

From: [REDACTED] (USANYS) <[REDACTED]>
To: [REDACTED] (USANYS) <[REDACTED]>
Cc: [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: MCC
Date: Fri, 06 Sep 2019 18:12:46 +0000

Thanks. Will call [REDACTED] shortly.

From: [REDACTED] (USANYS) <[REDACTED]>
Sent: Friday, September 6, 2019 1:10 PM
To: [REDACTED] (USANYS) <[REDACTED]>
Cc: [REDACTED] (USANYS) <[REDACTED]>
Subject: RE: MCC

Also, from a quick search, I found a formal advisory opinion from the New York State Committee on Open Government that includes, in relevant part, the following:

If the autopsy report was performed in New York City by the Office of the Chief Medical Examiner, it has been held that §557(g) of the New York City Charter has the effect of a statute and that it exempts records from the Freedom of Information Law [see Mullady v. Bogard, 583 NYS 2d 744 (1992); Mitchell v. Borakove, Supreme Court, New York County, NYLJ, September 16, 1994].

<https://docs.dos.ny.gov/coog/ftext/f9880.htm>

That is consistent with what appears on the OCME web page which indicates that only next of kin can request an autopsy.

From: [REDACTED] (USANYS)
Sent: Friday, September 6, 2019 1:03 PM
To: [REDACTED] (USANYS) <[REDACTED]>
Cc: [REDACTED] (USANYS) <[REDACTED]>
Subject: MCC

[REDACTED] – Per our discussion, some bullets below:

- We have just gotten a copy from OCME of their full autopsy report, which includes not only their medical findings, but attaches all of the documents/materials they relied upon in reaching their conclusion.
- By way of background, and to assist the OCME in completing its autopsy, we provided them certain materials that OCME had requested from our investigation, including a draft FBI 302 of our interview of a key MCC witness, Lt. [REDACTED], who was on duty at the time the body was found.
- We understand that OCME has gotten a request for the autopsy from Epstein's next of kin, his brother Mark Epstein, and it is OCME's standard practice to release the report to next of kin where the cause of death is suicide (by contrast, OCME typically does not release the autopsy where the cause of death is homicide out of respect for the ongoing criminal investigation).
- Because we provided OCME with certain material now included in its report – and because we obviously are conducting an ongoing criminal investigation – we have asked OCME to make certain redactions before producing its report to Epstein's brother. In particular, we have asked them to redact/withhold the FBI 302 and other documents we obtained from the MCC, and to redact any references to those documents and materials in whatever they do produce.
- OCME has indicated its willingness to comply with this request and has asked us to propose redactions, which we have now done. A copy of the full report, with our proposed redactions, is attached.

- We plan to provide our proposed redactions to OCME on Monday, September 9. We understand they plan to produce the report, as redacted, to Epstein's brother at some point next week.
 - The material we are asking OCME to redact is quite sensitive – it includes, for example, the names of the prison guards who we are investigating (names that have not previously been made public), key details and statements made by our potential targets and others at the time the body was found, a draft FBI 302 of a potential key witness, and sensitive MCC documents that would be important to our ability to bring charges.
 - We are also unlikely to make our request for redaction permanent – we would likely be willing to revisit the issue if and when a charging decision has been made.
 - As noted, OCME has indicated to us that it will comply with our request to partially redact its report before providing it to Epstein's next of kin.
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- We separately wanted to flag for you that in an unredacted portion of the report, OCME makes reference to a "handwritten note" that was found in Epstein's cell at the time of his death, although the report also makes clear it was not a suicide note.
 - We have a photograph of the note but it is difficult to read. It appears to be a list of grievances about the conditions at MCC – including about the food, the showers and the presence of bugs -- but we agree with the OCME assessment that it does not appear to be a suicide note
 - We are in the process of obtaining a copy of the note itself and expect to have that on Monday.