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DIGITALLY RECORDED

SWORN STATEMENT

OF

[REDACTED]

OIG CASE #:

2019-010614

DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL

JULY 15, 2021

RESOLUTE DOCUMENTATION SERVICES

[REDACTED]

Agoura Hills, CA 91301

Phone: [REDACTED]

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APPEARANCES:

OFFICE OF THE INSPECTOR GENERAL

BY: [REDACTED] [REDACTED]

BY: [REDACTED] [REDACTED]

WITNESS:

[REDACTED] [REDACTED]

OTHER APPEARANCES:

STACEY RICHMAN

MATTHEW FOOKSMAN

1 MR. [REDACTED]: This is Special Agent [REDACTED]
2 [REDACTED]. The time is 11:15, I'm turning on the
3 recorder. Today is July 15, 2021. My name is
4 [REDACTED] [REDACTED]. I'm a Special Agent with the
5 U.S. Department of Justice, Office of Inspector
6 General, New York Field Office and these are my
7 credentials. The interview is with the Federal
8 Bureau of Prisons employee, [REDACTED] [REDACTED]. It
9 is being conducted as part of an official U.S.
10 Department of Justice, Office of Inspector
11 General investigation. Today is July 15th.
12 The time is 11:16 a.m. The interview is being
13 conducted at Department of Justice Office of
14 Inspector General New York Field Office. Also
15 present is DOJ OIG Senior Special Agent [REDACTED]
16 [REDACTED] and please identify yourselves and -
17 .

18 MR. [REDACTED]: Spell your last name for
19 the record.

20 MR. [REDACTED]: Yeah.

21 MR. [REDACTED]: [REDACTED] [REDACTED], [REDACTED]
22 [REDACTED], Federal Correctional Officer, MCC New York.

23 MS. RICHMAN: Stacey Richman, Richman Hill
24 and Associates, here to represent Mr. [REDACTED]
25 and joining me is my Legal Intern for the

1 summer.

2 MR. [REDACTED]: Can you spell your last name
3 too please?

4 MS. RICHMAN: R-I-C-H-M-A-N.

5 MR. FOOKSMAN: My name is Matthew
6 Fooksman, F-O-O-K-S-M-A-N, Legal Intern for
7 Stacey Richman.

8 MR. [REDACTED]: Again, I'm Special Agent
9 [REDACTED] [REDACTED], my last name is [REDACTED].

10 MR. [REDACTED]: I'm Senior Special Agent
11 [REDACTED] [REDACTED], [REDACTED] and
12 these are my credentials.

13 MR. [REDACTED]: This interview will be
14 recorded by me, Special Agent [REDACTED] [REDACTED].
15 This is an official DOJ investigation into the
16 death of inmate Jeffrey Epstein and the
17 surrounding circumstances. You are being asked
18 to voluntarily provide answers to our
19 questions. Will you agree to a voluntary
20 interview with the DOJ OIG?

21 MR. [REDACTED]: Yes.

22 MR. [REDACTED]: I'm going to review DOJ OIG
23 form III-226-2, that's a Warnings and
24 Assurances form, Assurances to Employee
25 Requested to Provide Information on a Voluntary

1 Basis. The form states, "You are being asked
2 to provide information as part of an
3 investigation being conducted by the Office of
4 Inspector General. This investigation is being
5 conducted pursuant to the Inspector General Act
6 of 1978, as amended. The investigation
7 pertains to job performance failure and
8 security failure. This is a voluntary
9 interview. Accordingly, you do not have to
10 answer questions. No disciplinary action will
11 be taken against you if you choose not to
12 answer any questions. Any statement you
13 furnish may be used as evidence in any future
14 criminal proceedings or agency disciplinary
15 proceedings or both." The waiver states, "I
16 understand the warnings and assurances stated
17 above and I am willing to make a statement and
18 answer questions. No promises or threats have
19 been made to me or no pressure or coercion of
20 any kind has been used against me." Do you
21 understand that? You can read it if you have
22 to and if you understand, please sign under
23 where it says, "Employee signature."

24 MR. [REDACTED]: And if you wanted to ask
25 any questions about it, this would be the time

1 to do that.

2 MS. RICHMAN: Again, there is no concept
3 here that Mr. [REDACTED] is a target or subject of
4 the investigation, this is simply into the
5 investigation of Mr. Epstein's demise.

6 MR. [REDACTED]: As of right now, he's just a
7 witness.

8 MS. RICHMAN: Yes.

9 MR. [REDACTED]: For the - he's not a subject
10 for the investigation.

11 MS. RICHMAN: I'm like -.

12 MR. [REDACTED]: So everyone that we
13 interview get this. This is just to be able to
14 tell them what the investigation is focusing
15 on. We don't have any reason to believe,
16 although, we don't know how he's going to
17 answer our questions. Going into this, you are
18 absolutely correct. We don't have any reason
19 to suspect that your client did anything wrong.

20 MS. RICHMAN: Thank you.

21 MR. [REDACTED]: This is Special Agent [REDACTED],
22 I'm going to sign this under the signature of
23 the Office of the Inspector General, Special
24 Agent.

25 MR. [REDACTED]: And as mentioned, prior

1 to, we just want to make sure that we stay
2 focused on this issue that we're discussing and
3 we do not deviate from the subject matter. All
4 right. This is Senior Special Agent [REDACTED]
5 [REDACTED] and I am signing as the witness.

6 MR. [REDACTED]: Before starting the
7 interview, I would like to place you under
8 oath. Mr. [REDACTED], can you please raise your
9 right hand? Do you swear to tell the truth and
10 nothing but the truth during this interview?

11 MR. [REDACTED]: Yes, I do.

12 MR. [REDACTED]: Please let me know if you
13 don't understand any questions I ask. I will
14 repeat it and/or I will kindly rephrase it for
15 you. Okay?

16 MR. [REDACTED]: Okay.

17 MR. [REDACTED]: I want to clarify, again,
18 that this interview is specifically regarding
19 inmate Jeffrey Epstein. What is your current
20 home address?

21 MR. [REDACTED]: [REDACTED],
22 Bronx, New York, 10469.

23 MR. [REDACTED]: What is your date of birth?

24 MR. [REDACTED]: [REDACTED].

25 MR. [REDACTED]: What's your social security

1 number?

2 MR. [REDACTED]: [REDACTED].

3 MR. [REDACTED]: What is your current cell
4 phone number?

5 MR. [REDACTED]: [REDACTED].

6 MR. [REDACTED]: What is your highest level of
7 education?

8 MR. [REDACTED]: One year of college, maybe a
9 little less.

10 MR. [REDACTED]: What college?

11 MR. [REDACTED]: Mercy College.

12 MR. [REDACTED]: Where is that located?

13 MR. [REDACTED]: Bronx.

14 MR. [REDACTED]: And what year did you do
15 that?

16 MR. [REDACTED]: Wow. 2004, I want to say,
17 or '05.

18 MR. [REDACTED]: Was there subject matter
19 that you studied?

20 MR. [REDACTED]: No.

21 MR. [REDACTED]: What did you do prior to
22 working for the BOP?

23 MR. [REDACTED]: I was a police officer with
24 the Homeless Services Police in the city
25 shelters.

1 MR. [REDACTED]: Is this for New York City?
2 MR. [REDACTED]: Yes.
3 MR. [REDACTED]: And during what time? What
4 date?
5 MR. [REDACTED]: 2004-ish to 2011-ish.
6 MR. [REDACTED]: Do you have any military
7 service?
8 MR. [REDACTED]: No.
9 MR. [REDACTED]: And after 2011, did you join
10 the BOP?
11 MR. [REDACTED]: Yes. From 2011 until now.
12 MR. [REDACTED]: What was the entry on duty
13 date for BOP?
14 MR. [REDACTED]: July 31, 2011.
15 MR. [REDACTED]: When did you graduate from
16 BOP training?
17 MR. [REDACTED]: September, I believe.
18 MR. [REDACTED]: Of 2011?
19 MR. [REDACTED]: Yes.
20 MR. [REDACTED]: When and where was your first
21 office assignment with the BOP?
22 MR. [REDACTED]: MCC New York.
23 MR. [REDACTED]: Have you been with the MCC
24 the whole time?
25 MR. [REDACTED]: Yes.

1 MR. [REDACTED]: And prior to that, you were
2 with the Homeless Service you mentioned, right?

3 MR. [REDACTED]: Yes.

4 MR. [REDACTED]: Okay. You were a police
5 officer?

6 MR. [REDACTED]: Yes. And a Sergeant.

7 MR. [REDACTED]: What was your position at the
8 MCC on August 9th and 10th of 2019?

9 MR. [REDACTED]: Senior Officer Specialist.

10 MR. [REDACTED]: And what shift did you work
11 on August 9th and 10th?

12 MR. [REDACTED]: Evening watch, 4:00 to
13 midnight.

14 MR. [REDACTED]: Both days?

15 MR. [REDACTED]: Yes.

16 MR. [REDACTED]: Who was your supervisor when
17 you worked at the MCC on August 9th and 10th?

18 MR. [REDACTED]: Wow. This was long ago.

19 MR. [REDACTED]: So I have a daily assignment
20 roster here for August 9th and 10th --

21 MR. [REDACTED]: Yes.

22 MR. [REDACTED]: -- for the MCC New York. You
23 can take a look at it and let me know --

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: -- if you know who that is,

1 supervisor.

2 MR. [REDACTED]: So he means your
3 supervisor on duty at the time. Okay?

4 MR. [REDACTED]: Yes. So this is the 10th,
5 it says [REDACTED] and the 9th says [REDACTED]. Yeah.
6 They're both Lieutenants.

7 MR. [REDACTED]: Would anyone else have
8 been your - would you also have reported to the
9 Activities Lieutenant or just -.

10 MR. [REDACTED]: Yes. Activities on the 10th
11 was [REDACTED] and on the 9th was [REDACTED].

12 MS. RICHMAN: That's in reference to the
13 list that they just showed you.

14 MR. [REDACTED]: Yes.

15 MS. RICHMAN: You didn't remember on your
16 own.

17 MR. [REDACTED]: No, I can't - I mean,
18 they're obviously supervisors, but I didn't - I
19 don't remember who exactly worked for me that
20 day.

21 MR. [REDACTED]: Okay. I'm just going to
22 leave this in front of you if you need to -.

23 MR. [REDACTED]: Sure.

24 MR. [REDACTED]: As part of - when we show you
25 the documents, it's not that you're attesting

1 to the documents, we just need you to initial
2 it, date it, just to show - say that that is a
3 document we showed you.

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED]: So, just top right of the
6 document.

7 MR. [REDACTED]: If you don't mind just
8 writing the --

9 MS. RICHMAN: The date.

10 MR. [REDACTED]: -- the date too.

11 MR. [REDACTED]: Oh, the date?

12 MS. RICHMAN: So 7/15.

13 MR. [REDACTED]: So on the 9th, what unit were
14 you working on, do you recall?

15 MR. [REDACTED]: I believe I was Internal.
16 Let's double check that. Yes.

17 MR. [REDACTED]: What about for the 10th?

18 MR. [REDACTED]: Internal.

19 MR. [REDACTED]: Internal. And as the
20 Internal Officer, what were your
21 responsibilities?

22 MR. [REDACTED]: All movement in the
23 building. You control the elevators, so, you
24 know, any attorney that comes in, any inmate
25 that has to go to Medical, inmate that has to

1 go to R&D or attorney conference, you're moving
2 them in the elevator, possibly staff and if
3 they need movement and you're first responder
4 in the building, so.

5 MR. [REDACTED]: Do you recall what time you
6 started your shift on August 9th?

7 MR. [REDACTED]: If I worked 4:00 to 12:00, I
8 should be, you know, there obviously a little
9 before 4 o'clock.

10 MR. [REDACTED]: That's 4:00 p.m.,
11 correct?

12 MR. [REDACTED]: Yes.

13 MR. [REDACTED]: Are you familiar with Jeffrey
14 Epstein? Inmate Jeffrey Epstein?

15 MR. [REDACTED]: Yes.

16 MR. [REDACTED]: How do you know him?

17 MR. [REDACTED]: Just from, you know,
18 bringing him to attorney conference and
19 obviously seeing him in the building, you know,
20 through movement and all that.

21 MR. [REDACTED]: Do you know if Inmate Jeffrey
22 Epstein had a cell mate?

23 MR. [REDACTED]: Yes, at one point he did
24 have a cell mate.

25 MR. [REDACTED]: Do you know who that was?

1 MR. ██████: His first cell mate was
2 inmate Tartaglione and --

3 MR. ██████: Okay.

4 MR. ██████: -- yeah, that was his first
5 cell mate.

6 MR. ██████: Do you recall why Epstein was
7 assigned a cell mate?

8 MR. ██████: He was in Special Housing,
9 you just have a cell mate. That's, you know,
10 unless you're in protective custody, but he
11 wasn't under protective custody, he was just in
12 Special Housing, so.

13 MR. ██████: So if you're in Special
14 Housing, you have to have a cell mate?

15 MR. ██████: Yes. It's limited space so,
16 you know, unless you're there, like I said, in
17 protective custody where you can't have a cell
18 mate, that's different. But if there's room to
19 put - there's only a certain amount of room, so
20 you've got to bunkie up, you know, to
21 accommodate.

22 MR. ██████: Was there any other reason
23 that Epstein was assigned a cell mate that you
24 were aware of?

25 MR. ██████: No, not that I'm aware of.

1 MR. ██████: Were you aware that Epstein
2 had attempted to commit suicide on July 23rd?

3 MR. ██████: Yes.

4 MR. ██████: Were you one of the
5 responding officers?

6 MR. ██████: Yes, I was.

7 MR. ██████: Can you explain what
8 transpired?

9 MR. ██████: So, I was working Special
10 Housing Unit on overtime and me and the officer
11 had heard some sort of commotion and we were
12 about to do our round down that tier, I believe
13 it was M tier and inmate Tartaglione was his
14 bunkie and he was at the door asking for help.
15 We got there. When I looked, because
16 Tartaglione is a little bit big and the window
17 is small, I asked him to move to the side. I
18 saw Epstein with something tied around his
19 neck, but he was sitting on the floor. I told
20 him, you know, "Call for medical assistance," I
21 told my partner. We cuffed up Tartaglione,
22 took him out. I took it off from Epstein's
23 neck and we started doing CPR, but he was
24 breathing. You know, he was already breathing
25 and everything.

1 MR. ██████: Did Epstein make any
2 statements to you --

3 MR. ██████: Nothing.

4 MR. ██████: -- and state what happened?

5 MR. ██████: No, he was still not talking
6 when we got him out of the cell and put him on
7 the stretcher and when we took him out, he
8 spoke with Operations Lieutenant and someone
9 because I couldn't leave Special Housing, I had
10 to stay there so I don't know what he said. He
11 didn't say nothing to me personally.

12 MR. ██████: Did Tartaglione make any
13 statements of what transpired?

14 MR. ██████: He was just shaken up. He
15 was like, you know, that he was sleeping,
16 because Tartaglione slept on the floor,
17 something with his back he said. So he was
18 sleeping on the floor and he said he just felt
19 someone dump on him and he woke up, you know,
20 frightened and then, you know, that's it, so he
21 was shaken up, like he was still half asleep,
22 you know.

23 MR. ██████: And when you walked in the
24 cell, just to clarify, when you walked in the
25 cell, you saw Epstein hanging?

1 MR. ██████: So, he had a sheet around
2 his neck, but he was on the floor on his butt.

3 MR. ██████: Okay.

4 MR. ██████: So.

5 MR. ██████: And where was - when you
6 walked - what part of the cell was he in?

7 MR. ██████: Well, pretty much dead
8 center. The way the beds are set up, which I'm
9 sure you've seen the beds, there's nothing to
10 tie from the ceiling. So he had tied it from
11 the ladder and I guess he tried to cannonball,
12 that's what a lot of inmates try to do, like
13 grab their legs and go down. But it wasn't
14 tied hard enough so I guess he landed on his
15 butt.

16 MR. ██████: So it wasn't hooked onto the
17 ladder?

18 MR. ██████: Yeah, it was hook-.

19 MR. ██████: It was hooked up.

20 MR. ██████: Yeah, yeah.

21 MR. ██████: Okay.

22 MR. ██████: So, I took it off of his
23 neck, but, yeah, it was hooked on the bed.

24 MR. ██████: Do you have anything else on
25 that?

1 MR. [REDACTED]: Yes. So if it was hooked
2 on the ladder, did any part of it remain on the
3 ladder?

4 MR. [REDACTED]: I don't remember, to be
5 honest.

6 MR. [REDACTED]: No?

7 MR. [REDACTED]: Truthfully.

8 MR. [REDACTED]: And when you said, when
9 he jumped off and potentially like a cannonball
10 style, did he reach -.

11 MR. [REDACTED]: Well, I'm assuming how he
12 jumped off. I didn't see him.

13 MR. [REDACTED]: Sure.

14 MR. [REDACTED]: So, yeah.

15 MR. [REDACTED]: But he potentially landed
16 on Tartaglione?

17 MR. [REDACTED]: Well, that's what
18 Tartaglione is saying, that that's how he woke
19 up because he felt him land on him.

20 MR. [REDACTED]: Okay,

21 MR. [REDACTED]: So. But when I got there,
22 yes, he was on the floor near the ladder in a
23 sitting position and it was around his neck.

24 MS. RICHMAN: Can you describe the sitting
25 position?

1 MR. [REDACTED]: His back was against the
2 ladder, so, you know, he wasn't laying flat.
3 But his legs were - one of his legs was
4 definitely straight out. I can't remember how
5 the - I think the other leg might have been
6 curved a little bit. But that's about it. He
7 was on his butt though and his back against the
8 ladder with, you know.

9 MR. [REDACTED]: Did you hear anything
10 with regard to Tartaglione potentially
11 attempting to harm Epstein?

12 MR. [REDACTED]: In the days prior, that was
13 the rumor that was circulating that allegedly
14 Epstein must have told someone, Operations or
15 whatnot, but no one has directly told me. I
16 just remember hearing it in the building. But
17 what I do know is when he came off suicide
18 watch, Epstein, he did ask to go back with
19 Tartaglione.

20 MR. [REDACTED]: So when you say, "The
21 days prior," do you mean the days after?

22 MR. [REDACTED]: I mean the days after, you
23 know, the days after he attempted suicide. He
24 went on suicide watch then his lawyers reached
25 out and said, you know, it was an attempted

1 assault. I don't know what they said, but I
2 was there when they took him off suicide watch
3 and they said, you know, "It wasn't a suicide,
4 so take him off," but, you know, "Put him back
5 in Special Housing," whatever the case may be
6 and he asked to go back with Tartaglione and
7 the Lieutenant was like, "No, he can't do
8 that." So I'm assuming he told the Lieutenant
9 that it was an assault.

10 MR. [REDACTED]: And do you - is the
11 assumption that he wasn't allowed because
12 Epstein -.

13 MR. [REDACTED]: That's what I'm assuming,
14 yeah.

15 MR. [REDACTED]: Because Eps-.

16 MR. [REDACTED]: That's why they -.

17 MR. [REDACTED]: So if - so Epstein - you
18 believe that Epstein did make a claim that
19 Tartaglione attempted to harm him and that's
20 why he wasn't allowed to be placed with him?

21 MR. [REDACTED]: Yeah, I would have to assume
22 that because there would be no other reason why
23 not to put them back together.

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: But Epstein specifically
2 did ask to be put back --

3 MR. [REDACTED]: Yes.

4 MR. [REDACTED]: -- with Tartaglione?

5 MR. [REDACTED]: Yeah.

6 MS. RICHMAN: How do you know that?

7 MR. [REDACTED]: Because I don't remember
8 exactly where I was bringing him but he was in
9 the elevator with me and he asked me why he
10 couldn't be paired up with him again and I
11 said, "I don't know. That's something you have
12 to ask the Operations Lieutenant." And he was
13 like, "Yeah, but I don't understand, you know,
14 we were bunkies, everything was cool." I said,
15 "Listen, I have nothing to do with that.
16 That's above my pay grade, you must have said
17 something though. They're not going to just
18 separate you guys for no reason."

19 MR. [REDACTED]: And this was directly
20 from Epstein himself?

21 MR. [REDACTED]: Yes, yes.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: He told me that in the
24 elevator.

25 MR. [REDACTED]: Is there any reason for

1 you to believe that Tartaglione in fact tried
2 to harm Epstein?

3 MR. [REDACTED]: I don't think so. Reason
4 why I say I don't think so, I mean, I don't put
5 nothing past nobody because, you know, I don't
6 know them like that, but he was trying to stay
7 out of a lot of trouble because of what he was
8 facing with his own case. I don't know if
9 you're familiar with his case or whatnot and
10 I'm not -.

11 MR. [REDACTED]: Please feel free to tell
12 us.

13 MR. [REDACTED]: I mean, I just know he was
14 facing murder charges, that's all I know.

15 MR. [REDACTED]: Tartaglione.

16 MR. [REDACTED]: Yes. And he was real
17 concentrated on beating that case. And my
18 personal experience, someone trying to beat a
19 case is not going to try to kill someone else
20 while you're trying to beat a murder charge.
21 It just doesn't add up to me.

22 MR. [REDACTED]: And do you know what
23 resulted in Tartaglione's case?

24 MR. [REDACTED]: No.

25 MR. [REDACTED]: No?

1 MR. [REDACTED]: No, I don't.

2 MR. [REDACTED]: But he was at least - he
3 allegedly murdered someone, that's was what he
4 was in - do you feel like he was the right
5 person to be assigned to Epstein?

6 MR. [REDACTED]: I mean, truthfully, he's had
7 other bunkies and there's never been an issue,
8 so I don't think it was like a bad choice, you
9 know.

10 MR. [REDACTED]: Do you know how
11 Tartaglione was selected to be Epstein's
12 bunkie?

13 MR. [REDACTED]: No, that I don't know.

14 MR. [REDACTED]: No? Do you know if it
15 went above the heads of the staff in the SHU?

16 MR. [REDACTED]: I wouldn't doubt it.
17 Because a lot of things that transpired with
18 Epstein was above our heads.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: You know, the judge would
21 call or whoever would call and then it would
22 come from the Captain who told the Lieutenant,
23 the Lieutenant would give the order. So a lot
24 of stuff was not the officers. Usually it's up
25 the officers in SHU. You, you know, "You do

1 this, you do that." A lot of stuff that
2 happened with him came from outside orders.

3 MR. ██████████: Okay.

4 MR. ██████████: Yeah.

5 MR. ██████████: And you mentioned
6 something about how Epstein was no longer
7 suicidal and that's why they placed him back in
8 the housing unit. Do you know why they made
9 that determination that he was no longer
10 suicidal?

11 MR. ██████████: From what I heard, because
12 obviously medical staff clears them, so I
13 don't, you know, I have no part in clearing
14 anybody. But from what I heard, the reason why
15 he came off is his lawyers told something to
16 the judge and the judge called the building
17 saying, "He shouldn't be on suicide watch, get
18 him off." Because when you're on suicide watch
19 you don't get attorney visits. So, and he used
20 to get attorney visits every day, like she said
21 and he would have that room like from when
22 attorney opens until when attorney conference
23 closes. So when he went on suicide watch you
24 don't get it no more. So I don't know what
25 transpired, but the lawyers spoke to the judge

1 and the judge called MCC and said, "Take him
2 off," you know, "He's to come off suicide
3 watch."

4 MR. [REDACTED]: Where did you hear that
5 information from?

6 MR. [REDACTED]: From the Ops Lieutenant.

7 MR. [REDACTED]: Which Ops Lieutenant?

8 MR. [REDACTED]: At that time, we'd done so
9 many hours and worked with so many people. I
10 was doing close to 72 hours a week some weeks,
11 you know, so --

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: -- it could have been any -
14 I don't remember exactly what Lieutenant said
15 it, but I remember them saying he came off
16 suicide watch because of, you know, we got a
17 phone call saying he had to come off suicide
18 watch.

19 MR. [REDACTED]: Who would have the judge
20 contacted to tell someone at the MCC that was
21 the call.

22 MR. [REDACTED]: That would come from his
23 lawyers.

24 MR. [REDACTED]: Would the lawyers have
25 contacted the AW, the Warden? Who do you

1 believe they would have contacted?

2 MR. [REDACTED]: Well, if you contact the
3 judge, the judge is going to contact the Warden
4 and then it trickles down.

5 MR. [REDACTED]: Okay. And who was the
6 Warden at that time?

7 MR. [REDACTED]: [REDACTED] (Phonetic Sp.
8 *00:18:14).

9 MR. [REDACTED]: Was it [REDACTED]?

10 MR. [REDACTED]: Actually, yes, it was
11 [REDACTED], I apologize.

12 MR. [REDACTED]: All right, so, you -.

13 MR. [REDACTED]: I've been gone 16 months --

14 MR. [REDACTED]: Sure.

15 MR. [REDACTED]: -- it's like, you know.

16 MR. [REDACTED]: Absolutely. Okay. And
17 then the other thing that I want to follow up
18 is (Indiscernible *00:18:39).

19 MR. [REDACTED]: Yes, it was - at that time
20 it was Warden [REDACTED], that's my fault.

21 MR. [REDACTED]: Do you know when, prior
22 to Epstein going on suicide watch, do you
23 remember what cell he was assigned to?

24 MR. [REDACTED]: The exact cell number?

25 MR. [REDACTED]: Even the tier would be

1 fine.

2 MR. [REDACTED]: Before he went on suicide
3 watch? I believe it was M tier, first cell on
4 the right.

5 MR. [REDACTED]: M tier, first cell on the
6 right?

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: Okay.

9 MR. [REDACTED]: If I'm not mistaken, before
10 he went on suicide watch you said.

11 MR. [REDACTED]: Sure, yes.

12 MR. [REDACTED]: Yes. It was because you go
13 down, it was to the (Indiscernible *00:18:57).
14 Yeah, it would be M tier, first cell on the
15 right.

16 MR. [REDACTED]: On that note, after he
17 came back from suicide watch, do you know where
18 he was assigned?

19 MR. [REDACTED]: Yes. It was L tier, the
20 tier above it, first cell on the right.

21 MR. [REDACTED]: L tier, first cell - so
22 both times, first cells on the right?

23 MR. [REDACTED]: Yes.

24 MR. [REDACTED]: All right. And how do
25 you know that information?

1 MR. [REDACTED]: Well, one, I know because
2 I'll transport, you know, and I'm on Special
3 Housing quite a bit just bringing inmates back
4 from attorney conference or helping out,
5 whatever the case may be. But I know the first
6 cell because I'm the one that responded when
7 he, you know, tried to attempt suicide the
8 first time, so I remember that. And the second
9 one I know because, you know, I worked that
10 unit on overtime. Not the night he did it, but
11 so I know the cell he was in.

12 MR. [REDACTED]: Okay. And you know the
13 cell because you were working in the unit you
14 said?

15 MR. [REDACTED]: Yes, I had worked in that
16 unit after he was on suicide watch.

17 MR. [REDACTED]: who actually brings
18 Epstein - who used to bring Epstein from the
19 SHU down to attorney visiting? Would that be
20 Internal or who would do that?

21 MR. [REDACTED]: Well, what would happen is,
22 unless they're severely busy, but Internal, we
23 just meet them at the door. So whatever
24 officers are there, take him out of the thing,
25 you know, they get a phone call and then they

1 call us on the radio, "Internal, we got one
2 ready for attorney conference, you want to come
3 upstairs."

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED]: They're at the door, they
6 hand them off or they come with us, whatever
7 they choose, you know, but -.

8 MR. [REDACTED]: Right. So you're not
9 actually physically getting him from the cell
10 or --

11 MR. [REDACTED]: No.

12 MR. [REDACTED]: -- placing him back in
13 the cell.

14 MR. [REDACTED]: I mean, has it happened?
15 Yes, if they're busy, severely busy or whatnot
16 or maybe the inmate is acting irate and they
17 just want extra staff, but normally, no. it's
18 whoever is posted there brings them and brings
19 them back, we're just the middle man, you know.

20 MR. [REDACTED]: Okay. Do you remember
21 ever having to either retrieve Epstein from his
22 cell or place him back in the cell when he was
23 staying in the SHU?

24 MR. [REDACTED]: Truthfully, no. I can't -.

25 MR. [REDACTED]: Yeah, no, no, that's

1 fine. I'm just trying - the only reason for
2 this questioning is to just positively
3 determine that you knew that's where he was
4 assigned.

5 MR. [REDACTED]: Yeah.

6 MR. [REDACTED]: So, but --

7 MR. [REDACTED]: I mean, I know --

8 MR. [REDACTED]: -- just from working -.

9 MR. [REDACTED]: -- that's where he was
10 assigned, but just, yeah.

11 MR. [REDACTED]: And you know it from
12 working in the unit.

13 MR. [REDACTED]: Yes, because I did a lot of
14 overtime over nights and I would be assigned
15 there and I know exactly from doing counts and
16 doing rounds and feeding or whatnot, so.

17 MR. [REDACTED]: Okay. Great. And then
18 the other thing that you mentioned, before
19 moving on is, you said that that was not the
20 only inmate who was assigned to Epstein as a
21 cell mate. Who else was assigned to Epstein as
22 a cell mate.

23 MR. [REDACTED]: So, I don't remember his
24 name and he wasn't there long. So I don't - I
25 truthfully don't even remember his face, but I

1 remember he had another bunkie when he came
2 back and that guy, if I'm not mistaken, I could
3 be wrong, was shipped out either the day before
4 or the morning of when Epstein, you know,
5 killed himself.

6 MR. [REDACTED]: Okay. So was there only
7 two cell mates that were assigned to Epstein?

8 MR. [REDACTED]: That I know of, yes.

9 MR. [REDACTED]: Okay, so one prior to the
10 suicide attempt and one after the --

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: -- suicide attempt.

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: Great. [REDACTED], back to
15 you.

16 MR. [REDACTED]: Do you recognize the name
17 inmate Efrain Reyes?

18 MR. [REDACTED]: No. Sorry.

19 MR. [REDACTED]: So when he came back from
20 suicide watch, right, was he placed by himself
21 or was he placed with another inmate?

22 MR. [REDACTED]: No, he was placed with the
23 other inmate that I can't remember exactly who
24 he was, but he had a bunkie when he first came
25 back.

1 MR. ██████: Now, was there a different
2 reason why he was placed with the inmate other
3 than the fact that there was less space? Was
4 there a specific reason?

5 MR. ██████: I mean, truthfully, I don't
6 know. But it could be either or. That space
7 or because he was on suicide watch, you have to
8 have a bunkie, you know, but that's - I don't
9 know what the reason was, I just know he had a
10 bunkie.

11 MR. ██████: Do you recall after he came
12 back from suicide watch, was there any specific
13 instructions that came down from the Captain or
14 the Lieutenants regarding Epstein?

15 MR. ██████: No, not that I know of.

16 MR. ██████: Are you familiar with the
17 court list?

18 MR. ██████: Yes.

19 MR. ██████: What is it?

20 MR. ██████: So, in the morning or
21 sometimes the night before, it depends on when
22 they get it from the Marshals. The Marshals
23 send us a court list, it's printed out in R&D
24 and we hand it out to each unit and that's how
25 they know who got court in the morning or who

1 got court in the afternoon. Sometimes, like I
2 said, they get it the night before, but that's
3 rarely. They most of the time get it like in
4 the morning sometime, you know, like overnight
5 maybe 4:00 in the morning you get it or 5:00 in
6 the morning or whatever.

7 MR. [REDACTED]: So it rarely comes in the
8 night before?

9 MR. [REDACTED]: Rarely. It has happened,
10 but rarely because there's so many changes.
11 You know how the courts are and everything so
12 the Marshals would rarely give us - but if it's
13 a slow day and maybe it's only a few inmates,
14 they get a list the night before, you know.

15 MR. [REDACTED]: And what's exactly listed on
16 that list?

17 MR. [REDACTED]: It says, whoever is getting
18 packed out like going to another institution or
19 air lift or whatever the case may be. Whoever
20 is going to court period. Basically just that
21 type of stuff, there's nothing else on there,
22 no.

23 MR. [REDACTED]: So you mentioned, "Packed
24 out," what's packed out?

25 MR. [REDACTED]: Packed out is if they're -

1 it may be you're leaving in the next week to
2 another jail, so they're put on the list to
3 send him down with all his property so that it
4 can be inventoried and whatever he wants
5 shipped or whatever he's going to donate or
6 whatever the case may be and then he comes back
7 to the unit. So we call it packed out because
8 we'll tell the inmate, "You're being packed
9 out," so that's how he knows he's leaving soon
10 to pack his stuff and go to R&D.

11 MR. ██████: Have you ever heard the term
12 WAB?

13 MR. ██████: Yes.

14 MR. ██████: What's that mean?

15 MR. ██████: With all belongings.

16 MR. ██████: Is that the same thing as
17 packed out?

18 MR. ██████: Same, yeah, same thing. So,
19 when I say WAB, we say pack out, you know.

20 MR. ██████: Okay.

21 MR. ██████: But WAB, with all
22 belongings, yeah.

23 MR. ██████: What's air lift?

24 MR. ██████: Air lift, I'm not totally
25 sure on, but it's basically when the Marshals

1 will come and pick someone up, and I'm assume -
2 and I don't know if it's - where they're going
3 but they're coming - they're going somewhere,
4 so.

5 MR. [REDACTED]: Okay. So the Marshals are
6 coming to pick them up.

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: And -.

9 MR. [REDACTED]: And maybe an Agent, you
10 know, depending on where they're going. But -.

11 MR. [REDACTED]: Who creates this court list?
12 Did you say?

13 MR. [REDACTED]: From my understanding, it
14 comes from the Marshals.

15 MR. [REDACTED]: From Marshals to R&D?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: And what does R&D do? They
18 just pass on the list or they create a document
19 of their own?

20 MR. [REDACTED]: I'm not sure, to be honest,
21 because I don't work in R&D like that. I mean,
22 I'm in and out of it, but as far as I know,
23 whenever we go to pick it up, it's just in R&D
24 ready already. So, I don't know, you know. I
25 know it comes from the Marshals because I've

1 heard them say several times, like, "We're
2 waiting on the Marshals to send the court list
3 so we know who is going tomorrow." But as far
4 as if they alter it or do their own thing, that
5 I don't know.

6 MR. ██████: And as Internal, does R&D
7 provide a copy to you?

8 MR. ██████: Yeah.

9 MR. ██████: And what do you do with the -
10 .

11 MR. ██████: On the elevator, we have
12 like a little box where our own paperwork or,
13 you know, we have a metal wand to wand people
14 down or whatnot. It's not big. So it would be
15 put there in our folder and when the next shift
16 comes on, they check the folder and they got
17 the court list also, you know, to -.

18 MR. ██████: How many copies of that court
19 list do you think is made?

20 MR. ██████: I mean, off the top of my
21 head, you figure each unit gets one, the
22 Lieutenant's office gets one, attorney
23 conference gets one. I don't -.

24 MR. ██████: Just pretty much passed out
25 to all -.

1 MR. ██████: Yeah, yeah. Every area of
2 the building gets that and the call out list
3 and the SEP (Phonetic Sp. *00:25:59) roster and
4 all that.

5 MR. ██████: You said normally - normally,
6 it should come the night before but sometimes
7 it comes 4:00 in the morning.

8 MR. ██████: No, no, no. Once in a blue
9 it comes the night before, but normally it
10 comes like 3:00, between 3:00 and 5:00 in the
11 morning, you know, it will come.

12 MR. ██████: And a copy is given to every
13 unit.

14 MR. ██████: Yes.

15 MR. ██████: And is the list maintained in
16 a folder or computer somewhere?

17 MR. ██████: I know R&D has it in the
18 computer. But --

19 MR. ██████: Okay.

20 MR. ██████: -- what happens is, once
21 they leave and they're keyed in, then obviously
22 it's in the computer, but you don't key it in
23 until they leave the building otherwise it
24 causes confusion. If I just look at the list
25 and key these people out, but then one don't go

1 to court or one gets canceled, now our count is
2 off because I put four inmates out of the
3 building and four didn't go to court. You know
4 what I'm saying? So, the minute they leave,
5 yes, they're keyed out and it's all on the
6 computer.

7 MR. [REDACTED]: Do you know if that document
8 is saved anywhere?

9 MR. [REDACTED]: (Indiscernible *00:26:50).

10 MR. [REDACTED]: That court list? Like, that
11 - you know, that court list that gets passed
12 out, do you think that -.

13 MR. [REDACTED]: The hard copy or the --

14 MR. [REDACTED]: Hard copy, yeah.

15 MR. [REDACTED]: -- one on the computer?
16 Truthfully, I don't know.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: I would assume, you know,
19 the computer-wise, you could back track and
20 find it, but the hard copy, no, I don't, you
21 know.

22 MR. [REDACTED]: And -.

23 MR. [REDACTED]: Do you know how the
24 Marshals send it to R&D? Is it by email?

25 MR. [REDACTED]: No idea, to be honest.

1 MR. [REDACTED]: No idea?

2 MR. [REDACTED]: Yeah.

3 MR. [REDACTED]: And when he asks about
4 the court list being in the computer, do you
5 know if the actual court list is in the
6 computer or they key the information off of the
7 court list into the computer?

8 MR. [REDACTED]: So, I know if we go to the
9 control center where we do all count and
10 assignments, that's called C&A, that's all
11 keyed in. But R&D, I believe they have it in
12 the computer.

13 MR. [REDACTED]: They have the actual
14 list?

15 MR. [REDACTED]: Yeah, I'm assuming --

16 MR. [REDACTED]: Okay.

17 MR. [REDACTED]: -- because they have more
18 info on that than we do. So I would assume
19 they have something more than us, whether it's
20 the exact list in the computer or just
21 something close to it, but I don't know, you
22 know, I couldn't answer that exactly because,
23 like I said, I don't work there and --

24 MR. [REDACTED]: Yeah. Absolutely.

25 MR. [REDACTED]: -- my post, although it's

1 mobile, I'm not, you know.

2 MR. [REDACTED]: Who would be a person to
3 ask that question to?

4 MR. [REDACTED]: Either someone from R&D or
5 someone that works what's called C&A and that's
6 Counts and Assignments.

7 MR. [REDACTED]: Okay. And is Counts and
8 Assignments in R&D?

9 MR. [REDACTED]: No, it's in the Control
10 Center.

11 MR. [REDACTED]: Oh, Control Center.

12 MR. [REDACTED]: Yeah.

13 MR. [REDACTED]: So someone in the Control
14 Center is actually assigned Counts and
15 Assignments?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: Okay. Good to know. Are
18 you able to by looking at that document,
19 determine who that person was on August 9th?

20 MR. [REDACTED]: August 9th, so it would be
21 Control #2 is usually C&A. So day shift was
22 [REDACTED] (Phonetic Sp. *00:28:30) and night
23 shift was [REDACTED].

24 MR. [REDACTED]: Okay. Thank you.

25 MR. [REDACTED]: That's - yeah. No, that's

1 the 10th. You said the 9th, right?

2 MR. [REDACTED]: Correct.

3 MR. [REDACTED]: The 9th, day shift was
4 [REDACTED] (Phonetic Sp. *00:28:45) and night shift
5 was [REDACTED] (Phonetic Sp. *00:28:48).

6 MR. [REDACTED]: Okay. When you said that
7 the Marshals don't send it usually until like
8 3:00 to potentially 5:00 a.m. Are you sure
9 they don't send it or is that when it's passed
10 out?

11 MR. [REDACTED]: Truthfully, there's no - I
12 don't know. You know what I'm saying?

13 MR. [REDACTED]: So what makes you believe
14 that the Marshals don't actually send it until
15 that time?

16 MR. [REDACTED]: I mean, because so much
17 changes, you know, you're, you know, a lawyer -
18 -

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: -- and so much changes with
21 the courts, you know, first thing in the
22 morning, what judge called out, what - so I'm
23 assuming they would wait as close as possible
24 to the time, you know, to get it out, I would
25 assume.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: You know, I could be -.

3 MR. [REDACTED]: But that is an
4 assumption.

5 MR. [REDACTED]: I could be wrong. It's an
6 assumption.

7 MR. [REDACTED]: Right.

8 MR. [REDACTED]: I could - you know, there's
9 no way for me to know for sure, but you could
10 be right. Maybe it's coming in at 10:00 at
11 night and I don't even know because --

12 MR. [REDACTED]: (Indiscernible
13 *00:29:38).

14 MR. [REDACTED]: -- they don't put it out
15 until 3:00 in the morning. You know, there's
16 no way for me to answer that. I don't know.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: I can only tell you when I'm
19 used to getting it and putting it out.

20 MR. [REDACTED]: Right.

21 MR. [REDACTED]: I know you didn't work - you
22 worked the evening watch on the 9th, right?

23 MR. [REDACTED]: Yes.

24 MR. [REDACTED]: Would you happen to know who
25 was working R&D during morning watch or day

1 watch?

2 MR. [REDACTED]: So, there's no R&D morning
3 watch.

4 MR. [REDACTED]: What about day watch?

5 MR. [REDACTED]: Day watch, no, I wouldn't be
6 able to tell you.

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: What about night watch?

9 MR. [REDACTED]: Well, there's no overnight
10 R&D, but -.

11 MR. [REDACTED]: They're not morning
12 watch, evening watch is what I'm saying. So
13 like the - you got your day watch and you got
14 your evening watch.

15 MR. [REDACTED]: It might not be listed on
16 there.

17 MR. [REDACTED]: I was just about to say --

18 MR. [REDACTED]: Do you recall?

19 MR. [REDACTED]: -- it's not on here because
20 -.

21 MR. [REDACTED]: It's not. That's what he
22 was saying.

23 MR. [REDACTED]: Oh, yeah, so no, I
24 definitely don't remember, to be honest, you
25 know.

1 MR. [REDACTED]: Okay, yeah.

2 MR. [REDACTED]: When you worked on August 9th
3 as Internal, I know you came in the afternoon.

4 MR. [REDACTED]: Yes.

5 MR. [REDACTED]: Do you recall seeing the
6 court list for that day?

7 MR. [REDACTED]: No.

8 MR. [REDACTED]: Okay. What do they normally
9 do after all the inmates are gone, what do they
10 do with that court list.

11 MR. [REDACTED]: It's still held because when
12 I come in at 4 o'clock, we do the 4 o'clock
13 count and we refer back to it sometimes.

14 MR. [REDACTED]: To see who was there, who's -
15 .

16 MR. [REDACTED]: Yeah, you know, if the count
17 is off, we'll look to see who they sent out and
18 we'll use the court list sometimes before we go
19 into the computer, so, usually it's saved on
20 the unit on a clipboard or something or a
21 folder. You know, something along those lines.

22 MR. [REDACTED]: Are they supposed to retain
23 it or do they just dispose of it?

24 MR. [REDACTED]: I mean, from just working
25 units years ago, usually once all the inmates

1 are accounted for back in the building, it's
2 useless, it's gone because it's already in the
3 computer, you can backtrack and look that he
4 left for court or he left for whatever, so
5 there's no need for the paper, you know, after
6 they're back. Once the building is fully
7 stocked again, we really - it's irrelevant to
8 have that paper because in the computer, we
9 know where they went when they came back.

10 MR. ██████: All right. Are you familiar
11 with something called the daily log?

12 MR. ██████: Yes.

13 MR. ██████: Do you know if that court
14 list is used to update the daily log?

15 MR. ██████: Yes.

16 MR. ██████: How about the Lieutenant log?
17 Is it used to update the Lieutenant logs?

18 MR. ██████: Yes.

19 MR. ██████: Okay.

20 MR. ██████: But that also goes back to
21 when it's keyed in the computer.

22 MR. ██████: Okay.

23 MR. ██████: You know. And once it's
24 keyed into SENTRY, it's a ton of different
25 paperwork we get from SENTRY.

1 MR. [REDACTED]: What kind of paperwork?

2 MR. [REDACTED]: The SEP rosters like I said
3 or the movement in the building. Like,
4 literally everything is in SENTRY, so what ends
5 up happening is the Lieutenant's log, the
6 officer's log, everything is - you could go
7 back in SENTRY and look and be like, "Oh, well,
8 inmate Daniels, the court list said he had
9 court but he never went to court because he got
10 injured playing basketball and they took him
11 out on a medical trip." So now, I go to SENTRY
12 and it will say that you weren't in court, but
13 you were out on a, you know, hospital, you were
14 out at a hospital that's why you're off the
15 count. So it's not that you never came back
16 from court, the court list said that you had
17 court so that's why the computer and the log is
18 necessary because now I look at the log and I'm
19 like, it's 2:00 in the morning, Daniels isn't
20 back from court, that makes no sense. No, you
21 never went to court, you're in the hospital
22 because you broke your finger playing
23 basketball. You know what I'm saying?

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: The PPBB-38 you're

1 talking about?

2 MR. [REDACTED]: Yeah, basically.

3 MS. RICHMAN: So SENTRY is the central
4 computer --

5 MR. [REDACTED]: Yes.

6 MS. RICHMAN: -- that MCC uses?

7 MR. [REDACTED]: SENTRY is the main, yeah,
8 access to -.

9 MR. [REDACTED]: So we know there's a
10 Lieutenant's log and is there a separate you
11 said for the officers also?

12 MR. [REDACTED]: What do you mean? Like
13 TRUACCESS?

14 MR. [REDACTED]: You said, "Officer's log."

15 MR. [REDACTED]: Yeah, well, each unit, you
16 have TRUACCESS, it's, again, when I first
17 started, it was a big book, so that's why, you
18 know, but that was a long time ago and you
19 would write everything in the book. Now they
20 have TRUACCESS, you log in with your PIV card,
21 you log in and it's a whole layout of, you
22 know, you could do an inmate off the unit, you
23 can move an inmate off the unit, move him on,
24 you can move the cells, everything. So, if you
25 log into TRUACCESS, you could see everything

1 that happened the shift before you on that
2 unit.

3 MR. [REDACTED]: And that would be the BP-38?

4 MR. [REDACTED]: No.

5 MR. [REDACTED]: This is something separate?

6 MR. [REDACTED]: That's for the building.

7 He's - SENTRY is more broad, the whole jail.

8 But TRUACCESS is more directed straight for the
9 post you just took.

10 MR. [REDACTED]: Do you recall during August
11 9th, what was being utilized, the book or the
12 TRUACCESS?

13 MR. [REDACTED]: TRUACCESS.

14 MR. [REDACTED]: Okay. If the daily log and
15 Lieutenant log shows pre-removal, what does
16 that mean?

17 MS. RICHMAN: Shows what?

18 MR. [REDACTED]: Pre-removal.

19 MR. [REDACTED]: Why don't you show it to
20 them.

21 MR. [REDACTED]: You know, this is the daily
22 log.

23 MR. [REDACTED]: Yes.

24 MR. [REDACTED]: Are you familiar with this?

25 MR. [REDACTED]: Yes.

1 MR. [REDACTED]: If on that sheet - let's go
2 to the last --

3 MR. [REDACTED]: The third.

4 MR. [REDACTED]: -- third page.

5 MR. [REDACTED]: I see, right - okay.

6 MR. [REDACTED]: (Indiscernible *00:34:21)
7 just (Indiscernible *00:34:23) so as part of
8 the investigation, we know that inmate Efrain
9 Reyes was Epstein's cell mate.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: And so if you look at inmate
12 Reyes --

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: -- what does that state next
15 to it?

16 MR. [REDACTED]: Pre-removal.

17 MR. [REDACTED]: What does that mean to you?

18 MR. [REDACTED]: Truthfully, I couldn't tell
19 you. I mean, I've seen it before, but my post
20 doesn't deal with a lot of the lingo that they
21 use on SENTRY, so pre-removal, I mean, like I
22 said, I know he was shipped out, but - so it
23 has to do something I guess with that, but -.

24 MR. [REDACTED]: Do you believe it would
25 be something to do with WAB or --

1 MR. [REDACTED]: Possibly.

2 MR. [REDACTED]: -- being packed out?

3 MR. [REDACTED]: If I had to take a guess, an
4 educated guess, yes. But to tell you exactly
5 what that means, I couldn't tell you,
6 unfortunately.

7 MR. [REDACTED]: And that daily log --

8 MR. [REDACTED]: Yes.

9 MR. [REDACTED]: -- when is that filled out?
10 Do you know? Not in general. Who fills that
11 out and when is that filled out?

12 MR. [REDACTED]: Well, this is a little bit -
13 many people have access to this. Not many, but
14 it's not just one person. But R&D could adjust
15 this log, Counts and Assignments, which is
16 Control #2, they could adjust this log and the
17 Lieutenant's office could adjust this log. So
18 that's the main areas that would adjust it.

19 MR. [REDACTED]: And when would they
20 adjust those logs? Does that coincide with
21 being keyed in and keyed out or -.

22 MR. [REDACTED]: Yeah. It happens, you know,
23 more times, I guess, during the day when court
24 happens and all that, but this could happen at
25 any time because inmates are constantly moving.

1 Because as you can see, it's also from cell to
2 cell or unit to unit. So let's say at night
3 you come in and they're moving four inmates to
4 a different unit, this log has to get updated
5 even though it's in-house and they're only
6 moving unit to unit, you've got to know where
7 they are so that's why some of these are just
8 unit to unit, you could tell.

9 MR. [REDACTED]: Are they supposed to do it
10 immediately or is it something that you can
11 wait until the next day to do it?

12 MR. [REDACTED]: If, I mean, I don't know if
13 there's an exact rule, but I would assume it
14 has to happen the same day. I don't think the
15 next day would be beneficial for the, you know.

16 MR. [REDACTED]: And this is key - is this log
17 correspond directly, like, let's say an inmate
18 gets keyed in and out. Would this get
19 automatically updated or this is a separate log
20 altogether?

21 MR. [REDACTED]: Well, when you say, "Keyed
22 in and out," what do you mean?

23 MR. [REDACTED]: Let's just say an inmate is
24 being moved from one cell - from one unit to
25 another, right? Someone has to key the inmate

1 out from that unit --

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED]: -- and key them into another
4 unit.

5 MR. [REDACTED]: Yes.

6 MR. [REDACTED]: Would this get automatically
7 updated or is this manually updated by
8 somebody?

9 MR. [REDACTED]: Well, when you say, "Key,"
10 this is what you're keying.

11 MR. [REDACTED]: Okay.

12 MR. [REDACTED]: You know what I'm saying?
13 So it's -.

14 MS. RICHMAN: "This," referring to what's
15 on this daily log document.

16 MR. [REDACTED]: Exactly, yeah. So this is
17 what's updating when you're keying in and out.

18 MR. [REDACTED]: So this is the key
19 document. So when someone is keying it, the
20 daily log is what they're doing?

21 MS. RICHMAN: That's the result.

22 MR. [REDACTED]: Basically, yeah.

23 MR. [REDACTED]: So is there another
24 system as well?

25 MR. [REDACTED]: I mean -.

1 MR. [REDACTED]: Or is this what's in the
2 TRUACCESS or potentially TRUVIEW -.

3 MR. [REDACTED]: TRUACCESS is basically just
4 for your unit. So that's not going to adjust
5 this.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: This is SENTRY. TRUACCESS
8 is just - so if I come in and I relieve you and
9 I look and I'm like, "Oh, inmate Biaz (Phonetic
10 Sp. *00:37:29) went to seven north, he's not on
11 five south no more," and you're like, "Yes."
12 Okay, now, that's not going to mess up my count
13 as I state and adjust this.

14 MR. [REDACTED]: What's the difference
15 between that and BP-38?

16 MR. [REDACTED]: This is, like I said, the
17 whole jail. So let's say you tell me he went
18 to seven north, which he really did, but for
19 whatever reason, they messed up on him, they
20 put him on seven south. When we do the count,
21 our count is going to be off.

22 MR. [REDACTED]: Right.

23 MR. [REDACTED]: So when seven north calls in
24 their count, they're going to be like, "Bad
25 count." "What do you mean bad count?" "You're

1 missing an inmate." Because on here, they've
2 got him on seven south.

3 MR. [REDACTED]: So that's Internal's
4 document they use in order to verify their
5 counts?

6 MR. [REDACTED]: This is the whole
7 building's, you know.

8 MR. [REDACTED]: Because that's the -.

9 MR. [REDACTED]: But this doesn't -

10 MR. [REDACTED]: When you say Internal,
11 you mean Controls. Is that what -.

12 MR. [REDACTED]: Yeah, yeah, Control,
13 everybody had - you know, they - this is the
14 main document, yes.

15 MR. [REDACTED]: So this is - when Control
16 does their thing, this is what they use to say,
17 "Where are the inmates at right now?"

18 MR. [REDACTED]: Well, Control just logs in
19 the computer.

20 MR. [REDACTED]: Right.

21 MR. [REDACTED]: You know, because you have -
22 I'm Control #1, you're Control #2, you're C&NA,
23 you know all the numbers for the building,
24 you're supposed to know so I'm not looking at
25 nothing, I'm saying, you know, "So and so -

1 Officer, So and so, what's going on?" And he
2 just has it on the computer already logged in.

3 MR. ██████████: But when they - on this
4 section, I guess what I'm saying is like if
5 Reyes, for instance, is moved from point A to
6 point B, that automatically adjusts the count
7 that they see in Control?

8 MR. ██████████: Yes.

9 MR. ██████████: Okay.

10 MR. ██████████: Can you initial and date
11 that, on the top right there? Right there. Do
12 you recall seeing that document on the day you
13 came in, August 9th?

14 MR. ██████████: No.

15 MR. ██████████: And just for
16 clarification, we're just getting educated.
17 The line of our questions is because we don't
18 work in the BOP, so people tell us different
19 things. We just want to get more educated on
20 that document. Is there anything else that you
21 wanted to talk about?

22 MR. ██████████: No.

23 MR. ██████████: No, I mean.

24 MR. ██████████: Okay.

25 MS. RICHMAN: So they show the times of

1 when people are moved as well, correct?

2 MR. [REDACTED]: Yes. Well, that's the times
3 they're keyed.

4 MS. RICHMAN: Some keyed.

5 MR. [REDACTED]: Exactly.

6 MR. [REDACTED]: So if an individual is
7 moved from, for instance, the SHU down to R&D,
8 would it also be reflected on this document?

9 MR. [REDACTED]: I believe so, to be - I
10 mean, everything is in SENTRY, but the problem
11 is, I don't want to say directly, because
12 there's PP-38s, there's PP-10s, there's PPs
13 forever --

14 MR. [REDACTED]: Right.

15 MR. [REDACTED]: -- you know, not to sound
16 funny, but there's - so, you could key in -
17 it's definitely in SENTRY. It's definitely in
18 SENTRY but I don't know if it would be on the
19 38 or -.

20 MR. [REDACTED]: Sure.

21 MR. [REDACTED]: Yeah.

22 MR. [REDACTED]: Absolutely.

23 MR. [REDACTED]: You know.

24 MR. [REDACTED]: And we'd be looking for
25 the pen for that.

1 MR. ██████: Okay. Do you recall - well,
2 you said you're not familiar - were you
3 familiar with Epstein's cell mate at all?

4 MR. ██████: Which one?

5 MR. ██████: Reyes.

6 MR. ██████: Just by sight, like - like I
7 said, I didn't have much interaction with him.

8 MR. ██████: Okay.

9 MR. ██████: I've seen him, but he wasn't
10 a known inmate like that, so I don't know -
11 like Tartaglione had been there for years, so
12 obviously I remember him and he stands out to
13 me. The inmate, Reyes, that was - you said
14 Reyes, right? I saw him just in crossing, like
15 it was never - and then he left, so I don't
16 know, you know.

17 MR. ██████: So people have told us
18 that everyone knew who Reyes was because he was
19 Epstein's cell mate. Do you agree with that or
20 disagree?

21 MR. ██████: I mean, everybody knew
22 Epstein.

23 MR. ██████: Right.

24 MR. ██████: So, they're probably right
25 because had he not been his bunkie, I probably

1 wouldn't have noticed him. Quiet guy. I don't
2 know if he's ever been in a fight or any of
3 that, you know, so it's safe to say, had he not
4 been his bunkie, I might have not even
5 remembered what he looked like.

6 MR. [REDACTED]: What about as far as just
7 his name? I know we're two years later, but at
8 that time two years ago, do you believe most
9 people in this institution, if not everyone,
10 would have known the name Reyes?

11 MR. [REDACTED]: No, I don't think so.

12 MR. [REDACTED]: Just by sight is why you
13 know him? You never believe you knew that
14 name, Reyes?

15 MR. [REDACTED]: No, no.

16 MR. [REDACTED]: So if -.

17 MS. RICHMAN: Also, it's a pretty common
18 name --

19 MR. [REDACTED]: I was just about to say --

20 MR. [REDACTED]: Totally.

21 MS. RICHMAN: -- to hear, yeah.

22 MR. [REDACTED]: -- that's why. Like it's -.

23 MR. [REDACTED]: But I'm just saying, so,
24 like, you know, as you know, Reyes was moved
25 out from his cell mate. Do you believe

1 someone, if they saw the name Reyes, would have
2 been like, "That's Epstein's bunkie."

3 MR. ██████████: No, not at all.

4 MR. ██████████: Okay.

5 MS. RICHMAN: Do you know how long Reyes
6 was at MCC? Was it a short -.

7 MR. ██████████: That's the thing. I don't
8 know for sure but it had to be short. Like, if
9 I had to take an educated guess, I would say
10 short because I really don't remember anything
11 that stands out to me about him, like -.

12 MR. ██████████: On that note, do you
13 remember when Epstein came back from suicide
14 watch and psychological observation?

15 MR. ██████████: Do I remem- well, I remember
16 him getting off, like, I can't tell you exactly
17 -.

18 MR. ██████████: Does around July 29th or
19 30th sound about right?

20 MR. ██████████: Yeah.

21 MR. ██████████: Maybe like almost about
22 10 days prior to Epstein dying?

23 MR. ██████████: Yeah. Because if I had to
24 take a guess, I'd say one or two weeks maybe or
25 the most, a month, it had to be between that

1 time period.

2 MR. [REDACTED]: Yeah.

3 MR. [REDACTED]: I'm trying to - it wasn't
4 long.

5 MR. [REDACTED]: Right.

6 MR. [REDACTED]: It wasn't, you know -.

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: Anything else?

9 MR. [REDACTED]: No.

10 MR. [REDACTED]: Was there any talk about
11 Reyes leaving the institution that day between
12 -.

13 MR. [REDACTED]: When I came into work, he
14 was already gone, so.

15 MR. [REDACTED]: Did any COs mention, "Hey,
16 listen, Reyes is gone?" Any actions to take?
17 Anything like that?

18 MR. [REDACTED]: No.

19 MR. [REDACTED]: Do you know now, post-
20 Epstein, or at that time, do you know why
21 inmate Reyes was moved from the MCC?

22 MR. [REDACTED]: No.

23 MS. RICHMAN: Do you know why?

24 MR. [REDACTED]: We just know he went to court
25 and -.

1 MR. [REDACTED]: (Indiscernible *00:43:06)

2 --

3 MR. [REDACTED]: (Indiscernible *00:43:06)?

4 MR. [REDACTED]: -- answer this question.

5 MR. [REDACTED]: Yeah, we just - that's all
6 I'm saying. We just know he went to court.
7 Were you instructed on what action should be
8 taken if Reyes was removed from Epstein's - as
9 Epstein's cell mate?

10 MR. [REDACTED]: That would be Special
11 Housing officers to, you know - no one would
12 give me any, you know, actions to take because
13 that's not my unit. I'm just moving - I'm just
14 bringing them. Like is said, we would help out
15 if they needed, but as far as that, if they
16 don't need help, I'm just passing them off to
17 them, so them, that's their post, they know
18 what actions they've got to take and all that.

19 MR. [REDACTED]: Do you remember any special
20 instructions that were given to them in regards
21 to it?

22 MR. [REDACTED]: No.

23 MR. [REDACTED]: Now let's say Reyes left for
24 court.

25 MR. [REDACTED]: Okay.

1 MR. [REDACTED]: Right? How would the
2 institution know he wasn't coming back?

3 MR. [REDACTED]: It's when they reach out and
4 tell us.

5 MR. [REDACTED]: Who reaches out?

6 MR. [REDACTED]: I'm assuming the Marshals.
7 But R&D would know better, but I'm assuming the
8 Marshals.

9 MR. [REDACTED]: What time of day would they
10 notify?

11 MR. [REDACTED]: I guess when courts is
12 closed. Like, not when they're closed, but
13 when everything is over because what would
14 happen is, the Marshals bring the inmates back,
15 so.

16 MR. [REDACTED]: Around what time?

17 MR. [REDACTED]: Whenever, you know, some
18 people last longer in courts than others, so.
19 But, as you know, some people get bail, some
20 people get released, some people get just
21 removed, period, wherever they go, but when the
22 Marshals come back, that's when everything gets
23 updated or shortly before it. Whenever they
24 got all the inmates in custody again, that's
25 when I guess everything gets updated.

1 MR. [REDACTED]: Is there a specific time
2 period in the day where usually the Marshals
3 bring back inmates?

4 MR. [REDACTED]: It ranges, you know?
5 Because I've come in at 4:00 and 4 o'clock
6 count and the Marshals were waiting. Then I've
7 come in and they're still bringing inmates at
8 7, 8 o'clock at night, so it -.

9 MR. [REDACTED]: So on that note, they
10 come at different times of day or they always
11 come at one time?

12 MR. [REDACTED]: No, as far as from my
13 experience, they bring people back at different
14 times of days.

15 MR. [REDACTED]: Right. So the Marshal --

16 MR. [REDACTED]: Especially that it's --

17 MR. [REDACTED]: -- can be -.

18 MR. [REDACTED]: -- not always the Marshals.
19 Sometimes Agents are bringing people back,
20 sometimes - you know.

21 MR. [REDACTED]: So it's not like they
22 show up at 4:00 p.m. with everybody that's
23 coming back.

24 MR. [REDACTED]: Exactly.

25 MR. [REDACTED]: Like they come at

1 different times.

2 MR. [REDACTED]: Yeah.

3 MR. [REDACTED]: Right.

4 MR. [REDACTED]: Like you could estimate,
5 like, "They should be here in a little while,"
6 but there's no exact time where they're
7 bringing everybody back. It's not, you know.

8 MR. [REDACTED]: Okay. Now let's say the
9 court does notify the R&D.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: "Hey, listen, a certain
12 inmate is not coming back." What's the process
13 after that?

14 MR. [REDACTED]: Truthfully, these are a lot
15 of questions you've got to ask people in R&D.
16 I really - that's not my department, I don't
17 work in there.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: I just, you know, I go to
20 get the inmate after he's there and bring him
21 to his unit, but that's not my - I don't know
22 how the whole communication happens between
23 them and the outside agencies, I don't - you
24 know, that's not my own area.

25 MR. [REDACTED]: And as Internal, would you

1 ever be notified if a certain inmate is not
2 coming back?

3 MR. [REDACTED]: I mean, yeah, they've told
4 me, because remember, we're doing the count.
5 So, they may say, when I come, they may be,
6 "Internal pick up two from R&D going back to
7 the housing unit," and when I come, they'd be
8 like, "Oh, Reyes ain't coming back for whatever
9 reason," but it's through passing, they don't
10 have to tell me because what happens is,
11 Control Center should be keying that in so that
12 when I do my count, I don't need to know that
13 because on SENTRY, it's already he's no longer
14 there and - you know what I'm saying? So if it
15 is, it's through common conversation but it's
16 not a must for them to tell me because where -
17 we have the faith that everybody else did their
18 jobs and the computer is, you know, everything
19 is logged in and moved and accounted for so I
20 don't need to worry about that when I do my
21 count.

22 MR. [REDACTED]: What count are you doing?
23 Like as Internal, where do you do the counts?

24 MR. [REDACTED]: We do the 4 o'clock when we
25 come in.

1 MR. [REDACTED]: Of what unit - what -.

2 MR. [REDACTED]: The whole building.

3 MR. [REDACTED]: How does that work? Explain.

4 MR. [REDACTED]: You've got to count each
5 building. Sometimes, you know, maybe they have
6 a partner to count with them already, but we
7 still have to pick up the count slip and
8 everything, but at 4 o'clock, every unit has to
9 be counted. At 10 o'clock every unit has to be
10 counted. At -.

11 MR. [REDACTED]: So you go to each unit and
12 assist with the counts?

13 MR. [REDACTED]: If they need assistance.
14 Sometimes they don't. They have a partner
15 already or their relief helps them or counselor
16 helps them. Anybody can help them if they're
17 an employee. So I get there and they have the
18 count slip and they just give it to me, like,
19 "It's done already, here," you know.

20 MR. [REDACTED]: Okay.

21 MS. RICHMAN: The whole building freezes
22 for the count.

23 MR. [REDACTED]: Yes. Well, you know that.

24 MS. RICHMAN: Yeah, well, I'm informing
25 them in case they don't know.

1 MR. [REDACTED]: Yeah. There's no movement,
2 there's no anything when the count is going on.

3 MR. [REDACTED]: Okay.

4 MS. RICHMAN: And when you said 10
5 o'clock, you meant 10:00 a.m.

6 MR. [REDACTED]: No, no. Yeah.

7 MS. RICHMAN: 10:00 p.m.

8 MR. [REDACTED]: Yeah.

9 MR. [REDACTED]: Only on the weekends is
10 it the 10:00 a.m. count, correct?

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: When you came in on August
13 9th, were you involved in any counts?

14 MR. [REDACTED]: I would - the 4:00 p.m.
15 count I probably was involved in. I don't know
16 exact units I counted, but like I said, I
17 definitely picked up count slips and, you know.

18 MR. [REDACTED]: You don't recall if you
19 assisted with the SHU count on August 9th.

20 MR. [REDACTED]: I definitely didn't because
21 SHU has more than one officer so they count
22 their own unit. You know, they normally - 99.9
23 percent of the time, don't need a back on the
24 count. We call it a back on the count, someone
25 to back you up because you can't count by

1 yourself. But they usually have, you know,
2 more than one officer to help them, so usually
3 only people inside SHU count SHU.

4 MR. [REDACTED]: Do you recall who the
5 officers were in the SHU that day? Do the COs
6 fill out any paperwork for the count?

7 MR. [REDACTED]: The count slip.

8 MR. [REDACTED]: And what happens to the count
9 slips?

10 MR. [REDACTED]: They hand it to us and we
11 bring it to the Control Center and the Control
12 Center gives it to Control #2, which is C&A,
13 Counts and Assignments and he does a cross list
14 based off of what he has in the computer and
15 what was counted on the units and he'd be the
16 one to say - because they also got to call it
17 in to them besides us giving them the paper.
18 So they'll tell them right there, "Good count,"
19 that means you're good. "Bad count," count
20 again. And bad count means obviously you've
21 got the wrong numbers.

22 MR. [REDACTED]: If there's a bad count, what
23 happens?

24 MR. [REDACTED]: You got to recount, right?
25 If you recount and it's a bad count again, they

1 do what's a bed book count and we get a print
2 out of every inmate's ID and they've got to
3 come to the window, we look at their face,
4 they've got to say their name and ID number and
5 we keep moving. If it's still a bad count from
6 there, they got to make phone calls to Captain
7 and everything and let them know that we have
8 possibly an inmate that escaped or whatever.
9 That's the Lieutenants, I don't know, you know,
10 but I just know they get advised, like,
11 "Listen, we did two counts plus a bed book
12 count and it's still wrong."

13 MR. [REDACTED]: Okay. Do you recall if you
14 got the count slips from the SHU on August 9th?

15 MR. [REDACTED]: I'd be lying if I told you
16 if I did or didn't.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: Is it possible? Yes. But
19 because I have a partner, he might have picked
20 it up and I didn't pick it up. You know what
21 I'm saying? So I don't remember exact what
22 units I grabbed or didn't grab.

23 MR. [REDACTED]: Okay. We'll move on. If an
24 inmate is moved from the SHU to another unit,
25 can you explain the process including who would

1 have to be notified?

2 MR. [REDACTED]: When you say, "Removed,"
3 what do you mean? Like just --

4 MR. [REDACTED]: Let's just say -.

5 MR. [REDACTED]: -- just sent back to general
6 population or -.

7 MR. [REDACTED]: Or any other unit. If they
8 move into another unit, including R&D.

9 MR. [REDACTED]: So if an inmate in SHU is on
10 what's called the kick out list, that means
11 their time is up, you know, with whatever they
12 went in SHU for, their time is up, they get put
13 on a kick out list and the kick out list gets
14 cleared by everybody, SIA, the Captain, R&D,
15 the Lieutenant, everybody signs off on it.
16 There's a bunch of people. So that usually
17 happens day time, and then by night time,
18 they're being kicked out because everything was
19 signed off on because they can't go to certain
20 units with separations or if they had a problem
21 on that unit. So it's a process. It's a lot
22 of forms they've got to go through. So, right
23 there, if it was on the kick out list, that's
24 how many people were notified and they already
25 know about it, you know.

1 MR. [REDACTED]: What about actually when your
2 physically moving the inmate? Let's just say
3 the SHU CO is taking the inmate and they're
4 getting ready to move out, who do they have to
5 - do they have to notify anybody or they just
6 can walk out with the inmate?

7 MR. [REDACTED]: But you're saying move out
8 where? That's what -.

9 MR. [REDACTED]: Like, let's just say they're
10 moving to R&D. They're taking an inmate from
11 the SHU and moving to R&D.

12 MR. [REDACTED]: If they're going to R&D,
13 same sort of thing. They know already, you
14 know, everything that's going on. Now if
15 they're calling for us, they got to tell us,
16 like, "It's one from SHU," so we know no one
17 else could be in the elevator because they're
18 going to be handcuffed --

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: -- and whatnot. So we can't
21 have no inmates and if they're going to R&D, we
22 got to say, "Clear R&D, we got one from SHU
23 coming," or attorney conference, lock everybody
24 in or move all the inmates because we're
25 bringing one to attorney conference. But,

1 anything else beyond that, they already know
2 about it.

3 MR. [REDACTED]: Okay. Do you recall if any
4 inmates were moved after you started the shift
5 on August 9th, any inmates were moved from the
6 SHU?

7 MR. [REDACTED]: No, I don't.

8 MR. [REDACTED]: Do you recall seeing inmate
9 Fernandez being moved that day? Do you know
10 who inmate Fernandez is?

11 MR. [REDACTED]: The name sounds familiar,
12 but I can't put a face to it.

13 MR. [REDACTED]: Was there an inmate in R&D
14 that day?

15 MR. [REDACTED]: There had to be an inmate in
16 R&D. I mean, every day there is, every week
17 there's inmates in R&D without a -.

18 MR. [REDACTED]: Someone that was placed in a
19 dry room.

20 MR. [REDACTED]: That I couldn't tell you.

21 MS. RICHMAN: In a dry room?

22 MR. [REDACTED]: Correct.

23 MR. [REDACTED]: A dry cell you mean?

24 MR. [REDACTED]: Dry cell or dry room.

25 MR. [REDACTED]: Dry cell, it's possible

1 because there was a lot of inmates going on dry
2 cell at that time but I don't remember the
3 exact incident.

4 MR. ██████: Okay. As Internal, and you
5 just mentioned it --

6 MR. ██████: Yes.

7 MR. ██████: -- if someone is coming on,
8 if someone is being moved, you call - you radio
9 it, right?

10 MR. ██████: Yes.

11 MR. ██████: You radio the receiving unit?

12 MR. ██████: Well, they radio me.

13 MR. ██████: Okay.

14 MR. ██████: So now, let's say you're
15 Special Housing and you're like, "Internal, can
16 you pick up one kick out, we got three kick
17 outs."

18 MR. ██████: Okay.

19 MR. ██████: And I come to you and you
20 hand me the kick out list, I look, I tell Seven
21 North, "You got one coming to you," you know,
22 "Seven South, you got one coming to you," and
23 I'll bring them. "Five North," whatever the
24 case may be.

25 MR. ██████: Okay. Does Control get

1 notified also?

2 MR. [REDACTED]: Yes. Because they got to
3 update - C&A has to update all the, you know,
4 the SENTRY paperwork for the count and
5 everything.

6 MR. [REDACTED]: And are they allowed to move
7 any inmates without notifying Control?

8 MR. [REDACTED]: Cell to cell or unit to
9 unit?

10 MR. [REDACTED]: Unit to unit.

11 MR. [REDACTED]: No. Control has to figure
12 it out because it will mess the count up. If
13 you just move an inmate to Five North and tell
14 nobody, when we do the count, we're going to
15 want to know why your unit is short and his has
16 an extra body. So eventually, Control has to
17 be notified about something. Now, if it's just
18 cell to cell, you know, maybe your sink breaks
19 on the unit and you've got an empty cell over
20 there and you move him there. That's, you
21 know, and you do it yourself in the log, that's
22 different. But anything leaving the unit,
23 Control has to know.

24 MR. [REDACTED]: Okay. And does Control have
25 to open the outer doors for each unit for

1 people to move or can anyone open those doors?

2 MR. [REDACTED]: Special Housing, they
3 control that front door and upstairs Super Max,
4 they control that front door.

5 MR. [REDACTED]: This is Control you're
6 talking about.

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: Okay.

9 MR. [REDACTED]: Now, regular units, they
10 could control that door, but we have a key also
11 to open it because there's constant movement,
12 whether they're going to rec, general
13 population is movement all day. Who is going
14 to psychology, who is going here, so when we
15 come, they could open that door, but in an
16 emergency, Control can pop it. But Super Max,
17 which is Ten South and SHU, nine cell, that
18 front door, they don't have the key to. They
19 have to -.

20 MS. RICHMAN: It's all Control.

21 MR. [REDACTED]: Yeah, it's all Control
22 popping that door.

23 MR. [REDACTED]: Do you have anything else on
24 that?

25 MR. [REDACTED]: After you're done, I'm

1 going to go back.

2 MR. [REDACTED]: Okay. And again, when you
3 were on shift that day, do you recall if any
4 inmates were in R&D?

5 MR. [REDACTED]: Like I said, there's always
6 inmates in R&D so if I had to bet on it, yes,
7 I'm sure there was inmates in there, but I
8 don't remember exactly if there was inmates,
9 how many, you know, who was -.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: We're talking a long time
12 ago and a lot of stuff has happened since, you
13 know.

14 MR. [REDACTED]: I'm going to move on.

15 MR. [REDACTED]: (Indiscernible
16 *00:55:11).

17 MR. [REDACTED]: Who is BOP employee [REDACTED]
18 [REDACTED]?

19 MR. [REDACTED]: [REDACTED] [REDACTED]. He's
20 Case Manager, I believe. I don't know the
21 exact title but he's Unit Team - Unit Manager
22 or Case Manager, I don't - it's one of those
23 titles.

24 MR. [REDACTED]: Do you recall if he was
25 working on August 9th?

1 MR. [REDACTED]: The days surrounding the
2 incident, yes, he was working, I just can't
3 remember if I saw him that exact day.

4 MR. [REDACTED]: Okay. Are you aware that
5 [REDACTED] allowed Epstein to make a telephone
6 call on the evening of August 9th?

7 MR. [REDACTED]: I knew Epstein made a phone
8 call, I didn't know who gave it to him though.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: I can't tell you exactly who
11 gave it to him. Usually it comes from Unit
12 Team, so I'm assuming it was someone from Unit
13 Team. But I - to say it was exactly [REDACTED],
14 because I didn't witness the phone call, I just
15 know he had a phone call.

16 MR. [REDACTED]: So how did you know there was
17 a phone call?

18 MR. [REDACTED]: Because Epstein had
19 mentioned it.

20 MR. [REDACTED]: To who?

21 MR. [REDACTED]: In crossing, in the
22 elevator, just in general, you know. I know
23 his lawyer was happy that he had a phone call
24 finally, so, you know.

25 MR. [REDACTED]: So you're talking about the

1 evening of August 9th.

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED]: And this is when he's headed
4 back to the SHU?

5 MR. [REDACTED]: Either heading back or going
6 - I just know that his - because, for a while,
7 he wanted what's called his PAC number. His
8 PAC number is so that he can make a phone call.
9 So the lawyer had asked me, like, "Who do I
10 have to talk to to get him his PAC number."
11 This is prior to March 9, or --

12 MS. RICHMAN: August 9th.

13 MR. [REDACTED]: -- August 9th, I'm sorry,
14 I'm all over the place - prior to August 9th.
15 He said, "Yeah," - she said, "He needs his PAC
16 number," just asked, "All right, I'll find out,
17 you know, why he didn't get his PAC number."
18 Turned out he had his PAC number, so I told her
19 the next day, I said, "He has his PAC number."
20 She said, "All right. He said he didn't have
21 it," blah, blah. So when I asked him, I said,
22 "Why did you tell your lawyer you don't have
23 it? You have it, you showed me." He said,
24 "No, but they said they monitor those phone
25 calls." I said, "Yeah. It's the jail," you

1 know. So his lawyer then asked, how does he
2 get an unmonitored phone call, to me. I said,
3 "That goes on a different level, a Lieutenant
4 or Unit Team is the only ones that could do
5 that when they're in Special Housing. An
6 officer cannot do that." So after that, I
7 remember he kept on wanting a phone call from
8 either Unit Team or the Lieutenant but it was
9 never happening and then that day, I forget how
10 it came up, but he was happy, he was like,
11 "Yeah, I got my phone call finally." But it
12 wasn't like a whole conversation, I just
13 remember him saying it. So I know he got a
14 phone call. I just don't know who gave it to
15 him and, you know, what transpired that got him
16 that phone call, but I know he was finally
17 like, "I got the phone call," like happy about
18 it.

19 MR. [REDACTED]: Were you present for the
20 phone call when he made the phone call?

21 MR. [REDACTED]: No.

22 MR. [REDACTED]: Do you know where he made
23 that phone call?

24 MR. [REDACTED]: In Special Housing.

25 MR. [REDACTED]: And do you know how the phone

1 call was made?

2 MR. [REDACTED]: No. That I don't know, but
3 if I - in Special Housing, normally it's when
4 he's in his cell because the phone jacks are on
5 the tier. But one is monitored and one is
6 unmonitored. So, if Unit Team gave it to him,
7 you know, it was probably unmonitored.

8 MR. [REDACTED]: Unmonitored?

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: Is that normal practice to
11 give it unmonitored?

12 MR. [REDACTED]: When they're in Special
13 Housing, yes, so that they can reach out to
14 their lawyer and, you know, we're not allowed
15 to listen to that type of conversation. But,
16 the officer can't give him that phone call.
17 It's Unit Team or a supervisor and what
18 normally happens is they give the card, you
19 know, the lawyer's card, they'll call the
20 number, "Okay. It's here," and then, "Here,"
21 and give the phone through his slot and then
22 it, you know, it cuts off at a certain time.

23 MR. [REDACTED]: Now being that he was with
24 his lawyers all day and that phone call comes
25 around and what if it wasn't his lawyer that he

1 called, what if it was somebody else? Is that
2 -.

3 MR. [REDACTED]: I mean, I'm not going to say
4 it's not possible. It's definitely possible,
5 but from what I've seen, when people get phone
6 calls, because I'm not allowed to give
7 unmonitored phone calls, but what I've seen is,
8 like I said, they'll dial it for the inmate and
9 wait and then, "Oh, Attorney Rodriguez office,"
10 "Oh, okay, you have a client so and so?"
11 "Okay," and then they hand it. So, but if they
12 have the number written on a piece of paper and
13 you call it and the inmate tells you, "You're
14 my father," and I'm like, "Just say that you're
15 Attorney So and So," how do I know. You know
16 what I'm saying? There's no way to - so I'm
17 sure there's a lot of inmates that make
18 unmonitored phone calls and trick whoever is
19 giving it to them, but, as far as I know,
20 that's how they're able to judge if it's an
21 attorney or not.

22 MR. [REDACTED]: Were you asked to monitor
23 that call that night and be with him when he
24 made that phone call that night?

25 MR. [REDACTED]: No. Not - no.

1 MR. ██████: Have you heard of ██████ or
2 any of the COs allowing inmates to make calls
3 using the legal line to people other than
4 attorneys?

5 MR. ██████: Well, the legal line is the
6 unmonitored line and, like I said, as far as I
7 know, no, but I'm not there every time someone
8 gets a phone call, you know, I can't vouch for
9 everybody that hits that tier and does
10 something.

11 MR. ██████: That night when you saw him
12 at last, you mentioned that you had a
13 conversation with him in the --

14 MR. ██████: Elevator.

15 MR. ██████: -- elevator. How was his
16 demeanor?

17 MR. ██████: He seemed happy, you know, I
18 mean, happy that he got the phone call and
19 that's about it. Like nothing, you know, he
20 was starting to adapt. It seemed like he was
21 starting to adapt. Because when he first came
22 in, I think he thought like, "I'm getting out
23 of here." He had that mentality, like, "Oh,
24 I'm not going to be here long." Then it sunk
25 in that he was not going nowhere no time soon

1 and that's when he seemed a little down and
2 then he started being, you know, I guess
3 adapting I would say, he was getting used to
4 things, like, you know.

5 MR. ██████: Okay. How was Epstein's
6 interactions with other inmates?

7 MR. ██████: Truthfully, he was never
8 really around other inmates, just through the
9 windows on the tier and because he was never in
10 general population, so, whenever he was around
11 an inmate it was - even when he went to
12 attorney conference, he was locked in a room,
13 so it was always just through passing, but -.

14 MS. RICHMAN: I'm just getting the court
15 appearance ready, so.

16 MR. ██████: Okay. We'll make it quickly.
17 I only have a few more and I think he has
18 follow up questions.

19 MR. ██████: Yeah. Yeah.

20 MR. ██████: Do you know if there was any
21 threats made to Epstein?

22 MR. ██████: Not that I know of.

23 MR. ██████: Okay. And were you working
24 on August 10th when Epstein was found?

25 MR. ██████: No. I worked the evening

1 watch before he did it, so the 9th. I worked
2 until midnight and then that was it.

3 MR. [REDACTED]: Okay.

4 MR. [REDACTED]: I didn't work the night that
5 he - the overnight, so, when he actually did
6 it.

7 MR. [REDACTED]: Yeah, so back to this PAC
8 number, so who provided him the PAC number to
9 be able to make phone calls, Epstein?

10 MR. [REDACTED]: I don't know. Like I said,
11 I just asked him, "You never got a PAC number?"
12 And he was like, "What's the PAC number again?"
13 And when I described the paper, he showed me
14 the paper so someone gave it to him.

15 MR. [REDACTED]: So you saw he had --

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: -- actually.

18 MR. [REDACTED]: I saw he had the actual -.

19 MR. [REDACTED]: And when was that?

20 MR. [REDACTED]: That was when he was still
21 with Tartaglione.

22 MR. [REDACTED]: So that was actually even
23 prior to his suicide --

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: -- attempt.

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: And is it - in order to
3 have a PAC number, do you always have to
4 maintain possession of that -.

5 MR. [REDACTED]: No, a lot of guys remember
6 it, you know, up here.

7 MR. [REDACTED]: Okay. But if he was
8 provided it prior to Tartaglione, did that mean
9 that that would have still been his PAC number
10 after he came back from suicide watch?

11 MR. [REDACTED]: Yes. Your PAC number is
12 your PAC number.

13 MR. [REDACTED]: All right. And you're
14 positive he actually had one.

15 MR. [REDACTED]: Well, I mean, he showed me a
16 paper with it. Whether it was someone else's
17 paper, why would he do that, but he showed me a
18 paper with a PAC number on it.

19 MR. [REDACTED]: And he responded, "Yeah,
20 I have this, but I can't - but those calls are
21 monitored."

22 MR. [REDACTED]: Yes.

23 MR. [REDACTED]: Okay. When you said on
24 August 9th, you know the telephone call took
25 place, do you know when the telephone call took

1 place?

2 MR. [REDACTED]: No.

3 MR. [REDACTED]: So then you said you saw
4 him after the telephone call in the elevator?

5 MR. [REDACTED]: I saw him after he left his
6 attorneys in the elevator because we picked him
7 up to bring him back to Special Housing.

8 MR. [REDACTED]: Okay. So, that was -.

9 MR. [REDACTED]: It think it was around that
10 time.

11 MR. [REDACTED]: So when you saw him in
12 the -.

13 MS. RICHMAN: Can you give them the time
14 of day?

15 MR. [REDACTED]: No.

16 MS. RICHMAN: Approximately?

17 MR. [REDACTED]: Because I'm trying to
18 remember now if I heard it - I heard it in the
19 elevator for sure. I don't want to say it was
20 bringing him back because now I'm trying to
21 think if it was when I was bringing him back or
22 bringing him to. I don't know, to be honest,
23 it's -.

24 MR. [REDACTED]: Do you know if he's the
25 one who told you that he got to make his

1 telephone call?

2 MR. [REDACTED]: Yes, that I know.

3 MR. [REDACTED]: So you do know that
4 Epstein actually told you a telephone call was
5 made?

6 MR. [REDACTED]: Yeah. Whether it - what
7 time of day it was on my shift, I can't
8 remember.

9 MR. [REDACTED]: Now, did you -.

10 MR. [REDACTED]: But I know he told me, like,
11 "I finally got my phone call," like, you know.

12 MR. [REDACTED]: Okay. And was that -
13 were you in the SHU after he returned to the
14 SHU?

15 MR. [REDACTED]: I probably brought inmates
16 back. I definitely had to touch SHU a few
17 times, I just don't remember exactly like if I
18 passed him or, you know.

19 MR. [REDACTED]: Do you remember
20 communicating with him?

21 MR. [REDACTED]: In SHU?

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: At his, like, cell?

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: No.

1 MR. [REDACTED]: Because the only reason I
2 ask, because it's our understanding that he
3 actually placed that telephone call after he
4 came back from attorney conferences. But you
5 know that you actually spoke to him on his way
6 back --

7 MR. [REDACTED]: Unless -.

8 MR. [REDACTED]: -- from attorney.

9 MR. [REDACTED]: I mean, he said, yeah, I
10 definitely happened before he came back. I
11 mean, he definitely said it. But, he could
12 have just been excited that they told him he
13 was going to get the phone call.

14 MR. [REDACTED]: No.

15 MR. [REDACTED]: And maybe I just, in
16 crossing, then - I know he mentioned the phone
17 call and he was happy.

18 MR. [REDACTED]: You're the one who
19 actually brought him from attorney conference
20 back up to the SHU?

21 MR. [REDACTED]: That day?

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: Because it's me and my
24 partner, we both do it. So I can't remember
25 exactly that day if I brought him into the SHU

1 or if my partner did or both of us did, I
2 don't.

3 MR. [REDACTED]: Okay. So this
4 conversation that you had with him though -.

5 MR. [REDACTED]: It happened during my shift.
6 I don't know -.

7 MR. [REDACTED]: But you don't know that
8 it happened on August 9th.

9 MR. [REDACTED]: Yeah, it could have happened
10 - I thought it happened on August 9th, to be
11 honest.

12 MR. [REDACTED]: No, no, no. So when you
13 were in the elevator with him, was anybody else
14 in the elevator with you?

15 MR. [REDACTED]: Possibly my partner.

16 MR. [REDACTED]: Would the Captain and or
17 [REDACTED] been in there?

18 MR. [REDACTED]: No.

19 MR. [REDACTED]: No?

20 MR. [REDACTED]: I mean as, not to say that
21 it would be crazy if they were because, yeah,
22 they could have been, but they definitely
23 weren't when this happened.

24 MR. [REDACTED]: Were you in the elevator
25 at all when potentially the Captain authorized

1 the telephone call to [REDACTED]?

2 MR. [REDACTED]: No.

3 MR. [REDACTED]: No?

4 MR. [REDACTED]: No.

5 MR. [REDACTED]: Okay.

6 MR. [REDACTED]: That, I definitely don't
7 remember. Yeah.

8 MR. [REDACTED]: Is there a reason why the
9 Captain and [REDACTED] would have been escorting
10 Epstein in the elevator back to the SHU?

11 MR. [REDACTED]: Maybe we were caught up
12 doing something else because anybody can move
13 an inmate.

14 MR. [REDACTED]: Yeah.

15 MR. [REDACTED]: It's not like -.

16 MR. [REDACTED]: Was he going back and
17 forth from the SU throughout the day or was it
18 just once in the morning and once at night?

19 MR. [REDACTED]: Most times it was just once
20 and once. But there was other, you know,
21 situation, maybe he was hungry or he forgot
22 something or his lawyer, for whatever reason,
23 had to step out to do something else and I
24 said, "I'll come back in a half hour."

25 MR. [REDACTED]: Okay.

1 MR. [REDACTED]: So it's not abnormal if he
2 went back and forth.

3 MR. [REDACTED]: Okay.

4 MR. [REDACTED]: You know, there were days
5 that I remember him going back and forth a few
6 times.

7 MR. [REDACTED]: Do you know if on August
8 9th, the day before his death, he went back and
9 forth a few times?

10 MR. [REDACTED]: No, to be honest.

11 MR. [REDACTED]: You don't know.

12 MR. [REDACTED]: Yeah. I can't remember.

13 MR. [REDACTED]: Okay. And when they go
14 back and forth though, does Internal always
15 have to be with him or no?

16 MR. [REDACTED]: No. That's what I'm saying.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: You know, most of the time,
19 it's us because that's our post.

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: So let's say there was a
22 huge situation on one of the units and me and
23 the Internals handling it, they may ask another
24 officer that's freed up, like, "Listen, bring
25 him back," you know, or, "Do what you got to

1 do," you know, it's not abnormal for someone
2 else to do it.

3 MR. [REDACTED]: Okay. But you weren't
4 present for that telephone call and you didn't
5 overhear anything.

6 MR. [REDACTED]: No.

7 MR. [REDACTED]: Okay. I just want to
8 show you real quick. This won't take but a
9 minute or two hopefully. Where is the
10 Lieutenant's log?

11 MR. [REDACTED]: Which day are you looking
12 for?

13 MR. [REDACTED]: The 9th. All right. So
14 according to the Lieutenant's log, you see at
15 3:15 p.m., inmate Fernandez was placed on dry
16 cell from the ZA.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: All right. So, if that
19 happens at 3:15, but the 4:00 p.m. count,
20 should have they had a count slip for him?

21 MR. [REDACTED]: Well, what happens is - so,
22 it doesn't say where the dry cell - where they
23 moved him --

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: -- to the dry cell.

1 MR. [REDACTED]: It just says, "From ZA,"
2 right.

3 MR. [REDACTED]: Exactly. But -.

4 MR. [REDACTED]: Read the top too.

5 MR. [REDACTED]: Sorry, so the top says,
6 "Inmate Fernandez on dry cell with staff
7 watching R&D."

8 MR. [REDACTED]: Okay, so there you go. So
9 what would happen is, especially that it's
10 specified right there, R&D would have their own
11 count slip. So R&D has their own count slips
12 sometimes because people come back from court,
13 let's say, right before the count and we didn't
14 get to put them back in the unit so they stay
15 in R&D. So there's plenty of times R&D will
16 give us a count slip, like, "We got three
17 inmates in here," "We got four inmates or one."
18 So, in this situation, he would be on R&D's
19 count slip.

20 MR. [REDACTED]: Okay. Is R&D responsible
21 for calling someone, whether Internal or
22 Control to say, "Hey, we've got a count slip
23 for your guys?"

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: How does that work?

1 MR. [REDACTED]: Well -.

2 MR. [REDACTED]: Or do you just go to
3 every unit?

4 MR. [REDACTED]: We go to every unit.

5 MR. [REDACTED]: So you would have visited
6 - at 4:00 p.m., you would have visited R&D to
7 say, "Hey, you got a count slip for us?"

8 MR. [REDACTED]: Well, it all depends because
9 what happens is, R&D has, you know, quite a bit
10 of staff members in it. So let's say, for
11 whatever reason, you work in R&D and you're
12 going downstairs for something, you'll bring
13 your own count slip down. And then, as I'm
14 doing the count, I'll ask Control, "What count
15 slips are you missing?" "Oh, Seven North and
16 Seven South," So I'm not even going to go to
17 R&D because you didn't say R&D, which means
18 someone brought you the count slip.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: You know what I'm saying?
21 So it's possible, yeah, we do go if we have to
22 but it's not always because sometimes people
23 bring the count slip down, you know.

24 MR. [REDACTED]: Okay. So if at 3:15 he's
25 moved there, should have been a count slip for

1 him in R&D at 4:00 p.m. though?

2 MR. [REDACTED]: I'm assuming that's, you
3 know. 3:15 is before I start work, but, you
4 know.

5 MR. [REDACTED]: Okay. Yeah, no, for
6 sure, that's why I was wondering if like there
7 should have been a count. So there's no count
8 slip for him at 4:00 p.m. We're wondering if -
9 -

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: -- that's something that
12 there should have been. Now as far as - what
13 is this? I'm looking for the midnight. So as
14 far as this R&D count slip --

15 MR. [REDACTED]: Okay.

16 MR. [REDACTED]: -- do you see this one
17 right here?

18 MR. [REDACTED]: Yes.

19 MR. [REDACTED]: All right. So it says,
20 "One."

21 MR. [REDACTED]: Uh-huh.

22 MR. [REDACTED]: What would 95 ~~plus~~+ 1
23 mean?

24 MR. [REDACTED]: Let me see it.

25 MR. [REDACTED]: Do you know?

1 MR. [REDACTED]: I don't know.

2 MR. [REDACTED]: You ever seen a ~~plus~~+ 1
3 before?

4 MR. [REDACTED]: Well, I've seen those people
5 doodle, you know, like write their own thing in
6 their head --

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: -- trying to figure out a
9 count, but I don't know where that would --.

10 MR. [REDACTED]: Could that be 9S ~~plus~~+
11 1?

12 MR. [REDACTED]: Nine South, yeah.

13 MR. [REDACTED]: Oh yeah, Nine South ~~plus~~
14 + 1? Okay.

15 MR. [REDACTED]: But --.

16 MR. [REDACTED]: Can you look at the ZA
17 which is Nine South and see what that one says?

18 MR. [REDACTED]: What do you mean?

19 MR. [REDACTED]: So there's also the ZA
20 count slip for the SHU.

21 MR. [REDACTED]: Right here, ZA.

22 MR. [REDACTED]: And that one also says 73
23 ~~plus~~ 1?

24 MR. [REDACTED]: Yeah, I don't --.

25 MR. [REDACTED]: Do you think that they're

1 at all related? Do you remember that? Would
2 that be something that you - as Internal, when
3 you picked up - you would be the one that would
4 probably pick up that count slip, correct, at
5 10:00 p.m.?

6 MR. [REDACTED]: Well, yeah, or like I said,
7 someone else brings it down. Like, "Look, I
8 counted with North." But anybody could have
9 brought it down. You know what I'm saying?

10 MR. [REDACTED]: But have you ever seen
11 like a ~~plus+~~ 1 on any --

12 MR. [REDACTED]: No.

13 MR. [REDACTED]: -- of these before?

14 MR. [REDACTED]: And truthfully, that ~~plus+~~
15 1 and that ~~plus+~~ 1 are the same handwriting,
16 so it might have been --

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: -- put on there after the
19 fact.

20 MR. [REDACTED]: So you believe it was
21 probably like Control that did it or -.

22 MR. [REDACTED]: Because I've never see extra
23 stuff written on a count slip.

24 MR. [REDACTED]: No?

25 MR. [REDACTED]: Huh-uh.

1 MR. [REDACTED]: So you don't recall on
2 August 9th though, picking up something that
3 said, "~~Plus~~+ 1?"

4 MR. [REDACTED]: No.

5 MR. [REDACTED]: All right. And then -.

6 MR. [REDACTED]: Right?

7 MS. RICHMAN: There is none.

8 MR. [REDACTED]: And then this count slip
9 for midnight, were you involved in that count?

10 MR. [REDACTED]: Have I? Yes.

11 MR. [REDACTED]: Would have you on August
12 9th, do you know?

13 MR. [REDACTED]: No.

14 MR. [REDACTED]: All right. So this one
15 says, "RA count 1." Would that be also R&D?
16 What is RA?

17 MR. [REDACTED]: RA -.

18 MR. [REDACTED]: Because that's the only
19 one in there that has a ~~plus~~+ 1 and Fernandez
20 was in a dry cell in R&D.

21 MR. [REDACTED]: I don't see a ~~plus~~+ 1 on
22 there.

23 MR. [REDACTED]: No, it doesn't say ~~plus~~+
24 1 --

25 MR. [REDACTED]: Oh.

1 MR. [REDACTED]: -- it says, "One," but it
2 says, "RA," and I'm wondering if R&D, which was
3 at 10:00 p.m., and RA that was at midnight, are
4 they for the same unit?

5 MR. [REDACTED]: I can't rem- what's RA? I'm
6 having like major brain fog right now.

7 MR. [REDACTED]: But there is no RA for
8 any of these.

9 MR. [REDACTED]: No, yeah, no, that I know.

10 MR. [REDACTED]: And then all of a sudden,
11 there's no R&D for these, so the assumption is
12 that, since there's one here and one there, RN,
13 R&D are the same, but are you able to shed some
14 light on that?

15 MR. [REDACTED]: Let me look at - you have
16 here, here's the count, let me see something.
17 This is the 12 o'clock, let me look at the
18 10:00.

19 MR. [REDACTED]: You don't - these are all
20 messed up, so they're probably not even going
21 to help you.

22 MR. [REDACTED]: No, I'm looking at the
23 codes. Truthfully, it's possible, but -.

24 MR. [REDACTED]: Okay. You don't know?

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: Have you ever even seen
2 RA before though?

3 MR. [REDACTED]: I've definitely seen RA
4 before --

5 MR. [REDACTED]: So that one might --

6 MR. [REDACTED]: -- I just can't -.

7 MR. [REDACTED]: -- be an actual different
8 unit?

9 MR. [REDACTED]: It's not one of the units,
10 but it could be a code. There's a code for a
11 guy watching suicide watch is HA. If you have
12 people doing maintenance, there's a code for
13 them. You know, so, I'm trying to remember if
14 RA is a code for possibly someone cleaning up
15 someone. I can't remember.

16 MR. [REDACTED]: Okay. But it doesn't
17 tell you that that's R&D.

18 MR. [REDACTED]: Like --

19 MR. [REDACTED]: Being that we --

20 MR. [REDACTED]: -- normally I've seen R&D.

21 MR. [REDACTED]: -- know Fernandez is in
22 dry cell in R&D and --

23 MR. [REDACTED]: It's very possible.

24 MR. [REDACTED]: -- but yeah, but you're
25 not --

1 MR. [REDACTED]: But I'm not --

2 MR. [REDACTED]: -- sure.

3 MR. [REDACTED]: -- a hundred percent sure to
4 be able to answer that, you know.

5 MR. [REDACTED]: Okay. Is there anything
6 you wanted - I know that they've got to go, so
7 is there anything else you wanted to ask --

8 MS. RICHMAN: No, no, we're fine.

9 MR. [REDACTED]: -- with the counsel?

10 MS. RICHMAN: I can do it right here.

11 MR. [REDACTED]: Oh, okay. But you've
12 never seen, "~~Plus~~+ 1." You believe that that
13 was more than likely added on the 10:00 p.m.
14 count after the count slips were returned?

15 MR. [REDACTED]: Yes, because normally, see
16 how you see all the checkmarks?

17 MR. [REDACTED]: Yeah.

18 MR. [REDACTED]: Cross offs? So when you get
19 the count slip, R&A, Control #2 does the
20 checkmarks to make sure, "Okay, right unit,
21 right number, right date, everything is
22 signed." If something is written on it,
23 normally you'd be like, "I'm not taking this,"
24 because it could become official document.

25 MR. [REDACTED]: Right.

1 MR. [REDACTED]: You know? The back,
2 sometimes people write on the back, you know,
3 math to try to figure out exactly what their
4 numbers are, but on the front, normally you're
5 not writing nothing on the front because you
6 know it's an official document, you know --

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: -- they could pull it at any
9 time, as you can see. So, I'm surprised to see
10 that there's something written on the front, I
11 don't know.

12 MR. [REDACTED]: But you do not recall
13 actually being involved in the midnight count
14 on August 9th going into August 10th?

15 MS. RICHMAN: He left.

16 MR. [REDACTED]: He left.

17 MR. [REDACTED]: I was (Indiscernible
18 *01:14:07).

19 MS. RICHMAN: He was the 4:00.

20 MR. [REDACTED]: All right. So --

21 MS. RICHMAN: He was the 4:00.

22 MR. [REDACTED]: -- do you know who would
23 have collected these count slips at midnight?

24 MR. [REDACTED]: Well, besides Internal,
25 midnight sometimes they count whoever they

1 relieved and the relief brings it down.

2 MR. [REDACTED]: All right. So the reason
3 I ask, because you see how ZA, the count slip
4 says 73?

5 MR. [REDACTED]: Yeah.

6 MR. [REDACTED]: Do you see here where ZA
7 says 72?

8 MR. [REDACTED]: Uh-huh.

9 MR. [REDACTED]: Do you know how that
10 could have happened?

11 MR. [REDACTED]: I know I wasn't there, so -.

12 MR. [REDACTED]: Yeah, yeah, yeah, yeah,
13 no. That's where I wanted -.

14 MR. [REDACTED]: You know, that's - I'm not
15 messing with no numbers, but, yeah, I don't
16 know how that - yeah.

17 MR. [REDACTED]: You don't know how that -
18 have you ever seen that happen before?

19 MR. [REDACTED]: No.

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: Not where SENTRY says one
22 thing and - now, do people mess up and write
23 the wrong number? Yeah. But, C&A is supposed
24 to say, "Send this back, you know, that's a bad
25 count what you wrote on your slip, that's what

1 you called in."

2 MR. [REDACTED]: Okay.

3 MR. [REDACTED]: Because, see the X, you do
4 one line when they call it in. So you call me
5 in, you call in, "ZA 72," one line, good count,
6 send paperwork. When I get the paperwork, see
7 how you're checking? "73, negative, send that
8 back, that's not what you called in."

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: "Okay, what did I call in?"
11 That's - then count again. "I'm not going to
12 tell you what you called in.

13 MS. RICHMAN: Do you want to pause?

14 MR. [REDACTED]: I think we can be done.
15 But, yeah, we can pause. Let me - I'm just
16 going to pause the recording real quick. Get
17 that. This is Special Agent [REDACTED] [REDACTED],
18 and it is currently 12:31 p.m. We are pausing
19 the recording.

20 MR. [REDACTED]: It is currently 12:42
21 p.m. on July 15, 2021 and we are reconvening.
22 And sir, I'll just remind you that it's a
23 voluntary interview and you are under oath.
24 All right, [REDACTED], you had a few follow ups
25 that you wanted to do on that.

1 MR. [REDACTED]: All right.

2 MR. [REDACTED]: So you mentioned earlier that
3 when the Control officer checks off the count
4 slips --

5 MR. [REDACTED]: Yes.

6 MR. [REDACTED]: -- they mark it?

7 MR. [REDACTED]: Yeah, so, on the paper here
8 first, right? This is a must. This -.

9 MR. [REDACTED]: That would be the E-1
10 document, right?

11 MR. [REDACTED]: Yes. What happens is you do
12 one line in the X when they call you and it's
13 right, you make the line, you hang up. When
14 you get the paperwork and check it and it
15 matches what they called in, you do the second
16 line. So this is a must. This, I don't know
17 if there's a rule about it, but I know since
18 I've worked that post, you know, I was always
19 taught that that's how you do it, make sure
20 unit is correct because sometimes people - if
21 you work overtime on one unit, then all of a
22 sudden you go to another, you might forget and
23 put that unit's number on it. So, the units
24 are right, the dates are right time, number,
25 you got two signatures, we're good.

1 MR. [REDACTED]: So what you're referring
2 to right now is the count slips --

3 MR. [REDACTED]: Yes.

4 MR. [REDACTED]: -- and as you go through
5 each, basically line item on the count slips,
6 you --

7 MR. [REDACTED]: Just to verify.

8 MR. [REDACTED]: -- mark them off --

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: -- just so you can keep
11 track of what it is they did, correct?

12 MR. [REDACTED]: Yes.

13 MR. [REDACTED]: All right.

14 MR. [REDACTED]: Now, we're looking at the --

15 MR. [REDACTED]: That everything adds up, you
16 know.

17 MR. [REDACTED]: We're looking at the August
18 9, 10:00 p.m. count.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: Right? Does -- it shows that
21 there's lines across almost every count slip
22 except for R&D --

23 MR. [REDACTED]: Uh-huh.

24 MR. [REDACTED]: -- and ZA. What does that
25 tell you?

1 MR. [REDACTED]: Truthfully, I would not know
2 why all of them were checked off except those
3 two because even if there was a mistake on it
4 and it had to be re-ran, you still check after
5 it's re-ran, so I don't know why it would be,
6 you know, those would be the only two not
7 checked.

8 MR. [REDACTED]: And you mentioned that it
9 looks like the handwriting on both of those -.

10 MR. [REDACTED]: The added number on the
11 front, the ~~plus~~+ 1 on it -.

12 MR. [REDACTED]: Is the same?

13 MR. [REDACTED]: It looks it because it
14 doesn't look like the handwriting on either one
15 of them --

16 MR. [REDACTED]: Right, so for --

17 MR. [REDACTED]: -- of the people that -.

18 MR. [REDACTED]: -- the R&D where it says
19 - looks like, "9S ~~plus~~+ 1," and then the ZA
20 where it says, "73 ~~plus~~+ 1."

21 MR. [REDACTED]: Yeah. In my opinion, it
22 doesn't look like the people that filled out
23 the count slips handwriting.

24 MR. [REDACTED]: Sure. And then who was
25 the one that actually checks this off? Is that

1 the Internal or is that Control?

2 MR. [REDACTED]: No, that's Control #2 which
3 is called C&A, Counts and Assignments.

4 MR. [REDACTED]: And they would be the one
5 to, as they're going through it, to actually
6 mark off the count slips?

7 MR. [REDACTED]: Yeah, because they handling
8 the E-1 and they're doing the good verbal and
9 the count.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: According to the roster, who
12 would that C&A be for the 10:00 p.m. count?

13 MR. [REDACTED]: On the 9th?

14 MR. [REDACTED]: On the 9th.

15 MR. [REDACTED]: On the 9th, 10:00 p.m., it
16 would be [REDACTED].

17 MR. [REDACTED]: And who would it have been
18 for the midnight count?

19 MR. [REDACTED]: That would be the 10th then,
20 right?

21 MR. [REDACTED]: Yeah, 10th, midnight.

22 MR. [REDACTED]: 10th, midnight? All right,
23 so the 10th, midnight, it could have been
24 Andrea, but also, sometimes the Lieutenant
25 takes it at midnight.

1 MR. [REDACTED]: Okay. And if a Lieutenant
2 does the count, do they - are they supposed to
3 do the same thing? Check it off, each line?

4 MR. [REDACTED]: I mean, on the E-1, yes.
5 This, like I said, I don't know if there's a
6 rule for this, it's just the way I was taught
7 and a lot of senior officers do it. So, I
8 don't know, you know, a lot of Lieutenants come
9 from other institutions, they were taught
10 different. So it's not odd if the Lieutenant
11 that took the count didn't do it, but most of
12 the time they would and -.

13 MR. [REDACTED]: And as far - you said
14 [REDACTED] --

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: -- but did [REDACTED] finish
17 at 10:00 p.m.?

18 MR. [REDACTED]: Yeah, so that's why - yeah,
19 but -.

20 MR. [REDACTED]: Or so would that be [REDACTED]
21 (Phonetic Sp. *01:19:29)? Which one would
22 actually --

23 MR. [REDACTED]: Oh, yeah, so, yeah, possibly
24 [REDACTED] did it because, yeah, you're right,
25 [REDACTED] finished at 10:00 so Control takes

1 over, yeah, so it would be [REDACTED] most likely.

2 MR. [REDACTED]: So would have [REDACTED] done
3 also the midnight or would he also have been
4 relieved early and then the next person would
5 have done it?

6 MR. [REDACTED]: No, so midnight would either
7 be his relief, unless he didn't get relieved,
8 which on here it shows someone else took over.
9 So it would be his relief or, like I said, the
10 Ops Lieutenant usually takes the midnight count
11 if they're able to.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: That's all I got.

14 (Indiscernible *01:20:00).

15 MR. [REDACTED]: No, I guess just the main
16 thing would be, you've never seen a ~~plus~~+ one
17 on count slips before?

18 MR. [REDACTED]: Handed in, no.

19 MR. [REDACTED]: Yeah, but what about --

20 MR. [REDACTED]: Now, if --

21 MR. [REDACTED]: -- after the fact? Does
22 --.

23 MR. [REDACTED]: -- if after the fact, I
24 don't see it, so, it's possible once I hand it
25 to Control, you know, I never see the count

1 slip again. So maybe that's normal for someone
2 in Control that works Control.

3 MR. [REDACTED]: Right.

4 MR. [REDACTED]: But me picking it up, no,
5 I've never seen it actually picking up with a
6 number on the front like that.

7 MR. [REDACTED]: All right, so, would it
8 be your educated guess then, and it is a guess,
9 that the 10:00 p.m. count were these two, the
10 ZA and the R&D, would your guess be that that
11 was done by somebody other than the unit
12 themselves?

13 MR. [REDACTED]: I would assume --

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: -- it would be a guess like
16 you said, but -.

17 MR. [REDACTED]: Somebody in Control more
18 than likely or who was doing the count?

19 MR. [REDACTED]: Whoever was taking the count
20 or whatnot, you know, whoever was in the
21 Control Center, somehow that I would assume
22 that that's where it came from.

23 MR. [REDACTED]: And again, this would be
24 an interpretation, but do you have an educated
25 interpretation what this 9S ~~+plus~~ 1 and the 73

1 ~~plus~~ 1 would mean?

2 MR. ████████: No. Because if I had to
3 guess, if you were saying that the 73 was wrong
4 and it was supposed to be 74, you would just
5 fill out a new count slip and put 74. You're
6 not going to put a ~~plus~~+1 on there so I don't
7 understand why there would be a ~~plus~~+1 there.
8 It doesn't make no sense to me.

9 MR. ████████: And did you ever hear of
10 ghost counting?

11 MR. ████████: Yes, I've heard of ghost
12 counting. But even if you ghost count, you
13 would not put ~~plus~~+1 on there. The count
14 slip would reflect, you know?

15 MR. ████████: Okay. Now, do you know
16 anything about if - so, for instance, if the
17 4:00 p.m. and 10:00 p.m. numbers are - they
18 match up on the count slips as well as on the
19 E-1, however they're actually wrong, both of
20 them, do the people that in, for instance, the
21 SHU, have access to the number that Control is
22 looking for?

23 MS. RICHMAN: Say that again.

24 MR. ████████: Yeah.

25 MR. ████████: So for education

1 purposes, this is - the number that is on this
2 which says, "Census column," --

3 MR. [REDACTED]: Yes. That's the active
4 number.

5 MR. [REDACTED]: -- or the count actually
6 --

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: -- is the amount of
9 people that per Control are supposed to be in
10 that unit. So, if the number that is supposed
11 to be in the unit matches up with the count
12 slip that is provided --

13 MR. [REDACTED]: Okay.

14 MR. [REDACTED]: -- but they're both
15 wrong, my question is, let's assume that that
16 is the case.

17 MR. [REDACTED]: Uh-huh.

18 MR. [REDACTED]: My question is, the
19 people in the SHU, do they have access to the
20 number that they're supposed to provide?

21 MR. [REDACTED]: So wait, you're saying like
22 --.

23 MR. [REDACTED]: So the SHU has to give an
24 account slip and then the people in Control
25 need to say, "Yep, that's the number we've

1 got."

2 MR. [REDACTED]: Yes. First you got to call
3 it in and they got to clear it before you even
4 write your paper, your count slip.

5 MR. [REDACTED]: Okay.

6 MR. [REDACTED]: That's why it's called --

7 MR. [REDACTED]: So I guess there will be
8 --

9 MR. [REDACTED]: -- the (Indiscernible
10 *01:22:56).

11 MR. [REDACTED]: -- two follow up question
12 to that then now. So if they're writing down a
13 number that they think Control has, do they
14 have way to know the number that Control has?

15 MS. RICHMAN: Beforehand.

16 MR. [REDACTED]: Oh, okay, I get what you're
17 saying. Like access to what Control is looking
18 at.

19 MR. [REDACTED]: Correct. What number
20 they're --

21 MR. [REDACTED]: So ---

22 MR. [REDACTED]: -- suppose to report.

23 MR. [REDACTED]: -- yes and no. The reason
24 why I say that is, not everybody has access to
25 that. But, let's say I work that post three

1 days a week and two days a week I work
2 somewhere else. I have access to it because
3 I'm there three days a week.

4 MR. [REDACTED]: So if you're working in
5 Control, if you go to SHU, you'd actually still
6 have access --

7 MR. [REDACTED]: Exactly.

8 MR. [REDACTED]: -- to that.

9 MR. [REDACTED]: So you still have access to
10 it. So it's possible that someone had access
11 because they don't just take it immediately,
12 your access, you know, if you're there three
13 days a week, you're going to have it. So, it's
14 possible, yes, but as far as knowing if they
15 did, I don't know. I don't know who has
16 access, who doesn't. Like I had access for a
17 long time, then they took it because I stopped
18 working here for a while, so I don't know who
19 has it and who doesn't. I don't even know who
20 takes it and gives it, to be honest.

21 MR. [REDACTED]: And have you ever
22 experience anything where the person calling in
23 the number actually says, "Hey, what number am
24 I supposed to have?"

25 MR. [REDACTED]: No.

1 MR. [REDACTED]: So that never would
2 happen?

3 MR. [REDACTED]: I mean, not that it would
4 never but it's never happened in my interaction
5 of working that post and calling in a count.

6 MS. RICHMAN: Because that would put you
7 on the line because there's something missing.

8 MR. [REDACTED]: Exactly.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: And also -.

11 MR. [REDACTED]: So would those calls be
12 recorded, what they're calling into Control?

13 MR. [REDACTED]: I would assume. It's the
14 government. I'm assuming all the --

15 MR. [REDACTED]: Okay.

16 MR. [REDACTED]: -- calls, you know.

17 MR. [REDACTED]: Do you know how long
18 those calls would be monitored? I mean would
19 be retained?

20 MR. [REDACTED]: I have no idea. That, you
21 know, that's not something I would know. But,
22 I would assume you could get access to phone
23 calls if you had to.

24 MR. [REDACTED]: Okay. So not only from
25 inmates, but also between officers.

1 MR. [REDACTED]: I'd better check on it.

2 MR. [REDACTED]: Right. Okay. So do you
3 think the more likely scenario though, if those
4 numbers are in fact wrong on both the count
5 slip as well as with Control, that the people
6 would have had access to the Control number to
7 be able to write in that, the number that they
8 were looking for?

9 MR. [REDACTED]: I mean, it's possible
10 because you brought up a ghost count. Ghost
11 count does happen, but, this reflects it. You
12 know what I'm saying?

13 MR. [REDACTED]: Uh-huh.

14 MS. RICHMAN: Why don't you explain ghost
15 count to make sure you're both understanding
16 what a --

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: What is the --

19 MS. RICHMAN: -- ghost count is.

20 MR. [REDACTED]: What is a ghost - what is
21 a ghost count?

22 MR. [REDACTED]: So, what a ghost count would
23 be, let's say - I'm trying to think of a
24 scenario where it would - okay, it's count is
25 on. I'm counting, all of a sudden, you're

1 throwing up crazy, like ridiculously and
2 there's blood in the throw up and everything.
3 So I call for Medical. Medical is like, "Bring
4 him to me, you know, bring him to Medical." I
5 bring him to Medical. We're not going to
6 change the count for your unit, we know where
7 he's at.

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: We visually see him in
10 Medical, we know he's in Medical. So, although
11 you may only have 72 people on your unit now
12 because on is in Medical, we may say, "ghost
13 count, we know where he's out, we got a visual,
14 just keep his as 73 on your unit," instead of
15 doing a whole new SENTRY, that he's in Medical
16 and we're going to send him right back.

17 MR. [REDACTED]: So for the 4:00 p.m.
18 count, if Fernandez is moved at 3:15 to R&D dry
19 cell, would that be a reason to do a ghost
20 count at 4:00 p.m.?

21 MR. [REDACTED]: In my opinion, yes and no.
22 I say yes because, yeah, it's possible. No,
23 because the log is updated. So if you had time
24 to update the log and put him in -.

25 MR. [REDACTED]: What if the log is not

1 updated at that time? What if he's not --

2 MR. [REDACTED]: That's different.

3 MR. [REDACTED]: -- keyed out of the unit
4 until --

5 MR. [REDACTED]: Okay, that's a different
6 scenario

7 MR. [REDACTED]: -- much later?

8 MR. [REDACTED]: So if the log was updated at
9 that time, you have time to do all the rest of
10 the stuff. If it wasn't, then yeah, it's
11 possible he was ghost counted, because, like I
12 said, as long as you've got a visual on him and
13 you know where he's at and it happened around
14 count time, it's possible. But 3:15 is still
15 pretty early, so.

16 MR. [REDACTED]: So if 3:15 Fernandez is
17 moved out of the SHU, obviously, like you said,
18 the outer door has to be --

19 MR. [REDACTED]: Control has to do it.

20 MR. [REDACTED]: -- Control has to pop it
21 so they obviously would have to be notified,
22 correct?

23 MR. [REDACTED]: Yes.

24 MR. [REDACTED]: That Fernandez is being
25 moved --

1 MR. [REDACTED]: Uh-huh.

2 MR. [REDACTED]: -- to a dry cell. Who
3 would be responsible for keying Fernandez out
4 of the SHU and placing him in a different unit?

5 MR. [REDACTED]: That would be Control #2,
6 C&A.

7 MR. [REDACTED]: So Control would be not
8 the SHU staff?

9 MR. [REDACTED]: SHU, if they have access,
10 can do it. But as far as SENTRY paperwork,
11 that's the Control Center.

12 MR. [REDACTED]: So Control should have
13 been the one that did that?

14 MR. [REDACTED]: Yeah, the Counts and
15 Assignment Officer, which is C&A Control #2 in
16 the Control Center, they're the ones that would
17 do the SENTRY paperwork for hat.

18 MR. [REDACTED]: And would they know if
19 they say, moving Fernandez to R&D dry cell,
20 would they know automatically, "I need to key
21 him out," or would that be something that SHU
22 would also say, "Can you key in the -."

23 MR. [REDACTED]: It depends who's working the
24 SHU and what they have access to. You know, I
25 had senior officers that, like I said, have

1 access to it and they'll tell Control, "I got
2 it. Don't worry about it, I know you're busy,
3 you're doing everything else, I got it." But
4 if you have someone working the SHU, which is
5 very possible because of all the overtime, who
6 doesn't have access or doesn't know how to do
7 it, they're not doing it, Control has to -.

8 MR. [REDACTED]: But would that be a
9 conversation they would have about --

10 MR. [REDACTED]: Yes. I -.

11 MR. [REDACTED]: -- who was actually going
12 to key him out?

13 MR. [REDACTED]: Exactly. That's the
14 conversation they're having.

15 MR. [REDACTED]: And so there's not an
16 automatic control being like, "We'll do it."
17 It's actually a conversation they should have.

18 MR. [REDACTED]: Well, regardless, a
19 conversation they're going to have because
20 Control looks on camera, pops the door, they
21 don't know that inmate, what numbers he is,
22 where - you know, so they would have to SHU and
23 say, "Inmate so and so, what's his reg number?
24 What's his ID number so I can do all the
25 paperwork for it?" You know, you can't just

1 assume by looking at the camera, you know, the
2 cameras is - I don't know about now, but they
3 used to not be that clear where you could tell
4 exactly what inmate, you know.

5 MR. [REDACTED]: Would that be done over
6 the radio that this conversation would have or
7 it would done on the phone?

8 MR. [REDACTED]: On the phone most likely.

9 MR. [REDACTED]: Over the phone?

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: Okay.

12 MR. [REDACTED]: You're not going to say all
13 that information over the radio. You may say,
14 "SHU, when you get a chance, call me at C&A."

15 MR. [REDACTED]: But would you say on the
16 radio, "Moving this guy to dry cell," or would
17 you say, "Control we need -" - you know, when
18 they're looking to actually - the SHU is
19 looking to actually move this guy down to dry -
20 first of all, SHU would do it, right? Not
21 Internal?

22 MR. [REDACTED]: Well, it all depends what's
23 going on but Internal could help with the move.

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: But the Lieutenant would be

1 advised first. We can't just put someone on
2 dry cell.

3 MR. [REDACTED]: Right.

4 MR. [REDACTED]: So what would happen is a
5 situation had to happen. For you to go on -
6 you know what dry cell is or no?

7 MS. RICHMAN: Explain it --

8 MR. [REDACTED]: Explain it, go ahead.

9 MS. RICHMAN: -- to them because I think
10 that there might be a disconnect --

11 MR. [REDACTED]: Yeah.

12 MS. RICHMAN: -- in terms of --

13 MR. [REDACTED]: Dry cell -.

14 MS. RICHMAN: -- what they understand.

15 MR. [REDACTED]: Dry cell is an inmate
16 possibly swallowed drugs or something, we don't
17 know what it is. So he swallowed it, so we put
18 him on dry cell, which means he has to use the
19 bathroom three times and a supervisor has to go
20 through it to see if there's drugs in there
21 before he can get cleared coming off dry cell.
22 And he has to be visually watched. So what
23 happens is, if someone goes on dry cell, the
24 Lieutenant is advised immediately because
25 either you're in a tussle with the inmate where

1 he tried to put the drugs in his mouth or
2 you're seeing him through a cell and you're
3 like, "LT, I got one, he just swallowed drugs,"
4 or, "I need you to respond." Then the
5 Lieutenant makes the decision to put him on dry
6 cell. I'm not just putting someone randomly on
7 dry cell.

8 MR. [REDACTED]: Yeah.

9 MR. [REDACTED]: So, the Control may know
10 over the radio or may not because if all I say
11 is, "I need a Lieutenant in Special Housing and
12 a Lieutenant come up and I'm verbal and
13 everything to him and I'm not saying it over
14 the radio and the Lieutenant is like, "All
15 right, put him on dry cell, come on," you know,
16 "Strip him out and everything." Control don't
17 know what's going on, they just know I asked
18 for a Lieutenant. You know what I'm saying?

19 MR. [REDACTED]: So my questions is
20 though, when they're actually making the move
21 down to dry cell, is that on the radio,
22 "Control, can you pop the door? We're moving
23 him to dry cell," or is that always a phone
24 call?

25 MR. [REDACTED]: Like I said, obviously

1 Control has to know to pop the door, but you
2 might not be telling them everything over the
3 radio.

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: You might just say - there's
6 a bell on the outside of the door, so the
7 Lieutenant rings the bell, "Control, I need the
8 27 door popped for Lieutenant [REDACTED]."
9 They're going to pop it because they look on
10 camera, the Lieutenant is there. Now once he's
11 inside, the door is locked, "Control, we need
12 27 popped, exiting with one." Now we're
13 exiting. Now from there, if I'm in the Control
14 Center, I'm calling SHU, like, "Yo, is that
15 inmate coming back? What's going on?" So and
16 so. But everybody works different.

17 MR. [REDACTED]: All right, so, I guess
18 this will be my last questions.

19 MR. [REDACTED]: There's no protocol exactly
20 on how to communicate that movement because you
21 don't know if he's coming back, you don't know.
22 I'm assuming if an inmate went to R&D for dry
23 cell, they would put him on what's called the
24 X-ray machine because there's a machine in R&D
25 that reads the body, like the TSA machines.

1 Because you could do dry cell in Special
2 Housing, you don't have to move them for that.
3 If you have an empty cell, you shut the water
4 off, you put them in dry cell in Special
5 Housing with the Lieutenant. So the fact that
6 they went to R&D, it was probably to do a body
7 scan to see if something was in his stomach or
8 that area.

9 MR. ██████████: Okay.

10 MR. ██████████: And if you're doing that,
11 it's possible he's going back so you're not
12 going to tell Control right away because if I
13 don't see nothing on the scan, the Lieutenant
14 may say, "I'm not putting him," you know, and
15 that's it.

16 MR. ██████████: That was going to be my
17 question, although I thought you answered it by
18 saying there's no standard protocol, but do you
19 have like a best guess educated, you know,
20 guess on Lieutenant's log says, "Fernandez is
21 moved at 3:15 down to R&D dry cell," --

22 MR. ██████████: Uh-huh.

23 MR. ██████████: -- however he's never
24 keyed out of SHU. Best guess, of when it, you
25 know, what happened basically.

1 MR. [REDACTED]: Truthfully, no. There's no
2 way, you know, there's a million scenarios that
3 could have went down.

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED]: You would have to literally
6 talk to the Lieutenant or the Control Center to
7 figure out exactly what, you know.

8 MR. [REDACTED]: Okay. Sounds good.

9 MR. [REDACTED]: All right.

10 MR. [REDACTED]: Anything else you have?

11 MR. [REDACTED]: No.

12 MR. [REDACTED]: Is there anything else
13 you wanted to add regarding Epstein or I guess
14 I should just ask you the general question. Do
15 you know if anyone was attempting to harm
16 Epstein?

17 MR. [REDACTED]: No --

18 MR. [REDACTED]: Do you -.

19 MR. [REDACTED]: -- not that I know of.

20 MR. [REDACTED]: Do you believe that
21 Epstein took his own life?

22 MR. [REDACTED]: Yes.

23 MR. [REDACTED]: Okay. Anything else you
24 - oh, I know that you all said for the record,
25 you wanted to talk about something else. We'll

1 schedule that for a later date.

2 MR. [REDACTED]: Yes, I would like that.

3 MR. [REDACTED]: Okay. Great. All right
4 and anything before we shut off this recorder?

5 MS. RICHMAN: No.

6 MR. [REDACTED]: Okay. Thank you very
7 much for your time and your and your
8 cooperation. It is currently 1:00 p.m. on July
9 15, 2021. This is Senior Special Agent [REDACTED]
10 [REDACTED] and I'm turning off the recorder.

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CERTIFICATE

I hereby certify that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of the Inspector General in the matter of:

Interview of [REDACTED] [REDACTED]

[REDACTED]

[REDACTED], Transcriber