

We also would like to offer BOP a chance to respond to what the documents reveal and any remedial steps that have been taken.

1. Most centrally, the documents paint a picture of mistakes, sloppiness and even incompetence by some BOP employees in their dealings with Epstein -- such as failing to log/monitor/record social calls, delays in getting him requested psych exams and assessments, multiple inaccuracies in Epstein's intake forms and of not responding to directives to provide him with a cellmate on the night he died.

The BOP records show Epstein repeatedly assured one or more jail psychologists that he was not suicidal and had a lot to live for. But the records also show BOP officials later concluded that they did not appreciate as quickly as they could have the risk factors for suicide that Epstein's case presented (for example, after his admission and later after he was denied bail.)

A. Has BOP addressed the problems identified in the BOP records, through policy changes or corrective measures or the training of employees?

The safe, secure, and humane housing of inmates is BOP's highest priority. While we decline to comment specifically as to any inmate, as a general matter, BOP has launched a task force that will address mental health implications of housing individuals alone in a cell, and is committed to improving its suicide prevention program. In addition, BOP is increasing the number of beds available as secure mental health units, which will support moving inmates with serious mental illness out of restrictive housing and into secure treatment programs. BOP is also taking a number of other steps to address mental health issues, including enhancing peer support programs, and continuing to train BOP staff on suicide prevention, risk assessment, and emergency responses.

B. Does BOP have any other comment on Epstein's period in its custody and/or his suicide?

We decline to comment.

In addition, we have listed below 9 specific questions that were prompted by references in the documents. (Please see below)

#### SPECIFIC QUESTIONS

1. INMATE COMPANIONS: The records show MCC utilized "inmate companions" to observe Mr. Epstein when he was on psychological observation and suicide watch, and to write down what he did or said. Are such "inmate companions" specially trained for this task? And how did they monitor Epstein: watching through a window in his cell door? Entering the cell and sitting with him?

As found in Program Statement 5324.08 "Suicide Prevention Program" here [https://www.bop.gov/policy/progstat/5324\\_008.pdf](https://www.bop.gov/policy/progstat/5324_008.pdf) and BOP Program Statement 5310.17 "Psychology Services Manual" here [https://www.bop.gov/policy/progstat/5310\\_017.pdf](https://www.bop.gov/policy/progstat/5310_017.pdf), the BOP has an extensive suicide prevention program that begins upon an inmate's arrival at each BOP facility, including pretrial facilities. When inmates report suicidal ideation, or are suspected of being at elevated risk of suicide, a suicide risk assessment is completed consistent with the Bureau suicide prevention policy.

While we decline to comment specifically as to any inmate, as a general matter, the BOP utilizes inmate companions consistent with the policy Suicide Prevention Program. In some circumstances, inmate companions monitor inmates on suicide watch and provide peer support. They do not have direct

contact with the inmates they monitor. They are able to observe them and communicate through a window.

2. DISCIPLINARY ACTION REGARDING HIS SUICIDE ATTEMPT: There are suggestions in the records that Mr. Epstein was subjected to a disciplinary process for his attempted suicide. Is that correct? Was he disciplined in any way? If so, why? Did jail officials not believe his attempt was genuine? Is disciplinary action common after a suicide attempt? BOP provided us with a redacted copy of the incident report, which said Epstein was read his rights with regards to the incident. Does that signify that he underwent a disciplinary hearing? There also are references to the incident as "mutilation." Is discipline a common procedure after a suicide attempt?

While we decline to comment specifically as to any inmate, as a general matter, the BOP's inmate discipline program is authorized by 18 U.S.C. 4042(a)(3), and can be found on our public website here [https://www.bop.gov/policy/progstat/5270.90\\_cn1.pdf](https://www.bop.gov/policy/progstat/5270.90_cn1.pdf). The provisions outlined in the BOP's inmate discipline program helps ensure the safety, security, and orderly operation of correctional facilities, and the protection of the public. Under Chapter 3 of the policy, inmates are referred to a mental health professional for examination if it appears that an inmate is mentally ill.

3. BOP produced a record that said the incident report for Jeffrey Epstein's attempted suicide was expunged without explanation. Can you explain what this means or why that was done?

Option 1. Decline to comment

4. THE MCC STRUCTURE: BOP produced a record that quoted Jeffrey Epstein as asking an inmate-companion: "Who's the best cook on 11 North?" Was there a kitchen on 11 North in the MCC? Press accounts describe the MCC as 12 stories tall -- is that correct?

MCC New York is a 12-story administrative facility. There is a kitchenette on the 11th floor where inmates are able to prepare and consume items from the commissary.

5. THE SIGN: BOP produced to us one document, labeled "sign", which appears to have been posted somewhere in the jail. We have attached it as a PDF to this email and we would like to know the circumstances of its creation and posting. Was it posted in the jail, where was it put up, and by whom? Do you know who created it and posted it? And do you know the circumstances of the handwritten graffiti on it (the word "mandatory" is underlined and there is a question mark after it. The sign refers to "GOD." Does BOP know who, in the context of the sign, GOD refers to?

We cannot speak to the validity or origination of the signage.

6. PHONE CALLS: The BOP records conflict in stating the number of social calls Epstein was known to have made. Some records indicate he made 2 and another suggests he made 3. Does BOP know how many social calls Epstein made? Were any of the social calls monitored or recorded by BOP?

We respectfully decline to comment.

7. PHOTOS OF EPSTEIN WHILE ON SUICIDE WATCH - The inmate companion logs provided by BOP reflected that on two occasions, a jail officer took a photo of Epstein at in his cell. Is it common or proper for inmates on suicide watch to be photographed? Did this violate any rule?

While we decline to comment specifically as to any inmate, as a general matter, inmate photography is not prohibited in all instances, but there may be circumstances where photography is needed to document events or actions.

8. CLOSURE OF MCC: Did the irregularities and errors by BOP employees in the lead-up to Epstein's death play any part in the decision to close the MCC earlier this fall? If so, please explain.

The Department of Justice is committed to ensuring that every facility in the federal prison system is not only safe and secure, but also provides people in custody with the resources and programs they need to make a successful return to society after they have served their time. As part of this effort, the Bureau of Prisons has assessed steps necessary to improve conditions at the Metropolitan Correctional Center (MCC) in New York City. In an effort to address the issues at MCC NY as quickly and efficiently as possible, the Department decided to close the MCC, at least temporarily, until those issues have been resolved.

9. PSYCH EVALUATIONS: The records show that when Epstein arrived at the MCC, a BOP employee recommended he be evaluated by the psychology department. That was delayed until the following day. Soon after, on July 8, there was another recommendation that he be evaluated for suicide risk. That assessment was delayed until July 9. Are these delays normal?

While we decline to comment specifically as to any inmate, as a general matter, individuals are commonly referred to Psychology Services upon their arrival. The nature of the referral may affect the timing and steps taken thereafter.