know,
 14 the fact that the inmate wasn't moved until
 15 midnight, and then the clarification, and the
 16 count, the count numbers being changed in
 17 there. Now, so, the lieutenant log count
 18 numbers are accurate, except the count, the
 19 actual count slips, were completely off. So,
 20 somewhere along the way, someone altered those
 21 numbers to --
 22 MR. N'DIAYE: Well --
 23 MR. [REDACTED]: -- correct it.
 24 MR. N'DIAYE: -- the lieutenant is
 25 required to take a count on each shift. So --

1 that, at some point, the count was altered?
 2 MR. [REDACTED]: The count was wrong.
 3 MR. N'DIAYE: The count was wrong.
 4 MR. [REDACTED]: Okay. Okay.
 5 MR. [REDACTED]: Well, no --
 6 MR. [REDACTED]: Yeah. (Indiscernible
 7 *03:54:14) --
 8 MR. [REDACTED]: -- what he's saying is it
 9 was altered.
 10 MR. [REDACTED]: -- (Indiscernible *03:54:15).
 11 MR. [REDACTED]: I'm talking about the numbers
 12 --
 13 MR. [REDACTED]: So, if you recall --
 14 MR. [REDACTED]: -- on the paperwork.
 15 MR. [REDACTED]: -- on August 9th, 2019,
 16 the lieutenant's log says, at midnight, there
 17 was 72 in the SHU. The count slip says 73.
 18 MR. N'DIAYE: Mm-hmm.
 19 MR. [REDACTED]: And the lieutenant's log
 20 for the next day at midnight says there was 73.
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: So, what Agent [REDACTED] is
 23 asking is, well, that obviously goes to show
 24 that she went back and changed those numbers to
 25 72, because --

1 MR. [REDACTED]: But what is her motive --
 2 MR. [REDACTED]: -- that midnight --
 3 MR. [REDACTED]: -- to do that?
 4 MR. [REDACTED]: -- she says she was just
 5 trying to make things accurate.
 6 MR. [REDACTED]: But what would be an ulterior
 7 motive that would create the idea that she was
 8 doing something wrong?
 9 MR. [REDACTED]: It goes back to when you
 10 asked --
 11 MR. N'DIAYE: Mm-hmm.
 12 MR. [REDACTED]: -- is there something to
 13 do with a cover up?
 14 MR. N'DIAYE: So, if - and granted,
 15 mistakes are made in the log - but you also
 16 annotate that in the log. Like, you will put,
 17 okay, late entry. Because typically, if you
 18 say the log is done already, when you go back
 19 and make changes, you make changes for this
 20 reason alone. An investigator comes in, looks
 21 at it, and says, well, wait a minute, it looks
 22 like you've been playing, you went back and
 23 just changed the numbers. So, you can put in
 24 there, and you say, okay, late entry, explain
 25 what your change was, and what the mistake was.

1 that conversation with them.
 2 MR. [REDACTED]: And you weren't - until
 3 now, it sounds like - even aware that she was
 4 at the institution after 5:30 a.m.?
 5 MR. N'DIAYE: I was told she left.
 6 MR. [REDACTED]: Okay.
 7 MR. N'DIAYE: Yeah.
 8 MR. [REDACTED]: And again, who told you
 9 that?
 10 MR. N'DIAYE: The operations lieutenant.
 11 Because he called me and he says, hey, I
 12 relieved --
 13 MR. [REDACTED]: So, [REDACTED]?
 14 MR. N'DIAYE: -- [REDACTED].
 15 MR. [REDACTED]: Sorry.
 16 MR. N'DIAYE: Yeah.
 17 MR. [REDACTED]: Okay. And did you have -
 18 before we move on to the next subject - do you
 19 have any more on that?
 20 MR. [REDACTED]: No.
 21 MR. [REDACTED]: So now, we are going to
 22 talk about the cameras.
 23 MR. N'DIAYE: Mm-hmm.
 24 MR. [REDACTED]: Were the SHU cameras
 25 recording on August 9th and 10th of 2019?

1 MR. [REDACTED]: So, really, with this --
 2 MR. N'DIAYE: You know?
 3 MR. [REDACTED]: -- to show a malicious intent
 4 in her part, there's got to be something that
 5 influences her to protect one of the people
 6 that were - no question - were fucking around.
 7 Right? The two guys that were fucking around
 8 ended up getting pinched. Right? So, if one
 9 of them is her friend, then she's got a
 10 malicious motive to go try and cover for that
 11 guy. Like, did \$8,000 (Indiscernible
 12 *03:55:58) police officer, he says, well, I
 13 thought he drew a gun on me.
 14 MR. N'DIAYE: Right.
 15 MR. [REDACTED]: And I shot him.
 16 MR. N'DIAYE: Yeah.
 17 MR. [REDACTED]: Oh, okay. Nobody else saw
 18 that.
 19 MR. N'DIAYE: Yeah.
 20 MR. [REDACTED]: But you are not aware of
 21 her involvement at all, you said, or --
 22 MR. N'DIAYE: As far as what?
 23 MR. [REDACTED]: -- covering up for them,
 24 or involvement in Epstein's death?
 25 MR. N'DIAYE: No. She wouldn't have had

1 MR. N'DIAYE: I didn't physically go check
 2 to see if they were, were recording or not.
 3 MR. [REDACTED]: Did you learn that they
 4 were not recording?
 5 MR. N'DIAYE: Yeah. We found out
 6 afterwards, that they weren't recording.
 7 MR. [REDACTED]: Wait. Wait. We had this
 8 conversation.
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: The cameras don't work in a
 11 lot of these institutions. Right?
 12 MR. [REDACTED]: Yeah. Yeah.
 13 MR. [REDACTED]: All right. And that's because
 14 they didn't spend the fucking money to make
 15 sure the cameras work.
 16 MR. N'DIAYE: Well, it's --
 17 MR. [REDACTED]: And I got to stop saying
 18 "fuck."
 19 MR. N'DIAYE: -- that's the issue, too,
 20 funding, and, you know, so, since that
 21 incident, I guess there was some audits done by
 22 the agency, and they realized that it was kind
 23 of a system (Indiscernible *03:57:15).
 24 MR. [REDACTED]: But you see, the issue is,
 25 should you have checked why weren't the cameras

1 working?
 2 MR. [REDACTED]: Well, that's my question
 3 is, do you know why they were not working?
 4 MR. N'DIAYE: I don't know the specific
 5 language that was used, and what was wrong with
 6 it, because I guess, after I left, they kind of
 7 made a determination on what was why -. What
 8 was the reason. I know we were going through
 9 the process of auditing and fixing some
 10 cameras. But those specific SHU cameras, I
 11 wasn't aware of the extent.
 12 MR. [REDACTED]: Okay. Let's just really
 13 quickly review --
 14 MR. N'DIAYE: Mm-hmm.
 15 MR. [REDACTED]: -- the SHU camera
 16 documentation. Were you ever provided any
 17 documents of a camera that actually was working
 18 in the SHU?
 19 MR. N'DIAYE: You mean, the day of the
 20 Epstein thing?
 21 MR. [REDACTED]: Right, right. At any
 22 time.
 23 MR. N'DIAYE: I don't recall.
 24 MR. [REDACTED]: So, were you provided
 25 with this? This is right outside of --

1 MR. N'DIAYE: That looks like the Ten
 2 South door. Oh, wait, wait. Yeah. The phone
 3 is -. Yeah. That is Ten South. It looks like
 4 Ten South.
 5 MR. [REDACTED]: And what are we looking
 6 at down here?
 7 MR. N'DIAYE: So, this is the, right here
 8 is the officer's station area.
 9 MR. [REDACTED]: And do you - based upon
 10 that - do you know what tier that would be
 11 right there?
 12 MR. N'DIAYE: Oh, man. You got
 13 (Indiscernible *03:59:02) stopped. Let me see.
 14 Is that G and H tier, I think, if I remember.
 15 MR. [REDACTED]: And what would be right
 16 to the right of the officer's station?
 17 MR. N'DIAYE: Oh. Wait. G. H. I. J.
 18 A. I don't remember if that was I and J. That
 19 --
 20 MR. [REDACTED]: Would this be L tier up
 21 here?
 22 MR. N'DIAYE: Yeah. L and M tier. That's
 23 what -.
 24 MR. [REDACTED]: So, right up, right to
 25 the right of the officer's station, looking at

1 MR. N'DIAYE: This was a --
 2 MR. [REDACTED]: -- Ten South.
 3 MR. N'DIAYE: -- that says camera angle
 4 out of Ten South.
 5 MR. [REDACTED]: Right. Were you ever
 6 provided with that, as far as --
 7 MR. N'DIAYE: It looks --
 8 MR. [REDACTED]: -- I think from --
 9 MR. N'DIAYE: -- it looks familiar, but I
 10 don't --
 11 MR. [REDACTED]: -- from [REDACTED] [REDACTED].
 12 MR. N'DIAYE: -- he might have.
 13 MR. [REDACTED]: Okay. But you don't
 14 remember specifically?
 15 MR. N'DIAYE: Yeah. I don't specific.
 16 MR. [REDACTED]: Okay. And then, just
 17 while we are here, I guess, what are these
 18 doors right to the right of this picture?
 19 MR. N'DIAYE: This door goes into Ten
 20 South.
 21 MR. [REDACTED]: Okay.
 22 MR. N'DIAYE: And then, this one, I think
 23 is a utility room door. I'm not sure.
 24 MR. [REDACTED]: Okay. So, the door that
 25 says "46" goes into Ten South?

1 this picture --
 2 MR. N'DIAYE: Right.
 3 MR. [REDACTED]: -- would be L. And is
 4 that where Epstein was housed?
 5 MR. N'DIAYE: I believe he was on the L
 6 tier.
 7 MR. [REDACTED]: Okay. Do you mind just
 8 initialing and dating that?
 9 MR. N'DIAYE: Mm-hmm.
 10 MR. [REDACTED]: So, here is a map that we
 11 were previously provided. Does this look like,
 12 then -? So, this is where we were that this
 13 camera angle is focusing down here on the
 14 officer's station. This is L tier.
 15 MR. N'DIAYE: Mm-hmm.
 16 MR. [REDACTED]: On the second level.
 17 MR. N'DIAYE: Mm-hmm.
 18 MR. [REDACTED]: And this is where Epstein
 19 would have been housed.
 20 MR. N'DIAYE: Mm-hmm.
 21 MR. [REDACTED]: Does that look right?
 22 MR. N'DIAYE: That looks right.
 23 MR. [REDACTED]: Okay. Is this L tier
 24 here?
 25 MR. N'DIAYE: That's L tier.

1 MR. [REDACTED]: Does this look like what
 2 would have been Epstein's door? I know you
 3 can't really see because of the police
 4 crossings --
 5 MR. N'DIAYE: Yeah.
 6 MR. [REDACTED]: -- on it.
 7 MR. N'DIAYE: I noticed it. The crime
 8 scene tape.
 9 MR. [REDACTED]: Okay. Do you have any
 10 reason to believe that that wouldn't be
 11 Epstein's door?
 12 MR. N'DIAYE: What do you mean?
 13 MR. [REDACTED]: As far as, I know we
 14 can't see the number --
 15 MR. N'DIAYE: Yeah. I don't know the
 16 number, but I'm taking your word for it, that
 17 that is.
 18 MR. [REDACTED]: Okay. Now, if you see,
 19 this is L tier range. And at the very end, you
 20 see this camera.
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: Should that camera have
 23 been recording?
 24 MR. N'DIAYE: Yes.
 25 MR. [REDACTED]: Okay. And is that a

1 MR. [REDACTED]: I'm not going to get into
 2 this since he wasn't aware that they weren't
 3 recording.
 4 MR. [REDACTED]: Mm-hmm.
 5 MR. [REDACTED]: Boy, I'm impressed by your
 6 thoroughness, I'll tell you that much.
 7 MR. [REDACTED]: That's why they put me on
 8 it. I'm --
 9 MR. N'DIAYE: Yeah.
 10 MR. [REDACTED]: You're very thorough?
 11 MR. [REDACTED]: -- yes.
 12 MR. [REDACTED]: You know, if you, if you are a
 13 good trial lawyer, you know, allegedly a good
 14 trial lawyer, a lot of times, you are not
 15 supposed to be thorough. You are supposed to
 16 put an idea in the jury's head, right? Where
 17 you can see they're invulnerable, stay on that
 18 fucking idea, because if you are going to be
 19 thorough, you have to bring out something that
 20 you don't want to bring out. You know, so you
 21 to speak to the things, but you know you got
 22 them.
 23 MR. N'DIAYE: Yeah.
 24 MR. [REDACTED]: So, this is an email that
 25 was received. Who's [REDACTED] [REDACTED]?

1 camera that I'm actually looking at right
 2 there?
 3 MR. N'DIAYE: That is a camera.
 4 MR. [REDACTED]: Was that camera recording?
 5 MR. [REDACTED]: Sir, do you know if the
 6 camera was recording?
 7 MR. N'DIAYE: I didn't see. After I left,
 8 I guess they said there were camera issues, but
 9 I don't know what, I wasn't provided
 10 information on what specific cameras were
 11 working or not.
 12 MR. [REDACTED]: So, they didn't tell you
 13 if they were working or not?
 14 MR. N'DIAYE: Well, remember, I was
 15 removed.
 16 MR. [REDACTED]: I just didn't know if you
 17 found out on the 10th or 11th.
 18 MR. N'DIAYE: No. I was removed on the,
 19 you know, they said there were some camera
 20 issues, and then, what they were doing, they
 21 had the FBI come in, and took hard drives, and
 22 I guess they were working to see what was
 23 working and what wasn't working?
 24 MR. [REDACTED]: Can you initial and date
 25 that?

1 MR. N'DIAYE: He's the facilities manager.
 2 MR. [REDACTED]: Okay. So, is this what I
 3 wanted to show you? Hold on. Now, did you
 4 print out the one that I sent you this morning?
 5 MR. [REDACTED]: Is that -. That should be
 6 the last thing on the -.
 7 MR. [REDACTED]: Okay. I'm not going to
 8 get into those. So, you weren't aware that the
 9 cameras were not - or you are not aware if the
 10 cameras were or were not recording --
 11 MR. N'DIAYE: We had camera --
 12 MR. [REDACTED]: -- in the SHU?
 13 MR. N'DIAYE: -- no. We had camera issues
 14 throughout the institution.
 15 MR. [REDACTED]: Okay.
 16 MR. N'DIAYE: So, I don't know which
 17 specific one, because we had Mr. [REDACTED] working
 18 on a project, to get some money for it.
 19 MR. [REDACTED]: Okay.
 20 MR. N'DIAYE: But when it came to that
 21 specific night, I didn't know if they were
 22 working or not.
 23 MR. [REDACTED]: Were you ever told that,
 24 either on August 8th or August 9th, that the
 25 cameras were not recording in the SHU?

1 MR. N'DIAYE: I heard - yes - I was told
 2 that there were some issues with the cameras --
 3 MR. [REDACTED]: On either the 8th or the
 4 9th, prior to Epstein?
 5 MR. N'DIAYE: -- no. I'm talking about
 6 afterwards --
 7 MR. [REDACTED]: Yeah, yeah, no --
 8 MR. N'DIAYE: -- when it happened.
 9 MR. [REDACTED]: -- I'm saying -. So --
 10 MR. N'DIAYE: Yeah.
 11 MR. [REDACTED]: -- August 10th is the day
 12 he is found.
 13 MR. N'DIAYE: Right.
 14 MR. [REDACTED]: On August 9th or August
 15 8th, even, leading up to Epstein being found,
 16 were you ever informed that cameras were not
 17 recording?
 18 MR. N'DIAYE: No. I wasn't told about
 19 cameras.
 20 MR. [REDACTED]: All right. So, based on
 21 our investigation, we learned that MCC, SIS
 22 Lieutenant Doctor --
 23 MR. N'DIAYE: Mm-hmm.
 24 MR. [REDACTED]: -- and that AW [REDACTED] --
 25 MR. N'DIAYE: Mm-hmm.

1 immediately replace them with the cameras that
 2 were onsite?
 3 MR. N'DIAYE: So, cameras all -.
 4 Institutions always have, like, backup cameras
 5 to fix what is there. But I was talking about
 6 funding to replace the whole system.
 7 MR. [REDACTED]: So, this was from fiscal
 8 year 2018 --
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: -- back in September.
 11 MR. N'DIAYE: Mm-hmm.
 12 MR. [REDACTED]: This is a memorandum for
 13 you, from a [REDACTED], acting facilities
 14 manager.
 15 MR. N'DIAYE: Right.
 16 MR. [REDACTED]: And these are all the
 17 different documents that go with it, regarding
 18 a new camera system that was purchased.
 19 MR. N'DIAYE: Right.
 20 MR. [REDACTED]: It was, it looks like
 21 there was \$800,000.
 22 MR. N'DIAYE: Mm-hmm.
 23 MR. [REDACTED]: For this total. These
 24 are all the documents that - here you go - this
 25 is an approval of your September 11th, 2018

1 MR. [REDACTED]: -- became aware on August
 2 8th, 2019, that at least some of the MCC
 3 cameras were not recording. They contacted
 4 comtech [REDACTED] [REDACTED], and may have also
 5 notified Captain Jermaine [REDACTED]. Did you ever
 6 hear anything about that?
 7 MR. N'DIAYE: I knew prior that there was
 8 some cameras in the institution that needed to
 9 be fixed, but not specifically the SHU, no.
 10 MR. [REDACTED]: Okay.
 11 MR. N'DIAYE: Yeah.
 12 MR. [REDACTED]: And would have that been
 13 based upon what they found? The AW [REDACTED] and
 14 SIS Lieutenant Doctor?
 15 MR. N'DIAYE: No. Because we had had some
 16 issues with cameras, and we were trying to seek
 17 funding. So, and we were trying to see, okay,
 18 what was working and what to get fixed. But
 19 specifically, in SHU, no.
 20 MR. [REDACTED]: All right. So, only
 21 because, you said that you were trying to get
 22 funded. Did you know that there were already
 23 cameras at the institution, and that's what
 24 they were able to replace when the FBI took the
 25 cameras on the 10th, they were able to

1 request. So, this is a memorandum for --
 2 MR. N'DIAYE: Right.
 3 MR. [REDACTED]: -- [REDACTED] from, it
 4 looks like a [REDACTED] [REDACTED] (Phonetic Sp.
 5 *04:05:31).
 6 MR. N'DIAYE: Mm-hmm.
 7 MR. [REDACTED]: The assistant director
 8 for administration.
 9 MR. N'DIAYE: Mm-hmm.
 10 MR. [REDACTED]: It says, request to
 11 exceed the spending limit of \$50,000 on a work
 12 request number 8158, replace camera system at
 13 MCC New York. This work request is to replace
 14 the current degraded camera system. The total
 15 cost of this work is not to exceed \$800,000."
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: Then, at the bottom, it
 18 says, "If you have any questions, please call
 19 me or have your staff contact," and how do you
 20 say that name? Do you know? [REDACTED]
 21 (Phonetic Sp. *04:05:57)?
 22 MR. N'DIAYE: [REDACTED].
 23 MR. [REDACTED]: [REDACTED] the Third
 24 (Phonetic Sp. *04:06:00). Chief facility
 25 manager branch."

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: And it says, "At the
 3 phone number." And then, here are the, you
 4 know, the work orders for that. So, we have
 5 spoken with SigNet, who was the camera provider
 6 --
 7 MR. N'DIAYE: Mm-hmm.
 8 MR. [REDACTED]: -- they said that on or
 9 around October or November of 2018, they were
 10 delivered.
 11 MR. N'DIAYE: Mm-hmm.
 12 MR. [REDACTED]: And then, talking with
 13 [REDACTED], the (Indiscernible
 14 *04:06:22) --
 15 MR. N'DIAYE: Mm-hmm.
 16 MR. [REDACTED]: -- city manager, he said
 17 that they started working on the infrastructure
 18 of the camera project on or around March 2019.
 19 MR. N'DIAYE: Mm-hmm.
 20 MR. [REDACTED]: To get everything ready
 21 for the new camera system that was onsite to be
 22 installed, and said that --
 23 MR. N'DIAYE: They had to run wires. But
 24 the old system was there. So, they had to run
 25 wires. And they had to get a contract done.

1 scheduled to start March 17th, 2019, and it
 2 started on schedule. When I arrived TDY
 3 February 2019, we only had one communication
 4 technician --
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: -- therefore, after
 7 talking to the regional office, they started a
 8 project to assist in funding and labor. So, we
 9 were able to start the week of March 17th, 2019
 10 for the camera system, and all other
 11 infrastructure throughout the institution.
 12 MR. [REDACTED]: St. Patrick's Day.
 13 MR. N'DIAYE: Mm-hmm.
 14 MR. [REDACTED]: Below is the email sent
 15 to all the institution from [REDACTED]
 16 (Phonetic Sp. *04:07:49), the northeast
 17 regional --
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: -- facilities
 20 administrator." But point being, it looks like
 21 that project had started. Correct?
 22 MR. N'DIAYE: It has started, but --
 23 MR. [REDACTED]: And I only say that
 24 because I wanted to make sure you weren't
 25 confused, because you were saying we were

1 MR. [REDACTED]: Uh-huh.
 2 MR. N'DIAYE: In order, because you needed
 3 the comtechs, and I forget the wording that
 4 they used, is to run the cables, to get the new
 5 camera system in. So.
 6 MR. [REDACTED]: And do you know how long
 7 that typically takes to run the new wires and
 8 all that?
 9 MR. N'DIAYE: You would have to have the
 10 staff (Indiscernible *04:06:58). We didn't
 11 have the staffing.
 12 MR. [REDACTED]: So, were there two people
 13 TDY'd, though, in order to do that?
 14 MR. N'DIAYE: They started TDY'ing people
 15 in, to come in.
 16 MR. [REDACTED]: Wait a minute. Can the staff
 17 run the new wires, or you have to get an
 18 electrician to run the wires?
 19 MR. N'DIAYE: No. We have staff that are
 20 qualified to do it, but then, some of them were
 21 new and really didn't know how to do it. So --
 22 MR. [REDACTED]: Okay.
 23 MR. N'DIAYE: -- you know, it was --
 24 MR. [REDACTED]: So, according to Mr.
 25 [REDACTED], it says, "The camera system was

1 looking for funding.
 2 MR. N'DIAYE: No. No. I misspoke. What
 3 I'm saying is, I meant that the project
 4 started, but the cameras hadn't been replaced.
 5 Because they were still running wires for the,
 6 to get the new system started.
 7 MR. [REDACTED]: Okay.
 8 MR. N'DIAYE: So, that unit still had the
 9 old cameras.
 10 MR. [REDACTED]: Right. But then, the
 11 camera system was actually onsite, and they
 12 were working on it?
 13 MR. N'DIAYE: Well, yeah, but they weren't
 14 - you didn't have enough staff to install, to,
 15 you know, to rewire the whole place, because we
 16 had, we wanted to put one, some on the ranges
 17 that never had cameras.
 18 MR. [REDACTED]: Mm-hmm.
 19 MR. N'DIAYE: So, it was a tedious
 20 project.
 21 MR. [REDACTED]: I see.
 22 MR. N'DIAYE: That required us to TDY
 23 staff from other institutions. And then, you
 24 know --
 25 MR. [REDACTED]: Yeah. And were you kept

1 apprise of where they were on that? On the
2 camera project.

3 MR. N'DIAYE: I would acquire about it,
4 like, where we were with it. But we were to
5 the point where we were bringing people in from
6 other institutions. To get it done.

7 MR. [REDACTED]: Okay. And do you know
8 when the camera system was scheduled to
9 actually be installed, or was it ever
10 scheduled?

11 MR. N'DIAYE: From - and if I remember
12 right - it was a matter of before you even
13 installed it, you had to run the wiring for it.

14 MR. [REDACTED]: Right. And that's what -
15 -

16 MR. N'DIAYE: (Indiscernible *04:09:13).

17 MR. [REDACTED]: -- I think was --

18 MR. N'DIAYE: Right.

19 MR. [REDACTED]: -- what they were saying
20 in March of 2019.

21 MR. N'DIAYE: But that had --

22 MR. [REDACTED]: That -.

23 MR. N'DIAYE: -- been completed. Because
24 you had to TDY people there. And to get it
25 done.

1 tape, and we couldn't. So, and it would break
2 down, they would fix it. So, I mean, we did
3 have issues like that before. But it was the
4 age of the cameras. The --

5 MR. [REDACTED]: Yeah.

6 MR. N'DIAYE: -- you know, we had
7 infrastructure issues. So.

8 MR. [REDACTED]: Because, yeah, the
9 comtech claims that, you know, like, he had
10 been, I mean, he's a very soft-spoken person,
11 but like, basically, screaming at the top of
12 his lungs as much as a very soft-spoken person
13 can, we need to fix these things, this is a
14 continual problem.

15 MR. N'DIAYE: So, here is what it is. We
16 don't have money readily available at an
17 institution to fix it. That money comes from
18 what we call buildings and funds.

19 MR. [REDACTED]: Mm-hmm.

20 MR. N'DIAYE: Which is funded by Congress.
21 So, you would have to talk to somebody in the
22 region about what the regional budget is, but
23 other institutions have issues going on.

24 MR. [REDACTED]: But being that --

25 MR. N'DIAYE: Yeah.

1 MR. [REDACTED]: And they never provided
2 you with an update as far as, like, when it
3 would actually be completed?

4 MR. N'DIAYE: It was still ongoing.

5 MR. [REDACTED]: Okay.

6 MR. N'DIAYE: Now --

7 MR. [REDACTED]: (Indiscernible *04:09:27).

8 MR. N'DIAYE: -- but after I left, they
9 got people in there and completed it.

10 MR. [REDACTED]: Yeah. Yeah. Because I
11 think, I think that whole week, they were able
12 to complete the whole thing. Correct?

13 MR. N'DIAYE: I don't know when.

14 MR. [REDACTED]: You don't know?

15 MR. N'DIAYE: You know, because they had
16 people come in from different institutions.

17 MR. [REDACTED]: Now, is that, did they
18 ever, did the facilities manager, Captain
19 Whomever, ever explain to you how bad the
20 system was, and that it kept on shutting down,
21 and stopping, you know, cameras weren't
22 recording?

23 MR. N'DIAYE: I mean, we would have
24 incidents where, you know, something would
25 happen, and we tried to go back and find the

1 MR. [REDACTED]: -- we have all these
2 cameras already onsite, and they had already
3 done the wiring for, you know, at least six
4 months prior to this --

5 MR. N'DIAYE: Well, not all the wiring --

6 MR. [REDACTED]: -- they -.

7 MR. N'DIAYE: -- was done.

8 MR. [REDACTED]: Yeah. He just, he didn't say
9 the wiring was done.

10 MR. N'DIAYE: Yeah.

11 MR. [REDACTED]: No, no, no. I'm just
12 saying, like, is that, I'm just trying to get a
13 feel for what was the plan here, and who was
14 responsible.

15 MR. N'DIAYE: Well, the plan was to get
16 the manpower to get it installed, but at the
17 time, we only had one person. Which was
18 [REDACTED].

19 MR. [REDACTED]: Mm-hmm.

20 MR. N'DIAYE: So, one person can't --

21 MR. [REDACTED]: Well, and the TDY staff.

22 MR. N'DIAYE: -- right, but even the TDY
23 staff came, they did help. You know, but then,
24 we also had other TDY staff that were coming in
25 for, because of our staffing issues.

1 MR. [REDACTED]: Mm-hmm.
 2 MR. N'DIAYE: But --
 3 MR. [REDACTED]: Well, that's what [REDACTED]
 4 told us. That the TDY staff that was assigned
 5 for him sometimes were getting put on the
 6 custody posts. Do you know if that is accurate
 7 or not?
 8 MR. N'DIAYE: We might have had to do it a
 9 time or two because we wanted to staff.
 10 MR. [REDACTED]: Okay.
 11 MR. N'DIAYE: Yeah. Yeah.
 12 MR. [REDACTED]: And whose responsibility
 13 were the cameras? To make sure that those
 14 things were going to be operational and working
 15 properly.
 16 MR. N'DIAYE: Well, it's not a matter of
 17 who was responsible. It's, like, working on
 18 getting it installed.
 19 MR. [REDACTED]: Okay.
 20 MR. N'DIAYE: So, there was no deadline as
 21 far as, you know, okay, when they had to be up.
 22 You know, they just had to be installed.
 23 MR. [REDACTED]: Okay. Because we were
 24 told the cameras are the captain's baby. Is
 25 that accurate?

1 that that is happening is to physically check
 2 the DVR recording to see if there has a light
 3 on it, or if you try to attempt to rewind, and
 4 you are unable to.
 5 MR. N'DIAYE: Mm-hmm.
 6 MR. [REDACTED]: Because everything is
 7 still live monitored feed, showing, so you
 8 can't tell just by looking at the cameras.
 9 It's only when you try to rewind them, that you
 10 can say, oh my gosh, they are not recording.
 11 MR. N'DIAYE: Right. But that, it wasn't
 12 just as simple as that. I mean, there were
 13 technical aspects of it that you had to check
 14 to see if the cameras are working or not.
 15 MR. [REDACTED]: Oh. Absolutely.
 16 MR. N'DIAYE: Right. And the captain
 17 basically looking to see if, okay, is the
 18 screen up? And then, is it recording? But
 19 there was some instances where the hard drives
 20 weren't working, and you don't know that until
 21 you get deep into it, into the system. So, I
 22 wouldn't, you know --
 23 MR. [REDACTED]: That's --
 24 MR. N'DIAYE: -- put that --
 25 MR. [REDACTED]: -- that's what he just

1 MR. N'DIAYE: No. No. It's not.
 2 MR. [REDACTED]: Yeah. That --
 3 MR. N'DIAYE: It's not.
 4 MR. [REDACTED]: -- that can't be true.
 5 Captains don't know how to install it.
 6 MR. N'DIAYE: Yeah. He doesn't --
 7 MR. [REDACTED]: (Indiscernible *04:12:11).
 8 MR. [REDACTED]: No, no, no. Not to
 9 install them. But to make sure that they are
 10 operational, and get the right people to
 11 actually get it done.
 12 MR. N'DIAYE: Well, I --
 13 MR. [REDACTED]: That can't be right, either.
 14 MR. N'DIAYE: -- well, I --
 15 MR. [REDACTED]: Because how the fuck would you
 16 know what --
 17 MR. N'DIAYE: -- right. I --
 18 MR. [REDACTED]: Well, because --
 19 MR. [REDACTED]: -- who the right people is.
 20 MR. [REDACTED]: -- because what we were
 21 told is that this was constantly happening,
 22 whereas the cameras would stop working. And
 23 then, nothing would be recorded.
 24 MR. N'DIAYE: So --
 25 MR. [REDACTED]: The only way you find out

1 stated.
 2 MR. N'DIAYE: Yeah.
 3 MR. [REDACTED]: Like, the fact that the only
 4 way we would know if the hard drives were not
 5 working is by going in --
 6 MR. N'DIAYE: Right.
 7 MR. [REDACTED]: -- to check the video. And
 8 the video, there is no videos that they can
 9 pull back.
 10 MR. N'DIAYE: Right.
 11 MR. [REDACTED]: That's when they know the
 12 hard drives stopped recording.
 13 MR. N'DIAYE: Stopped recording. And
 14 then, and look at them. But then, this is, you
 15 know, there was other technical aspects of it
 16 that, you know --
 17 MR. [REDACTED]: I can't imagine that --
 18 MR. N'DIAYE: -- yeah --
 19 MR. [REDACTED]: -- the captain would know. I
 20 sure as hell wouldn't.
 21 MR. N'DIAYE: -- right.
 22 MR. [REDACTED]: So, I guess, knowing,
 23 though, that this was, like, a reoccurring
 24 problem, and the fact that, well, what we
 25 didn't say is, it seems, it appears that the

1 cameras actually stopped recording all the back
2 in July, and for half of the institution.

3 MR. N'DIAYE: Mm-hmm.

4 MR. [REDACTED]: Who should have made sure
5 that that camera system was replaced, and that
6 we had an operational camera system in there?

7 MR. N'DIAYE: Well, the centralized area,
8 and I don't know where the break down was. So,
9 if it's a centralized area, then it would be,
10 you know, within our facility department has
11 access to --

12 MR. [REDACTED]: Well, the camera --

13 MR. N'DIAYE: -- the comm --

14 MR. [REDACTED]: -- you are asking where
15 the cameras are?

16 MR. N'DIAYE: -- no, the comm room.

17 MR. [REDACTED]: Yeah. The comm room.
18 Where these recorders were, were all in the SIS
19 secured area.

20 MR. N'DIAYE: Right. The actual cameras.
21 But where - if you go out - where -? And I
22 don't know the word, what's the word? Where
23 your centralized main area is for the whole
24 system. Yeah. That SIS areas has the cameras.
25 But that's fine.

1 things fixed?

2 MR. N'DIAYE: I mean, the request had been
3 sent up.

4 MR. [REDACTED]: Yeah, yeah. No.

5 MR. N'DIAYE: So, yeah.

6 MR. [REDACTED]: And these were all
7 onsite.

8 MR. N'DIAYE: Right. So, yeah. IU mean,
9 we were going through --

10 MR. [REDACTED]: And again --

11 MR. N'DIAYE: -- the process of getting
12 the system up and running.

13 MR. [REDACTED]: But there was no set
14 schedule for when it was actually going to be
15 completed?

16 MR. N'DIAYE: No. Because we had to TDY
17 people. Sometimes we got them in, sometimes we
18 couldn't get them. And then, towards the end,
19 you know, boil down to money, with getting
20 people in to come fix them.

21 MR. [REDACTED]: And when people are TDY,
22 do you - when you say boil down to money - does
23 that come out of --

24 MR. N'DIAYE: It comes out of our --

25 MR. [REDACTED]: -- MCC's pocket?

1 MR. [REDACTED]: Not the control room.
2 But it's back around where, it's a locked door
3 within the SIS locked room, where the actual
4 DVR recording and rack is, and everything.

5 MR. N'DIAYE: Right.

6 MR. [REDACTED]: Yeah, yeah, yeah. That's
7 --

8 MR. N'DIAYE: But --

9 MR. [REDACTED]: -- is that what you are
10 talking about?

11 MR. N'DIAYE: -- that, but there is also
12 another, should be another area in the
13 institution, just for the communications.
14 Where everything comes into. So, I don't know
15 if it was back there or whatever, but our
16 facilities department, you know, their
17 communication guys check that, too, if there is
18 something intricate with it.

19 MR. [REDACTED]: Now, so, was either Mr.
20 [REDACTED], or [REDACTED], how do you pronounce his
21 name?

22 MR. N'DIAYE: [REDACTED].

23 MR. [REDACTED]: Was [REDACTED], or Captain
24 [REDACTED], were either of them expressing the need
25 to you at all, to, hey, we need to get these

1 MR. N'DIAYE: -- it comes out of our
2 budget. It comes out of budget. It comes out
3 of the region sometimes gives it. Plus, on top
4 of that, we were for TDY to come to our
5 correctional post, because we were so short.

6 MR. [REDACTED]: All right. So, what
7 would you say is the main reason, then, that
8 the cameras were onsite, but not installed?
9 Lack of manpower and funding?

10 MR. N'DIAYE: Well, manpower to get it in.

11 And then, it kind of boiled down to funding.
12 You know, to keep TDY people, to get it done.

13 MR. [REDACTED]: But do you have money, you can
14 really keep the TDY people. You don't have
15 money --

16 MR. [REDACTED]: Yeah.

17 MR. [REDACTED]: -- you can't keep them. You
18 know?

19 MR. [REDACTED]: But again, there is no,
20 there was no actual set schedule of it will be
21 operational by the end of this calendar year --

22 MR. N'DIAYE: No.

23 MR. [REDACTED]: -- or anything like that?

24 MR. N'DIAYE: No.

25 MR. [REDACTED]: That wasn't discussed?

1 MR. N'DIAYE: That wasn't discussed. We
2 were trying, you know, doing the best we can
3 with the hand we were dealt.
4 MR. ██████: Okay. And Monday morning
5 quarterbacking that. Should it have been
6 discussed, or planned ahead, that these cameras
7 be installed?
8 MR. N'DIAYE: Would -? I don't understand
9 the question.
10 MR. ██████: Well, being that there
11 is, it seems that there was potentially around
12 two weeks of no cameras, and in the SHU, no
13 cameras. Aside from that one outside of Ten
14 South.
15 MR. N'DIAYE: Right.
16 MR. ██████: That were recording.
17 MR. N'DIAYE: But that wasn't known --
18 MR. ██████: But it was, according to
19 the, you know, according to the facilities, as
20 well as the comtech, they said it was very well
21 known that this continually happened, and that
22 the comtech guy continually had to rebuild hard
23 drives because they kept on crapping out and
24 not recording.
25 MR. N'DIAYE: I mean, it is an antiquated

1 MR. ██████: August 8th. When the AW and
2 the Lieutenant Doctor went in and they tried to
3 --
4 MR. N'DIAYE: Right.
5 MR. N'DIAYE: -- review video. Now, being
6 that they identified the system wasn't working
7 that day --
8 MR. N'DIAYE: Mm-hmm.
9 MR. ██████: -- how soon should it have
10 been fixed?
11 MR. N'DIAYE: What do you mean? When they
12 -?
13 MR. ██████: On the 8th.
14 MR. N'DIAYE: Right.
15 MR. ██████: This is two days before that
16 Epstein was found. If they identified on the
17 8th that, hey, listen, the camera is not
18 working. It's technically not recording. How
19 much of a priority is it to make sure that
20 those cameras are up and running immediately?
21 MR. N'DIAYE: It's a priority. So, what
22 happens is, and we have run into this before,
23 the parts. Sometimes the parts weren't readily
24 available. So, you have to go somewhere and
25 call for the parts, and depending on where it

1 system.
2 MR. ██████: Right, right, right.
3 MR. N'DIAYE: So, when you go down, yeah,
4 obviously, you go fix it. But nobody knew
5 until after the fact that you, you know, that
6 you had a system that was out for two weeks.
7 You know, I mean, you go to any other, any
8 institution, the cameras go down.
9 MR. ██████: Sure, sure.
10 MR. N'DIAYE: And when the system breaks,
11 somebody discovers it, and they fix it. But as
12 far as getting the new system up, we were
13 working on it.
14 MR. ██████: Okay. You want to follow
15 up with any of that?
16 MR. ██████: You mentioned no one knew.
17 But the problem was, according to the comtech,
18 the system failed, the motherboard had to be
19 replaced on the 29th --
20 MR. N'DIAYE: Mm-hmm.
21 MR. ██████: -- they had a failure.
22 MR. N'DIAYE: Right.
23 MR. ██████: And then, of course, no one
24 checked it until the 8th.
25 MR. N'DIAYE: Mm-hmm.

1 is at, it could be in California, or whatever.
2 So, you got to see how long it takes to get
3 that part.
4 MR. ██████: Yeah.
5 MR. N'DIAYE: Over to repair.
6 MR. ██████: And the key part for my
7 heating system --
8 MR. N'DIAYE: Yeah.
9 MR. ██████: -- is in fucking Belarus.
10 MR. N'DIAYE: Right.
11 MR. ██████: My understanding is they, it
12 was the hard drive that they needed. Right?
13 And the hard drive was sitting with the
14 computer services.
15 MR. ██████: Yeah. On the 8th. They
16 weren't able to get it.
17 MR. N'DIAYE: I don't know.
18 MR. ██████: Yeah.
19 MR. ██████: And on the 9th, they got
20 it. But then, he claims that he wasn't able to
21 gain access to the room because it was an SIS
22 shop, and he needed to go until later in the
23 day, and they were gone.
24 MR. N'DIAYE: I mean --
25 MR. ██████: And on the 10th -.

1 MR. N'DIAYE: -- we have an emergency keys
2 to get into any area of the institution. So,
3 if he is saying he couldn't get in to the SIS
4 office --

5 MR. [REDACTED]: Mm-hmm.

6 MR. N'DIAYE: -- you got the captain, you
7 know, we got the techs that work in there.
8 We've got their glass is behind - what we call
9 in control center - behind a box. You know, we
10 can get that box open.

11 MR. [REDACTED]: So, he said that the only
12 way to be able to get into it is if he broke
13 the glass --

14 MR. N'DIAYE: He can break the glass.

15 MR. [REDACTED]: -- mm-hmm. It's okay
16 that he would have done that? And then, should
17 have he?

18 MR. N'DIAYE: Yeah. If you couldn't
19 reach, you could just -. Well, he should have
20 gone to the captain or somebody and said, hey,
21 captain, I need to get into your SIS office.

22 MR. [REDACTED]: Do you think it's at all
23 acceptable, if knew on August 8th that these
24 cameras were down, and he didn't actually start
25 working on it, or at least, I guess he was

1 he bring up the issue to? Because my thing is,
2 if you know it's an emergency, and it's a
3 situation to say this is the MCC, is a cop-out.

4 MR. [REDACTED]: And is it, would that be
5 classified as an emergency?

6 MR. N'DIAYE: If the cameras are down,
7 yeah.

8 MR. [REDACTED]: That is an emergency. So
9 --

10 MR. N'DIAYE: Let's get them back.

11 MR. [REDACTED]: -- he should have
12 absolutely gotten into that room --

13 MR. N'DIAYE: He should have gotten --

14 MR. [REDACTED]: -- one way or another?

15 MR. N'DIAYE: -- in there, and he knows he
16 could have gotten into the room, because you
17 can, we can break - if he said that stuff was
18 sitting in there, whatever room he said it in
19 there, guess what? You can break glass. You
20 can break glass after hours, if you need to,
21 and it's an emergency to get in, into an area.

22 MR. [REDACTED]: So, his claim is that, he
23 has rebuilt these things so many times. And
24 every knew that these cameras needed to be
25 reinstalled, and he had been saying that they

1 working on getting the parts, but then got the
2 parts again on the, some time on the 9th,
3 claims he didn't work on it because he couldn't
4 get into it, into the SIS office. So, he was
5 going to work on it on the 10th, on that
6 Saturday.

7 MR. N'DIAYE: So, the question --

8 MR. [REDACTED]: -- and what is your --?

9 MR. N'DIAYE: -- the question I would pose
10 to you is, did he notify anybody that he
11 couldn't get in there? Did he make any attempt
12 to contact the captain, or anybody to say, hey,
13 I need to get into that office to get a part to
14 do it, because if he had told the captain that,
15 the captain would have got that office open for
16 him.

17 MR. [REDACTED]: Yeah. I agree with you.
18 It's a he says that the MCC was a different -.
19 So, at any other BOP institution, in the
20 country, that would have happened with, his
21 experience taught him that, at the MCC,
22 basically it could wait until tomorrow.

23 MR. [REDACTED]: They wait until tomorrow.

24 MR. N'DIAYE: So, that's his opinion. But
25 again, I'm going to pose a question. Who did

1 needed to be reinstalled. And now he's being
2 looked at as the fall guy.

3 MR. [REDACTED]: You know, it sounds like he
4 could, you know --.

5 MR. N'DIAYE: I don't -. This is not an
6 issue of being the fall guy.

7 MR. [REDACTED]: Right.

8 MR. N'DIAYE: So, let's take every issue
9 we just talked about. We talked about the
10 camera project that we were working on.

11 MR. [REDACTED]: Mm-hmm.

12 MR. N'DIAYE: We were getting the people
13 in there to working. So now, let's talk about
14 the specific issue that you were talking about.
15 He did not notify anybody to get into that
16 room, to get to that part. That part was to
17 fix the current system. It had nothing to do
18 with the new system coming in. This is, he is
19 saying that this was a part that we needed to
20 fix, get put in, to deal with the current
21 system .

22 MR. [REDACTED]: Now, what about the fact
23 that Lieutenant [REDACTED] is saying both she and
24 the AW knew that the cameras were down on
25 August 8th. They told [REDACTED] to fix them. And

1 they also notified Lieutenant [REDACTED] so that
 2 she not only notified the captain, but wrote a
 3 memo and provided it to him about the cameras
 4 being down on the 8th.
 5 MR. N'DIAYE: Right.
 6 MR. [REDACTED]: So, at that point, what
 7 are the responsibility of the captain and the
 8 AW?
 9 MR. N'DIAYE: So, what the captain does is
 10 he notifies facilities where [REDACTED] works for,
 11 and says, hey, the cameras are broken, you need
 12 to fix them.
 13 MR. [REDACTED]: So, should the captain
 14 have, on the 9th, ensured that those things
 15 were fixed?
 16 MR. N'DIAYE: Well, I don't know what
 17 conversation he had with facilities to say we
 18 are getting, you know, was it being fixed or
 19 not.
 20 MR. [REDACTED]: Well, do you know
 21 (Indiscernible *04:23:25). If he knows to tell
 22 somebody on the 9th, is it possible to fix it
 23 on the 9th?
 24 MR. [REDACTED]: Well, the 9th is a
 25 Friday. So, the 8th is when we are told that

1 some follow up. I don't want to speak on it,
 2 but you know, if he had told him something on
 3 the 8th, you know, I don't know the
 4 conversations that were taking place between
 5 them. Like, where is that, and what is he
 6 saying? Right now, I'm responding to what he
 7 is saying, and it makes no sense.
 8 MR. [REDACTED]: Yeah. No. I would just
 9 think that, you know, being a captain or an AW
 10 would be --
 11 MR. N'DIAYE: Right.
 12 MR. [REDACTED]: -- whoa. The cameras are
 13 down in the institution?
 14 MR. N'DIAYE: Right.
 15 MR. [REDACTED]: Well, let's make sure
 16 that those things are back up --
 17 MR. N'DIAYE: So, and --
 18 MR. [REDACTED]: -- so they would at least
 19 check back in on the 9th, and say --
 20 MR. N'DIAYE: -- and then --
 21 MR. [REDACTED]: -- where are we at on
 22 this thing?
 23 MR. N'DIAYE: -- but then, I don't know,
 24 you know, what that conversation was. I don't
 25 know if, on the 9th, [REDACTED] even came to work.

1 he was told, informed, learned.
 2 MR. N'DIAYE: Right.
 3 MR. [REDACTED]: So, we have all Friday on
 4 the 9th to make sure it's done.
 5 MR. N'DIAYE: Right.
 6 MR. [REDACTED]: On the 10th,
 7 unfortunately, is when --
 8 MR. N'DIAYE: But --
 9 MR. [REDACTED]: -- we know the severity
 10 of the issue.
 11 MR. N'DIAYE: -- but that's my point. You
 12 knew that, okay, you were made aware that the
 13 cameras needed to be fixed. Okay. So, your
 14 answers, what you are saying is, I couldn't get
 15 into a certain area, so --
 16 MR. [REDACTED]: Well, that's what [REDACTED]
 17 is saying. Yeah.
 18 MR. N'DIAYE: -- but that, okay, but --
 19 MR. [REDACTED]: But my question is,
 20 should the AW or the captain have followed up
 21 with that, to make sure that it was actually
 22 being done.
 23 MR. N'DIAYE: And to them, I don't, you
 24 know, I don't want to make the assumption
 25 because I don't know. There could have been

1 MR. [REDACTED]: Right.
 2 MR. N'DIAYE: I don't know. He could have
 3 said --
 4 MR. [REDACTED]: Well, we do --
 5 MR. N'DIAYE: -- oh, well, I'm not going -
 6 -
 7 MR. [REDACTED]: -- we know. But yeah.
 8 MR. N'DIAYE: -- huh?
 9 MR. [REDACTED]: And we know.
 10 MR. N'DIAYE: Right.
 11 MR. [REDACTED]: Yeah.
 12 MR. N'DIAYE: So, I don't know. I don't
 13 want to speculate on that part.
 14 MR. [REDACTED]: Yeah, yeah, no. That's
 15 what we are trying to tell you. Is, like --
 16 MR. N'DIAYE: Right.
 17 MR. [REDACTED]: -- we know he was there.
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: On the 8th, he couldn't
 20 get the parts. On the 9th, he got the parts.
 21 But then, he said, he tried to get into the SIS
 22 office. He was told by the - it wasn't an SIS
 23 tech, because there were only two people there.
 24 It was somebody that --
 25 MR. [REDACTED]: Monitored.

1 MR. [REDACTED]: -- monitored the
2 telephones. I think he's now retired. [REDACTED]
3 MR. N'DIAYE: [REDACTED] Yeah.
4 MR. [REDACTED]: Was there. And he said,
5 I'm getting ready to leave, and he can't come
6 in here without me. And then, he said, I
7 didn't have access to the room after that. So,
8 my plan was to come in on the 10th, the
9 Saturday, because I was coming in anyway. And
10 that's what I was going to work on.
11 MR. N'DIAYE: He's the com shop. He can
12 go anywhere, where there are computers.
13 MR. [REDACTED]: So, that is not an
14 acceptable answer that he provided?
15 MR. N'DIAYE: I don't understand that
16 answer.
17 MR. [REDACTED]: Okay.
18 MR. N'DIAYE: It's because that room is
19 not in where the SIS shop is. That's the phone
20 monitor room. That's the camera room.
21 MR. [REDACTED]: And the key for the camera
22 room is how, I think it's only the SIS
23 lieutenant, and the SIA that has the keys for
24 it.
25 MR. [REDACTED]: That's what the SIS

1 MR. N'DIAYE: You can go to them and say,
2 hey, I need --
3 MR. [REDACTED]: The key.
4 MR. [REDACTED]: Now --
5 MR. N'DIAYE: -- I need the key.
6 MR. [REDACTED]: -- now, did either the
7 captain or the AW inform you of this issue?
8 MR. N'DIAYE: No. I don't --
9 MR. [REDACTED]: So, you didn't know --
10 MR. N'DIAYE: -- I don't --
11 MR. [REDACTED]: -- anything about this?
12 MR. N'DIAYE: -- recall anything about
13 that issue.
14 MR. [REDACTED]: Should have they?
15 MR. N'DIAYE: So, if --
16 MR. [REDACTED]: If it was a Thursday,
17 they found out, and it was all -. You weren't
18 there for that.
19 MR. N'DIAYE: I weren't there on Friday.
20 MR. [REDACTED]: Okay.
21 MR. N'DIAYE: I wasn't there on Friday.
22 MR. [REDACTED]: You weren't even --
23 MR. N'DIAYE: Yeah.
24 MR. [REDACTED]: -- there on Friday.
25 MR. N'DIAYE: So, you know -.

1 office said --
2 MR. N'DIAYE: So, the --
3 MR. [REDACTED]: -- they said that -.
4 MR. N'DIAYE: -- the phone monitor is,
5 he's in the SIS, but he draws keys to get into
6 that room. So, that room is all -. And you
7 can draw keys to get into that room.
8 MR. [REDACTED]: Yeah.
9 MR. [REDACTED]: When you saw draw keys, what
10 do you mean?
11 MR. N'DIAYE: Well, you get them from
12 control center.
13 MR. [REDACTED]: Okay.
14 MR. [REDACTED]: Yeah.
15 MR. N'DIAYE: You know?
16 MR. [REDACTED]: Well, we were told by
17 Lieutenant [REDACTED] the only way he could have
18 gotten them is to break the glass, which he
19 could have done. But -.
20 MR. N'DIAYE: You could have broken the
21 glass. And that time of time it was 8:00. The
22 captain is there. The security officer who
23 controls all the keys in the institution is
24 there.
25 MR. [REDACTED]: Right.

1 MR. [REDACTED]: And who - I'm sorry - can
2 you remind me, who was acting in your stead on
3 Friday?
4 MR. N'DIAYE: I believe it was [REDACTED]
5 [REDACTED], I think.
6 MR. [REDACTED]: Okay.
7 MR. N'DIAYE: So.
8 MR. [REDACTED]: Now --
9 MR. [REDACTED]: Okay.
10 MR. N'DIAYE: Yeah.
11 MR. [REDACTED]: So, you weren't even
12 there.
13 MR. N'DIAYE: Yeah.
14 MR. [REDACTED]: Our understanding is, I think
15 Captain [REDACTED] was in the institution, too,
16 about 8:00 p.m.
17 MR. N'DIAYE: Mm-hmm.
18 MR. [REDACTED]: On the 9th.
19 MR. [REDACTED]: On the 9th.
20 MR. N'DIAYE: Right.
21 MR. [REDACTED]: So --
22 MR. [REDACTED]: On Friday.
23 MR. [REDACTED]: -- could [REDACTED] have been to
24 any time during that period?
25 MR. N'DIAYE: He could have seen him. I

1 mean, just, you can't -. If it's an emergency
 2 to get something for, I don't understand. That
 3 is not -.
 4 MR. [REDACTED]: No. That's great to
 5 know.
 6 MR. N'DIAYE: Yeah.
 7 MR. [REDACTED]: About this. So, you say
 8 that's not acceptable.
 9 MR. N'DIAYE: No. You can, you can get in
 10 there. So, I don't know -.
 11 MR. [REDACTED]: Well, one of the things is, is
 12 in prison, you need a camera. Yeah.
 13 MR. [REDACTED]: Right. Especially in the
 14 SHU.
 15 MR. [REDACTED]: Right. Especially in the SHU.
 16 MR. [REDACTED]: Now, who was responsible
 17 to have the new camera system installed?
 18 MR. N'DIAYE: What do you mean as far as
 19 responsible?
 20 MR. [REDACTED]: Like, who had overall
 21 oversight on that?
 22 MR. N'DIAYE: The facilities manager.
 23 MR. [REDACTED]: Mr. [REDACTED].
 24 MR. N'DIAYE: Mr. [REDACTED]. Yeah. So, he -
 25 -

1 issues?
 2 MR. [REDACTED]: No. I think the -. We
 3 have one more issue, and then just a couple of
 4 questions based upon the BOP's findings. It
 5 does say that there's leaks information. Where
 6 are those emails?
 7 MR. [REDACTED]: It was in -. Did we mix that
 8 up?
 9 MR. [REDACTED]: Here it is. So, here is
 10 two emails that were sent both from [REDACTED].
 11 One to you, and one to [REDACTED] (Phonetic
 12 Sp. *04:29:13).
 13 MR. N'DIAYE: Yeah. He was the acting
 14 director at the time.
 15 MR. [REDACTED]: Director of the BOP?
 16 MR. N'DIAYE: Yeah.
 17 MR. [REDACTED]: Okay. So, the first one
 18 was on August 10th, 2019, at 6:14 p.m. to you.
 19 And the subject is, "Urgent request. Potential
 20 leak in hospital regarding Epstein's death."
 21 MR. N'DIAYE: Mm-hmm.
 22 MR. [REDACTED]: It looks like --
 23 MR. [REDACTED]: You mean --
 24 MR. [REDACTED]: -- where is the --
 25 MR. [REDACTED]: -- media leak?

1 MR. [REDACTED]: All right.
 2 MR. N'DIAYE: -- gets the people in there,
 3 but we're allocating things. But again, I want
 4 to say, that was, you know, with manpower.
 5 MR. [REDACTED]: Okay. Now, you've pretty
 6 much answered this, and you can say it's the
 7 same answer, but I just want to read you the
 8 question. What are your thoughts on the fact
 9 that the new camera system was there since
 10 October 2018, but it wasn't installed after the
 11 Epstein incident that occurred on August 10th,
 12 2019?
 13 MR. N'DIAYE: It's the manpower.
 14 MR. [REDACTED]: Manpower.
 15 MR. N'DIAYE: Yeah. You know, getting
 16 people, qualified people in there to do it. I
 17 mean, one person couldn't do that. It was, and
 18 we were putting in new cameras in new areas.
 19 So, he needed more people. One person couldn't
 20 do it.
 21 MR. [REDACTED]: Okay. Do you mind just
 22 initialing? And don't have to go through this,
 23 just the top is fine. Anything more on the
 24 camera issue?
 25 MR. [REDACTED]: Oh, Christ. You got more

1 MR. [REDACTED]: -- yeah. It says,
 2 "Please ensure this information is given to the
 3 OIG FBI. Thanks."
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: And then, this next one,
 6 like you said, is from [REDACTED] to the director.
 7 Subject, "Prison guards skip mandatory checks
 8 before Epstein's death." This, the body says,
 9 "Couldn't see the entire article on my phone,
 10 but I wouldn't be surprised there are staff
 11 that are paid contacts for local media outlets.
 12 This has also been discussed at the department
 13 level, all the way to the White House. And who
 14 knows who may have overheard those
 15 discussions."
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: Do you know anything
 18 about leaks in the media from the MCC?
 19 MR. N'DIAYE: So, what happened was, when
 20 [REDACTED] (Phonetic Sp. *04:30:17) came to see me,
 21 the issue we had was - and I told him about it
 22 - was there was a article in the Post that took
 23 a picture of our staff, and our staff rode with
 24 Epstein on it. So, I told [REDACTED] about it, and
 25 I guess they said one of the paramedics had

1 leaked the information.
 2 MR. [REDACTED]: Like, took a picture of
 3 them, like --
 4 MR. N'DIAYE: Took a picture --
 5 MR. [REDACTED]: -- posing with him?
 6 MR. N'DIAYE: -- took a picture of them
 7 coming in the room, when they got to the
 8 emergency room. Took a picture of Epstein
 9 being rolled in. And our - what do you call
 10 it? - and our staff. So, I talked to [REDACTED]
 11 about that, and then, I had also told him that,
 12 you know, there might be some staff, you know,
 13 because, and I didn't know where it was coming
 14 from, because the information was just coming
 15 out, you know, so quickly, and it was, like,
 16 where is this, you know, coming from? So, I
 17 called and made him aware, you know, told him
 18 about it when he came on Sunday. But the main
 19 one was because of the picture in the Post.
 20 MR. [REDACTED]: Now, who is it that you
 21 suspect would have been leaking information to
 22 him?
 23 MR. N'DIAYE: I couldn't, I couldn't even
 24 tell. But I just was, you know, with this
 25 whole thing. You know, stuff would leak, had

1 you?
 2 MR. N'DIAYE: -- yeah. It reverted back
 3 to me.
 4 MR. [REDACTED]: Uh-huh.
 5 MR. N'DIAYE: So, I mean, that's, you
 6 know, and it was just, it was fast and furious.
 7 MR. [REDACTED]: So, like, negative things
 8 to people, you believe someone in the BOP was
 9 leaking negative information about you?
 10 MR. N'DIAYE: I don't -. I mean, I, you
 11 know --
 12 MR. [REDACTED]: Can you give me, like, an
 13 example of what was leaked about you?
 14 MR. N'DIAYE: Well, I mean, you know,
 15 stuff that happened, you know --
 16 MR. [REDACTED]: Listen, the --
 17 MR. N'DIAYE: -- and I'm not saying --
 18 MR. [REDACTED]: -- (Indiscernible *04:32:26)
 19 investigation was going on.
 20 MR. N'DIAYE: -- specifically --
 21 MR. [REDACTED]: I mean, you know --
 22 MR. N'DIAYE: -- specifically --
 23 MR. [REDACTED]: -- whose fault is it?
 24 MR. N'DIAYE: -- right. Towards me. But
 25 it was just automatically the blame was, you

1 been leaked out to the media, and you are,
 2 like, where is this coming from?
 3 MR. [REDACTED]: Do you have any
 4 suspicions, though?
 5 MR. N'DIAYE: I can't speculate. I mean -
 6 -
 7 MR. [REDACTED]: That's my boy. I mean, I
 8 don't know nothing.
 9 MR. N'DIAYE: (Indiscernible *04:31:48).
 10 MR. [REDACTED]: You're talking like an
 11 attorney.
 12 MR. N'DIAYE: No, I mean --
 13 MR. [REDACTED]: But like that, I don't know
 14 nothing, but what I do know, I don't know.
 15 MR. N'DIAYE: I mean, I can't speculate.
 16 I mean, the half of it was towards me. I mean,
 17 so -.
 18 MR. [REDACTED]: Did you leak the
 19 information, you mean?
 20 MR. N'DIAYE: No. I said it was towards
 21 me.
 22 MR. [REDACTED]: Oh, you mean the
 23 information --
 24 MR. N'DIAYE: Like, the negative press --
 25 MR. [REDACTED]: -- and the negative to

1 know, put on me.
 2 MR. [REDACTED]: Mm-hmm.
 3 MR. N'DIAYE: And then, you know, the
 4 other part of it was, I don't know if it came
 5 from the department. I don't know if it came
 6 from the institution.
 7 MR. [REDACTED]: Okay.
 8 MR. N'DIAYE: Because all that information
 9 was going, you know --
 10 MR. [REDACTED]: But did anybody --
 11 MR. N'DIAYE: -- up on different levels.
 12 MR. [REDACTED]: -- did anyone tell you
 13 that they believed that a certain person was
 14 leaking information?
 15 MR. N'DIAYE: No. I didn't hear if it was
 16 a certain person. I didn't, you know?
 17 MR. [REDACTED]: Okay. And did you leak
 18 any information to the media?
 19 MR. N'DIAYE: Absolutely not.
 20 MR. [REDACTED]: Okay. Do you mind just
 21 initialing and dating that? Do you believe,
 22 though, somebody in the BOP was leaking
 23 information?
 24 MR. N'DIAYE: And I'm not --
 25 MR. [REDACTED]: And I don't mean that

1 personally. I just mean --
 2 MR. N'DIAYE: -- no. But --
 3 MR. [REDACTED]: -- you know, you could
 4 always get --
 5 MR. N'DIAYE: - I don't --
 6 MR. [REDACTED]: -- the second one under
 7 there.
 8 MR. N'DIAYE: -- it could have been up to
 9 the department, because the information was
 10 going up to them. I mean --
 11 MR. [REDACTED]: But I just mean, like,
 12 based upon what information was being leaked,
 13 do you believe that someone in the BOP - not
 14 necessarily the MCC, I just mean BOP - was
 15 leaking the information?
 16 MR. N'DIAYE: I will put it this way. The
 17 Department of Justice might --
 18 MR. [REDACTED]: Yeah.
 19 MR. N'DIAYE: -- because all the
 20 information --
 21 MR. [REDACTED]: Because it could be --
 22 MR. N'DIAYE: -- was -. Yeah.
 23 MR. [REDACTED]: -- OIG. FBI.
 24 MR. [REDACTED]: Initial.
 25 MR. [REDACTED]: Anybody.

1 if it's true?
 2 MR. N'DIAYE: Don't know.
 3 MR. [REDACTED]: Okay.
 4 MR. [REDACTED]: He left this all to his
 5 brother. Right?
 6 MR. [REDACTED]: I --
 7 MR. [REDACTED]: Is that true?
 8 MR. [REDACTED]: -- I can't comment on
 9 that kind of stuff. But what actions should
 10 have been taken, or you don't know if it was.
 11 If it was learned that Epstein's will had been
 12 changed just prior to his death, do you believe
 13 any specific actions should have been taken?
 14 MR. N'DIAYE: I don't know anything. I
 15 mean, I can't comment on that.
 16 MR. [REDACTED]: Okay. So, that's the
 17 last of the topics. Now, we have -
 18 (Indiscernible *04:34:38) refer to it - I don't
 19 think we have to refer to anything other than
 20 the - where is that?
 21 MR. [REDACTED]: The after action?
 22 MR. [REDACTED]: Yeah. Do you have it?
 23 And I don't know what we actually need to cite
 24 (Indiscernible *04:34:53) initial them. This
 25 is the after action report. Is that -? That

1 MR. N'DIAYE: It could have been anybody.
 2 So, I don't want to --
 3 MR. [REDACTED]: Gotcha.
 4 MR. N'DIAYE: -- kind of put it --
 5 MR. [REDACTED]: Sure.
 6 MR. N'DIAYE: -- on one person.
 7 MR. [REDACTED]: All right. The last
 8 actual topic, before we ask a couple about the,
 9 a couple about the findings. Epstein's will.
 10 MR. N'DIAYE: Mm-hmm.
 11 MR. [REDACTED]: Do you know anything
 12 about Epstein changing his will just prior to
 13 his death?
 14 MR. N'DIAYE: Mo.
 15 MR. [REDACTED]: Had you ever heard that?
 16 MR. N'DIAYE: After the fact.
 17 MR. [REDACTED]: Right. And when you say
 18 after the fact, how did you learn about it
 19 after the fact?
 20 MR. N'DIAYE: I don't know. Reading it.
 21 Or hearing it on the news.
 22 MR. [REDACTED]: Did you ever hear about
 23 it in an official capacity?
 24 MR. N'DIAYE: No.
 25 MR. [REDACTED]: All right. Do you know

1 the BOP created in response. So, just a few
 2 quick questions on it. It says, "On August
 3 1st, 2019, at 8:30 a.m., psychology documented
 4 they were notified by correctional systems of a
 5 form received from the United States Marshal
 6 Service, the previous day, stating inmate
 7 Epstein had reported suicidal tendencies."
 8 MR. N'DIAYE: Mm-hmm.
 9 MR. [REDACTED]: Do you know anything
 10 about that, and what transpired?
 11 MR. N'DIAYE: Wait. Read that again.
 12 MR. [REDACTED]: So, "On August." So,
 13 just to refresh your memory of a time,
 14 timeline. On July 30th, he comes off of
 15 psychological --
 16 MR. N'DIAYE: Psychological observation.
 17 MR. [REDACTED]: -- observation.
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: And goes to the SHU.
 20 "Two days later" - so, there's July 31st and
 21 August 1st - "8:30 a.m., psychology documented
 22 they were notified by correctional systems of a
 23 form received from the United States Marshal
 24 Service, the previous day." So, I guess on
 25 July 30th.

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: The 31st, I mean.
 3 "Stating inmate Epstein had reported suicidal
 4 tendencies." This was the BOP's finding. Do
 5 you know anything about that?
 6 MR. N'DIAYE: I don't know anything about
 7 that. And that's before, when he first came in
 8 the system, or -?
 9 MR. [REDACTED]: No. That was after he
 10 came off of psychological observation. So,
 11 after his actual first attempt at suicide.
 12 MR. N'DIAYE: Right.
 13 MR. [REDACTED]: Or potential harm from
 14 [REDACTED].
 15 MR. N'DIAYE: No. I didn't.
 16 MR. [REDACTED]: You don't know anything
 17 about that?
 18 MR. N'DIAYE: Nuh-uh.
 19 MR. [REDACTED]: Okay. And do you know
 20 anything about the suicidal tendencies that he
 21 was showing?
 22 MR. N'DIAYE: No.
 23 MR. [REDACTED]: No. All right. And
 24 then, on the same date, August 1st, 2019,
 25 again, this is after the [REDACTED] incident.

1 next one. It says, "Significant --
 2 MR. [REDACTED]: Don't bring this guy in on
 3 another case. All right? If the next time
 4 this comes up, and he says, I'm going to bring
 5 this guy, don't fucking do it.
 6 MR. [REDACTED]: It says, "Significant
 7 discrepancies exist within Sentry, regarding
 8 admission/release status, ARS."
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: Sentry does not reflect
 11 inmate Epstein being escorted from the
 12 institution by the U.S. Marshal Service on July
 13 31st, 2019. Although a signed prisoner remand
 14 form is on file, documenting --
 15 MR. N'DIAYE: Mm-hmm.
 16 MR. [REDACTED]: -- having received him
 17 from the U.S. Marshal Service. Additional
 18 review revealed inmate Epstein departed the
 19 institution for a total of four court
 20 appearances, and only one of these occasions
 21 was an ARS change made within Sentry. It
 22 appears there is a culture of foregoing this
 23 vital function, due to the likelihood of the
 24 inmate returning from court. This lapse in
 25 procedure is a severe inmate accountability

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: And after coming off of
 3 psychological observation. "1:00 p.m.
 4 Psychology conducts a suicide risk assessment
 5 noting watch is not indicated, with a
 6 recommendation for follow up in one week. The
 7 delay in conducting this assessment is not
 8 justified in the report." Did you learn
 9 anything about that?
 10 MR. N'DIAYE: No. I don't.
 11 MR. [REDACTED]: Yeah, yeah.
 12 MR. N'DIAYE: I --
 13 MR. [REDACTED]: And again --
 14 MR. N'DIAYE: -- it's psychological.
 15 MR. [REDACTED]: -- this is just some of
 16 the --
 17 MR. [REDACTED]: Yeah.
 18 MR. [REDACTED]: -- the negative findings.
 19 MR. N'DIAYE: Okay.
 20 MR. [REDACTED]: We just want to know your
 21 take on it. I don't expect you to know any,
 22 all of this, or anything.
 23 MR. N'DIAYE: Right.
 24 MR. [REDACTED]: It's just asking because
 25 there's some negative findings. Okay. The

1 deficiency."
 2 MR. N'DIAYE: Well, that statement is
 3 incorrect. I know the regional office looked
 4 into it and said that a pre-trial institution
 5 can outcount an inmate to go into court. So,
 6 he doesn't have to be keyed out on the ARS.
 7 MR. [REDACTED]: Okay.
 8 MR. N'DIAYE: So, the way they were doing
 9 it, they looked at it after the fact, and said
 10 there was nothing wrong with that.
 11 MR. [REDACTED]: So, they did re-review
 12 this matter, and --
 13 MR. N'DIAYE: Yes.
 14 MR. [REDACTED]: -- said that there was --
 15 MR. N'DIAYE: They were fine --
 16 MR. [REDACTED]: -- they were doing it --
 17 MR. N'DIAYE: -- with it.
 18 MR. [REDACTED]: Okay.
 19 MR. N'DIAYE: Yeah. Because they kept
 20 thinking, when they were looking out, same
 21 thing like you said, he was going out to court,
 22 but they can outcount him in that area.
 23 MR. [REDACTED]: All right. And what are
 24 they talking about, like, pre-removing him or
 25 something like that, when he goes to court?

1 MR. N'DIAYE: No. Going to court.
 2 MR. [REDACTED]: Yeah, yeah.
 3 MR. N'DIAYE: And if anyone is going to
 4 court, because you have so much court movement
 5 that you can outcount them. And then, when the
 6 Marshals say, hey, he's not going out, then you
 7 release him out of --
 8 MR. [REDACTED]: So, this is --
 9 MR. [REDACTED]: Okay.
 10 MR. [REDACTED]: -- this means, on the E1, he
 11 would be listed on the outcount?
 12 MR. N'DIAYE: As court.
 13 MR. [REDACTED]: As court.
 14 MR. N'DIAYE: Yeah.
 15 MR. [REDACTED]: Okay.
 16 MR. [REDACTED]: And that's what they were
 17 actually doing?
 18 MR. N'DIAYE: That's what they were doing.
 19 MR. [REDACTED]: Okay.
 20 MR. N'DIAYE: They had him on the E1.
 21 MR. [REDACTED]: So --
 22 MR. N'DIAYE: Yeah.
 23 MR. [REDACTED]: -- so, this is no longer
 24 --
 25 MR. N'DIAYE: That's not --

1 where that conclusion came from because from
 2 what I gather, they couldn't get - they
 3 couldn't find the -. Because usually --
 4 MR. [REDACTED]: Well, they found the
 5 292s, but they were just very limited.
 6 MR. N'DIAYE: Right. The 292s usually had
 7 to have everything indicated on it. So -.
 8 MR. [REDACTED]: And on that note, we were
 9 told the 292, his file, was extremely small,
 10 and it should have been larger. Had you heard
 11 anything about people removing documents from
 12 files?
 13 MR. N'DIAYE: From what I understand, and
 14 was told, that there was no file. They
 15 couldn't -. They had every other inmates file,
 16 but not his.
 17 MR. [REDACTED]: They couldn't even find
 18 it. You didn't think they could find his file
 19 at all?
 20 MR. N'DIAYE: No. That's what was told to
 21 me.
 22 MR. [REDACTED]: And who told you that?
 23 MR. N'DIAYE: I think I heard that after
 24 the fact. I don't know if the regional
 25 director told me after they came in and did the

1 MR. [REDACTED]: -- an issue.
 2 MR. N'DIAYE: -- an issue.
 3 MR. [REDACTED]: All right. The next one,
 4 it says, "No notations concerning a requirement
 5 for a cellmate were entered into the SHU
 6 program, and subsequently available for SHU
 7 officers to reference." Who would have been
 8 responsible for noting that in the SHU program?
 9 MR. N'DIAYE: So -.
 10 MR. [REDACTED]: First of all, what is the
 11 SHU program?
 12 MR. N'DIAYE: The SHU program is --
 13 MR. [REDACTED]: Is that the 292?
 14 MR. N'DIAYE: -- with the 292s. So, I
 15 don't know, from what I understand, and was
 16 told after the fact, that they couldn't find
 17 the information on Epstein in the SHU program.
 18 So, I don't know how you came to that
 19 conclusion.
 20 MR. [REDACTED]: By the way, let the record
 21 indicate that he is not sweating under his
 22 armpits. A good sign.
 23 MR. [REDACTED]: We didn't. BOP came to
 24 these conclusions.
 25 MR. N'DIAYE: Right. So, I don't know

1 check, that they couldn't find it. So, I don't
 2 know.
 3 MR. [REDACTED]: That's after they found out
 4 the [REDACTED] --
 5 MR. N'DIAYE: Yeah.
 6 MR. [REDACTED]: -- came down and had them
 7 (Indiscernible *04:40:44) a certain
 8 (Indiscernible *04:40:45).
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: But back to the original
 11 question, whether it was there or not.
 12 MR. N'DIAYE: Right.
 13 MR. [REDACTED]: If it, the cellmate
 14 requirement was not entered in the SHU program,
 15 who should have made sure that it was?
 16 MR. N'DIAYE: On the, in the 292? And I
 17 don't know who was doing it. It should have
 18 been the lieutenant, to ensuring that it's all
 19 in there.
 20 MR. [REDACTED]: So, the SHU lieutenant?
 21 MR. N'DIAYE: When they - yeah - when they
 22 deny it, or the OIC. So, if the captain
 23 conveyed the information to him, that should
 24 have been put on the 292.
 25 MR. [REDACTED]: So, either --

1 MR. N'DIAYE: By the lieutenant.
 2 MR. [REDACTED]: -- the SHU lieutenant or
 3 the OIC.
 4 MR. N'DIAYE: Yeah.
 5 MR. [REDACTED]: Now, when you say the
 6 OIC, does one OIC of one shift take more
 7 responsibility than another?
 8 MR. N'DIAYE: No. They are all on the
 9 same shift. So, it would depend on --
 10 MR. [REDACTED]: So, like, for instance,
 11 [REDACTED] was the OIC on the day watch, but --
 12 MR. N'DIAYE: Mm-hmm.
 13 MR. [REDACTED]: -- I think [REDACTED] was the
 14 OIC on the night watch.
 15 MR. N'DIAYE: Right.
 16 MR. [REDACTED]: So, would one of them had
 17 more of a responsibility to do this than
 18 another?
 19 MR. N'DIAYE: No. But that should have
 20 been done on the initial, when the directive
 21 was put out.
 22 MR. [REDACTED]: So, from Doctor, or Ms.
 23 [REDACTED] saying that here's coming off of
 24 psychological observation, he needs to be
 25 housed with a cellmate --

1 8:00 a.m. Inmate [REDACTED], the cellmate, departs
 2 for court."
 3 MR. N'DIAYE: Right.
 4 MR. [REDACTED]: Again, this claims court,
 5 but if they are seeing WAB. Actually, you know
 6 what? I heard WAB was specific to MCC. Is
 7 that correct?
 8 MR. N'DIAYE: Other institutions will tell
 9 you pack up your inmates with all belongings.
 10 That's, you know --
 11 MR. [REDACTED]: Because even --
 12 MR. N'DIAYE: -- what it is.
 13 MR. [REDACTED]: -- on their findings,
 14 they are showing that he departed for court.
 15 MR. N'DIAYE: Yeah.
 16 MR. [REDACTED]: Although, all the
 17 documentation we showed says WAB.
 18 MR. N'DIAYE: WAB.
 19 MR. [REDACTED]: And transferred.
 20 MR. N'DIAYE: Yeah. And it says --
 21 MR. [REDACTED]: So, even on here, they
 22 are getting this wrong?
 23 MR. N'DIAYE: And that's what the whole
 24 confusion is, is the assumption that he was
 25 going to court --

1 MR. N'DIAYE: Right. That would have been
 2 --
 3 MR. [REDACTED]: -- on July 30th.
 4 MR. N'DIAYE: -- put out, and then, when -
 5 -
 6 MR. [REDACTED]: So, who, at that time,
 7 should have noted that in his file?
 8 MR. N'DIAYE: Well, you would probably
 9 have to find out from the captain who he
 10 directed to --
 11 MR. [REDACTED]: Well, the captain --
 12 MR. N'DIAYE: -- to doing that.
 13 MR. [REDACTED]: -- according to his, you
 14 know, his memo that he sent to you --
 15 MR. N'DIAYE: Mm-hmm.
 16 MR. [REDACTED]: -- it says that he
 17 specifically had these conversations on
 18 multiple occasions, with --
 19 MR. N'DIAYE: The SHU --
 20 MR. [REDACTED]: -- Lieutenant [REDACTED].
 21 MR. N'DIAYE: -- right. So, it would have
 22 been the SHU lieutenant. Whichever one he had.
 23 If [REDACTED] was the one, then [REDACTED] would have been
 24 the one. But --
 25 MR. [REDACTED]: Okay. "August 9th, 2019.

1 MR. [REDACTED]: Because then it says --
 2 MR. N'DIAYE: -- when you look at the
 3 document --
 4 MR. [REDACTED]: -- so --
 5 MR. N'DIAYE: -- go ahead.
 6 MR. [REDACTED]: -- yeah, and then, it
 7 says, "Inmate [REDACTED] does not return to the
 8 institution."
 9 MR. N'DIAYE: Right.
 10 MR. [REDACTED]: So, and this was when a
 11 lot of things, when we were first starting this
 12 investigation, we heard was court, court,
 13 didn't return from court.
 14 MR. N'DIAYE: Right.
 15 MR. [REDACTED]: And then, when we
 16 actually looked through the record, we were,
 17 like --
 18 MR. N'DIAYE: Right.
 19 MR. [REDACTED]: -- court. It's -.
 20 MR. N'DIAYE: I think people thought,
 21 without looking at the documentation, that he
 22 went to court and got released from court.
 23 MR. [REDACTED]: Okay.
 24 MR. N'DIAYE: So.
 25 MR. [REDACTED]: So then, I'm just going

1 to read the question. If the documents list
2 █████ as being WAB, and if they had the
3 transfer list, why did they say he went to
4 court and did not return?

5 MR. N'DIAYE: I can't answer that.

6 MR. █████: Okay. "7:00 p.m.
7 Epstein was provided a social call by the
8 institutional duty officer." Does that mean
9 █████?

10 MR. N'DIAYE: Yeah. He was the duty
11 officer at that time, I believe.

12 MR. █████: And what does the
13 institutional duty officer mean?

14 MR. N'DIAYE: So, what the duty officer
15 is, is after hours, they walk around and, you
16 know, report emergencies, you know -.

17 MR. █████: Is that, like, the
18 highest ranking official there?

19 MR. N'DIAYE: That comes on at night. You
20 know, there with the lieutenants. But they
21 just make sure that if we had any issues, you
22 know, addressing inmate issues, stuff like
23 that.

24 MR. █████: So, they are kind of,
25 like, the, basically the OIC for the

1 extremely concerning.

2 MR. █████: Okay. "On August 9th,
3 2019, during a shift change in SHU, the SHU
4 number three, 6:00 a.m. to 2:00 p.m., officer
5 briefed his 2:00 p.m. to 10:00 relief, and the
6 other two, 8:00 a.m. to 4:00 p.m. officers,
7 with the likelihood inmate █████ would not be
8 returning, and inmate Epstein would require a
9 cellmate upon return from an attorney visit.
10 Inmate Epstein was not placed with a cellmate
11 upon his return to SHU." My question to you
12 is, just, how did they know this information?
13 How would they have obtained that information?
14 Do you know?

15 MR. N'DIAYE: I don't know. Like I said,
16 I don't know who they spoke to during this
17 after action.

18 MR. █████: Were they doing
19 interviews, though?

20 MR. N'DIAYE: I wasn't there.

21 MR. █████: Okay.

22 MR. N'DIAYE: Yeah.

23 MR. █████: Were they authorized,
24 though, if OIG and FBI are doing an
25 investigation, is the after action team

1 institution?

2 MR. N'DIAYE: Kind of. I wouldn't say the
3 OIC, but you know, senior staff around.

4 MR. █████: Okay. "This call was
5 done on an unmonitored line. It is extremely
6 concerning why this call would have been
7 placed, and why it would be done on an
8 unmonitored line. Without further interviews,
9 it is not possible to determine the reason for
10 this call." Just, why does it say, "extremely
11 concerning"?

12 MR. N'DIAYE: I don't know. Both are
13 report --

14 MR. █████: But I mean, do you also
15 find it extremely concerning? Would you
16 classify it as extremely concerning?

17 MR. N'DIAYE: I mean, it would be -. I
18 mean, that the choice of words that they use.
19 So, I wouldn't, you know, necessarily say, use
20 the word extremely concerning. But I would
21 think, I would --

22 MR. █████: It's certainly wrong.

23 MR. N'DIAYE: -- it would be --

24 MR. █████: But -.

25 MR. N'DIAYE: -- it was an issue. But

1 authorized to come in and interview people?

2 MR. N'DIAYE: So, I've done after actions.
3 And there is a point where you come to it,
4 where you, if it's an OIG or FBI investigation,
5 that I can't. I mean, I can't question certain
6 people because it might impede an
7 investigation. Like, if you are going to look
8 at video and all that stuff, or look at it, you
9 can't because most of the time, it's been
10 taken. So, I don't know -.

11 MR. █████: So, possibly from that
12 memo, though, that was created? If they are
13 not really supposed to be doing. I mean, I'm
14 assuming they are not really supposed to be
15 doing interviews.

16 MR. N'DIAYE: I mean, I don't know who
17 authorized them to come in and do the
18 investigation. I don't know. It was, you
19 know, who set the parameters on it. I can't
20 speak on that.

21 MR. █████: And is it a normal for
22 them to do something like this, when there is
23 an actual FBI and OIG investigation?

24 MR. N'DIAYE: We do after actions. So, I
25 don't know -.

1 MR. [REDACTED]: But I mean, do they do
 2 after actions typically, when there is an open,
 3 criminal investigation, though?
 4 MR. N'DIAYE: Not typically.
 5 MR. [REDACTED]: No?
 6 MR. N'DIAYE: So, I don't know. And
 7 again, I don't want to speculate. I don't know
 8 who authorized it. I don't know if they got
 9 permission from the department to come down and
 10 do it. I don't want to --
 11 MR. [REDACTED]: Sure. "August 10th,
 12 2019." So, this is the day of.
 13 MR. N'DIAYE: Mm-hmm.
 14 MR. [REDACTED]: "6:33 a.m. A body alarm
 15 is activated in the Special Housing Unit. SHU
 16 staff report inmate Epstein was unresponsive in
 17 cell Z06-220LAD. Sentry does not reflect this
 18 accurately. Staff entered the cell and
 19 attempted to wake Epstein. Control center
 20 announced a medical emergency, and
 21 cardiopulmonary resuscitation," or CPR, "was
 22 initiated." So, the question here is, I guess
 23 I'll start with. Well, the information that we
 24 have is Michael Thomas and Noel were there.
 25 Michael Thomas immediately went into the cell.

1 And guess what? You're the only person there.
 2 Now, he has the keys for every range door on
 3 that door.
 4 MR. [REDACTED]: Okay.
 5 MR. N'DIAYE: And you can lose --
 6 MR. [REDACTED]: Mm-hmm.
 7 MR. N'DIAYE: -- you can lose the unit.
 8 MR. [REDACTED]: Okay. Okay.
 9 MR. N'DIAYE: So --
 10 MR. [REDACTED]: Yeah. Okay. I made a
 11 mistake.
 12 MR. N'DIAYE: -- that wasn't --
 13 MR. [REDACTED]: That's the first time --
 14 MR. [REDACTED]: So, he did not.
 15 MR. [REDACTED]: -- you make a notation,
 16 (Indiscernible *04:48:23).
 17 MR. [REDACTED]: So, he didn't
 18 appropriately (Indiscernible *04:48:25)?
 19 MR. N'DIAYE: Yeah. He didn't
 20 appropriately.
 21 MR. [REDACTED]: And should have he known
 22 that from his training experience?
 23 MR. N'DIAYE: Yeah. Yeah.
 24 MR. [REDACTED]: "7:36 a.m., inmate
 25 Epstein pronounced dead by the emergency room

1 MR. N'DIAYE: Mm-hmm.
 2 MR. [REDACTED]: Upon finding Epstein.
 3 MR. N'DIAYE: Mm-hmm.
 4 MR. [REDACTED]: Was it appropriate for
 5 him to immediately go into the cell? Or should
 6 have he waited for staff to arrive on site?
 7 MR. N'DIAYE: You should be --
 8 MR. [REDACTED]: What?
 9 MR. N'DIAYE: -- you're trained --
 10 MR. [REDACTED]: To go into the cell, I would
 11 think.
 12 MR. N'DIAYE: -- no, you wait for enough
 13 staff to get there, and a lieutenant, before
 14 you open that door.
 15 MR. [REDACTED]: Is that right?
 16 MR. N'DIAYE: Mm-hmm.
 17 MR. [REDACTED]: In other words, suppose the
 18 fucking guy is in seizure.
 19 MR. N'DIAYE: Well, the flip side of it
 20 is, he could be trying --
 21 MR. [REDACTED]: Remember --
 22 MR. N'DIAYE: -- he could be feigning it.
 23 MR. [REDACTED]: -- we're in a prison.
 24 MR. N'DIAYE: Yeah. He could be feigning
 25 the suicide, and then come on and attack you.

1 physician. And we've already addressed this.
 2 My question was, was Epstein alive, or did he
 3 show signs of -? But we dug into that plenty.
 4 MR. N'DIAYE: Mm-hmm.
 5 MR. [REDACTED]: "On August 10th, 2019,
 6 the two assigned morning watch SHU officers
 7 failed to make their designated rounds, or
 8 count the SHU inmates for two counts. At 6:33
 9 a.m., upon finding inmate Epstein unresponsive
 10 in his cell, with a torn bedsheet around his
 11 neck, staff utilized the body alarm to initiate
 12 a call for assistance. The medical response to
 13 the incident was timely, efficient, and
 14 exhaustive. Staff utilized an AED, as well as
 15 a continuous CPR unit care was assumed by EMS
 16 personnel." Are you aware of how - what
 17 information they obtained to say that the SHU
 18 officers failed to make their designated rounds
 19 or counts?
 20 MR. N'DIAYE: I don't know.
 21 MR. [REDACTED]: No? And I just say this
 22 because I know, in reviewing the emails, a lot
 23 of this information was provided from you to
 24 [REDACTED], and [REDACTED] was providing it to whomever, that
 25 were --

1 MR. N'DIAYE: Right.
 2 MR. [REDACTED]: -- was doing this,
 3 though.
 4 MR. N'DIAYE: Right.
 5 MR. [REDACTED]: So, I was assuming, in
 6 drafting these questions, that a lot of this
 7 information came from you.
 8 MR. N'DIAYE: But I wasn't here when this
 9 was.
 10 MR. [REDACTED]: Yeah, yeah, yeah. I
 11 think a lot of this stuff, though, was
 12 provided, you know --
 13 MR. N'DIAYE: Right.
 14 MR. [REDACTED]: -- during the email
 15 review, those first couple of days.
 16 MR. N'DIAYE: Okay.
 17 MR. [REDACTED]: So, that's why I'm asking
 18 these questions, is, like, do you know where
 19 this information came from?
 20 MR. N'DIAYE: No, I don't.
 21 MR. [REDACTED]: No?
 22 MR. N'DIAYE: Hmm-mm.
 23 MR. [REDACTED]: Okay. "Institution duty
 24 officers do not routinely visit SHU each day,
 25 as required by the institution supplement.

1 Make sure there are no issues.
 2 MR. [REDACTED]: And is that, like you
 3 said, the idea was the guy that's on at night?
 4 MR. N'DIAYE: That's the duty officer.
 5 The institution duty officer.
 6 MR. [REDACTED]: Always at night, though?
 7 MR. N'DIAYE: They use - they typically
 8 work from, like, 1:00 to 9:00, 12:00 to 9:00.
 9 They cover the evening shift.
 10 MR. [REDACTED]: Because I thought it was
 11 explained to me, it was kind of, like, the
 12 person in charge when you are not here.
 13 MR. N'DIAYE: Well, yeah. But then, the
 14 other flip side of it go to the other shifts,
 15 you know, the operations lieutenant is the CEO
 16 in the absence of a warden. So --
 17 MR. [REDACTED]: Okay.
 18 MR. N'DIAYE: -- the duty officer is just
 19 the bridge to the executive staff.
 20 MR. [REDACTED]: But they were actually
 21 supposed to be conducting those SHU rounds
 22 every day?
 23 MR. N'DIAYE: And then, again, I don't
 24 know if they were or were not. I don't know
 25 what they were, you know, what he was looking

1 Additionally, the IDO reports consistently
 2 document the condition of SHU as satisfactory,
 3 when observations have shown the SHU to be less
 4 than satisfactory." Do you have any comment on
 5 that? Do you agree with that assessment?
 6 MR. N'DIAYE: Oh, I don't know what day
 7 they went in there. Again, when these
 8 observations were done, I wasn't the warden in
 9 the institution.
 10 MR. [REDACTED]: Okay. But prior to, when
 11 you were the warden, do you know about the
 12 institution duty officers not routinely
 13 visiting the SHU each day as required?
 14 MR. N'DIAYE: No. I didn't know about
 15 that.
 16 MR. [REDACTED]: You didn't know about
 17 that.
 18 MR. N'DIAYE: I didn't. I ensured
 19 sanitation. You know? I made sure they made,
 20 made sure the areas were clean. So.
 21 MR. [REDACTED]: Okay. And what was their
 22 ultimate responsibility when they would visit
 23 the SHU?
 24 MR. N'DIAYE: I guess same thing, to make
 25 rounds in the unit. Check on the inmates.

1 at.
 2 MR. [REDACTED]: Now, why would, was
 3 [REDACTED] a reoccurring --
 4 MR. N'DIAYE: What?
 5 MR. [REDACTED]: -- [REDACTED].
 6 Was he a reoccurring -?
 7 MR. N'DIAYE: No. The duty officers.
 8 Like, sometimes, you can get it twice a year.
 9 MR. [REDACTED]: Oh, okay.
 10 MR. N'DIAYE: So, I don't -.
 11 MR. [REDACTED]: But is it, like, a
 12 quarterly --
 13 MR. N'DIAYE: Well, remember --
 14 MR. [REDACTED]: -- submitted post type of
 15 thing?
 16 MR. N'DIAYE: -- remember, he is also, he
 17 is the duty officer, but he is also his unit
 18 manager.
 19 MR. [REDACTED]: But was he --
 20 MR. N'DIAYE: So -.
 21 MR. [REDACTED]: -- the consistent duty
 22 officer?
 23 MR. N'DIAYE: No, no, no, no. They
 24 rotate.
 25 MR. [REDACTED]: Every day?

1 MR. N'DIAYE: No. Every week.
 2 MR. [REDACTED]: Every week.
 3 MR. N'DIAYE: Yeah. You have other ones,
 4 every week. So --
 5 MR. [REDACTED]: So, it goes between other
 6 unit managers?
 7 MR. N'DIAYE: Other unit managers. Other
 8 department heads. So, it kind of goes, you
 9 know?
 10 MR. [REDACTED]: What is the grade --
 11 MR. [REDACTED]: And do they --
 12 MR. [REDACTED]: -- level requirement?
 13 MR. N'DIAYE: The department heads. It's
 14 usually 12 or higher.
 15 MR. [REDACTED]: 12 or higher.
 16 MR. N'DIAYE: And some, like, maybe some
 17 GS-11s. Our trust fund supervisors.
 18 MR. [REDACTED]: What grade level are you?
 19 MR. N'DIAYE: Huh?
 20 MR. [REDACTED]: What level are you?
 21 MR. N'DIAYE: SES.
 22 MR. [REDACTED]: Which means?
 23 MR. [REDACTED]: It's like a general.
 24 MR. N'DIAYE: No. A staff.
 25 MR. [REDACTED]: No. It's what it's

1 level. So, don't --. He's being modest.
 2 MR. N'DIAYE: No. Yeah.
 3 MR. [REDACTED]: I always liked him anyway.
 4 MR. [REDACTED]: I did not know. I
 5 thought, I assumed you were 15 since your AWS
 6 are 14s, though.
 7 MR. N'DIAYE: No. But certain
 8 institutions, you are SESs.
 9 MR. [REDACTED]: And MCC was one of those
 10 institutions?
 11 MR. N'DIAYE: MCC is one. Your pre-trials
 12 are 15s. Your penitentiaries. Your big lows.
 13 Like, Fort Dix. Certain mediums.
 14 MR. [REDACTED]: And have you maintained?
 15 Are you still an SES now?
 16 MR. N'DIAYE: Yes.
 17 MR. [REDACTED]: Okay. Since this time,
 18 have you ever been demoted or anything like
 19 that?
 20 MR. N'DIAYE: No.
 21 MR. [REDACTED]: No.
 22 MR. [REDACTED]: You know, man, I really --
 23 MR. N'DIAYE: No. Just got --
 24 MR. [REDACTED]: -- I really got (Indiscernible
 25 *04:53:45) for this guy.

1 equivalent to.
 2 MR. [REDACTED]: Mm-hmm.
 3 MR. N'DIAYE: Right.
 4 MR. [REDACTED]: So, if you're looking at
 5 the military equivalent --
 6 MR. N'DIAYE: Mm-hmm.
 7 MR. [REDACTED]: Hey, man.
 8 MR. [REDACTED]: -- it would be --
 9 MR. [REDACTED]: I can't be too --
 10 MR. [REDACTED]: -- the general.
 11 MR. [REDACTED]: -- cheap.
 12 MR. N'DIAYE: No. No. No. I can't
 13 afford that. I got kids.
 14 MR. [REDACTED]: Well, fuck. Why didn't --
 15 MR. N'DIAYE: Yeah.
 16 MR. [REDACTED]: -- why didn't somebody tell me
 17 that before?
 18 MR. N'DIAYE: No, no, no. I got --
 19 MR. [REDACTED]: (Indiscernible *04:52:52).
 20 MR. N'DIAYE: -- yeah.
 21 MR. [REDACTED]: Yeah.
 22 MR. [REDACTED]: So, the highest level you
 23 can go to in the GS level is 15. And that is
 24 basically a full (Indiscernible *04:53:00)
 25 colonel in the military. SES is the general

1 MR. N'DIAYE: -- no.
 2 MR. [REDACTED]: (Indiscernible *04:53:45).
 3 You know how, I always give law enforcement
 4 guys a big, you know, a discount. But I
 5 didn't, he's fuck -- he's a fucking
 6 (Indiscernible *04:53:52) --
 7 MR. N'DIAYE: I'm (Indiscernible
 8 *04:53:52) a discount.
 9 MR. [REDACTED]: -- (Indiscernible *04:53:54)
 10 couldn't afford him to pay.
 11 MR. N'DIAYE: Remember, I'm a federal
 12 employee.
 13 MR. [REDACTED]: Federal boys. It doesn't
 14 matter if you're a general or not.
 15 MR. N'DIAYE: We don't make any money.
 16 MR. [REDACTED]: You're not making a lot
 17 of money.
 18 MR. [REDACTED]: Yeah.
 19 MR. N'DIAYE: But --
 20 MR. [REDACTED]: Remember, I think the
 21 president makes, what?
 22 MR. N'DIAYE: Yeah.
 23 MR. [REDACTED]: 250, and he's the --
 24 MR. N'DIAYE: 400.
 25 MR. [REDACTED]: -- 400.

1 MR. N'DIAYE: Yeah.
 2 MR. [REDACTED]: Is it 400 now?
 3 MR. N'DIAYE: And the Vice President makes
 4 two something.
 5 MR. [REDACTED]: Yeah, yeah. No. That's
 6 -.
 7 MR. N'DIAYE: And never disciplined. When
 8 I was moved, never given a reason why I was
 9 moved. I was just moved.
 10 MR. [REDACTED]: Okay. So, is the report
 11 also says that, "Psychology intake screening of
 12 Epstein contained errors in identifying
 13 details, including that Epstein was referred to
 14 as a black inmate, and by different inmate
 15 names."
 16 MR. [REDACTED]: Oh, no. You're kidding me.
 17 They said he was black? Hell, that was a
 18 mistake.
 19 MR. [REDACTED]: Do you know anything
 20 about that?
 21 MR. N'DIAYE: I don't know anything about
 22 that.
 23 MR. [REDACTED]: Would that be a
 24 psychology issue?
 25 MR. N'DIAYE: That is a psychology,

1 MR. [REDACTED]: That --
 2 MR. [REDACTED]: How about, like, Nine
 3 South lower, or something like that? Would
 4 they? Isn't that, like, the mini Ten South?
 5 MR. N'DIAYE: That's the - yeah - that's
 6 the --
 7 MR. [REDACTED]: Or G tier.
 8 MR. N'DIAYE: -- G tier.
 9 MR. [REDACTED]: That's not --
 10 MR. N'DIAYE: Right.
 11 MR. [REDACTED]: -- what this is.
 12 MR. N'DIAYE: So, that --
 13 MR. [REDACTED]: Did they have cameras?
 14 MR. N'DIAYE: -- that did have recording
 15 cameras in --
 16 MR. [REDACTED]: Just live cameras?
 17 MR. N'DIAYE: -- in South, yeah. Just -.
 18 Nope. But then, we had no cameras on there
 19 that had live cameras in the South.
 20 MR. [REDACTED]: Okay. So, only --
 21 MR. N'DIAYE: Ten South.
 22 MR. [REDACTED]: -- Ten South.
 23 MR. N'DIAYE: Only Ten South.
 24 MR. [REDACTED]: So --
 25 MR. [REDACTED]: So -.

1 whoever was doing that review.
 2 MR. [REDACTED]: All right. "SHU has
 3 multiple cells equipped with video recording
 4 capability. Inmate Epstein was not housed in
 5 one of these cells. And there appears to be no
 6 set guidance on when to utilize these cells."
 7 So, you already said you didn't believe, like,
 8 he should have been.
 9 MR. N'DIAYE: So --
 10 MR. [REDACTED]: Is that correct?
 11 MR. N'DIAYE: -- let me correct that.
 12 None of the cells, none of the cells that we
 13 had in SHU had cameras in the cells that were
 14 being, working and being used. The only ones
 15 up in SHU that had cameras in the cell is Ten
 16 South.
 17 MR. [REDACTED]: Okay. So, no --
 18 MR. N'DIAYE: So, they --
 19 MR. [REDACTED]: -- where else in the
 20 institution --
 21 MR. N'DIAYE: -- nowhere else in there had
 22 cameras in the cell.
 23 MR. [REDACTED]: Hmm.
 24 MR. N'DIAYE: Ten South, we have it in the
 25 cells where you can see --

1 MR. [REDACTED]: -- this statement might
 2 actually associate Ten South as part of the
 3 SHU.
 4 MR. N'DIAYE: Right. Because a lot of
 5 people that come in, when they first come in,
 6 Ten South is part of there, actually part of
 7 Nine South. We call it -. It's part of an
 8 annex. So, when most people come in, and they
 9 have never been there, they don't
 10 differentiate.
 11 MR. [REDACTED]: So, being that these are
 12 BOP individuals that did this report, what is
 13 your response to them saying that there appears
 14 to be set guidance on when to utilize these
 15 cells? If they are referring to Ten South.
 16 Was there guidance on that?
 17 MR. N'DIAYE: Yeah. Ten South, like I
 18 said, was specifically for the SAMs inmates.
 19 MR. [REDACTED]: So, do you --
 20 MR. N'DIAYE: Yeah.
 21 MR. [REDACTED]: -- also believe that that
 22 is an incorrect statement, then?
 23 MR. N'DIAYE: If that's what they are
 24 referring to, I do believe it is.
 25 MR. [REDACTED]: And you believe there was

1 no other working cameras, outside of Ten South?
 2 MR. N'DIAYE: Ten South is --
 3 MR. [REDACTED]: For a single cell.
 4 MR. N'DIAYE: -- is the one where we had
 5 our cameras.
 6 MR. [REDACTED]: Okay.
 7 MR. [REDACTED]: Okay.
 8 MR. [REDACTED]: Because we had also been
 9 informed that there were cells outside of Ten
 10 South that had cameras in them, specifically I
 11 think G tier. That's inaccurate?
 12 MR. N'DIAYE: G tier. There is no
 13 recording of inmates in those cells.
 14 MR. [REDACTED]: Just live?
 15 MR. N'DIAYE: And I don't even believe
 16 live. I know the only ones we had was Ten
 17 South.
 18 MR. [REDACTED]: Okay.
 19 MR. [REDACTED]: We also heard that Ten South
 20 wasn't supposed to be utilized anymore. It was
 21 actually supposed to be phased out.
 22 MR. N'DIAYE: It was supposed to be what?
 23 MR. [REDACTED]: Phased out.
 24 MR. N'DIAYE: What do you mean phased out?
 25 MR. [REDACTED]: He was actually brought up,

1 the overall team's finding was? Do you agree
 2 that there was a shortage of staff?
 3 MR. N'DIAYE: Yeah, there was. I mean --
 4 MR. [REDACTED]: Mm-hmm.
 5 MR. N'DIAYE: -- I'll give you an example.
 6 We were short staffed. I was relieving
 7 officers on their posts, and on some weekends,
 8 I would come in and work a post. I mean --
 9 MR. [REDACTED]: You, as the warden?
 10 MR. N'DIAYE: -- as the warden. I mean,
 11 we had -. We were short. I mean -.
 12 MR. [REDACTED]: Now, is there a -. Was
 13 there a way to rectify that issue?
 14 MR. N'DIAYE: We could. I mean, hiring.
 15 We had, I mean, 40 or 50 staff on OWCP
 16 (Phonetic Sp. *04:58:23).
 17 MR. [REDACTED]: And can you explain what
 18 that is?
 19 MR. N'DIAYE: Workers compensation.
 20 MR. [REDACTED]: Oh. And what was the
 21 percentage there, you said?
 22 MR. N'DIAYE: About 40 or 50 staff on it.
 23 MR. [REDACTED]: 40 or 50 staff.
 24 MR. N'DIAYE: Yeah. On there -.
 25 MR. [REDACTED]: Did they seem to abuse

1 brought out during the time, after 9/11, to
 2 house terrorists inmates.
 3 MR. N'DIAYE: Mm-hmm.
 4 MR. [REDACTED]: Have you ever heard anything
 5 about the fact that no one was supposed to be
 6 housed up there anymore (Indiscernible
 7 *04:57:12)?
 8 MR. N'DIAYE: No. It's not -. It's not
 9 to house terrorists' inmates. It's to house
 10 inmates that have a SAMs on them. So, mostly,
 11 the most of the inmates that have SAMs on them
 12 are terrorist inmates or, you know, maybe an
 13 inmate housed for espionage. You know? And
 14 then --
 15 MR. [REDACTED]: Was it supposed to have been
 16 phased out due to PREA concerns?
 17 MR. N'DIAYE: I didn't -. I don't know
 18 anything about that.
 19 MR. [REDACTED]: Okay.
 20 MR. N'DIAYE: No.
 21 MR. [REDACTED]: Okay. The next one is,
 22 the report also shows that, "A review was done
 23 regarding the overtime conducted by the C.O.s
 24 at the MCC, and the shortage of staff." It
 25 doesn't say much about it. Do you know what

1 that?
 2 MR. N'DIAYE: We all knew it was an abuse.
 3 I mean, we -. We had even had conversations
 4 with the IG about, you know, you're going to
 5 the same doctor. But I mean, I understand. So
 6 --
 7 MR. [REDACTED]: So --
 8 MR. N'DIAYE: -- every -.
 9 MR. [REDACTED]: -- they were all using the
 10 same doctor?
 11 MR. N'DIAYE: The same doctor. But again,
 12 I understand, every agency is short.
 13 MR. [REDACTED]: Mm-hmm.
 14 MR. N'DIAYE: I mean, so, we just had that
 15 constant problem.
 16 MR. [REDACTED]: That's, like --
 17 MR. N'DIAYE: You know?
 18 MR. [REDACTED]: -- they use some of these -.
 19 Some things, they use the same expert witnesses
 20 all the time.
 21 MR. N'DIAYE: Right. The hiring. We had
 22 a lot of department heads that we would use to
 23 cover. Some of my associate wardens, you know,
 24 would cover. So, it was just, you know, had to
 25 make do with what we had.

1 MR. [REDACTED]: Now, was there, like, a
2 plan in place to try to get you guys up to
3 proper staffing levels?

4 MR. N'DIAYE: I mean, we were working on
5 hiring. You know, and getting people in. But
6 it's a process. You know? To get somebody
7 hired, it takes between six and eight months.

8 MR. [REDACTED]: And were there a number
9 of people in the pipeline?

10 MR. N'DIAYE: Not really. I mean, we went
11 out and did recruiting, because we were
12 competing with other agencies.

13 MR. [REDACTED]: Mm-hmm.

14 MR. N'DIAYE: You know? Other agencies
15 are hiring, you know, and we had incentives.
16 You know? To get people on. So, it was just a
17 matter of, you know, getting people on board.

18 MR. [REDACTED]: And do you think it could
19 have been handled better by some, in some way,
20 by the BOP, in order to rectify that issue?

21 MR. N'DIAYE: There's certain things we
22 don't control. Staffing. You know, the
23 budget. We don't -. I don't -. We don't
24 control that. I mean, we can turn around and
25 say, I want this, but once the law is passed,

1 MR. [REDACTED]: All right. So, we're
2 literally less than half of a page left.

3 MR. N'DIAYE: Mm-hmm.

4 MR. [REDACTED]: But this next one is just
5 going to be, I'm going to have you just kind of
6 read it --

7 MR. N'DIAYE: Okay.

8 MR. [REDACTED]: -- along with me because
9 it's so long. "He was also an inmate who had
10 risk factors for assault by other inmates, and
11 did require careful selection for appropriate
12 cellmates. Although these issues were noted,
13 well documented, and communicated, a failure
14 still occurred by allowing inmate Epstein to be
15 placed in the cell alone. Although feasible
16 for an inmate to effectuate suicide while
17 housed with a cellmate, the odds of this
18 occurring are significantly lowered when housed
19 with another inmate."

20 The report continues. "It is apparent
21 various staff at the institution made a point
22 of ensuring inmate Epstein had an assigned
23 cellmate. The captain personally instructed
24 the lieutenants, individually. A mass email
25 was distributed by psychology, and it is

1 and it said, this is what you are getting, you
2 don't -. We need to work with what we've got.

3 MR. [REDACTED]: No, and I understand
4 that, that as, like, as far as the BOP goes.
5 But I mean, the MCC, especially, you know,
6 covering Epstein in a lie (*05:00:18), and
7 having such high-profile inmates. Was there -
8 do you think that there could have been
9 anything done better, though, by the BOP, to
10 make sure that your institution, specifically
11 MCC, was better staffed?

12 MR. N'DIAYE: You could - so, let's go TDY
13 - we couldn't really, couldn't TDY to a point,
14 but then, there are other institutions around
15 the agency that were, you know, the staffing
16 was an issue. So, they can't send somebody out
17 to help, you know? And then, it just brought
18 down the finding. I mean, and getting people
19 to clear your background. Not everybody can
20 clear a background to work. I mean, yeah, we
21 can go out in the street and say, hey, we got a
22 job for you, but can you pass the guidelines?

23 MR. [REDACTED]: Mm-hmm.

24 MR. N'DIAYE: And a lot of time, do we
25 know.

1 apparent some SHU officers were aware.

2 Although many people acknowledge this is an
3 important fact, ultimately, the final staff
4 responsible for not - or did not ensure the
5 requirement was met, including vital
6 directives, such as a cellmate requirement, and
7 a mass email does not ensure -. (Indiscernible
8 *05:02:20) --

9 MR. N'DIAYE: Mm-hmm.

10 MR. [REDACTED]: -- including vital
11 directives, such as a cellmate requirement, and
12 a mass email does not ensure those who truly
13 need that information do, in fact, receive it
14 timely. In this case, inmate Epstein was
15 actually placed with a cellmate when removed
16 from psychological --

17 MR. N'DIAYE: Mm-hmm.

18 MR. [REDACTED]: -- observation. After
19 that moment, it is clear there was no
20 additional written directive, or a fail safe
21 system established, to ensure inmate Epstein --

22 MR. N'DIAYE: Mm-hmm.

23 MR. [REDACTED]: -- would have had a
24 cellmate going forward." So, I guess, first
25 and foremost, do you believe, probably the

1 primary reason why Epstein was able to take his
2 own life was because he didn't have a cellmate?
3 On top of the fact that they weren't conducting
4 rounds in SHU? And counts.

5 MR. N'DIAYE: I can't speak to the
6 mindset. Only I can speak to is, he killed
7 himself.

8 MR. [REDACTED]: But what I'm asking is,
9 would it have certainly helped prevent his
10 death by one) having an inmate; and two) having
11 rounds and counts conducted?

12 MR. N'DIAYE: Oh, if people did their job.

13 MR. [REDACTED]: Right.

14 MR. N'DIAYE: You know? And -.

15 MR. [REDACTED]: Like, obviously, if he
16 killed himself, he did it.

17 MR. N'DIAYE: Right.

18 MR. [REDACTED]: But the way that the
19 government can better ensure that that doesn't
20 happen is by ensuring that, when it is mandated
21 that someone has a cellmate, they have a
22 cellmate.

23 MR. N'DIAYE: Right.

24 MR. [REDACTED]: And when they do their
25 job, like you just said, they conduct rounds

1 to do. There was signs up.

2 MR. [REDACTED]: Now, what signs do you
3 know that were up?

4 MR. N'DIAYE: No, I mean, the one you read
5 to me, about the sign about doing the 30-minute
6 checks.

7 MR. [REDACTED]: Oh, I think this is --

8 MR. N'DIAYE: So -.

9 MR. [REDACTED]: -- specifically talking
10 about the cellmate requirement.

11 MR. N'DIAYE: No. I mean, (Indiscernible
12 *05:05:02) cellmate requirement. It was put
13 out by the captain. Directives were given.
14 Staff was spoken to. You know, it's kind of
15 boiled down to people not doing their job. I
16 mean, if I tell you, you have to do something,
17 it's given to you in writing, what more do we
18 have to do?

19 MR. [REDACTED]: Well, that's kind of my
20 question, because the BOP is the one who wrote
21 that finding. So, I'm curious myself --

22 MR. N'DIAYE: I mean, that's --

23 MR. [REDACTED]: -- what you think --

24 MR. N'DIAYE: -- I mean --

25 MR. [REDACTED]: -- that could have been

1 and counts, that -. Is that what you believe
2 would have helped keep him alive today, if, you
3 know, from the government perspective?

4 MR. N'DIAYE: I mean, again, I'm going to
5 just say, I can't say what would have kept him
6 alive, but I will say, you know, if people made
7 their rounds, did their job, followed
8 instructions that they were given, then it
9 might have -. Could have minimized what, you
10 know --

11 MR. [REDACTED]: The risk.

12 MR. N'DIAYE: -- you know, what happened.
13 The risk. But I can't talk to, you know, if he
14 would have done it or not done it. If that
15 would have stopped him.

16 MR. [REDACTED]: Now, as far as this last
17 sentence, what they wrote, "After that moment,
18 it is clear there was no additional written
19 directive, or fail safe system established to
20 ensure inmate Epstein would have a cellmate
21 going forward." What do you think could have
22 been done, and who should have done it?

23 MR. N'DIAYE: So, directives and the
24 information was conveyed to people verbally,
25 documented on forms, on what you are supposed

1 done.

2 MR. N'DIAYE: -- that's somebody's
3 opinion.

4 MR. [REDACTED]: Right.

5 MR. N'DIAYE: You know? That's a Monday
6 morning quarterback that came in and make an
7 opinion. I don't know what their ulterior
8 motive is --

9 MR. [REDACTED]: Can you think of any --

10 MR. N'DIAYE: -- for making it.

11 MR. [REDACTED]: -- anything that wasn't
12 done? Can you think of anything, like, oh, if
13 this could have helped, or maybe he should have
14 done that? As far as the cellmate requirement.

15 MR. N'DIAYE: I can't think of anything
16 they should have done.

17 MR. [REDACTED]: No. Okay.

18 MR. [REDACTED]: Can I ask?

19 MR. N'DIAYE: Yeah.

20 MR. [REDACTED]: I know it's bound to - based
21 on once everything comes up, these are
22 questions that they're going to have. So, I
23 got to ask. I know you mentioned that you
24 couldn't have secondary selection. Like,
25 another replacement for [REDACTED], because inmates

1 keep moving. But is it possible that a list
2 should have been created? That, you know,
3 should have told the SHU officers, hey, listen,
4 if [REDACTED] ever gets removed, here is a list of
5 maybe possible five inmates that you could
6 choose from?

7 MR. N'DIAYE: But I mean, under, you know,
8 different inmates, we can do that, but he was a
9 high-profile inmate that --

10 MR. [REDACTED]: Mm-hmm.

11 MR. N'DIAYE: -- I would have had to get
12 that name and run it up to the department, to
13 see if it was okay. it wasn't just him. I was
14 going to arbitrarily say, listen, I need you
15 to, you know, we're going to put this guy -. I
16 was, just like with the other ones, sent up to
17 the department. So, again, it would have been
18 based on who was there.

19 MR. [REDACTED]: And because --

20 MR. N'DIAYE: If that.

21 MR. [REDACTED]: -- because of that
22 extreme detail that had to go into selection, I
23 think what [REDACTED] is asking you is, should have
24 there been a list of names that the higher ups
25 signed off on, in case someone was removed,

1 MR. [REDACTED]: Mm-hmm.

2 MR. N'DIAYE: -- again, I'm operating in
3 hindsight. I mean, at the time --

4 MR. [REDACTED]: Okay.

5 MR. N'DIAYE: -- you know, that's what was
6 done.

7 MR. [REDACTED]: Yeah, we know you do.

8 MR. [REDACTED]: Yeah. And we are
9 absolutely asking you to operate in hindsight.

10 MR. N'DIAYE: Right.

11 MR. [REDACTED]: Saying, like --

12 MR. N'DIAYE: Yeah.

13 MR. [REDACTED]: -- Monday morning
14 quarterbacking --

15 MR. N'DIAYE: Right.

16 MR. [REDACTED]: -- yourself and your own
17 institution, I get it. But, like, Monday
18 morning quarterbacking this situation --

19 MR. N'DIAYE: Mm-hmm.

20 MR. [REDACTED]: -- what do you think
21 they, you know, they are referring to this as
22 the BOP, and we are not the experts.

23 MR. N'DIAYE: Right.

24 MR. [REDACTED]: We're coming in. But BOP
25 is saying this. I'm just saying, what do they

1 they went to court, they didn't come back, they
2 were transferred, things like this.

3 MR. [REDACTED]: Like, that's what they list
4 as a fail safe. Like --

5 MR. N'DIAYE: Right. I mean --

6 MR. [REDACTED]: -- as a precautionary
7 measure.

8 MR. N'DIAYE: -- it could have been, but
9 then it would have still been based on who was
10 there that day, at the time.

11 MR. [REDACTED]: And that's why I think
12 he's saying, like, a list of five people versus
13 one or two. So, if this person is not --

14 MR. N'DIAYE: I don't --

15 MR. [REDACTED]: -- there, what about this
16 one? That one is not there, either. But maybe
17 this guy. You know, that type of thing. Or
18 did you --

19 MR. N'DIAYE: I just --

20 MR. [REDACTED]: -- just stand by a hunch?

21 MR. N'DIAYE: -- yeah. I just, I just

22 feel, like, you know --

23 MR. [REDACTED]: Don't know.

24 MR. N'DIAYE: -- it was, I can't, no. I
25 mean --

1 mean by this?

2 MR. N'DIAYE: Right. But --

3 MR. [REDACTED]: And what are some things
4 that could have been done?

5 MR. N'DIAYE: -- but those are individuals
6 that are coming in, looking at a situation,
7 that weren't deeply involved in it.

8 MR. [REDACTED]: Mm-hmm.

9 MR. N'DIAYE: You know, they weren't the
10 ones that were told, hey, okay, I'm talking to
11 my boss, and it's going all the way up to the
12 department. That wasn't -. That wasn't privy
13 to them.

14 MR. [REDACTED]: Mm-hmm.

15 MR. N'DIAYE: That was a need to know
16 basis.

17 MR. [REDACTED]: But unfortunately, everyone
18 is who going to eventually look at this case --

19 MR. N'DIAYE: Right.

20 MR. [REDACTED]: -- is going to be doing the
21 same exact thing as they are.

22 MR. N'DIAYE: No. But what I'm saying is,
23 if we're looking at assessing the situation on
24 what happened in real time, that's what I'm
25 talking about. So, in real time, now, if they

1 had known that, hey, you know what? These
2 names had to go up and be, you know, vetted at
3 the same time, maybe it would have been a
4 different thought process.

5 MR. [REDACTED]: And was it possible - and
6 maybe you discussed this - was it possible
7 that, hey, listen, the SHU officers could have
8 replaced -? Did they have the ability to
9 replace [REDACTED], if they wanted to, or did they
10 have to come up the chain of command, for the
11 chain of command to tell them who the new
12 inmate -?

13 MR. N'DIAYE: They were instructed, hey,
14 let us know when - where he's to have a
15 cellmate at all time - and to notify, let
16 someone know. Because again, due to the
17 individual that he was, you just don't want to
18 throw anybody.

19 MR. [REDACTED]: Okay. But doesn't that kind
20 of hinder them from taking action? Let's say,
21 at that point on that day, you are not in the
22 institution, Captain [REDACTED] was there, I
23 understand.

24 MR. N'DIAYE: There was an acting warden
25 there. You had the executive staff there.

1 needs a cellmate. And then, I would be, like,
2 okay, let's see what we have, so we can send it
3 up.

4 MR. [REDACTED]: So, basically, you were
5 always available. Someone was always
6 available, that if the proper notification was
7 being made, up the chain of command --

8 MR. N'DIAYE: Right.

9 MR. [REDACTED]: -- a newer inmate could have
10 been assigned.

11 MR. N'DIAYE: That's why I carried it.
12 That's why I had (Indiscernible *05:10:23).
13 So, to, I get calls all hours of the night,
14 even if I'm off, I'm not off. If there is an
15 issue, an emergency, I'm called. Yeah.

16 MR. [REDACTED]: Okay. And if someone does
17 ask, should the SHU officers have been given
18 the ability? Your answer to that would have
19 been, you have that phone with you, someone
20 should have made that notification. So --

21 MR. N'DIAYE: Right.

22 MR. [REDACTED]: -- someone in the higher --

23 MR. N'DIAYE: And they --

24 MR. [REDACTED]: -- of command.

25 MR. N'DIAYE: -- and they would contact

1 Just because the warden is not there doesn't
2 mean the institution doesn't run. That's why
3 you have, you know, people acting on your
4 behalf. You know? That could make --

5 MR. [REDACTED]: So, maybe --

6 MR. N'DIAYE: -- those decisions.

7 MR. [REDACTED]: -- maybe, what [REDACTED],
8 you are trying to ask is, would somebody, since
9 it sounds like you would have to go over your
10 head to even make that decision, has to go to
11 the regional director level, would the
12 associate warden have the ability to go to the
13 regional director, or would have they known to
14 go to the regional director?

15 MR. N'DIAYE: So, let's say that did
16 happen, right? They would have --

17 MR. [REDACTED]: Well, it did happen.

18 MR. N'DIAYE: -- no, I'm saying, as far as
19 finding out that, hey, he needed a cellmate.
20 So, even though I'm off that day, I'm still
21 working.

22 MR. [REDACTED]: Mm-hmm.

23 MR. N'DIAYE: Because I got the government
24 phone. And they're going to call me and tell
25 me, hey, this is what we got going on. He

1 me.

2 MR. [REDACTED]: Okay.

3 MR. N'DIAYE: So, it was not, like, I'm
4 off on paper. Because I am using my leave.
5 But I'm still on duty because you can call me
6 on my phone.

7 MR. [REDACTED]: Okay.

8 MR. N'DIAYE: Yeah.

9 MR. [REDACTED]: My last two questions.
10 Based on your conversation, and after this --

11 MR. [REDACTED]: Thank God.

12 MR. [REDACTED]: -- based on your
13 conversations, and this after-action report
14 that we just reviewed those topics, what are
15 the failures of the BOP that allowed Epstein to
16 die?

17 MR. N'DIAYE: I'm not -. I mean, that's -
18 . I think -. I can't -. That's -. You know,
19 like, I - again - I'm speculating, and I'm
20 giving personal opinions. I'm not --

21 MR. [REDACTED]: Again, and I'm not asking
22 you to say why he killed himself.

23 MR. N'DIAYE: Right.

24 MR. [REDACTED]: Or if he could have.

25 What I'm saying is, what are the failures of

1 the BOP?
 2 MR. [REDACTED]: He killed himself because he
 3 ain't stupid. He said to himself, holy shit,
 4 I'm going to spend the rest of my life in
 5 prison.
 6 MR. [REDACTED]: Yeah, yeah, and I'm not --
 7 --
 8 MR. [REDACTED]: Yeah.
 9 MR. [REDACTED]: -- and I'm not,
 10 absolutely not asking --
 11 MR. [REDACTED]: No.
 12 MR. [REDACTED]: -- as far as what is his
 13 mental state, and could have he had the ability
 14 --
 15 MR. N'DIAYE: But I can't --
 16 MR. [REDACTED]: -- but are the failures,
 17 as you see them, after we reviewed all this,
 18 that you believe -. What did the BOP do wrong,
 19 in this instance? Unless you don't think that
 20 they did anything wrong.
 21 MR. N'DIAYE: No. I'm not saying they did
 22 anything wrong. But again, these are things
 23 that you are going to find. I mean, right now,
 24 I can look at it and say, we're looking at
 25 people not making rounds and all that. But

1 right there.
 2 MR. [REDACTED]: Okay.
 3 MR. N'DIAYE: You know, we can talk about
 4 all the other stuff, but the basic is, you did
 5 not go and make those rounds.
 6 MR. [REDACTED]: And would you also,
 7 though, add to that the fact that they didn't
 8 replace [REDACTED] --
 9 MR. N'DIAYE: Oh.
 10 MR. [REDACTED]: -- like they wer supposed
 11 to?
 12 MR. N'DIAYE: Yes.
 13 MR. [REDACTED]: Okay. What actions could
 14 the BOP have taken to possibly prevent
 15 Epstein's death?
 16 MR. [REDACTED]: It doesn't sound like --
 17 MR. N'DIAYE: Right.
 18 MR. [REDACTED]: -- still, you were nervous.
 19 MR. [REDACTED]: Totally.
 20 MR. [REDACTED]: That's all. I mean, you could
 21 have --
 22 MR. [REDACTED]: It just, it sounds like
 23 they quote, the answer would be, conduct your
 24 rounds, conduct your counts. Get a --
 25 MR. N'DIAYE: Do your job.

1 there's still an investigation going on. So, I
 2 don't want to sit here and speculate --
 3 MR. [REDACTED]: No, but we are the ones --
 4 --
 5 MR. N'DIAYE: -- and say --
 6 MR. [REDACTED]: -- doing the
 7 investigation, and --
 8 MR. N'DIAYE: -- right.
 9 MR. [REDACTED]: -- you are the leader of
 10 the organization that, you know, of the place.
 11 That's why this is a very relevant question for
 12 you to answer because --
 13 MR. N'DIAYE: Mm-hmm.
 14 MR. [REDACTED]: -- you know, this was the
 15 facility that you oversaw.
 16 MR. N'DIAYE: Right. So --
 17 MR. [REDACTED]: So, we're just -. All
 18 I'm simply asking is, what do you think the
 19 problems are, as you see them? After you just
 20 heard everything we just talked about for, it
 21 seems like the last five hours.
 22 MR. N'DIAYE: No. I mean, if we would
 23 talk - I mean, you're not counting. You didn't
 24 make your rounds in that unit, to check on an
 25 inmate. I mean, that is, that is the basics

1 MR. [REDACTED]: -- do your job. Get
 2 [REDACTED] -.
 3 MR. [REDACTED]: 99 times out of a 100, it
 4 wouldn't have happened.
 5 MR. [REDACTED]: Right. So --
 6 MR. [REDACTED]: You know, it's -.
 7 MR. [REDACTED]: -- but in this case, it
 8 does seem, like, a lot of this was a result of
 9 - like you keep on saying - people not doing
 10 their jobs.
 11 MR. [REDACTED]: Jobs.
 12 MR. N'DIAYE: But I mean --
 13 MR. [REDACTED]: Yeah.
 14 MR. N'DIAYE: -- but in all fairness,
 15 we've had, since Epstein died, and before,
 16 we've had almost 60 suicides. So, it's the
 17 same reoccurring theme.
 18 MR. [REDACTED]: Right.
 19 MR. N'DIAYE: You know, people not making
 20 their rounds and doing what they're supposed to
 21 do.
 22 MR. [REDACTED]: And is that the same
 23 thing that's happening with them, they're not
 24 doing their rounds or counts?
 25 MR. N'DIAYE: I mean, and nine times out

1 of ten, every time you look into something, it
2 is a matter of them doing checks, you know, not
3 counting, you know? So, it's the normal
4 things.

5 MR. [REDACTED]: Are these other
6 instances, where we find out that they didn't
7 have cellmates?

8 MR. N'DIAYE: Single cell. You know, I
9 mean, you have access to the data. I mean, you
10 look at it, and you look at the numbers of
11 single cell inmates. But there is instances
12 where, you know, sometimes you do have to put
13 somebody in a cell single.

14 MR. [REDACTED]: Sure.

15 MR. N'DIAYE: But, you know, there is
16 other suicides, and they don't stop. You know?
17 Some of it is, you know, staff had no control
18 over it, and some staff had control over it.

19 MR. [REDACTED]: And I do apologize. I
20 said that was the last question, but I guess I
21 should ask. In Monday morning quarterbacking
22 yourself, is there anything that you should
23 have done differently?

24 MR. N'DIAYE: Hmm.

25 MR. [REDACTED]: As the MCC warden?

1 we missed asking about?

2 MR. [REDACTED]: Don't ask him that.

3 MR. N'DIAYE: Not that I can think of.

4 MR. [REDACTED]: You have a right to remain
5 silent. (Indiscernible *05:15:06). Guys,
6 listen, you know?

7 MR. [REDACTED]: Yeah. No. We got you.

8 MR. [REDACTED]: Like, I was impressed that you
9 did that. He couldn't go through this. I
10 would have been to the bathroom, like, I got to
11 do this, I got to do this. I mean, I got to
12 make a phone call. I want to take a nap. He
13 just sat there and answered all the questions.
14 I mean, he's not --

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: -- even sweating under his
17 armpits.

18 MR. [REDACTED]: And thank you very much -
19 -

20 MR. N'DIAYE: Yeah.

21 MR. [REDACTED]: -- for your cooperation -
22 -

23 MR. N'DIAYE: No. I appreciate --

24 MR. [REDACTED]: Especially --

25 MR. N'DIAYE: -- you guys.

1 MR. N'DIAYE: As far as what? This
2 situation?

3 MR. [REDACTED]: Yeah. Just anything that
4 you feel, like, oh, you know, like, I should
5 have done this better, or I could have done
6 this better. That type of thing.

7 MR. N'DIAYE: I can't.

8 MR. [REDACTED]: Just for the record, let
9 me just --

10 MR. N'DIAYE: I can't think of anything
11 for that.

12 MR. [REDACTED]: -- okay. Anything else
13 you have?

14 MR. [REDACTED]: No.

15 MR. [REDACTED]: That's it?

16 MR. [REDACTED]: Anything that --

17 MR. [REDACTED]: Jesus Christ.

18 MR. [REDACTED]: -- you wanted to add to
19 anything, Warden, anything that --

20 MR. [REDACTED]: I didn't know if you said --

21 MR. [REDACTED]: -- we missed, or you want
22 to --?

23 MR. [REDACTED]: -- generally.

24 MR. N'DIAYE: No. No. That's it.

25 MR. [REDACTED]: Is there anything you think

1 MR. [REDACTED]: -- the recording is
2 showing that this is five hours and 15 minutes.
3 So, this was an epic, epic interview. It is
4 currently 7:18 p.m. on Wednesday, October 27th,
5 2021. This is Senior Special Agent [REDACTED]
6 [REDACTED], and I am turning off the recorder.

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 LAMINE N'DIAYE

, Transcriber