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**From:** [REDACTED]

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**Subject:** WSJ: Jail Staffers Guarding Jeffrey Epstein's Unit Placed on Leave

## Jail Staffers Guarding Jeffrey Epstein's Unit Placed on Leave

Warden of New York detention facility was reassigned as Justice Department continues probe

By

Sadie Gurman, Nicole Hong

Updated Aug. 13, 2019 9:07 pm ET

Two jail staffers who were guarding Jeffrey Epstein's unit the night he died were placed on leave Tuesday, and the warden of the New York detention facility was reassigned as the Justice Department intensified its investigation of the disgraced financier's death.

"Additional actions may be taken as the circumstances warrant," Justice Department spokeswoman Kerri Kupec said.

Attorney General William Barr, who said investigators had uncovered "[serious irregularities](#)" at the federal jail in Manhattan, made the personnel moves after [Mr. Epstein's death Saturday morning](#). In the hours leading up to Mr. Epstein's death, one of the guards overseeing him wasn't a correctional officer, a person familiar with the matter said, though he had worked in that capacity for seven years before transferring to a different job at the prison. Both guards had been working overtime, this person said.

Mr. Epstein's cellmate in his special housing unit also was gone, the person said, leaving him alone and unsupervised. Jail officials had told the Justice Department that they would monitor Mr. Epstein every 30 minutes and keep him with a cellmate at all times, but Mr. Epstein wasn't receiving the routine check in the hours before his death.

The New York City medical examiner believes Mr. Epstein's cause of death is suicide by hanging, but is awaiting additional information from law enforcement before releasing her official findings, a city official said Monday.

On Tuesday, a "suicide reconstruction team" began studying the scene and analyzing how and why Mr. Epstein was able to kill himself, a Justice Department official said. A separate after-action team on Wednesday will start assessing the incident more broadly. Its work comes in addition to investigations by the department's inspector general and Federal Bureau of Investigation.

The warden was temporarily moved to an office assignment while the probe continues; [REDACTED]

[REDACTED] will serve as acting warden of the Metropolitan Correctional Center in lower Manhattan. The warden, [REDACTED], couldn't be reached for comment.

Although it wasn't immediately known what role staffing shortages and overworked guards played in Mr. Epstein's death, it laid bare a federal prison system beset by personnel issues, sexual-harassment claims, inmate violence and other problems.

Mr. Barr placed the blame for Mr. Epstein's death on failures at the Manhattan jail. But oversight of the Bureau of Prisons, which runs more than 120 facilities with roughly 180,000 inmates, falls to Mr. Barr's Justice Department, which can control staffing levels and other safeguards.

**"The attorney general should have been well aware of federal prison mismanagement and understaffing before Mr. Epstein's suicide,"** said Sen. Dick Durbin (D., Ill.), who sits on the Senate Judiciary Committee that has oversight of the department.

Mr. Barr has acknowledged workforce shortages and pushed to speed up the hiring process, the department official said.

Within the government, the prisons bureau is known for its opaque decision-making, and even federal judges are constrained in their ability to order the agency to change a prisoner's conditions of confinement or treatment behind bars, according to law-enforcement experts.

**"The BOP is its own fiefdom,"** said David Patton, who has worked as a federal defender in New York for 18 years. **"There is no outside enforcement mechanism to handle these issues. Truly, it's insanity."**

The Bureau of Prisons declined to comment on Tuesday.

Mr. Patton said chronic understaffing has led to inadequate medical care and mental-health treatment for inmates, including irregular dispensing of medication.

The Bureau of Prisons' budget has increased every year since 2014, but the agency's overall staff dropped by about 4,000 positions since 2017, the Justice official said.

A Trump administration hiring freeze left thousands of vacancies and created what union officials describe as dangerous conditions for both inmates and staff, though the official said the hiring freeze only affected the bureau's headquarters and regional offices, as opposed to institutions.

Mr. Barr lifted the freeze in April, but the bureau has struggled to replenish its ranks.

Even as the federal prison population has been declining in recent years, Justice Department Inspector General Michael Horowitz told Congress late last year that bureau facilities were exceeding their rate of capacity by up to 24% on average at high-security institutions. He also cited a number of other operational problems, including deteriorating facilities, that allow for greater violence and chances of escape or suicide.

The agency hasn't had a permanent leader since May 2018 and has been run by a career official, Hugh Hurwitz, on an acting basis. Its most recent director, Mark Inch, a Trump appointee, resigned after just eight months on the job.

"This is an area where we have stumbled," Mr. Barr said of staffing issues when he testified at a Senate appropriations hearing in April. He said the bureau was as many as 5,000 employees short of its authorized strength, a situation he mostly blamed the slow pace of bringing on new personnel.

"Every year we lose 2,600 of these correctional officers. My view is we just have to turn on the spigot, and just keep these new entry-level people coming in at a rate where we're going to be able to get up to and maintain our enacted level. I think this is largely a snafu by the department."

The staffing shortage has forced prison officials to fill the void with secretaries, counselors and teachers within the prison who step in as correctional officers, a practice known as "augmentation."

Lawmakers in recent months have urged the Justice Department to stop relying on the practice, warning it puts employees in harm's way.

At the Metropolitan Correctional Center, which housed Mr. Epstein, the staff was so overworked that some were sleeping in their cars because they were too tired to drive home, according to Darrell Palmer, a regional vice president for the federal prison union.

"When you don't have the proper amount of staff to run a prison, bad things happen," Mr. Palmer said. "It's just systemic across the United States."

The MCC is the primary detention facility in Manhattan for individuals awaiting federal trial and faces particular scrutiny given the number of high-profile defendants who stay there. Its recent inmates included former Trump campaign chairman Paul Manafort and Mexican drug lord Joaquín "El Chapo" Guzmán. Several terrorists, mob leaders and other violent criminals have been held there.

After an earlier incident in which Mr. Epstein was found unconscious in his cell with marks on his neck, he was put in the suicide-watch unit on July 23, but was removed from watch days later at the request of his attorneys and after daily psychological evaluations.

Under suicide watch, an inmate typically sits in a stripped-down room wearing a special smock as a guard watches the inmate 24 hours a day. The MCC sometimes employs other inmates to monitor

prisoners on suicide watch.

The experience of being constantly watched can exacerbate an inmate's mental-health problems, and inmates frequently ask their lawyers to take them off suicide watch or try to behave during psychological evaluations in a way that achieves that outcome, according to defense attorneys with clients at MCC.

Lawmakers for years have been scrutinizing the bureau's problems, but Mr. Epstein's death ratcheted up pressure. Bipartisan leaders of the House Judiciary Committee sent Mr. Barr a letter Monday with a list of questions, saying Mr. Epstein's death "demonstrates severe miscarriages of or deficiencies in inmate protocol."

The Justice Department's inspector general also has multiple investigations into other incidents within the bureau, including the death of another high-profile inmate, gangster James "Whitey" Bulger, who was [killed by fellow inmates](#) in a West Virginia prison in October.

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