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DIGITALLY RECORDED

SWORN STATEMENT

OF



OIG CASE #:

2019-010614

DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL

AUGUST 5, 2021

RESOLUTE DOCUMENTATION SERVICES
28632 Roadside Drive, Suite 285
Agoura Hills, CA 91301
Phone: (818) 431-5800

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APPEARANCES:

OFFICE OF THE INSPECTOR GENERAL

BY: [REDACTED]

BY: [REDACTED]

WITNESS:

[REDACTED]

OTHER APPEARANCES:

NONE

1 MR. [REDACTED]: The recorder is on. My
2 name is [REDACTED], and I am a senior
3 special agent with the U.S. Department of
4 Justice, Office of the Inspector General, New
5 York Field Office, and these are my
6 credentials.

7 MR. [REDACTED]: Thank you.

8 MR. [REDACTED]: All right. And this
9 interview with Federal Bureau of Prisons
10 employee - is it [REDACTED]?

11 MR. [REDACTED]: [REDACTED].

12 MR. [REDACTED]: [REDACTED]?

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: [REDACTED], is being conducted
15 as part of an official U.S. Department of
16 Justice, Office of the Inspector General
17 (DOJ/OIG) investigation. Today's date is
18 August 5th, 2021, and the time is 2:34 p.m.
19 This interview is being conducted at the
20 Metropolitan Correctional Center, or the MCC,
21 located in New York, New York. Also present is
22 DOJ/OIG Special Agent [REDACTED]. This
23 interview will be recorded by me, SSA Dennis
24 [REDACTED]. Could everyone please identify
25 themselves for the record, and spell your last

1 name? To start, again, I am DOJ/OIG Senior
2 Special Agent [REDACTED]. [REDACTED]-
3 [REDACTED].

4 MR. [REDACTED]: This is DOJ/OIG Special Agent
5 [REDACTED]. [REDACTED]. And these are my
6 credentials.

7 MR. [REDACTED]: Thank you, sir.

8 MR. [REDACTED]: And can you say and spell
9 your name for the record, and your position
10 title?

11 MR. [REDACTED]: Okay. Senior officer
12 specialist. First name [REDACTED]. Last name
13 [REDACTED]. [REDACTED].

14 MR. [REDACTED]: That's fine. We'll ask
15 you more later. And how do you spell your
16 first name?

17 MR. [REDACTED]: [REDACTED].

18 MR. [REDACTED]: Okay. Thank you, sir.
19 This is an official DOJ/OIG investigation into
20 the death of inmate Jeffrey Epstein, and the
21 surrounding circumstances, and you are being
22 asked to voluntarily provide answers to our
23 questions. Will you agree to a voluntary
24 interview with the DOJ/OIG?

25 MR. [REDACTED]: Yes.

1 MR. [REDACTED]: Thank you, sir. This is
2 a form that we give to our voluntary - or to
3 our employees who are requested to provide
4 information on a voluntary basis. It says,
5 United States Department of Justice, Office of
6 the Inspector General, Warnings and Assurances
7 to Employee Requested to Provide Information on
8 a Voluntary Basis. "You are being asked to
9 provide information as part of an investigation
10 being conducted by the Office of the Inspector
11 General. This investigation is being conducted
12 pursuant to the Inspector General Act of 1978,
13 as amended. This investigation pertains to job
14 performance failure and security failure. This
15 is a voluntary interview. Accordingly, you do
16 not have to answer questions. No disciplinary
17 action will be taken against you if do not
18 choose to answer our questions. Any statements
19 you furnish may be used as evidence in any
20 future criminal proceedings, or agency
21 disciplinary proceedings, or both." And
22 there's a waiver section. It says, "I
23 understand the Warnings and Assurances stated
24 above and I am willing to make a statement and
25 answer questions. No promises or threats have

1 been made to me, and no pressure or coercion of
2 any kind has been used against me." So, you
3 can take a look, if you'd like, at this form.
4 And if you agree with it and understand it, you
5 can sign where it says employee signature, and
6 then print your name where it says employee's
7 name. There you go (Indiscernible *00:02:51)
8 if you'd like.

9 MR. [REDACTED]: Okay. Okay. You said sign my
10 name right here?

11 MR. [REDACTED]: Yeah. Where it says
12 employee signature. And then, you can just
13 print your name underneath, where it says -.
14 Okay.

15 MR. [REDACTED]: My full name?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: Yes, please. Thank you,
18 sir. Okay. And I am signing where it says
19 signature of Office of the Inspector General
20 Special Agent, and I am printing my name below.
21 Again, this is [REDACTED]. The date is
22 8/5/21, and the time is --

23 MR. [REDACTED]: 2:38.

24 MR. [REDACTED]: -- 2 --

25 MR. [REDACTED]: 38.

1 MR. [REDACTED]: -- :38 p.m. Place, at
2 MCC, New York. Special Agent [REDACTED], can you
3 please sign as the witness?

4 MR. [REDACTED]: This is Agent [REDACTED], signing
5 as the witness.

6 MR. [REDACTED]: Did you understand that
7 form?

8 MR. [REDACTED]: Yes.

9 MR. [REDACTED]: Okay. You understand
10 this is voluntary. You can choose to leave at
11 any time. Thank you. Before starting, I'd
12 like to place you under oath. Mr. [REDACTED], could
13 you please raise your right hand? Do you swear
14 to tell the truth and nothing but the truth
15 during this interview?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: Thank you, sir. Please
18 let me know if you don't understand any
19 questions. I will repeat it or try to rephrase
20 it. Okay? What is your current home address?

21 MR. [REDACTED]: [REDACTED]
22 (Phonetic Sp. *00:04:26). [REDACTED].
23 [REDACTED].

24 MR. [REDACTED]: Thank you, sir. And
25 that's in Newark?

1 MR. [REDACTED]: [REDACTED].

2 MR. [REDACTED]: Okay. And what is your
3 date of birth?

4 MR. [REDACTED]: [REDACTED].

5 MR. [REDACTED]: And what is your SSN?

6 MR. [REDACTED]: The last four or the whole
7 thing?

8 MR. [REDACTED]: The last four is fine.

9 MR. [REDACTED]: [REDACTED].

10 MR. [REDACTED]: And what is your current
11 cell phone number?

12 MR. [REDACTED]: [REDACTED].

13 MR. [REDACTED]: And what is your highest
14 level of education?

15 MR. [REDACTED]: High school.

16 MR. [REDACTED]: High school. And where
17 did you go to high school?

18 MR. [REDACTED]: Malcom X Shabazz. Newark, New
19 Jersey.

20 MR. [REDACTED]: And when did you graduate
21 high school?

22 MR. [REDACTED]: 1993.

23 MR. [REDACTED]: Thank you, sir. And what
24 did you do prior to working for the BOP?

25 MR. [REDACTED]: I used to work for private

1 corrections, CCA. Corrections Corporation of
2 America.

3 MR. [REDACTED]: Okay. Great. Now, do
4 you have any military service?

5 MR. [REDACTED]: No, sir.

6 MR. [REDACTED]: And how long have you
7 served with the Federal Bureau of Prisons?

8 MR. [REDACTED]: February will be 20 years.

9 MR. [REDACTED]: Okay. Great. Do you
10 remember your entry on duty date?

11 MR. [REDACTED]: February 10th of 2002.

12 MR. [REDACTED]: Thank you, sir. And do
13 you recall when you graduated from BOP
14 training, around, like, the - even the year?

15 MR. [REDACTED]: I can't. I don't remember.

16 MR. [REDACTED]: Would it have been right
17 away, in 2002?

18 MR. [REDACTED]: No. It was a little later.

19 MR. [REDACTED]: But you've attended it?

20 MR. [REDACTED]: Yes.

21 MR. [REDACTED]: And that is correctional
22 officer training down at FLETC?

23 MR. [REDACTED]: Yes.

24 MR. [REDACTED]: Okay. Great. And what
25 is your current position with the BOP?

1 MR. [REDACTED]: I'm a senior officer
2 specialist.

3 MR. [REDACTED]: And what does that
4 position entail?

5 MR. [REDACTED]: It just means that, you know,
6 I've worked every post, and I've been on -.
7 Worked about every post, and I'm a little bit
8 more trained than the people that's now getting
9 hired.

10 MR. [REDACTED]: Okay. So, and it's in
11 the custody side of the house?

12 MR. [REDACTED]: Yes.

13 MR. [REDACTED]: Okay. Great. What is
14 your grade level?

15 MR. [REDACTED]: My grade level is eight, step
16 ten.

17 MR. [REDACTED]: Great. Thank you. And
18 are you familiar with Jeffrey Epstein?

19 MR. [REDACTED]: Yes.

20 MR. [REDACTED]: Was he housed within the
21 MCC in July and August of 2019?

22 MR. [REDACTED]: I believe so, but I'm not too
23 sure. Because Epstein wasn't a big deal to me.

24 MR. [REDACTED]: Okay. And what do you
25 mean by that?

1 MR. [REDACTED]: Meaning that, he's just - he
2 was somebody that was being processed through
3 the federal government for committing a crime.

4 MR. [REDACTED]: Okay. What about after
5 the fact, that knowing, you know, how much news
6 attention and everything that had been placed
7 upon it, did you think it became a little bit
8 bigger of a deal then?

9 MR. [REDACTED]: I guess it was a big deal of
10 how, you know, the job was treating them. You
11 know? Meaning that, you know, he was a high-
12 profile inmate, he shad - you know - he shad
13 been on Ten South, or he shad been on suicide
14 watch.

15 MR. [REDACTED]: Okay. And you're saying
16 that based upon the fact that he killed
17 himself?

18 MR. [REDACTED]: Yes.

19 MR. [REDACTED]: Okay. And we can get
20 into that more later. What was your position
21 at the MCC in July and August of 2019?

22 MR. [REDACTED]: If I remember correctly, I was
23 internal number two.

24 MR. [REDACTED]: Okay. I'm sorry. Were
25 you a senior officer specialist --

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: -- as well? Perfect. And
3 they're the same duties and responsibilities
4 that you just described? Basically, like, a
5 very knowledgeable correctional officer?

6 MR. [REDACTED]: Yes. Yes. About that. Yeah.

7 MR. [REDACTED]: Okay. Did you have any
8 interactions or involvement with Epstein during
9 his stay at MCC?

10 MR. [REDACTED]: No.

11 MR. [REDACTED]: No. Did you even
12 communicate with him at all?

13 MR. [REDACTED]: No.

14 MR. [REDACTED]: Did you see him at all?

15 MR. [REDACTED]: I seen him once. I think he
16 was down on suicide watch. One time.

17 MR. [REDACTED]: Okay. And were you
18 working at suicide watch?

19 MR. [REDACTED]: No. I think I was activities,
20 maybe. So, I had to go through, sign the
21 logbook, maybe. I don't -. I can't remember
22 what post, or what post I was on, or maybe I
23 was internal. You know, and, you know, we have
24 a shortage of staff. So, I wear many different
25 titles during the day.

1 MR. [REDACTED]: Sure.

2 MR. [REDACTED]: So, I can't really tell you how
3 I saw him that particular day, but I know I did
4 see him.

5 MR. [REDACTED]: Okay. So, when he was on
6 suicide watch, you remember, you know, you have
7 acted as the activities lieutenant, though, in
8 the past?

9 MR. [REDACTED]: Yes.

10 MR. [REDACTED]: Okay. Great.

11 MR. [REDACTED]: But that day, I can't remember
12 what post.

13 MR. [REDACTED]: Sure. Do you happen to
14 remember if you worked at the MCC on August 9th
15 and 10th of 2019? The day leading up to and the
16 day he was - the day of - finding him in his
17 cell?

18 MR. [REDACTED]: Yeah. I believe so. The day
19 of? I was certainly here. The day before? I
20 can't remember.

21 MR. [REDACTED]: Okay. Great. Do you
22 know what you were doing that day? And I have a
23 duty agent - I have a --

24 MR. [REDACTED]: Uh-huh.

25 MR. [REDACTED]: -- I'm going to give you

1 the daily --

2 MR. [REDACTED]: I was -.

3 MR. [REDACTED]: -- receipt, and I'll try
4 to -. Here you go, and here is the daily
5 assignment roster for both Friday, August 9th,
6 2019, and Saturday, August 10th, 2019. I have
7 taken the liberty of just highlighting your
8 name next --

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: -- position title.

11 MR. [REDACTED]: Control one. And internal
12 number two.

13 MR. [REDACTED]: So, on August 9th, you
14 were control number one, and then, August -.

15 MR. [REDACTED]: No, now, which one is the day
16 of?

17 MR. [REDACTED]: And so, we got the day
18 leading up to it will be the 9th.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: And that's where it says
21 that you were --

22 MR. [REDACTED]: Control one. Yes.

23 MR. [REDACTED]: -- you were control one.
24 Okay. And that says that you were control one
25 from 4:00 p.m. until midnight?

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: Okay. Great. And then,
3 the following day, it says Saturday, August
4 10th, 2019. You were internal number two, on
5 overtime, from midnight through 8:00 a.m.?

6 MR. [REDACTED]: Yes.

7 MR. [REDACTED]: Perfect. Thank you, sir.
8 And I'm just going to keep this here, in case
9 we ask you about anything --

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: -- with regard to, you
12 know, either you or other people that were
13 working on that, on that day. So, as - let's
14 do it one at a time - as August 9th, 2019, you
15 state that you were control number one. What
16 did those duties and responsibilities entail?

17 MR. [REDACTED]: Okay. For control number one?

18 MR. [REDACTED]: Control number one.

19 Correct.

20 MR. [REDACTED]: The duties entail -.

21 MR. [REDACTED]: And specifically, we're
22 talking about for that shift, for the 4:00 to
23 midnight shift.

24 MR. [REDACTED]: Okay. 4:00 p.m. to midnight
25 shift. Duties entail of just, you know, being

1 the eyes and the ears for the lieutenant.

2 MR. [REDACTED]: Okay.

3 MR. [REDACTED]: We reviewed the camera, and we
4 watched the cameras a little bit. We popped
5 doors. We answered phones. If anybody is
6 calling, asking about their loved ones that are
7 incarcerated here.

8 MR. [REDACTED]: So, you're in the control
9 center, correct?

10 MR. [REDACTED]: Yes.

11 MR. [REDACTED]: Are you one of two
12 officers in the control center?

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: All right. So, what is
15 the difference between what the control number
16 one officer does, and the control number two
17 officer does?

18 MR. [REDACTED]: Okay. Control number one
19 officer. Control number one officer actually,
20 you know, popped the doors, do all the
21 paperwork.

22 MR. [REDACTED]: Okay. So, when you say
23 paperwork, like, if they're counts, you fill
24 out the paperwork?

25 MR. [REDACTED]: Not the counts. That's the CNA

1 officer, or the internal unit two officer. The
2 control officer, the control officers handles
3 the door, the popping of the doors, listening
4 to the radios.

5 MR. [REDACTED]: Answer it. Okay. And
6 so, and who actually is supposed to take care
7 of the counts, then, during that time?

8 MR. [REDACTED]: The counts are CNA. Or
9 now/internal two.

10 MR. [REDACTED]: Okay. And what does CNA
11 stand for?

12 MR. [REDACTED]: CNA is - what is that - Counts.
13 Oh, it's been a long time since I had to, like,
14 pronounce the abbreviation for CNA. But CNA is
15 --

16 MR. [REDACTED]: Is that somebody that's
17 listed on this sheet?

18 MR. [REDACTED]: -- internal number two.

19 MR. [REDACTED]: Oh, so, CNA is internal
20 number two?

21 MR. [REDACTED]: Yes.

22 MR. [REDACTED]: Okay. So, in this case,
23 it's [REDACTED]?

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: All right. So, he

1 actually would be the person that's supposed to
2 be doing the counts?

3 MR. [REDACTED]: Yes.

4 MR. [REDACTED]: All right. And what
5 about for, on Saturday, August 10th, 2019, for
6 internal number two, from midnight through 8:00
7 a.m. What were your duties and
8 responsibilities?

9 MR. [REDACTED]: Yes. That was me, internal
10 number two. My duties was to generate the
11 count. Generate the PPE1. Make any moves, if
12 any inmates move from one unit to the next
13 unit. Answer the phones.

14 MR. [REDACTED]: So, when you say inmates
15 move from one unit to the next unit, do you
16 mean, like, keying them into different --

17 MR. [REDACTED]: Yes. Keying them into --

18 MR. [REDACTED]: -- so, keying them out of
19 one, and keying --

20 MR. [REDACTED]: -- key them out of a --

21 MR. [REDACTED]: -- into the other.

22 MR. [REDACTED]: -- out of a housing unit, and
23 moving them to the next.

24 MR. [REDACTED]: Okay. So, not the actual
25 physical movement --

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: -- you're talking about
3 electronically.

4 MR. [REDACTED]: Electronical.

5 MR. [REDACTED]: Okay. In the BOP
6 databases.

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: Perfect. So -.

9 MR. [REDACTED]: And also, my duties are to
10 actually go upstairs and do the count. To help
11 out internal with the count.

12 MR. [REDACTED]: Okay. So, not only are
13 you taking the count and filling out the
14 paperwork, but you're actually physically going
15 somewhere?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: And where are you going
18 to?

19 MR. [REDACTED]: I have to go - at that time - I
20 had to count Nine North, and unit two.

21 MR. [REDACTED]: Okay. And then, so, I
22 know Nine South. What is Nine North?

23 MR. [REDACTED]: Nine North is a housing unit.

24 MR. [REDACTED]: Okay. So, just a normal,
25 regular general pop housing --

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: -- housing unit? Okay.

3 So, that's what you were doing in that specific
4 date?

5 MR. [REDACTED]: Yes.

6 MR. [REDACTED]: Or is that always the
7 internal number two goes and counts Nine North?

8 MR. [REDACTED]: Yeah. That's how they have
9 internal number two set up for their post.

10 MR. [REDACTED]: So, always counting the
11 same housing units, every --

12 MR. [REDACTED]: Yeah.

13 MR. [REDACTED]: -- every shift?

14 MR. [REDACTED]: Basically, we help out
15 internal. If you was working as the internal
16 officer, and you needed my help to, you know,
17 because you know that I'm supposed to help you.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: You would say, hey, [REDACTED], I
20 need you to count nine and two, or just say, I
21 need you to count both sides of 11.

22 MR. [REDACTED]: Gotcha. Okay.

23 MR. [REDACTED]: And I'm -

24 MR. [REDACTED]: So, you're basically the

25 --

1 MR. [REDACTED]: Yeah.

2 MR. [REDACTED]: -- control number - I
3 mean, is it control number one, that we're
4 talking about?

5 MR. [REDACTED]: Control number two.

6 MR. [REDACTED]: Control number one is
7 kind of, like, in charge --

8 MR. [REDACTED]: Yeah.

9 MR. [REDACTED]: -- and then, control
10 number two --

11 MR. [REDACTED]: Control number one --

12 MR. [REDACTED]: -- is the assistant.

13 MR. [REDACTED]: -- do not leave control.

14 MR. [REDACTED]: Control number one stays
15 in there the whole time?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: Okay. Control number two
18 actually is the one that -. Okay. So, the
19 person who is control number -. Control number
20 one doesn't leave?

21 MR. [REDACTED]: Yes.

22 MR. [REDACTED]: All right. So, you
23 wouldn't have left then on Friday, August 9th.
24 You would have been in there the whole time?

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: During your shift.

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED]: And then, you're saying
4 that on Saturday, August 10th, 2019, when you
5 were internal number two, that's when you would
6 have left your shift, and helped with the
7 counts?

8 MR. [REDACTED]: Yes.

9 MR. [REDACTED]: Okay. But as their
10 internal number two, you were actually taking
11 the counts and writing in the documentation?

12 MR. [REDACTED]: I'm taking count, and also, I'm
13 going upstairs to actually physically do the
14 count.

15 MR. [REDACTED]: Okay.

16 MR. [REDACTED]: In two houses.

17 MR. [REDACTED]: All right. But as
18 control number one, the day before, you weren't
19 actually supposed to be involved with the
20 counts?

21 MR. [REDACTED]: No. The only thing I do is sit
22 there. Once you complete the count and you
23 tell me, and we have a good verbal, I announce
24 it on the radio, I log it in the logbook, and
25 then, you say, clear count. I announce it on

1 the radio. Write it in the logbook. Clear
2 count.

3 MR. [REDACTED]: Okay. And on these dates
4 - and I'm sorry to pop back and forth - but on
5 Friday, August 9th, 2019, when you were control
6 number one, who would you be primarily be
7 working with?

8 MR. [REDACTED]: At that time, shortage of
9 staff, you could have any -.

10 MR. [REDACTED]: I mean, on this specific
11 --

12 MR. [REDACTED]: No.

13 MR. [REDACTED]: -- date.

14 MR. [REDACTED]: You have a different partner
15 almost every day. On this specific day, I'd be
16 working with [REDACTED], if he was in - [REDACTED] -
17 if he was internal number two.

18 MR. [REDACTED]: Okay. So, the two of you
19 would be working together?

20 MR. [REDACTED]: Yeah. But I really don't think
21 I was with [REDACTED] that day. I think it was
22 [REDACTED], and then, he went home, because
23 [REDACTED] goes home at 10:00. Because I was
24 working with [REDACTED], and then he went home.

25 MR. [REDACTED]: When did he go home?

1 MR. [REDACTED]: I think he went home at 10:00.

2 MR. [REDACTED]: At 10:00?

3 MR. [REDACTED]: And I --

4 MR. [REDACTED]: So then --

5 MR. [REDACTED]: -- probably was in there by
6 myself for a few, but I can't remember. I
7 can't remember.

8 MR. [REDACTED]: No, that makes a lot of
9 sense. We're going to go over the actual
10 counts because you actually took the count at
11 10:00 p.m.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: So, that makes sense.
14 So, was he supposed to go home, or he had to go
15 home --?

16 MR. [REDACTED]: Yes. He's supposed to go home.

17 MR. [REDACTED]: Okay. So, at the 10:00
18 p.m. count, then, as control number one, you
19 actually take it --?

20 MR. [REDACTED]: Yeah. Like, when you're in
21 there by yourself, and there's a shortage of
22 staff, you got to play both roles.

23 MR. [REDACTED]: Okay. At 10:00 p.m.,
24 though, was there supposed to be two people in
25 there?

1 MR. [REDACTED]: Yeah. Until 10:00 p.m.

2 MR. [REDACTED]: So, that's what I mean.
3 So, like, at the 10:00 p.m., are you -. Only
4 until 10:00 p.m. So, but at 10:00 p.m., the
5 count happens after the person - control number
6 two - leaves. Right?

7 MR. [REDACTED]: Yes. So, control number two is
8 supposed to print up everything, and since he's
9 off duty at 10:00, I will take the paperwork
10 that he generated, and do the count for him.

11 MR. [REDACTED]: Okay. So, control number
12 one is actually responsible for the 10:00 p.m.
13 count. Correct?

14 MR. [REDACTED]: Control number one is not
15 responsible for the count. But if - I mean, if
16 you are in there by yourself, now that's your
17 second job.

18 MR. [REDACTED]: Okay. So, who is
19 responsible for it, then?

20 MR. [REDACTED]: Whoever is supposed to be
21 posted CNA. So, I'm -. Okay. It's two
22 different. Like, see here, we have a lot of
23 job titles that kind of, like, they took from
24 us. CNA is supposed to be a post. CNA is
25 supposed to be a post that goes in at whatever

1 time control goes in. At this time, when he
2 was on eights, when he was on eights, every
3 shift was 8:00 to 12:00, 12:00 -. My fault.
4 8:00 to 4:00, 4:00 to 12:00, and then, 12:00 to
5 8:00. When CNA comes in for evening watch,
6 evening watch is 4:00 to 12:00. 4:00 to 12:00.
7 When evening watch comes in, control one comes
8 in, control two comes in. Now, somebody, you
9 know, had a big idea and said, hey, you need
10 to, you know, we need to stop generating money.
11 We need to modify the hours. So, we don't need
12 two people in control. So, they modified the
13 hours, and made control number two.

14 MR. [REDACTED]: Yeah.

15 MR. [REDACTED]: From that time.

16 MR. [REDACTED]: Right. So, at this
17 point, though -.

18 MR. [REDACTED]: So, I think this is, what, 2:00

19 --

20 MR. [REDACTED]: So --

21 MR. [REDACTED]: -- 2:00 to 10:00 --

22 MR. [REDACTED]: -- 2:00 to 10:00 --

23 MR. [REDACTED]: -- now?

24 MR. [REDACTED]: -- Correct. So, that's
25 where I'm saying, it's, like, if they're

1 leaving at 10:00 --

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED]: -- and the count is being
4 conducted at 10:00, and they usually get, you
5 know, they leave usually a couple minutes
6 before, too. It sounds like, at this time, on
7 August 9th --

8 MR. [REDACTED]: Now, I --

9 MR. [REDACTED]: -- you would have been
10 the one --

11 MR. [REDACTED]: -- took the count.

12 MR. [REDACTED]: -- who took the count.

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: So, that's where I just
15 want to make sure we're not getting -. Because
16 I'm getting confused with all this.

17 MR. [REDACTED]: Yeah.

18 MR. [REDACTED]: So, on August 9th, 2019,
19 as control number one, you would have taken the
20 count?

21 MR. [REDACTED]: Yes. If my name is on that
22 form, I took the count.

23 MR. [REDACTED]: Right. And no one else
24 would have been in there with you to take that
25 count --

1 MR. [REDACTED]: No.

2 MR. [REDACTED]: -- it would have just
3 been you? Okay. All right. Because I was
4 getting confused. All right. And then, as far
5 as on August 10th, 2019, as internal number
6 two, you would have also taken the count.
7 Correct?

8 MR. [REDACTED]: Yes.

9 MR. [REDACTED]: The 12:00 a.m., 3:00
10 a.m., and 5:00 a.m.?

11 MR. [REDACTED]: Yes. If they filled that post,
12 like, my name is there, so, they filled that
13 post with overtime. So, that was me.

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: So, I did that post. I worked
16 that post. I generated the E1. I went
17 upstairs, conducted the count on the two
18 housing units that I have to count, and then, I
19 would go back downstairs, and finish the count
20 on my E1, meaning the cross, as units call me
21 up, saying, hey, this is EN with the count of
22 14, and I would say, good count, bad count, and
23 then, cross it off the on paperwork.

24 MR. [REDACTED]: Okay. And then, we
25 talked about who you worked with on August 9th.

1 You said that, although this says ██████, you
2 think it's somebody else?

3 MR. ██████: I think it's somebody else. I
4 can't remember.

5 MR. ██████: Sure.

6 MR. ██████: And then --

7 MR. ██████: It's been a while.

8 MR. ██████: -- on August 10th, 2019,
9 it says you were internal two, internal one was
10 - does that say ██████?

11 MR. ██████: Yeah. He don't come in -. Oh,
12 well. He's internal. So, that's the person
13 that I'm helping to conduct the count with.

14 MR. ██████: Okay. So, he is doing
15 all --

16 MR. ██████: He's -.

17 MR. ██████: -- he's actually
18 physically going to the different units?

19 MR. ██████: Yes.

20 MR. ██████: Collecting count slips,
21 and things like that.

22 MR. ██████: Yes.

23 MR. ██████: And you're assisting, you
24 said --

25 MR. ██████: Yes.

1 MR. [REDACTED]: -- with him. But you're
2 also taking the counts?

3 MR. [REDACTED]: Yes.

4 MR. [REDACTED]: Okay. Thank you. And
5 who did you report to on these days? Are you
6 always reporting to the Ops Lieutenant?

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: Okay. So then, so on
9 August 9th, you would have been reporting to
10 [REDACTED], I think, both times, because
11 Cannata, although he's listed, he was relieved
12 at 10:00 p.m. back then. They were working two
13 hours before the start of their shift. So,
14 [REDACTED] started at 10:00 p.m. So, you
15 would have been reporting to [REDACTED],
16 then, for both shifts?

17 MR. [REDACTED]: Yes.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: Yeah. I don't - you know - I
20 don't recall (Indiscernible *00:21:20). The
21 only thing I could try to recall was what I was
22 doing because that's all I could do.

23 MR. [REDACTED]: Well, per these
24 documents, at least, it shows [REDACTED]
25 would have --

1 MR. [REDACTED]: Yeah. It shows her name.

2 MR. [REDACTED]: -- been the person you're
3 reporting to. Okay. Were you previously
4 interviewed under this investigation?

5 MR. [REDACTED]: Yes. You know, the first time.
6 Yeah.

7 MR. [REDACTED]: Were you interviewed more
8 than once?

9 MR. [REDACTED]: No. Just once.

10 MR. [REDACTED]: Okay. I'm going to just
11 review the report that was written in regard to
12 that interview. I just want you to - I'm not
13 going to provide it to you because it's written
14 on an FBI document - but however, the OIG was
15 present. So, it's our information to have.
16 So, I'll read it to you. And just, if you can
17 just stop me if there is anything in there that
18 is not accurate.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: Okay? So, it says that,
21 "Mr. [REDACTED], Senior Officer Specialist at the
22 Bureau of Prisons, Metropolitan Correctional
23 Center," and it says, yada, yada, yada. "Was
24 interviewed at the United States Attorney's
25 Office, Southern District of New York, 1 St.

1 Andrews Plaza, New York, New York. Present for
2 the interview were FBI Special Agent [REDACTED]
3 [REDACTED], FBI Task Force Officer, TFO [REDACTED]
4 [REDACTED], Office of the Inspector General Special
5 Agent [REDACTED], and Assistant United States
6 Attorney [REDACTED]. AUSA [REDACTED] advised [REDACTED]
7 that the interview was in lieu of an appearance
8 before the federal grand jury, and is
9 voluntary. SA [REDACTED] provided [REDACTED] with an OIG
10 Warnings and Assurances to Employee Requested
11 to Provide Information on a Voluntary Basis
12 form, which [REDACTED] signed, and was witnessed by
13 SA's [REDACTED] and [REDACTED]. SA [REDACTED] retained the
14 original, and a copy is attached in the 1A
15 section of this report. After being advised of
16 the identity of the interviewing investigators,
17 and the nature of the interview, [REDACTED] provided
18 the following information. [REDACTED] worked for
19 Corrections Corporation of America from
20 approximately 2000 until 2002, when he started
21 working for the BOP at MCC. On August 10th,
22 2019, [REDACTED] was assigned internal two on the
23 morning watch, which is 12:00 a.m. to 8:00 a.m.
24 This post helps with the count, getting
25 paperwork and rosters ready for the count, and

1 sometimes helps conduct the count of some of
2 the units. Units Nine South and Ten do not
3 require help for the count because there are
4 officers stationed in those units that do the
5 counts. During the morning watch shift of
6 August 10th, [REDACTED] prepared the count by getting
7 the paperwork together. Officer [REDACTED], as the
8 control officer, took officer's phone calls,
9 receiving the verbal count for the 12:00 a.m.,
10 3:00 a.m., and 5:00 a.m. counts. When an
11 officer calls into control with the count for a
12 particular unit, control advises if the number
13 was a good count or a bad count. Control has
14 many different functions. So, when an officer
15 calls in a count, control takes the officer's
16 word that the count was conducted. [REDACTED] didn't
17 think that control received the verbal count
18 from the Special Housing Unit for that shift.
19 However, he could not say for sure because he
20 wasn't the one taking the calls for the counts.
21 [REDACTED] was assisting in doing the counts in the
22 other units. [REDACTED] signed off on the counts
23 because during that shift, he was the senior
24 ranking officer. On the morning of August
25 10th, 2019 -." Is that all correct?

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: Does that sound accurate.

3 MR. [REDACTED]: Yeah. It sounds accurate.

4 MR. [REDACTED]: All right. Because the
5 person [REDACTED] said -. I thought she said that
6 she wasn't taking the calls.

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: She wasn't taking the calls?

9 MR. [REDACTED]: Oh, yeah.

10 MR. [REDACTED]: So -.

11 MR. [REDACTED]: We help each other.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: Mm-hmm. You know, we help each
14 other. So, if I'm upstairs doing a count, and
15 it takes me a little longer to come downstairs,
16 she will pick up the phone and take the counts.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: Now, if I go upstairs, and the
19 counts, you know, it's a little faster, I will
20 come downstairs and I will take over the
21 paperwork, just, like, you pass me your
22 paperwork, I will let you do what you do -.
23 Let you finish doing your task, and I will take
24 it right back over where you left off.

25 MR. [REDACTED]: Okay.

1 MR. [REDACTED]: And I will --

2 MR. [REDACTED]: Because, yeah --

3 MR. [REDACTED]: -- (Indiscernible *00:25:11).

4 MR. [REDACTED]: -- I think her

5 explanation was, she helped with, like, you
6 know, everything else, you were involved with
7 the counts, taking the counts on the phone, and
8 --

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: -- and writing the
11 counts. Is that accurate, actually?

12 MR. [REDACTED]: Yes. That's accurate.

13 MR. [REDACTED]: So, this actually is
14 inaccurate the way it says that she took all
15 the counts, and the phone calls, then?

16 MR. [REDACTED]: I mean, I can't really remember
17 --

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: -- what actually happened, but
20 like I said, we try to help each other out --

21 MR. [REDACTED]: Sure.

22 MR. [REDACTED]: -- because we all have --

23 MR. [REDACTED]: But as your --

24 MR. [REDACTED]: -- many different jobs.

25 MR. [REDACTED]: -- and this isn't, like,

1 an I gotcha moment, this is just - I just want
2 to make sure I understand, because your
3 responsibility on August 10th was actually to
4 take the calls, and take the verbal --

5 MR. [REDACTED]: Yes.

6 MR. [REDACTED]: -- counts. Correct?

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: Okay. Great. "On the
9 morning of August 10th, 2019, a body alarm went
10 off at approximately 6:33 a.m. [REDACTED] responded
11 to the SHU where the body alarm had sounded,
12 along with another officer. The Nine South
13 officers, medical, and Lieutenant [REDACTED] were
14 already at the location. With medical
15 performing CPR. [REDACTED] went to get a stretcher
16 and assisted in taking Jeffrey Epstein to the
17 medical unit. When emergency medical surveys
18 arrived, they started performing CPR, took
19 Epstein out to an ambulance, and transported
20 him to the hospital. [REDACTED] followed the
21 ambulance to the hospital in another secure
22 vehicle. [REDACTED] stayed at the hospital until he
23 was relieved from duty."

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: Okay. "[REDACTED] doesn't

1 recall any specific state that Epstein was in
2 when he responded to the scene. [REDACTED] did
3 recall that Epstein was still loose, because
4 Epstein had to be put in restraints before he
5 could be transported. However, there was no
6 movement by Epstein on his own." So, was
7 Epstein still alive?

8 MR. [REDACTED]: Their policy states that nobody
9 passed away inside the institution. Like I
10 said, when I responded, when I got to the post,
11 in Nine South, he was already doing, performing
12 CPR, from medical staff and Nine South staff.

13 MR. [REDACTED]: Okay.

14 MR. [REDACTED]: They was already performing
15 CPR. So, since they was performing CPR,
16 someone needs to go get that gurney so they can
17 carry him down to medical. So --

18 MR. [REDACTED]: And I understand --

19 MR. [REDACTED]: -- (Indiscernible *00:27:13).

20 MR. [REDACTED]: -- that you're not able
21 to say if he was officially alive or dead, but
22 was he showing any signs of life?

23 MR. [REDACTED]: I don't know. Once I see
24 somebody performing CPR, that means something
25 bad is going on. So --

1 MR. [REDACTED]: Did you see his eyes
2 open?

3 MR. [REDACTED]: -- honestly, I cannot really
4 tell you what he looks like.

5 MR. [REDACTED]: Okay.

6 MR. [REDACTED]: Because it's been so long ago.
7 And the only thing I know, they was performing
8 CPR. I ran to go get the gurney. Because if
9 you're performing CPR, he's definitely going to
10 have to go down to medical.

11 MR. [REDACTED]: Okay. So, you can't
12 recall - even though this was a big incident,
13 and pretty traumatic - you can't recall if his
14 eyes were open, or if he was breathing, or
15 anything like that?

16 MR. [REDACTED]: I can't recall.

17 MR. [REDACTED]: Okay. "[REDACTED] acknowledged
18 that he wrote a memo about the incident. This
19 was due to the fact that when one responds to a
20 body alarm, it has to be documented. [REDACTED] did
21 not recall any interactions with Epstein prior
22 to Epstein's death." And that's the end of
23 that.

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: Does all that seem

1 accurate?

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED]: Okay. I'm not going to
4 attach that. All right. So, we are going to
5 go over the count sheets that were done. Oh,
6 shoot. All right. So, these are just the
7 count sheets for the (Indiscernible *00:28:43).
8 This one is -. I'm going to move this over
9 here. So, this one wasn't you. I'm just
10 showing you, kind of, where I have highlighted
11 just the time, and then, I have, you know, what
12 we're particularly interested in, are going to
13 be RA and ZA.

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: ZA stands for the SHU.

16 Correct?

17 MR. [REDACTED]: Yes. Nine South.

18 MR. [REDACTED]: The Special Housing Unit.

19 And RA stands for R&D. Correct?

20 MR. [REDACTED]: Yes.

21 MR. [REDACTED]: All right. Great. So,
22 here is the one for 8/9/2019. It looks like
23 this was the 5:00 a.m. count. Correct?

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: All right. It shows in

1 the SHU, 77, and R&D is zero. And this one,
2 it's 8/9/2019. This one looks like it was for
3 the 4:00 p.m. count. RA says zero. All right.
4 So, R&D was zero. It says the SHU was 76. One
5 in attorney conference. And one in -. Or I'm
6 sorry. 75 that were actually physically
7 present in the SHU. Correct?

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: All right. And then,
10 we're going to go back, and now we'll start
11 looking at these count slips, just so we can
12 kind of get an idea. All right. On the second
13 to last page, there's a ZA, it shows 75. I
14 just highlighted that. That was on 8/9/19,
15 time 4:00. It says Noel and [REDACTED] signed for
16 them. Correct?

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: And then, attorney. It
19 actually says three. A total of three, because
20 they were from other units. All right. So,
21 and one of them being from the SHU. Correct?

22 MR. [REDACTED]: Yes.

23 MR. [REDACTED]: All right. So, we've got
24 the 75 on that, 75 there. All right. Now, we
25 get to where you come in. So, this is the

1 10:00 p.m. count. Correct?

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED]: So, on 8/9/2019, this was
4 printed out at 9:33 p.m. According to this, RA
5 - or R&D - both show zero.

6 MR. [REDACTED]: Yes.

7 MR. [REDACTED]: ZA - which is the SHU -
8 shows 73 on both columns. Correct?

9 MR. [REDACTED]: Yes.

10 MR. [REDACTED]: So, is this your
11 handwriting here?

12 MR. [REDACTED]: Yes.

13 MR. [REDACTED]: All right. And would
14 this be you, "good verbal," 10:30 p.m.?

15 MR. [REDACTED]: Yes.

16 MR. [REDACTED]: All right. So, that
17 means you took the verbal count, as well?

18 MR. [REDACTED]: Yes.

19 MR. [REDACTED]: All right. And so, then,
20 we'll go to the - it looks like the second to
21 last page here. So, here we got R&D, 8/19,
22 10:00 p.m. Was this an [REDACTED]? (Phonetic Sp.
23 *00:31:11).

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: All right. And then, up

1 here, we have an NS+1. And then, here, for ZA,
2 we got a 73+1, 8:00, 9:00, 10:00 p.m., it looks
3 like a [REDACTED] and a Noel. Correct?

4 MR. [REDACTED]: Yes.

5 MR. [REDACTED]: Would you be the ones
6 that was crossing off all of these count slips?

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: Do you know why these
9 were not crossed off?

10 MR. [REDACTED]: I'm not too sure.

11 MR. [REDACTED]: Are these nine S, plus
12 one on the R&D, and this plus one on the ZA,
13 were they your handwriting?

14 MR. [REDACTED]: Yes.

15 MR. [REDACTED]: So, that is your
16 handwriting --

17 MR. [REDACTED]: Yes.

18 MR. [REDACTED]: -- NS+1?

19 MR. [REDACTED]: That nine S looks like my
20 handwriting. Yes.

21 MR. [REDACTED]: And do you know what that
22 would have meant?

23 MR. [REDACTED]: Okay. Sometimes, they asked us
24 to, you know, at the Sentry, it's too late to
25 punch in the body, oh, well, punch in the

1 inmate into the specific housing unit because
2 the count, you know, the count down states
3 that, after, what? 8:00, after -. If the count
4 is being conducted at 12:00, you have until
5 10:45, I think, to punch in any new inmate that
6 is going to a specific unit. So, at this time,
7 I believe - because only a lieutenant could
8 tell us, to ghost count.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: So, basically, the numbers are
11 here, the numbers are right, but on this
12 specific unit, we have one in R&D, that needs
13 to be moved to Nine South.

14 MR. [REDACTED]: Or that they otherwise,
15 Nine South needs to be moved to R&D.

16 MR. [REDACTED]: Yeah.

17 MR. [REDACTED]: Because RA, or R&D, shows
18 zero.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: Correct?

21 MR. [REDACTED]: Yeah. So, he's in -. So,
22 basically, he's in RA right now. Because
23 that's why we got that little count slip saying
24 RA plus one. Basically, he's supposed to be
25 Nine South. He's supposed to be Nine South

1 plus one. But right now, he's in RA.

2 MR. [REDACTED]: Okay. So, what is - when
3 it says -. Should this say 73+1 then, or is he
4 saying 73-1?

5 MR. [REDACTED]: No. That's supposed - yeah -
6 it's supposed to be minus one, but I guess that
7 was an error by me.

8 MR. [REDACTED]: All right. And you're
9 the one who wrote that?

10 MR. [REDACTED]: Yes.

11 MR. [REDACTED]: Okay. So, and are you
12 positive you're the one who wrote this plus
13 one, and this 9S+1? By looking at that.

14 MR. [REDACTED]: Now, this right here don't look
15 like my handwriting.

16 MR. [REDACTED]: The plus one next to the
17 73?

18 MR. [REDACTED]: Yeah. That don't look like my
19 handwriting. But I know that Nine South, that
20 nine and S right there is mine.

21 MR. [REDACTED]: So, he Nine South plus
22 one is yours?

23 MR. [REDACTED]: Yeah.

24 MR. [REDACTED]: Okay. And is there a
25 reason why this wasn't crossed out?

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

2 MR. [REDACTED]: Okay. And is there
3 anything that you can think of, why wasn't the
4 person that was in R&D, why weren't they
5 changed out of the SHU and put into R&D
6 internally, in the BOP systems?

7 MR. [REDACTED]: I'm not too sure.

8 MR. [REDACTED]: For E1. So, by the way
9 that this is -. Do you know if you did this at
10 10:00 p.m., during the count, or do you
11 remember if you did it after the fact?

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

13 MR. [REDACTED]: All right. But in order
14 to do this, you're saying that an Ops
15 Lieutenant would have had to authorize that?

16 MR. [REDACTED]: Yeah.

17 MR. [REDACTED]: So, you would have spoken
18 to that person?

19 MR. [REDACTED]: Yeah.

20 MR. [REDACTED]: And do you remember if
21 you spoke to that person, though -?

22 MR. [REDACTED]: No. I can't remember.

23 MR. [REDACTED]: All right. So, the fact
24 that these people gave you a count that said
25 73, would that be an inaccurate count? If there

1 was only 72 people in the unit?

2 MR. [REDACTED]: Yes. It would be an inaccurate
3 count. You know, if I conducted - yeah, my
4 name is there. So, I dropped the ball on that
5 one.

6 MR. [REDACTED]: All right. Did you drop
7 the ball or did they? Because, look, I don't
8 want to say that you dropped the ball here,
9 because it looks like, to me, there were 73
10 here, there was 73 here. And on 8/10, at
11 midnight, although this is 72 here, and this
12 last page, it shows ZA, they're still saying
13 73. And then, to get even a little more
14 confusing, when I look at -. When you look at
15 these daily activity lieutenant logs. So, if
16 you go to the Saturday, August 10th log, it
17 starts the shift at 73.

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: And then, at 12:35,
20 number one, negative one SHU correction,
21 [REDACTED], dry cell. And if you go back to
22 this, daily log from August 9th, at 3:15 p.m.,
23 it says, [REDACTED] was placed on dry cell from
24 ZA. So, it looks like that was finally
25 corrected at 12:35 a.m.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: So, does that help jog
3 your memory at all about what happened here?

4 MR. [REDACTED]: No.

5 MR. [REDACTED]: Do you think that, being
6 that this count, this 73 matches up with this
7 count slip, at 10:00 p.m., and then, the
8 midnight count slip still says 73, but at
9 12:35, this was recognized. Would you have
10 placed this plus one at the 10:00 p.m. count
11 slips, after midnight?

12 MR. [REDACTED]: Hmm. I believe so. I can't
13 really recall, but it looks like I dropped the
14 ball somewhere.

15 MR. [REDACTED]: But how would you have
16 dropped the ball if your number showed 73, and
17 the people in the SHU were the ones reporting
18 73?

19 MR. [REDACTED]: Because as you see right here,
20 it says 73. So, something went wrong with the
21 numbers. Something went wrong with the --

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: -- numbers, but I know for sure
24 that we had 73 or 72 at that time, on those
25 units.

1 MR. ██████████: Yeah. No, I mean, so,
2 our investigation, we believe, is showing us
3 that there were 72 people for sure in the unit.
4 However, the people in the unit were reporting
5 73, because that's what the documentation
6 showed, 73. So, they weren't actually
7 conducting their counts. They were reporting
8 what they thought the numbers should be.

9 MR. ██████: Yeah.

10 MR. ██████████: So, that's what we're
11 asking you, if they're reporting 73, and your
12 document shows 73, I don't see how you're
13 dropping the ball. Do you?

14 MR. ██████: I mean, somehow, somehow, you
15 know, like, you showed me my handwriting right
16 here, on the highlight --

17 MR. ██████████: Well, that's where a
18 portion of me wanting - believes that you
19 probably did this. So, every count slip here
20 is crossed off. Aside from these two. Why
21 would that be?

22 MR. ██████: I don't know.

23 MR. ██████████: Do you know if these
24 count slips would have been re-created?

25 MR. ██████: I don't know, sir, because that

1 looks like [REDACTED] handwriting. That looks
2 like Noel's handwriting. So, you know,
3 everybody has a, you know, like, a certain type
4 of handwriting.

5 MR. [REDACTED]: Okay. Yeah, so, can you
6 think of a reason why you would cross all these
7 off, though, and not these two?

8 MR. [REDACTED]: I'm not too sure. I can't
9 remember.

10 MR. [REDACTED]: Have you ever seen that
11 before?

12 MR. [REDACTED]: Sometimes, it happens.

13 MR. [REDACTED]: And -.

14 MR. [REDACTED]: Like, especially if count slips
15 come down late. Sometimes it could happen.
16 Maybe, maybe I was on rushing to do another
17 task, and I just, you know, looked at it,
18 looked at the numbers, quick count, and then, I
19 stapled everything together. That could happen
20 too. So --

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: -- because sometimes, we have
23 another task to go do.

24 MR. [REDACTED]: Now, at the 12:00 a.m.
25 count, on August 10th, does that mean that

1 ██████████ was in there taking the count
2 with you?

3 MR. ██████: Yes.

4 MR. ██████████: Okay. So, she was in
5 there, and you said you can only put a plus one
6 on a count slip if it's approved by the Ops
7 Lieutenant.

8 MR. ██████: Yes.

9 MR. ██████████: Does that tell you that
10 the probably, then, these plus ones probably
11 occurred after the 12:00 a.m. count?

12 MR. ██████: No. I don't know.

13 MR. ██████████: Because you said you
14 couldn't do the -. That you couldn't put these
15 plus ones at 10:00 p.m. unless ██████████
16 took the count --

17 MR. ██████: Yeah.

18 MR. ██████████: -- at 12:00.

19 MR. ██████: So, this had to be done before
20 10:00 p.m. Or during --

21 MR. ██████████: Well, the counts had to
22 do --

23 MR. ██████: -- or during 10:00 p.m.

24 MR. ██████████: -- right. The counts had
25 to be done during 10:00 p.m., but these marks

1 on here, the Nine S plus one and R&D, and the
2 73 plus, the plus one portion of the ZA, SHU,
3 they didn't necessarily had to be at 10:00 p.m.
4 Correct?

5 MR. [REDACTED]: Yes. These have to be done at
6 10:00 p.m.

7 MR. [REDACTED]: But the actual Nine South
8 plus one, and this --

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: -- plus one --

11 MR. [REDACTED]: Yeah. That's after.

12 MR. [REDACTED]: -- can't be done after
13 the fact?

14 MR. [REDACTED]: Maybe a little bit after.
15 Maybe a little bit after because the count
16 probably didn't clear until -. The count
17 didn't clear until 10:36. And so, this
18 probably was during that timeline, from either
19 9:58, from 9:55 to about 10:15, this had to be
20 brought about or generated.

21 MR. [REDACTED]: All right. Well, so,
22 this person who is in R&D, it's this person,
23 like I just mentioned, [REDACTED]. This is an
24 inmate quarter history. This person wasn't
25 removed from the SHU until 8/10/2019 at 0035.

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: When - again - she was
3 there. Ops Lieutenant [REDACTED]. So, are
4 you sure that this Nine South plus one, and
5 this plus one would have taken place at that
6 10:00 p.m. count?

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: Because why - if that
9 were the case - why wouldn't this have happened
10 well before the 12:00 p.m. count? Because
11 again, this R&D slip, there's not even somebody
12 there for R&D. If you knew, at this time, at
13 the 10:00 p.m. count, why wouldn't this person
14 have been keyed out, prior to the 12:00 a.m.
15 count? Or why would have she caught it at 12:35
16 a.m., and fixed it then? And why would have the
17 12:00 p.m., they still have been reflecting 73
18 on their count slip? You follow what I'm
19 saying?

20 MR. [REDACTED]: Yeah.

21 MR. [REDACTED]: Does that make you think
22 about them a little bit differently?

23 MR. [REDACTED]: 73 is what the count is
24 supposed to be?

25 MR. [REDACTED]: No. 72 is what the count

1 is supposed to be.

2 MR. [REDACTED]: Yeah.

3 MR. [REDACTED]: So, this count --

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED]: -- on the E1 is correct.

6 MR. [REDACTED]: Yeah.

7 MR. [REDACTED]: The count slip is
8 incorrect.

9 MR. [REDACTED]: Yes. The count slip is
10 incorrect.

11 MR. [REDACTED]: So, at 10:00 p.m., these
12 guys are reflecting 73. Your E1 shows there's
13 supposed to be 73. So, you have a good count.

14 MR. [REDACTED]: Yeah. And so --

15 MR. [REDACTED]: This one, they reflect --

16 MR. [REDACTED]: -- I dropped the ball --

17 MR. [REDACTED]: -- 73.

18 MR. [REDACTED]: -- I must have dropped the ball
19 right there.

20 MR. [REDACTED]: So, what I'm asking,
21 though, with this, you're telling me that his
22 handwriting had to have happened at the 10:00
23 p.m. count.

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: Correct? And you still

1 stick by that?

2 MR. [REDACTED]: I believe so. Yeah. I believe
3 so, because why is it there? You know? And --

4 MR. [REDACTED]: My --

5 MR. [REDACTED]: -- (Indiscernible *00:42:26).

6 MR. [REDACTED]: -- own idea is it's there
7 is because you now have the person, the Ops
8 Lieutenant, at 12:00 a.m. saying, hey, go back
9 to this count slip, put these plus ones, so it
10 reflects that's where these people actually
11 were. Did that make sense?

12 MR. [REDACTED]: Do you understand what he --

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: -- showed you?

15 MR. [REDACTED]: Yeah. I --

16 MR. [REDACTED]: About the fact that --

17 MR. [REDACTED]: -- I know what he's saying.

18 MR. [REDACTED]: -- the actual (Indiscernible
19 *00:42:44) of that inmate missing.

20 MR. [REDACTED]: Yeah.

21 MR. [REDACTED]: Didn't happen until passed
22 midnight, because if not, the corrections would
23 have had to happen at 10:00 p.m.

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: Yeah. So --

1 MR. [REDACTED]: Now, now -.

2 MR. [REDACTED]: -- if this was caught at
3 10:00 p.m., the 12:00 a.m. wouldn't be messed
4 up. That person would have been keyed out.
5 Right?

6 MR. [REDACTED]: Yeah.

7 MR. [REDACTED]: But he wasn't keyed out
8 until 12:35 a.m.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: But their slip is still
11 bad --

12 MR. [REDACTED]: Yeah.

13 MR. [REDACTED]: -- at 12:00 a.m.

14 MR. [REDACTED]: Their slip is bad.

15 MR. [REDACTED]: So, the count slip is
16 bad. That count number is good. That is the
17 real count number. The question is, when did
18 this happen? To me, it looks like the people in
19 the SHU were just reporting the number they
20 thought they were supposed to be giving to you.
21 73. They didn't realize that this guy wasn't
22 in there. He was actually in R&D. He was in
23 R&D since at least 3:00 p.m. So, the 4:00 p.m.
24 count is bad. The 10:00 p.m. count is bad.
25 And finally, at midnight, it's caught. So, I

1 don't - the way I look at it - it's not a drop
2 the ball on you. Because you didn't know that
3 that guy wasn't in there. So, we're trying to
4 help you put the pieces together of, if this is
5 your actual handwriting, when would have that
6 happened? To me, it seems like you're relying
7 on whatever is in the system. Somebody didn't
8 key this guy out. The Ops Lieutenant comes in.
9 Figures it out. And says, that guy is in R&D.
10 And I'm assuming the reason to why she figured
11 it out is because she's getting count slips. I
12 don't know when this count slip would have come
13 in, but there's a count slip for R&D at 10:00
14 p.m., and there's another count slip for R&D at
15 midnight. But like we said, this is the one
16 thing that's bad, this is bad, if that actually
17 came in at 10:00 p.m. because it shows zero in
18 R&D.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: But the thing that we're
21 trying to piece together, and what we're trying
22 to talk to, is two) because of when were these
23 things made? Sorry, first, when were these, you
24 know, notations made on these two count slips;
25 and second, why are they the only two that are

1 not crossed off? Out of all the count slips.

2 MR. [REDACTED]: Hmm. I don't have no answer
3 for --

4 MR. [REDACTED]: You don't remember that -
5 -

6 MR. [REDACTED]: -- for that question.

7 MR. [REDACTED]: -- at all?

8 MR. [REDACTED]: No.

9 MR. [REDACTED]: Do you remember, at all,
10 any conversations that were had with the SHU
11 that night, with regard to these counts? Or
12 this person being placed in R&D.

13 MR. [REDACTED]: No.

14 MR. [REDACTED]: Do you -.

15 MR. [REDACTED]: I can't recall.

16 MR. [REDACTED]: Do you remember - so,
17 we're told that the Ops Lieutenant, [REDACTED]-
18 [REDACTED], claims she may have had a conversation
19 with the SHU, and where this person is - do you
20 remember that at all?

21 MR. [REDACTED]: No.

22 MR. [REDACTED]: No?

23 MR. [REDACTED]: Because if she talked to SHU, I
24 wouldn't have been on the phone for that.

25 MR. [REDACTED]: But wouldn't you have

1 been next to her, though, if she was in
2 control, correct?

3 MR. [REDACTED]: Yes. But, you know, like, if
4 she was talking, I probably was focused on a
5 different task, because I have paperwork that I
6 have to do, too.

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: But around this time, I start
9 cleaning out the folders.

10 MR. [REDACTED]: Okay. So, around the
11 10:30 p.m. time?

12 MR. [REDACTED]: Yeah.

13 MR. [REDACTED]: All right. So, there's
14 nothing that you can kind of help shed us light
15 on, with these count slips?

16 MR. [REDACTED]: No. I don't have nothing.

17 MR. [REDACTED]: And is it fair to say,
18 though, you do not know when you put these Nine
19 S plus one on the R&D, and then, the plus one
20 on the ZA?

21 MR. [REDACTED]: Yeah.

22 MR. [REDACTED]: So, you don't -.

23 MR. [REDACTED]: Now, this is not my handwriting
24 right here.

25 MR. [REDACTED]: So, the plus one next to

1 the ZA is not you?

2 MR. [REDACTED]: I don't think that's me. But I
3 know for sure that's me. Right there.

4 MR. [REDACTED]: What do you know is for sure?
5 The nine S, or the plus one?

6 MR. [REDACTED]: Yeah. The nine S, plus one.

7 MR. [REDACTED]: Because the plus one here
8 looks kind of similar to this plus one there,
9 doesn't it?

10 MR. [REDACTED]: It looks similar, but I don't
11 believe that's my handwriting. But it could
12 be. It could be.

13 MR. [REDACTED]: Or maybe this plus one
14 isn't yours, and just the nine S is yours.

15 MR. [REDACTED]: You know, it could be my
16 handwriting. And I can't --

17 MR. [REDACTED]: It could be.

18 MR. [REDACTED]: -- I can't remember. You know,
19 it's been --

20 MR. [REDACTED]: All right.

21 MR. [REDACTED]: -- a while.

22 MR. [REDACTED]: It's been a while. But
23 has --

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: -- anything like this

1 ever happened before? That you can think of.

2 MR. [REDACTED]: Probably. I mean, you know --

3 MR. [REDACTED]: Have you seen --

4 MR. [REDACTED]: -- it's not a --

5 MR. [REDACTED]: -- things like -?

6 MR. [REDACTED]: -- it's not a, you know, it's

7 not a -. It's not a, you know, it's not a

8 science. You know? Mistakes do happen.

9 Because we do drop the ball. That's why we

10 have to, you know, view each other, and be, you

11 know, and work behind each other, and look over

12 each other's shoulder. It can be possible.

13 MR. [REDACTED]: So, any one that we've

14 showed this to has just been, like, whoa, I've

15 never seen anything like that before. But this

16 has actually happened in the past, where you've

17 seen this happen, where you put, like, a nine S

18 plus one?

19 MR. [REDACTED]: Sometimes. Like I said, you

20 know, like, you know, sometimes, R&D leaves

21 early. Like, right now, if this is 10:00 p.m.,

22 R&D should have gone home already.

23 MR. [REDACTED]: Yeah. So, they have a

24 guy in dry cell with people in custody on him,

25 watching him.

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: Correct? And that's where
3 that we get the [REDACTED] name --

4 MR. [REDACTED]: Yeah.

5 MR. [REDACTED]: -- he's a custody guy,
6 right?

7 MR. [REDACTED]: He's custody.

8 MR. [REDACTED]: Right. And this guy,
9 apparently, has been in there before the 4:00
10 p.m. count.

11 MR. [REDACTED]: Yeah.

12 MR. [REDACTED]: There is no count --

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: -- slip from --

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: -- for the 4:00 p.m.

17 MR. [REDACTED]: Yeah.

18 MR. [REDACTED]: He's never keyed out of
19 SHU. So, again, I haven't been looking at you
20 as dropping the ball on this. So, explain to
21 me why you think you dropped the ball here.

22 MR. [REDACTED]: I should have caught it. I
23 should have said something about it. And maybe
24 I --

25 MR. [REDACTED]: But how would have you --

1 MR. [REDACTED]: -- maybe actually had a fault
2 over it, you know? Started, you know,
3 complaining about it. I don't know. You know?

4 MR. [REDACTED]: How would have you known
5 that it was nine S plus one? Would SHU have to
6 have told you that there was somebody?

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: So, you believe you
9 called the SHU, and they told you?

10 MR. [REDACTED]: I don't -. I can't recall if I
11 called SHU or not. I probably was doing what I
12 was told. Because, as an officer, that's, you
13 know, I know that's a no-no. You can't put
14 that.

15 MR. [REDACTED]: Okay. So, if there are
16 only 72 inmates in the SHU --

17 MR. [REDACTED]: That should have been minus
18 one. Like you said.

19 MR. [REDACTED]: -- but this slip that
20 they gave you in the first place was wrong.
21 Correct? Shouldn't have their slip that they
22 provided to you say 72?

23 MR. [REDACTED]: Yes.

24 MR. [REDACTED]: So, does that indicate
25 that they didn't do the count, to you?

1 MR. [REDACTED]: No. You could still do the
2 count. I mean, you could still do the count,
3 but if somebody, you know, higher up said, yo,
4 this is what you need to put on the count slip,
5 that's what you put on the count slip. Now,
6 you know, like, somebody dropped the ball.

7 MR. [REDACTED]: And that's where, again,
8 my opinion has always been all along that it
9 was the SHU that dropped the ball. So, I want
10 you to keep in mind, again, because there's
11 still Noel and Thomas. On this 10:00 p.m. one
12 is Noel and [REDACTED]. On the 12:00 a.m. one,
13 it's Noel and Thomas. Both of their count
14 slips say 73. So, if somebody told somebody at
15 10:00 p.m. that there was actually only 72,
16 which is what I'm gathering you're trying to
17 say, why at 12:00 a.m. would of they continued
18 to write 73?

19 MR. [REDACTED]: I don't know, sir.

20 MR. [REDACTED]: And that's where --

21 MR. [REDACTED]: (Indiscernible *00:49:33).

22 MR. [REDACTED]: -- and that, again,
23 that's where I just want to make sure we're not
24 tripping over ourselves here because that is,
25 to me, highly unlikely that if you spoke to the

1 SHU at 10:00 p.m., and told them, we got
2 somebody in R&D, they wouldn't continue to
3 write 73 at 12:00 a.m. Would they?

4 MR. [REDACTED]: I'm not too sure. I can't --

5 MR. [REDACTED]: Especially if --

6 MR. [REDACTED]: -- (Indiscernible *00:49:55).

7 MR. [REDACTED]: -- the E1 now, because at
8 12:35, it's correct, that it says 72 --

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: -- at 12:00 a.m. Right?

11 MR. [REDACTED]: Yes. Like, at this time, I
12 just generate the E1.

13 MR. [REDACTED]: Right.

14 MR. [REDACTED]: And I put my name as the
15 officer, who I'm preparing. Now, if the
16 lieutenant took the count, you know, like --

17 MR. [REDACTED]: And the lieutenant can't
18 take this count --

19 MR. [REDACTED]: Yeah.

20 MR. [REDACTED]: -- correct?

21 MR. [REDACTED]: Like, the lieutenant wrote her
22 name, she took the count. Me as the officer
23 that was preparing this, I should have took a
24 look at it, to see if the numbers all jive from
25 last, from the last count. But I figured that

1 the E1 was correct, and it cleared, in good
2 verbal, and it cleared. So, nobody didn't
3 think nothing of it.

4 MR. [REDACTED]: So, if the Ops Lieutenant
5 is supposed to be taking the 12:00 a.m. count,
6 and the 12:00 a.m. count slip from the SHU is
7 saying 73, whereas the E1 says 72, is this bad
8 on the Ops Lieutenant?

9 MR. [REDACTED]: Bad on both parties.

10 MR. [REDACTED]: Would you be assisting
11 her with this?

12 MR. [REDACTED]: No.

13 MR. [REDACTED]: During that time. So, on
14 this part, how would you be involved, if she's
15 doing it herself?

16 MR. [REDACTED]: I should have took a look at
17 the numbers before I gave it to her.

18 MR. [REDACTED]: But it looks like this
19 was printed out at the same time that -. So,
20 this person was keyed out at 0035.

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: This E1 was printed out
23 at 0035.

24 MR. [REDACTED]: Mm-hmm.

25 MR. [REDACTED]: So, it looks like it was

1 the exact same thing. She keyed out this
2 person, [REDACTED], from SHU and placed him in
3 R&D, at the exact same time this E1 was printed
4 out.

5 MR. [REDACTED]: Yeah.

6 MR. [REDACTED]: Correct?

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: So -.

9 MR. [REDACTED]: Okay. Now I see where you're
10 going. This is way after the 12:00.

11 MR. [REDACTED]: This is way after the
12 12:00. But this count slip says 73. The 10:00
13 p.m. count slip also says 73. My point being
14 is, I don't think you did anything wrong here.
15 I think this thing, the E1, shows 73. They're
16 providing you something that says 73. So, to
17 me, you're good. But the question is, when did
18 these things come into play. One of these
19 notations.

20 MR. [REDACTED]: I can't remember.

21 MR. [REDACTED]: You can't remember?

22 MR. [REDACTED]: I can't remember. But I know
23 that Nine South is mine.

24 MR. [REDACTED]: So, you know that you
25 wrote this?

1 MR. [REDACTED]: Yeah.

2 MR. [REDACTED]: And you believe you would
3 have wrote it, though, per the Ops Lieutenant's
4 direction?

5 MR. [REDACTED]: Yeah.

6 MR. [REDACTED]: All right. So,
7 Lieutenant [REDACTED], who was the Ops
8 Lieutenant, would have instructed you to do
9 that?

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: And don't you believe
12 that she would have done that, told you to do
13 that after she realized that person wasn't in
14 SHU, that person was in R&D?

15 MR. [REDACTED]: Oh, probably. Probably, it was
16 a miscommunication about where that inmate was
17 truly at.

18 MR. [REDACTED]: So, does that make you
19 think, re-think what you said, then? You said,
20 at 10:00 p.m., you would have - 10:00, 10:30
21 p.m. - you would have made those notations, but
22 now, does it make you think, oh, you know what?
23 It probably was after the 12:00 p.m. count that
24 I made those notations?

25 MR. [REDACTED]: No.

1 MR. [REDACTED]: Per her instruction.

2 MR. [REDACTED]: No. I wouldn't have did this
3 because I would have known this is, you know,
4 this will come back and bite you in the ass if
5 I did this after --

6 MR. [REDACTED]: No, no, no, I'm not
7 talking about --

8 MR. [REDACTED]: -- midnight.

9 MR. [REDACTED]: -- the whole concept.

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: I'm simply talking about
12 the plus one and the Nine South plus one.

13 MR. [REDACTED]: Hmm. Oh, I don't -. I
14 wouldn't have did that after, at the 12:00
15 count, going backwards.

16 MR. [REDACTED]: So, do you remember
17 having a conversation with her, then, after the
18 fact, and letting her know [REDACTED] isn't
19 there?

20 MR. [REDACTED]: I can't remember.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: I'm sorry.

23 MR. [REDACTED]: You know, I'm just, again

24 --

25 MR. [REDACTED]: That was such a while -.

1 MR. [REDACTED]: -- the reason -. So, if
2 you did notice it, how would have you noticed
3 it?

4 MR. [REDACTED]: Before the -. Oh, well, I did
5 this during the 10:00 p.m. count.

6 MR. [REDACTED]: You would have -. And
7 the Ops Lieutenant would have had to tell you,
8 during the 10:00 p.m. count, that this has
9 happened?

10 MR. [REDACTED]: Yes.

11 MR. [REDACTED]: And then, again, this is
12 where I'm super baffled. Why wasn't the person
13 keyed out until after the 12:00 a.m. count?

14 MR. [REDACTED]: Mm-hmm.

15 MR. [REDACTED]: The 35 and the 35.

16 MR. [REDACTED]: Okay.

17 MR. [REDACTED]: Do you follow me?

18 MR. [REDACTED]: Yeah.

19 MR. [REDACTED]: Why wouldn't that have
20 happened until then? Especially if you noticed
21 this. Why would the SHU have continued to
22 report 73?

23 MR. [REDACTED]: Can I ask a question?

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: What time did [REDACTED] [REDACTED]

1 come on her shift that night?

2 MR. ██████: Oh.

3 MR. ██████: Do you recall?

4 MR. ██████: We were talking about
5 10:00 p.m.

6 MR. ██████: Was she around when this
7 10:00 p.m. count came in?

8 MR. ██████: Yes. She should have been on
9 duty at that time.

10 MR. ██████: Do you recall --

11 MR. ██████: Now, what time --

12 MR. ██████: -- any --.

13 MR. ██████: -- what time did she come on
14 duty? I can't really remember because they've
15 been changing their times, you know --

16 MR. ██████: Okay.

17 MR. ██████: -- so, I can't really remember
18 at that time.

19 MR. ██████: Do you recall any
20 conversations with her? Forget the SHU. With
21 her, regarding somebody being in R&D?

22 MR. ██████: Hmm.

23 MR. ██████: Or the E1 being wrong,
24 between 10:00 p.m. and midnight.

25 MR. ██████: Hmm. No. I truly can't

1 recall.

2 MR. [REDACTED]: Okay.

3 MR. [REDACTED]: So, I have follow up on the
4 10:00. Right? So, you did the 10:00 p.m.,
5 right? And I just realized something, too. If
6 this count slip came up, right? The 10:00 p.m.
7 count slip came up, and the SHU is on the -.
8 Right? How come the E1 didn't get updated?

9 MR. [REDACTED]: I can't -.

10 MR. [REDACTED]: What is the normal procedure?
11 Let's say it turns out that you're doing the
12 count, right?

13 MR. [REDACTED]: And we (Indiscernible
14 *00:55:40).

15 MR. [REDACTED]: And you have a body in R&D.
16 Right? And there's a count slip here. What
17 should have happened?

18 MR. [REDACTED]: What should had happened is
19 another E1 should have been generated. Like,
20 this one was, after the 12:00.

21 MR. [REDACTED]: But that one was generated.

22 MR. [REDACTED]: I just want to make sure
23 I -. (Indiscernible *00:56:04)

24 MR. [REDACTED]: (Indiscernible *00:56:03)

25 MR. [REDACTED]: (Indiscernible *00:56:03)

1 MR. [REDACTED]: 10:33.

2 MR. [REDACTED]: No, 9:30.

3 MR. [REDACTED]: 9:30.

4 MR. [REDACTED]: Oh, 9:33.

5 MR. [REDACTED]: And this is for the 10:00
6 p.m. count.

7 MR. [REDACTED]: And this is for the 10:00.

8 MR. [REDACTED]: So, you've saying that this
9 E1 is for the 10:00 p.m. count, was this
10 printed out at 9:33 p.m.?

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: And being the fact that a
13 slip came up from R&D, you're saying that a new
14 E1 for the 10:00 p.m. --

15 MR. [REDACTED]: A new E1 should have been
16 generated, but we're supposed to not do that.
17 Or no. I'm not too clear on how -. Like, I
18 normally, normally, we don't do -. Normally,
19 we don't generate another E1 unless somebody
20 tells us to. But I should have just did a new
21 E1.

22 MR. [REDACTED]: Who would have to tell you
23 that a new E1 had to be generated?

24 MR. [REDACTED]: Normally, we take it upon
25 ourselves to generate an E1. Like, I should

1 had generated a new E1.

2 MR. [REDACTED]: Should -. Okay. At that
3 point, being the fact that there's a body in
4 R&D, right? And somehow, it got marked because
5 it looks like it was associated, it says nine
6 S, to the SHU slip.

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: That there was a body moved.
9 Should there have been a flag that there was
10 somebody missing in the system?

11 MR. [REDACTED]: Yeah. There should have been a
12 flag.

13 MR. [REDACTED]: So, what should have
14 happened? Was the count right, at that point?

15 MR. [REDACTED]: Paper wise, no, the count was
16 not right.

17 MR. [REDACTED]: So, what should have
18 happened?

19 MR. [REDACTED]: A new E1 should have been
20 generated. The inmates name should have been,
21 you know, sent to CNA, so we could process, to
22 type them into the system.

23 MR. [REDACTED]: What should have happened to
24 the count slips?

25 MR. [REDACTED]: They should have been trashed,

1 and new count slips should have been generated.

2 MR. [REDACTED]: Do you recall having any
3 conversations with anyone in the SHU that
4 night?

5 MR. [REDACTED]: No, sir.

6 MR. [REDACTED]: What about R&D?

7 MR. [REDACTED]: If it's 10:00 p.m., R&D already
8 left.

9 MR. [REDACTED]: But keep in mind, this
10 somebody, this [REDACTED] is in there, right?

11 MR. [REDACTED]: In custody.

12 MR. [REDACTED]: According to the count slip,
13 there's --

14 MR. [REDACTED]: In custody.

15 MR. [REDACTED]: -- in custody, but he's
16 sitting in R&D right now --

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: -- because they have a body
19 sitting in dry cell, and he's watching over --

20 MR. [REDACTED]: Mm-hmm.

21 MR. [REDACTED]: -- the person in dry cell, in
22 R&D. Now that, when [REDACTED] sends to you -
23 sends a count slip, and [REDACTED] says, hey,
24 listen, I've got a body sitting here, right,
25 and you see the E1, should a conversation been

1 had with [REDACTED], also?

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED]: And --

4 MR. [REDACTED]: Like I said, [REDACTED] is just a
5 correctional officer. He probably was pretty
6 new. So, he probably didn't know, either. You
7 know what I'm saying? You know, he probably
8 didn't know to call CNA, or --

9 MR. [REDACTED]: But know what, though?

10 MR. [REDACTED]: -- (Indiscernible *00:58:43).

11 MR. [REDACTED]: Sorry. What would he not
12 know?

13 MR. [REDACTED]: Probably not know -. He
14 probably thought that the inmate was already in
15 the system, because he's sitting on the post.

16 MR. [REDACTED]: No, no, but I'm saying that,
17 you have an E1 sitting in front of you, with
18 zero, sitting in R&D. He's sending you a slip
19 for one person.

20 MR. [REDACTED]: Yeah.

21 MR. [REDACTED]: Should a conversation had
22 been had with [REDACTED], hey, listen, who do you
23 have there?

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: Was a conversation like that

1 ever happened that night?

2 MR. [REDACTED]: I don't recall.

3 MR. [REDACTED]: Okay.

4 MR. [REDACTED]: Okay. And you're just -.
5 Point being on this, that's your handwriting,
6 you just don't remember what happened, or when
7 it happened?

8 MR. [REDACTED]: Yes, sir.

9 MR. [REDACTED]: Correct. But you do -
10 you're sticking with - you do believe that you
11 would have written that stuff during the 10:00
12 p.m. count, and not after it was recognized at
13 12:35 a.m. --

14 MR. [REDACTED]: Yes.

15 MR. [REDACTED]: -- so, you think that you
16 did this actually during that count?

17 MR. [REDACTED]: Yes.

18 MR. [REDACTED]: That's just what's
19 baffling to me. But if you did that during
20 that count, wouldn't you have contacted the
21 SHU, to let them know that their count is
22 wrong?

23 MR. [REDACTED]: Yes. I think either A, either
24 I would have did it, or send it what I did it,
25 but I don't recall talking to Nine South and

1 myself.

2 MR. ██████████: Right. And per the Ops
3 Lieutenant, she said that she had the
4 conversation with them, and she said she had
5 the conversation with them during the 12:00
6 a.m. count.

7 MR. ██████: I'm not too sure.

8 MR. ██████████: Okay.

9 MR. ██████: I can't -.

10 MR. ██████████: And you don't remember
11 that conversation?

12 MR. ██████: I don't remember.

13 MR. ██████████: All right. So, you
14 believe the R&D unit, at least the Nine S is
15 your handwriting. On the 10:00 p.m., ZA count
16 slip, the SHU count slip, you do not believe
17 that plus one is your handwriting?

18 MR. ██████: No, I don't believe, but it
19 could be mine.

20 MR. ██████████: Okay.

21 MR. ██████: Because I did take the count.

22 MR. ██████████: All right. And you don't
23 know why you would have crossed every other
24 count slip off, aside from this, these two?

25 MR. ██████: No.

1 MR. ██████████: And you know if you've
2 ever done that in the past?

3 MR. ██████: No.

4 MR. ██████████: Okay. All right. All
5 right. Let's move on. If you do remember
6 anything about that, again, in our mind, we've
7 been going upon the fact that the SHU is
8 reporting what they think the E1 is supposed to
9 be, you know, the E1 says and what they're
10 supposed to be reporting. They're reporting
11 they're incorrect numbers, from at last 3:15
12 p.m. They have one less than the number that
13 they're actually showing on their count slips.
14 That's for the 4:00 p.m. count, the 10:00 p.m.
15 count, and even the 12:00 a.m. count. So, if
16 you can remember anything with regard to that
17 knowledge, but after the fact that we speak,
18 you know, and when these things happened, we
19 would so greatly appreciate you calling us --

20 MR. ██████: Okay.

21 MR. ██████████: -- and letting us know.
22 When we go through documents, rather than
23 bombarding you at the end, we ask people to
24 initial and date those documents. So, I'll
25 just - while we're at it - I'm going to show.

1 Is this 3:00 a.m. count on August 10th, 2019,
2 was that you, as well?

3 MR. [REDACTED]: That's mine.

4 MR. [REDACTED]: All right. Great. So,
5 this first E1, it shows - again - ZA now shows
6 72, ZA says 72. RA says one, RA says one. And
7 the same thing with these count slips, the back
8 ZA says -. Now, the ZA does say 72. So, they
9 changed from their 12:00 a.m. count slip, where
10 they're reporting 73, to now the 3:00 a.m.
11 count slip, they're showing 72. RA is, again,
12 showing one. Correct?

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: And would this be a big
15 deal, if this kind of stuff happened? Where the
16 Els are bad, the count slips are wrong.

17 MR. [REDACTED]: Yes.

18 MR. [REDACTED]: And being that this is,
19 like, a big deal, this isn't at all sticking
20 out to you --

21 MR. [REDACTED]: I mean --

22 MR. [REDACTED]: -- remind you that -.

23 MR. [REDACTED]: -- yeah, but, like, this is the
24 first time, you know, I'm talking about these
25 Els, y'all are the first people that brought

1 this to my attention.

2 MR. ██████████: Oh, so, you never even
3 knew that until now?

4 MR. ██████: I never knew this until now.

5 MR. ██████████: And even at this time,
6 though, when it was happening, no one ever
7 brought it to your attention that, dude, these
8 count slips aren't matching up what the E1
9 says?

10 MR. ██████: No.

11 MR. ██████████: So, you don't even
12 remember that taking place?

13 MR. ██████: No, sir.

14 MR. ██████████: All right. And then,
15 here's the 5:00 a.m. count, created by you.
16 Or, you know, it shows, again, one in RA, 72 in
17 ZA, or the SHU. And here's the RA count one
18 slip. Here's the 72 for ZA. Again, Noel and
19 Thomas. All right. So, these all look good.
20 Now, is this normal, to print out the -. So,
21 the 5:00 a.m. and the 3:00 a.m. counts were
22 both printed out at 1:22 a.m. Is that normal?

23 MR. ██████: Sometimes, the computers go
24 down.

25 MR. ██████████: Okay.

1 MR. ██████: So, me personally, I know that
2 the computers go down. Meaning that Sentry,
3 for the BOP, normally goes down. So, I try to
4 print up several copies, so just in case if the
5 computers go down, I have copies already.

6 MR. ██████: Okay.

7 MR. ██████: Now, on a typical, normal
8 shift, when the computers are up and running,
9 Sentry is up and running, I try to print it out
10 an hour of the count.

11 MR. ██████: Okay.

12 MR. ██████: Within the hour, you mean?

13 MR. ██████: Oh, within the --

14 MR. ██████: Okay.

15 MR. ██████: -- within the hour of the
16 count.

17 MR. ██████: Okay.

18 MR. ██████: You know, 45 minutes to an hour
19 of the count.

20 MR. ██████: Do you recall, any time that
21 night, receiving any replacement count slips?

22 MR. ██████: I can't really -.

23 MR. ██████: Any conversations about, hey,
24 listen, there's a second set of count slips
25 coming up from the SHU? Or anything to that

1 effect?

2 MR. [REDACTED]: No.

3 MR. [REDACTED]: Okay.

4 MR. [REDACTED]: And again, do you mind
5 just, all these documents, just initial and
6 dating the top of each one. It's not to
7 certify the accuracy. It's just to say that
8 this is what we actually spoke about during
9 this interview.

10 MR. [REDACTED]: Today is 8/5/21.

11 MR. [REDACTED]: 8 --

12 MR. [REDACTED]: 5/21.

13 MR. [REDACTED]: -- 8/5/21.

14 MR. [REDACTED]: Yeah.

15 MR. [REDACTED]: Okay.

16 MR. [REDACTED]: Just the top of each one.

17 MR. [REDACTED]: And this is just for accuracy?

18 MR. [REDACTED]: No, no.

19 MR. [REDACTED]: Oh.

20 MR. [REDACTED]: This is just to say --

21 MR. [REDACTED]: (Indiscernible

22 *01:05:35).

23 MR. [REDACTED]: -- state that these are the
24 documents showed you.

25 MR. [REDACTED]: Okay.

1 MR. ██████████: Yeah. So, by you putting
2 your initials and dates on it, we can say, we
3 can positively confirm this is the document we
4 talked about.

5 MR. ████████: Okay.

6 MR. ██████████: So, we can't go back
7 later and, like, change something and say, no,
8 we talked about this document, and say, no, no,
9 no, no, it's got my initial and my date, you
10 know, my date on here. This is specifically
11 what we talked about. Do you follow what I'm
12 saying?

13 MR. ████████: Yeah.

14 MR. ██████████: Just to show what the
15 documents you were presented, you know, what
16 documents you were presented. So, it sounds,
17 like, by when you're saying that you think you
18 dropped the ball, it sounds like what you're
19 saying is, you knew that someone was gone from
20 the SHU, and it was in R&D at 10:00 p.m., but
21 you never contacted the SHU to let them know,
22 or to ask them about it? Or you just don't
23 remember?

24 MR. ████████: No. I just don't remember.

25 MR. ██████████: Okay.

1 MR. [REDACTED]: You know, I apologize if I
2 can't help you anymore. Since this is the
3 first time I'm hearing about this, y'all
4 bringing it to my attention.

5 MR. [REDACTED]: But you do agree that the
6 SHU should have been providing count slips that
7 said 72, both at the 10:00 p.m. and the 12:00
8 a.m. count. Correct? Being that he was moved
9 from the SHU at 3:15 p.m., the day before? Or
10 on August 9th.

11 MR. [REDACTED]: I do agree because that's a
12 part of your post orders. And I, you know,
13 that's a part of our function.

14 MR. [REDACTED]: Yeah. So --

15 MR. [REDACTED]: (Indiscernible *01:07:12)
16 custody.

17 MR. [REDACTED]: -- the count slips were
18 bad. And regardless of what you can remember,
19 the 10:00 p.m., or actually, the 4:00 p.m., the
20 10:00 p.m., and the 12:00 a.m. count slips
21 provided by the SHU were all bad because this
22 guy was moved to the R&D holding cell at least
23 3:15 p.m. Correct?

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: Yes. They all should be

1 one less than what they were reporting?

2 MR. [REDACTED]: Yeah. Yes.

3 MR. [REDACTED]: Okay. Thank you. And
4 again, though - and I want to be clear on this
5 - by you putting 9S+1 on the RA count slip, and
6 plus one on the ZA count slip, that would have
7 had to have been by the direction of the Ops
8 Lieutenant?

9 MR. [REDACTED]: Yes. Somebody higher up than
10 an eight.

11 MR. [REDACTED]: Okay. What is your
12 understanding of what happened to Epstein on
13 August 9th and 10th of 2019?

14 MR. [REDACTED]: My understanding is that he
15 committed suicide.

16 MR. [REDACTED]: Okay. And what is your
17 understanding of how he died?

18 MR. [REDACTED]: He died by hanging himself.

19 MR. [REDACTED]: Okay. Do you have any
20 information with regard to any suspicious
21 activity that occurred on August 9th or 10th,
22 2019, leading up to the discovery of Epstein in
23 his cell?

24 MR. [REDACTED]: No.

25 MR. [REDACTED]: All right. I'm just

1 going to over these very generally. These
2 issues. What do you know of Epstein's alleged
3 first suicide attempt on July 23rd, 2019?

4 MR. [REDACTED]: Nothing. I don't think I was
5 here at that time. I mean, I think I was
6 either off, or I called out. So, I don't
7 really know about his first hanging.

8 MR. [REDACTED]: Okay. Now, was he --

9 MR. [REDACTED]: Or attempt.

10 MR. [REDACTED]: -- was Epstein placed on
11 suicide watch?

12 MR. [REDACTED]: Yes.

13 MR. [REDACTED]: Okay. And then, being
14 placed on suicide watch, when they returned to
15 the SHU, was he required to have a cell mate?

16 MR. [REDACTED]: Yes. I believe so.

17 MR. [REDACTED]: Okay. Is everybody that
18 returns to the SHU required to have a cell mate
19 if they're on suicide watch?

20 MR. [REDACTED]: Yes.

21 MR. [REDACTED]: Okay. Do you know if
22 Epstein was prematurely removed from suicide
23 watch?

24 MR. [REDACTED]: I don't know. But I believe so
25 because, you know, I mean, he's fighting a very

1 big case.

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: And so, if he tried the first
4 time, I definitely believe he would try it
5 again.

6 MR. [REDACTED]: And do you know why he
7 was removed from suicide watch after the first
8 attempt?

9 MR. [REDACTED]: I'm not too sure. There was
10 speculation, you know, they said rumors about
11 the court system, you know, since this case is
12 so big, he needs access to his lawyers. He
13 needs access to his paperwork. So, maybe,
14 maybe, maybe his lawyer pulled in some
15 paperwork to a judge, and the judge probably
16 said, yo, he needs to have access to his
17 paperwork. I'm not too sure.

18 MR. [REDACTED]: So, you had heard that,
19 possibly, the judge contacted who? The warden?

20 MR. [REDACTED]: Possibility. I don't know.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: No. I'm too small on the food
23 chain to know this information.

24 MR. [REDACTED]: And who did you hear --

25 MR. [REDACTED]: All that.

1 MR. [REDACTED]: -- that from?

2 MR. [REDACTED]: It was just rumors, and word of
3 mouth, of, you know, how us officers talk.

4 MR. [REDACTED]: Okay. But you had heard
5 that the judge contacted the warden?

6 MR. [REDACTED]: You know, I can't say it's for
7 sure.

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: It's just, you know, what, you
10 know, it was, like, drinking. You know,
11 drinking, having a couple beers, this is what's
12 going on in the building, this is what I heard.
13 Some of it is true. Some of it is very not
14 true.

15 MR. [REDACTED]: Sure.

16 MR. [REDACTED]: So, I don't know. I can't
17 really say that's definitely.

18 MR. [REDACTED]: Okay. And what do you
19 know about Epstein's cell mate being removed
20 from the MCC on August 9th, 2019?

21 MR. [REDACTED]: I think he got released. I
22 think he got released.

23 MR. [REDACTED]: So, he was transferred.
24 But - all right - did you have anything to do
25 with -. Did you know his cell mate was Efrain

1 Reyes? Did you know that?

2 MR. [REDACTED]: I heard of his name. But I'm
3 not too sure since I don't work nights at all.

4 MR. [REDACTED]: Okay. Had you heard that
5 he was transferred, or released?

6 MR. [REDACTED]: I just --

7 MR. [REDACTED]: Like, removed from the
8 MCC?

9 MR. [REDACTED]: -- I heard that his bunkie was
10 released.

11 MR. [REDACTED]: Okay.

12 MR. [REDACTED]: Now, that's all I heard. Like,
13 how sure it is, how definite, I don't know.

14 MR. [REDACTED]: Now, with you being in
15 the positions that you were in on August 9th
16 and August 10th, working in internal and
17 control, would you have anything to do with
18 that, with making sure the SHU was aware that
19 Reyes was not coming back to the institution?

20 MR. [REDACTED]: No.

21 MR. [REDACTED]: No? Okay. What time did
22 you begin work again on August 9th? At 6:00.

23 Or --

24 MR. [REDACTED]: 4:00.

25 MR. [REDACTED]: -- at 4:00. So, what

1 time does the -. If inmates aren't back from
2 court --

3 MR. [REDACTED]: Yeah.

4 MR. [REDACTED]: -- what time does the
5 people -?

6 MR. [REDACTED]: CNA do not do anything for the
7 courts.

8 MR. [REDACTED]: Okay.

9 MR. [REDACTED]: That's R&D's job. R&D's job is
10 to, you know, delegate all the courts, and we
11 don't touch that. Now, if an inmate comes in
12 late, like, you know, like you showed me, like
13 if an inmate comes in late, or have to stay in
14 R&D late, and I have to move him later, to
15 another housing unit, like take him off of RA
16 and put him, or put him in Nine South, ZA.
17 That's what I do. I just type, type, type --

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: -- transfer.

20 MR. [REDACTED]: All right. So, and let's
21 go back to [REDACTED]. Who should have keyed
22 [REDACTED] out of the SHU and placed him into
23 the R&D?

24 MR. [REDACTED]: Take him out of SHU, place him
25 into R&D, it's supposed to be CNA.

1 MR. [REDACTED]: Okay. And then, who - if
2 this happened at about 3:15 p.m. Let's see,
3 the (Indiscernible *01:13:08) - who, on this
4 daily schedule for August 9th, should have done
5 that? If it happened at about 3:00 in the
6 afternoon.

7 MR. [REDACTED]: If it happened at 3:00 in the
8 afternoon, whoever was in CNA, CNA during.

9 MR. [REDACTED]: We'll explain the situation a
10 little bit. He was a SHU inmate. He had
11 visitation. He went into the visitation, and
12 officers saw him possibly receiving contraband.

13 MR. [REDACTED]: Visitation in the SHU,
14 though. So --

15 MR. [REDACTED]: In the SHU.

16 MR. [REDACTED]: -- this is SHU
17 visitation, the SHU officer saw the contraband,
18 and moved him to R&D dry cell.

19 MR. [REDACTED]: Oh, okay.

20 MR. [REDACTED]: And moved him to medical,
21 I think, and then R&D dry cell.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: Does that make sense? So,
24 who would have been -? But that happened at
25 1:40.

1 MR. [REDACTED]: Yes. So, that happened -.

2 MR. [REDACTED]: So, the visitation at
3 1:40, we just know by 3:15, at least, he was
4 put into R&D dry cell.

5 MR. [REDACTED]: That should have been control
6 number two.

7 MR. [REDACTED]: And who was in that
8 position at that time?

9 MR. [REDACTED]: This is, it says [REDACTED] on the
10 9th.

11 MR. [REDACTED]: All right. So, [REDACTED]
12 was the one who was supposed to make sure that
13 -.

14 MR. [REDACTED]: No, it would have -. You said
15 2:00? Okay. I don't know what this is. 2:00
16 to 8:00.

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: 6:00 to 14. Wait a minute.
19 Control number two. It should have been -.
20 Well, who's supposed to be there? Because this
21 is what -. Could you -?

22 MR. [REDACTED]: All right.

23 MR. [REDACTED]: Okay. You said by, in between
24 times --

25 MR. [REDACTED]: It looks like 1:00 --

1 MR. [REDACTED]: -- of 3:00 -.

2 MR. [REDACTED]: -- 1:40 --

3 MR. [REDACTED]: 1:40.

4 MR. [REDACTED]: -- was when it happened.

5 But then, he was placed - we know, at least -
6 in R&D, according to the lieutenant's log, at
7 3:15, he was placed into R&D dry cell. So, I
8 don't know. Well, if they found him with some
9 kind of thing on him, and he went to -. Would
10 he have to go to medical first?

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: So, he would go to SHU.
13 Would he then go to medical? And then, from
14 medical to R&D dry cell?

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: In order for him to pass
17 something?

18 MR. [REDACTED]: Yeah.

19 MR. [REDACTED]: Is that how it would
20 work?

21 MR. [REDACTED]: It's supposed to work like
22 that. It's supposed to -. Normally, we take
23 an inmate straight to -. If our scanner is
24 working, we're supposed to take them there
25 first. Go put him through the scanner. Once

1 he goes through the scanner, now he's supposed
2 to go an available dry cell. Now, I don't know
3 if they used R&D, or if they used our HA unit.
4 HA unit is normally where we put everybody for
5 dry cell.

6 MR. [REDACTED]: Yeah, no, this was an odd
7 thing that they put him in R&D, right?

8 MR. [REDACTED]: And then, you know, if
9 sometimes they choose to put him down in HA.
10 Sometimes they choose to put him in R&D.
11 Sometimes they choose to go straight to Nine
12 South. If there's available - Nine South - if
13 there's an available, empty cell.

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: They will take him straight to
16 Nine South, and put an officer in front of his
17 door to watch him.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: If there's an available cell.
20 Because normally, sometimes, most of the time,
21 Nine South gets a little crowded. So, we don't
22 have an available cell to put an inmate that's
23 supposed to be on dry cell. So, they have to
24 figure it out, where are they going to put him,
25 either in R&D, put an officer, or HA, put an

1 officer.

2 MR. [REDACTED]: But in this case, though,
3 if at 1:40, it's found out, and then, by at
4 least 3:15, he's moved to R&D. Who should have
5 - at 3:15 - coded him into R&D, and out of SHU?

6 MR. [REDACTED]: Okay. Control number two. It
7 should have been in between Viera (Phonetic Sp.
8 *01:16:44) or [REDACTED].

9 MR. [REDACTED]: All right. So then, if
10 it was at 3:15, I'm assuming it would have been
11 [REDACTED] because --

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: -- that's from -. He
14 started at 2:00. Correct?

15 MR. [REDACTED]: Yes.

16 MR. [REDACTED]: All right. But you said
17 that you don't even think [REDACTED] worked that
18 day. You said it was somebody else?

19 MR. [REDACTED]: I'm not too sure. I can't
20 remember.

21 MR. [REDACTED]: All right. And this is
22 the position that would have been for
23 Fernandez. So, I'm circling his name and
24 writing Fernandez movement.

25 MR. [REDACTED]: You said you're not sure if

1 ████████ worked that day?

2 MR. ██████: I'm not too sure.

3 MR. ██████████: Okay. Yeah. And ██████
4 was listed on the 4:00 p.m. count.

5 MR. ██████: Okay.

6 MR. ██████████: So, that would have been
7 ██████ that should have done it?

8 MR. ██████: Yes.

9 MR. ██████████: Okay. Okay. What about
10 with Reyes? And if the SHU knew that Reyes left
11 WAB, but they believed he went to court, rather
12 than transferred. So, if they know he's WAB,
13 and he went to court, is there an argument to
14 be had that they thought he could possibly have
15 returned that day?

16 MR. ██████: To be honest with you, I don't
17 know. Since I don't --

18 MR. ██████████: If someone's listed --

19 MR. ██████: -- since I don't work Nine
20 South --

21 MR. ██████████: Okay.

22 MR. ██████: -- and I try to - I tend to
23 stay out of their business.

24 MR. ██████████: But when there's a court
25 list and it shows WAB next to someone's name --

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: -- or then, I shouldn't
3 say court list. What's it called? Because you
4 just corrected us. Not the court list, but
5 that would be --

6 MR. [REDACTED]: The call out.

7 MR. [REDACTED]: -- the call out list.

8 MR. [REDACTED]: Yes.

9 MR. [REDACTED]: So, if the call out list
10 says, "Reyes, WAB" should they know that he's
11 not going to return?

12 MR. [REDACTED]: Yes.

13 MR. [REDACTED]: Okay. So, would there be
14 anything for someone in, like, control or
15 internal to do, at around the 4:00 count, to
16 verify that he is actually, in fact, not
17 returning?

18 MR. [REDACTED]: No. Since Nine South is the
19 only small entity, we try not to - you know -
20 like, it can be -. You know, we can drop the
21 ball. Like, if I'm control, you are internal,
22 we can drop the ball because we assume that
23 Nine South already know. Because they are, you
24 know, those men and women that work up there,
25 they already know.

1 MR. [REDACTED]: And why would they
2 already know?

3 MR. [REDACTED]: Because they work there. But,
4 like I said earlier, a lot of, you know, a lot
5 of staff have left at that time, either they
6 quit, either they retired, either that they,
7 you know, found another job. So, we was
8 lacking a lot of staff during this time.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: So, everybody is on overtime.
11 If you look, I was on overtime. So, when a lot
12 of people was on overtime. Now, like I said,
13 maybe - you know what I'm saying? - maybe, if I
14 was more diligent in Nine South business, maybe
15 I could have said something. But I wasn't,
16 since I wasn't working that post. I didn't
17 think nothing of it.

18 MR. [REDACTED]: But if it says WAB on the
19 call out list, didn't you just say? So, if the
20 people that got Reyes at 8:00 in the morning,
21 produced him to R&D, or whomever that he goes
22 to when it says WAB, wouldn't the assumption be
23 that he's not actually returning?

24 MR. [REDACTED]: Yes.

25 MR. [REDACTED]: Was that the case?

1 MR. [REDACTED]: If it says WAB, he's definitely
2 not coming back.

3 MR. [REDACTED]: And that should be known?
4 Definitely not coming back. So, if someone
5 says, WAB, if it said WAB, but we believed he
6 was going to court, and there's always the
7 possibility that he could return. Is that an
8 argument to be had? If it says WAB.

9 MR. [REDACTED]: I mean, once in a blue, yes.
10 Some of them do come back. Either one thing or
11 another, maybe they was very disrespectful to
12 the Marshal, or maybe the court said never
13 mind. Sometimes, it does happen.

14 MR. [REDACTED]: But that's, like, is that
15 more of, like, a one in a thousand type chance?

16 MR. [REDACTED]: I guess.

17 MR. [REDACTED]: Yeah. So, it's --

18 MR. [REDACTED]: I'm not too -.

19 MR. [REDACTED]: -- extremely unlikely, if
20 it says WAB, that he's coming back. Correct?

21 MR. [REDACTED]: Yeah. But it does happen.
22 Some people, you let go, I thought you was
23 leaving. Oh, something happened.

24 MR. [REDACTED]: Okay. Now, I've heard
25 that something happens if it has to do with,

1 like, a transport, if something was cancelled.

2 MR. [REDACTED]: Yeah.

3 MR. [REDACTED]: But if by, for instance,
4 he leaves at 8:00, he's WAB, by 2:00 p.m., if
5 he's not back, that means, certainly, he got
6 off on the transport. Does that mean,
7 basically, by 2:00 p.m., if somebody that's WAB
8 is not back, they're certainly not returning?

9 MR. [REDACTED]: Yes.

10 MR. [REDACTED]: Okay. And in this case,
11 if someone is WAB, would control have any - or
12 internal - have anything to do with, at the
13 4:00 p.m. count, contacting SHU, to make sure
14 that they're aware that that WAB person, in
15 fact, isn't coming back?

16 MR. [REDACTED]: No.

17 MR. [REDACTED]: No? Okay. Okay. Do you
18 know about any other -. I know we went over
19 these counts that, you know, we said we believe
20 are incorrect because the numbers weren't
21 right, that the count slips. Are you aware of
22 any other count slips that were incorrect
23 around this time period?

24 MR. [REDACTED]: Not to my knowledge.

25 MR. [REDACTED]: No? Are you aware of

1 rounds not being conducted and being falsified
2 prior to August 10th, 2019?

3 MR. [REDACTED]: Not to my knowledge.

4 MR. [REDACTED]: Had you heard that the
5 rounds were not being conducted in the SHU on
6 August 9th and 10th of 2019?

7 MR. [REDACTED]: Not to my knowledge.

8 MR. [REDACTED]: Even after the fact, you
9 hadn't heard that, in the news and all that?

10 MR. [REDACTED]: The news was saying a lot of
11 bad things.

12 MR. [REDACTED]: And what about when you
13 said you go get beers with your buddies, even
14 hear it, don't you? Didn't you guys talk about
15 the fact that the rounds and the counts weren't
16 conducted in the SHU?

17 MR. [REDACTED]: Whenever I get stuck to work
18 Nine South, those cameras might not see what
19 the inmates do, but I know they definitely see
20 what I do.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: Oh, my fault. I apologize.
23 The cameras definitely don't see what the
24 inmates do. But they sure see everything I do.
25 So, when I'm up there, I try to stay on point,

1 because I need my job.

2 MR. ██████████: Sure. So, point being,
3 though, do you know if people were falsifying
4 rounds?

5 MR. ██████: Not to my knowledge.

6 MR. ██████████: No? Okay. Are you aware
7 - speaking of cameras - if the MCC SHU cameras
8 were working on August 9th and 10th of 2019?

9 MR. ██████: I believe they was working.

10 MR. ██████████: You believe they were
11 working?

12 MR. ██████: I believe all the cameras were
13 working back then.

14 MR. ██████████: All right. And then, had
15 you heard that they weren't working?

16 MR. ██████: Through the media. When they
17 was talking about the cameras didn't work.

18 MR. ██████████: And what is your
19 understanding of -? Do you believe that they
20 were working, and if we're not able to get
21 recordings, do you believe that someone deleted
22 those recordings?

23 MR. ██████: No. I don't think anybody that
24 bold.

25 MR. ██████████: No?

1 MR. [REDACTED]: No.

2 MR. [REDACTED]: Have you heard anything
3 about deletion of cameras, or people knocking
4 cameras offline, or --

5 MR. [REDACTED]: No.

6 MR. [REDACTED]: -- them not recording?

7 MR. [REDACTED]: No.

8 MR. [REDACTED]: No?

9 MR. [REDACTED]: Because we don't have -. We
10 don't have access as correctional staff, to -.

11 MR. [REDACTED]: Who would have access, to
12 be able to knock cameras offline? Or stop them
13 --

14 MR. [REDACTED]: I guess the --

15 MR. [REDACTED]: -- from recording.

16 MR. [REDACTED]: -- I guess the higher ups. So,
17 I'm not too sure.

18 MR. [REDACTED]: Would the Comtech?

19 MR. [REDACTED]: I mean, yeah, a possibility.

20 MR. [REDACTED]: Okay. But you're not
21 really sure?

22 MR. [REDACTED]: I'm not really sure, sir.

23 MR. [REDACTED]: Okay. Do you know if
24 Epstein was in his assigned cell on August
25 10th, 2019?

1 MR. [REDACTED]: I believe so. But I don't work
2 Nine South, so I can't tell you.

3 MR. [REDACTED]: Had you heard anything
4 about him not being in his assigned cell?

5 MR. [REDACTED]: No.

6 MR. [REDACTED]: No. Do you know if cell
7 searches were being conducted in the SHU in
8 July and August of 2019?

9 MR. [REDACTED]: They should have been. Every
10 day, we have to do -. If you work in any post,
11 Nine South to any housing units, you're
12 supposed to conduct five shakedowns per shift.

13 MR. [REDACTED]: Is that five shakedowns,
14 though, during the day and night watch?

15 MR. [REDACTED]: Day watch.

16 MR. [REDACTED]: But not --

17 MR. [REDACTED]: Evening watch.

18 MR. [REDACTED]: But not morning watch,
19 right?

20 MR. [REDACTED]: Not morning watch.

21 MR. [REDACTED]: So, you're supposed to do
22 five during the day, and five during the night?

23 MR. [REDACTED]: Yeah.

24 MR. [REDACTED]: And do you know if they
25 were being conducted in the SHU?

1 MR. [REDACTED]: To my knowledge --

2 MR. [REDACTED]: Yeah. But you don't know

3 --

4 MR. [REDACTED]: -- I believe (Indiscernible
5 *01:24:48).

6 MR. [REDACTED]: -- anything about them
7 not being conducted, though?

8 MR. [REDACTED]: No.

9 MR. [REDACTED]: Okay. When you worked in
10 the SHU, were they conducted?

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: Okay. Do you have
13 knowledge of Epstein placing a telephone call
14 in the SHU on August 9th, 2019?

15 MR. [REDACTED]: No.

16 MR. [REDACTED]: No?

17 MR. [REDACTED]: I'm not sure about that.

18 MR. [REDACTED]: Had you heard that one?

19 MR. [REDACTED]: No, sir.

20 MR. [REDACTED]: No. What do you know
21 about someone else taking Epstein's life?

22 MR. [REDACTED]: I don't know nothing about
23 that.

24 MR. [REDACTED]: What do you know about
25 other's assisting with taking Epstein's life?

1 MR. ██████: I don't know nothing about
2 that.

3 MR. ██████: Did Epstein take his own
4 life?

5 MR. ██████: I believe so.

6 MR. ██████: And did Epstein act alone
7 in taking his own life?

8 MR. ██████: I believe so.

9 MR. ██████: Did you have any
10 involvement with Epstein's death?

11 MR. ██████: No, sir.

12 MR. ██████: What would have prevented
13 Epstein's death?

14 MR. ██████: I'm really not too sure. Once
15 an inmate or a person has their mind made up,
16 they don't tell you when they're going to do
17 it. They just do it. This individual, I don't
18 know. I know that he was facing a serious
19 crime. I don't know if he wanted to do that on
20 his own, or he was protecting somebody. I
21 don't know. But to try to prevent, I think we
22 kind of tried everything that we wanted, but he
23 would have probably have succeeded somehow.

24 MR. ██████: Okay. What actions
25 should have been taken to prevent his death?

1 MR. [REDACTED]: I think they should have kept
2 him in suicide watch, and had somebody watch
3 him at all times. But I mean --

4 MR. [REDACTED]: What about --

5 MR. [REDACTED]: -- I'm just a GS-8.

6 MR. [REDACTED]: -- what about ensuring
7 that he had his cell mate?

8 MR. [REDACTED]: Oh, that, too.

9 MR. [REDACTED]: What about ensuring that
10 rounds and counts were being conducted?

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: Anything else?

13 MR. [REDACTED]: That's it.

14 MR. [REDACTED]: All right. And what
15 about, like, placing him on, like, Ten South,
16 or G-tier?

17 MR. [REDACTED]: Yeah. On G-tier, G-tier is
18 pretty spacious. But if he wanted, you know,
19 to hurt himself, he could have did it there,
20 too.

21 MR. [REDACTED]: But does --

22 MR. [REDACTED]: He could have did it on Ten
23 South, too.

24 MR. [REDACTED]: -- yeah. But they're
25 more closely monitored than the SHU. Correct?

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: Okay. What are some of
3 the systematic problems inside the MCC - and
4 specifically, the SHU - that allowed for
5 Epstein to die?

6 MR. [REDACTED]: Lack of staff.

7 MR. [REDACTED]: Lack of staff. Is it all
8 --

9 MR. [REDACTED]: Lack of staff.

10 MR. [REDACTED]: -- okay.

11 MR. [REDACTED]: Yeah. And how could I -? Right
12 now, we have a problem with lack of staff. The
13 staff that they are hiring right now is fall on
14 the money. This job is not the first job that
15 they apply for. It's just the first job that
16 called. So, with that knowledge, everybody
17 needs a job. You need to pay your bills,
18 right? You need to pay food. You know, you
19 need to take care of your family, your wife,
20 your kids, your husband, et cetera. So, when
21 this job calls, they go. When you hear about
22 the feds, you'd be, like, wow, the feds called
23 me for an interview. This is a top-paying job.
24 Everybody believes it. It's not the top of the
25 food chain. Especially not now. In New York,

1 the rent is going up. Everything is going up.
2 So, this job is really just another job. It's
3 not a career anymore. It's a job. You pay -.
4 It's a job. So, a lot of the men and women,
5 they come, they see the headaches that we go
6 through. And they look at their paycheck, and
7 then, they look at the headaches that they go
8 through at home. Because when you get your
9 mandated every Wednesday, Thursday, Friday,
10 Saturday, and Sunday, at first, your wife or
11 your husband believes it's good. The money is
12 coming in. But after a couple of months, your
13 wife or your husband will start believing that
14 you are cheating. Because, like, this, you
15 know, we're law enforcement. All law
16 enforcement cheat, right? What people believe.
17 So, a lot of individuals that I talk to, they
18 said they're not losing their wife, so they
19 quit. Or they moved on. Found another job for
20 the headache. So, we always going to lose
21 staff because the headache don't outweigh the
22 reward.

23 MR. [REDACTED]: Juice isn't worth the
24 squeeze?

25 MR. [REDACTED]: Yeah. And if they want to fix

1 the place, they're going to have to
2 (Indiscernible *01:29:23) the money a little
3 bit, maybe we get better quality.

4 MR. [REDACTED]: Have things improved
5 since August of 2019?

6 MR. [REDACTED]: No.

7 MR. [REDACTED]: You don't think they
8 have?

9 MR. [REDACTED]: No.

10 MR. [REDACTED]: That's a shame to hear.
11 Well, speaking of, so that we can lock down
12 this [REDACTED] thing, just to leave, this is -
13 I was just explaining it to you - but this is
14 actually -. So, here, for instance, is the
15 actual report. It's from [REDACTED]. He
16 was the OIC SHU, the SHU OIC at the time. And
17 it says that the incident occurred on 8/9/2019,
18 at 1:40 p.m. "On August 9th, 2019, at
19 approximately 1:40 p.m., I, SOS [REDACTED], while
20 assigned as the Special Housing Unit officer,
21 proceeded to enter the Nine South visiting
22 room, as I walked towards the door, I observed,
23 through the visiting room door, inmate
24 [REDACTED] attempting to garb an unknown item
25 from his visitor. Once I made [REDACTED] reach

1 to grab the item, I called the door and called
2 for a lieutenant. Once I was able to enter the
3 visiting room, I gave inmate [REDACTED] a direct
4 order to walk -". Gave him an out of -. "To
5 walk out of the visiting room, to conduct a
6 visual search. Inmate [REDACTED] complied," Oh,
7 "Complied, and a visual search was conducted.
8 The Operations Lieutenant was contacted, and
9 inmate [REDACTED] was removed from the unit."
10 So, with this knowledge, when should have he
11 been keyed out of the SHU?

12 MR. [REDACTED]: He should have been - right
13 now, since he's in SHU - they probably believed
14 that he was coming back to SHU. Because where
15 is they going to put him at? You know --

16 MR. [REDACTED]: Yeah.

17 MR. [REDACTED]: -- it says, Seven North. So,
18 basically, he's going to go to SHU soon. So,
19 they probably took him downstairs. It says
20 (Indiscernible *01:31:18). It says, the unit
21 says Seven North, and you said he was --

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: -- Nine South visitation room.
24 Oh, okay, okay. Now, I see it. Where is that?
25 Yeah. So, Nine South probably means that he

1 keeps coming back to SHU. Because that's where
2 you place all our inmates that has an incident
3 report.

4 MR. [REDACTED]: Yeah.

5 MR. [REDACTED]: So, like this, he's coming back
6 to Nine South, (Indiscernible *01:31:40).

7 MR. [REDACTED]: Okay. So then, when we
8 see this, inmate [REDACTED] at 3:15 p.m., that
9 same day, placed on dry cell from ZA.

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: Is that the time he
12 should have been -?

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: All right. So, at 3:15
15 is the time that he should have actually been,
16 then, placed - keyed out of the SHU?

17 MR. [REDACTED]: Yes.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: Unless they was putting him on
20 dry cell in SHU.

21 MR. [REDACTED]: Well, this one says dry
22 cell from ZA.

23 MR. [REDACTED]: Yeah.

24 MR. [REDACTED]: So, this is when he was -
25 . So, here. So, I mean -.

1 MR. [REDACTED]: So, if you just look at this
2 (Indiscernible *01:32:12). He was already in
3 the SHU.

4 MR. [REDACTED]: Yeah. He was already in the
5 SHU.

6 MR. [REDACTED]: And so, this one, we've
7 got to - we didn't highlight that. But so,
8 this one, IM [REDACTED] on dry cell, with staff
9 watch and R&D. 3:15 p.m. That's when it
10 happened.

11 MR. [REDACTED]: Yeah.

12 MR. [REDACTED]: So, at 3:15 p.m. then,
13 I'm assuming, not 1:40, but at 3:15 p.m.,
14 that's when he should have been keyed out of
15 the SHU, and keyed into R&D?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: All right. And that goes
18 back to, [REDACTED] would have been the person in
19 control?

20 MR. [REDACTED]: Yeah.

21 MR. [REDACTED]: All right. Would it --

22 MR. [REDACTED]: But if they believed --

23 MR. [REDACTED]: -- if he's going from
24 medical, though --

25 MR. [REDACTED]: -- but if they believed that he

1 was going back to SHU, yes. They could have
2 just left him in SHU. Because they believed he
3 was coming back.

4 MR. ██████████: Well, that's at 1:40.

5 MR. ██████: Yeah.

6 MR. ██████████: When he goes down to
7 medical. If he's at medical --

8 MR. ██████: Oh, we don't come out --

9 MR. ██████████: -- and then, from --

10 MR. ██████: -- from medical.

11 MR. ██████████: -- what's that?

12 MR. ██████: Medical is just -. Medical is
13 just a, it was, like, okay, I call you up to
14 come pick up an inmate, from my housing unit,
15 you take him down to medical. I'm not going to
16 go on the computer and take him off my unit.

17 MR. ██████████: Yeah. So, what I'm
18 asking, though, is, if he went -. In this
19 instance, if he did that, would they first take
20 him to medical, and then place him on dry cell
21 in the R&D?

22 MR. ██████: No. The PA will probably come
23 up to talk to him, but otherwise, they wouldn't
24 take him down to medical.

25 MR. ██████████: Okay. And so, would this

1 notification been made on the radio for control
2 to even know at 3:15 p.m. [REDACTED] was being
3 placed from ZA to R&D?

4 MR. [REDACTED]: No.

5 MR. [REDACTED]: So, control may not have
6 even known to key him out. Correct?

7 MR. [REDACTED]: Yes.

8 MR. [REDACTED]: So, it doesn't even mean
9 that, necessarily, [REDACTED] would have contacted
10 and told. Whose responsibility would it have
11 been to key him out, at that point? If a
12 lieutenant --

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

14 MR. [REDACTED]: -- ordered this?

15 MR. [REDACTED]: -- if, if a lieutenant ordered
16 this, Nine South should have called control and
17 said, hey, I got an inmate taken off my count.
18 Because --

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: -- they should know before
21 anybody else know.

22 MR. [REDACTED]: So, even if the OIC told
23 - or the SHU - told the Ops Lieutenant, and the
24 Ops Lieutenant was aware, the SHU should have
25 still contacted control and told them?

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: All right. So, it
3 wouldn't be the Ops Lieutenants?

4 MR. [REDACTED]: No.

5 MR. [REDACTED]: It should be the SHU?

6 MR. [REDACTED]: SHU.

7 MR. [REDACTED]: And specifically, should
8 it have been, if [REDACTED] knows that he's going
9 onto dry cell, should [REDACTED] have been that
10 individual, or anyone in the SHU?

11 MR. [REDACTED]: Now, [REDACTED], if he were
12 assigned, where he says assigned as not - SHU
13 house unit officer - yeah. He's called control
14 and be, like, yo --

15 MR. [REDACTED]: So, [REDACTED] should have
16 done that?

17 MR. [REDACTED]: -- I got one.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: I got one that's coming off the
20 count.

21 MR. [REDACTED]: Okay. You mind just
22 initialing and dating that?

23 MR. [REDACTED]: How soon should a
24 notification have been made?

25 MR. [REDACTED]: During the course of the day,

1 sometimes we have (Indiscernible *01:34:55),
2 and then, with the phone calls, you basically
3 (Indiscernible *01:34:55). You have to have an
4 incident report (Indiscernible *01:35:02).

5 MR. [REDACTED]: What's (Indiscernible
6 *01:35:15)? How long do they normally have to
7 make that phone call? They'll know, hey,
8 listen, (Indiscernible *01:35:21)? What do you
9 know about (Indiscernible *01:35:26)?

10 MR. [REDACTED]: (Indiscernible *01:35:29).

11 MR. [REDACTED]: (Indiscernible *01:35:31) at
12 3:15.

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: When -.

15 MR. [REDACTED]: Well, it happened at
16 1:40.

17 MR. [REDACTED]: 1:40.

18 MR. [REDACTED]: 1:40.

19 MR. [REDACTED]: And placed on dry cell --

20 MR. [REDACTED]: But that --

21 MR. [REDACTED]: -- (Indiscernible
22 *01:35:38).

23 MR. [REDACTED]: -- according to that memo, it
24 looks like that he was placed in dry cell at
25 3:15. Before what time should that phone call

1 have came?

2 MR. [REDACTED]: It should have came, you know,
3 an hour after -. Depending on how Nine South
4 is moving. Because Nine South is - Nine South
5 is lacking staff. We won't have a
6 (Indiscernible *01:35:58) of the full staff.
7 So, that means, if they're doing visitations,
8 or if they're doing showers, if they're doing
9 medical, if they're doing psychology, they're
10 doing all library cards and all this other
11 crap, they are moving. Yeah.

12 MR. [REDACTED]: But here's the thing, you
13 said, the fourth count --

14 MR. [REDACTED]: Yeah.

15 MR. [REDACTED]: -- there's a 4:00 p.m. count
16 coming up, should they have made notification
17 for the phone?

18 MR. [REDACTED]: Yes. And should have made it
19 way before, before they forgot, because you
20 can't - the longer you take, the more you could
21 forget.

22 MR. [REDACTED]: Should they have made
23 notification before the 10:00 p.m. count?

24 MR. [REDACTED]: Yes. They should have made
25 notification a half an hour to - oh, no, a half

1 an hour to ten minutes after the inmate
2 (Indiscernible *01:36:35).

3 MR. [REDACTED]: Just not immediately,
4 correct?

5 MR. [REDACTED]: Yeah. Because the longer it
6 takes, the busier you are, you forget
7 something. Maybe you forget your keys. You
8 know?

9 MR. [REDACTED]: We were informed that,
10 once it's happening, the movement, that
11 notification should be made. Moving inmate
12 from SHU to R&D dry cell.

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: Isn't that correct?

15 MR. [REDACTED]: Yes.

16 MR. [REDACTED]: It's only, it shouldn't
17 occur. It should happen immediately.
18 Definitely not more than 15 to 30 minutes
19 later. Correct?

20 MR. [REDACTED]: Yes.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: Now, if the SHU staff at 4:00
23 p.m. did the count, as they were supposed to,
24 would they have realized the fact that there
25 was an inmate missing?

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: If they did the 10:00 p.m.
3 count, as they were supposed to, would they
4 have realized there was an inmate missing?

5 MR. [REDACTED]: Yes.

6 MR. [REDACTED]: Now, I don't know if -. I
7 have something separate, all together.

8 MR. [REDACTED]: Yeah, yeah, yeah.
9 Please. I'm just searching.

10 MR. [REDACTED]: As being control, right? Is
11 there video monitors for different units?

12 MR. [REDACTED]: Yes.

13 MR. [REDACTED]: Was there a monitor for the
14 SHU?

15 MR. [REDACTED]: Yes. But there's a small -.
16 There's a camera that's way up on the wall.

17 MR. [REDACTED]: Is it, like, a corner --

18 MR. [REDACTED]: Yes.

19 MR. [REDACTED]: -- angle?

20 MR. [REDACTED]: It's a corner angle.

21 MR. [REDACTED]: Let me look, if I had, like,
22 a picture of it. I don't have a picture of
23 that. But -.

24 MR. [REDACTED]: I may. But you can start
25 asking your questions about it, though.

1 MR. [REDACTED]: When they do, when you're in
2 control, right, and they're calling you, like,
3 different units are calling you with the count
4 numbers, do you look up to see if they're
5 actually doing the counts?

6 MR. [REDACTED]: Sometimes, yes. Sometimes, no.
7 Because we have work that we have to do, too.
8 Now, the person that's taking the phone calls,
9 that's what you're doing. You're taking the
10 phone calls, verifying the count with the E1.
11 The person that's sitting next to you, that's
12 in control with me, he or she may be doing
13 their paperwork, because there's paperwork to
14 be done. We have to count keys. We have to
15 count radios. We have to do all the equipment
16 inside the control center. So, if I'm doing
17 count, that person may be doing the equipment
18 checks. And/or popping doors.

19 MR. [REDACTED]: Okay. Do you recall looking
20 up at the camera that night, to see if they
21 were actually doing the counts that night?

22 MR. [REDACTED]: I can't really recall because I
23 was helping out with the count, too. Different
24 units.

25 MR. [REDACTED]: Do you recall, at any point,

1 looking up - not just for that night, different
2 nights - looking up and looking at the camera,
3 and looking at the C.O.s and realizing that,
4 hey, listen, they're giving me the count, but I
5 know they haven't done the count?

6 MR. [REDACTED]: No. I'm not -. I mean, we
7 relied on trust. I mean, this is a part of
8 your job function. Your major job function.
9 So, we believe that you should have had to have
10 done the count, because Nine South has two
11 officers. So, they count themselves. Any unit
12 that has two officers, they count themselves.
13 Everybody else, they're going to need backup
14 because there's only one officer per unit.

15 MR. [REDACTED]: Have you ever heard of counts
16 and rounds not being done at the MCC?

17 MR. [REDACTED]: I mean, you know, you heard the
18 rumors from the news.

19 MR. [REDACTED]: From the what?

20 MR. [REDACTED]: From the news.

21 MR. [REDACTED]: Other than this incident,
22 have you heard any rumors of any C.O.s saying,
23 hey, listen, I'm too tired, I'm not doing the
24 counts, or I'm not doing the rounds, or one of
25 them might be, they're just not doing the

1 counts or the rounds?

2 MR. [REDACTED]: No, no, no. I haven't heard
3 that.

4 MR. [REDACTED]: Have you ever heard of C.O.s
5 pre-filling the rounds and the count sheets?
6 Meaning, they come on shift, they fill out the
7 forms, keep it, and sign at the, you know,
8 initial it, fill it all out, and just pass it
9 on.

10 MR. [REDACTED]: No.

11 MR. [REDACTED]: When the time comes.

12 MR. [REDACTED]: No.

13 MR. [REDACTED]: You never heard of any C.O.s
14 doing anything like that?

15 MR. [REDACTED]: No. Because I definitely don't
16 do that.

17 MR. [REDACTED]: That's it for now.

18 MR. [REDACTED]: Anything we're missing?

19 MR. [REDACTED]: You asked me everything --

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

21 MR. [REDACTED]: -- and the kitchen sink.

22 MR. [REDACTED]: Yeah, yeah, yeah, yeah,
23 yeah. No. It's all -. Can we just ask you,
24 please, if you can remember anything more about
25 the 10:00 p.m. and 12:00 a.m. count,

1 specifically if there were any conversations
2 that were had with either the Ops Lieutenant,
3 or the SHU, about, like, ghost counting, or
4 about when you wrote in - if it was, in fact,
5 you, who wrote on those two count slips - or
6 anything at all, that you might help, for us,
7 to clear up. What was done --

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: -- and when it was done.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: Because again, in our
12 mind, the count slips are inaccurate. You were
13 going based upon what was said on the, you
14 know, on the E1. And their count slips were
15 matching that E1. So, for me, I'm still very
16 confused on when that 9S+1 on the R&D, and when
17 the plus one on the ZA count slips were
18 actually done. I know you're saying that you
19 believe that they were done at the time of the
20 10:00 p.m. count, but being that it doesn't
21 look like it was appeared to have been caught
22 until after the - or during - the 12:00 a.m.
23 count, I'm just still not convinced of that.
24 So --

25 MR. [REDACTED]: Right.

1 MR. [REDACTED]: -- because to you, you
2 said you believe it was done at the 10:00 p.m.,
3 you don't know for a fact. Correct?

4 MR. [REDACTED]: No, not for a fact.

5 MR. [REDACTED]: You just, being that it
6 shows on the 10:00 p.m., but you don't think
7 that you would have gone back to an earlier
8 count --

9 MR. [REDACTED]: No.

10 MR. [REDACTED]: -- is what you're saying?
11 Even if someone was, it was caught during a
12 count that you still had the paperwork to?

13 MR. [REDACTED]: No.

14 MR. [REDACTED]: Do you know what I'm
15 saying? Like, even if there's one count later,
16 which there's only two hours after that count,
17 you don't think you would have, then, gone back
18 to that count that you did just two hours
19 later, and put that plus one on there?

20 MR. [REDACTED]: No.

21 MR. [REDACTED]: No? All right. So,
22 you're - to you, though - you're pretty
23 positive you would have done it during the
24 10:00 p.m.?

25 MR. [REDACTED]: Yes.

1 MR. [REDACTED]: And do you believe that,
2 then, would be why the Ops Lieutenant would
3 have caught the fact that there is one person
4 assigned to the SHU, who was actually in R&D,
5 and would have corrected the E1?

6 MR. [REDACTED]: Yes. I believe, I believe that
7 if there was a little bit more communication,
8 we probably would have caught it a lot faster.

9 MR. [REDACTED]: Well, it sounds like you
10 knew it. I'm just - now, I'm just super
11 confused if that's when it happened, why the
12 E1, you have a count slip that doesn't say on
13 the E1.

14 MR. [REDACTED]: Like I said, if, you know, if
15 I'm correct, I should have changed it.

16 MR. [REDACTED]: You should have changed
17 the E1?

18 MR. [REDACTED]: I should have just changed it,
19 regardless.

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: Without doing the ghosting.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: I should have changed it.
24 That's why I said I think I dropped the ball on
25 that one.

1 MR. [REDACTED]: All right. So, you
2 believe it was a ghost count?

3 MR. [REDACTED]: Yeah.

4 MR. [REDACTED]: And you believe, though,
5 in order for it to be a ghost count, an Ops
6 Lieutenant would have said it's okay to ghost
7 count?

8 MR. [REDACTED]: Yeah.

9 MR. [REDACTED]: And the only Ops
10 Lieutenant that was on there was [REDACTED]-
11 [REDACTED], and she didn't make the change until the
12 12:00 p.m. count.

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: And do you see where that
15 doesn't add up?

16 MR. [REDACTED]: Mm-hmm. Yeah.

17 MR. [REDACTED]: So, in thinking about
18 that, is there anything you think that maybe
19 you're a little bit inaccurate on?

20 MR. [REDACTED]: I mean, if, you know, like, I'm
21 just wish that I, like, caught it and changed
22 it a lot earlier. You know, I should have just
23 changed it.

24 MR. [REDACTED]: Yeah. And again, my main
25 thing is, I think you're beating yourself up on

1 that because I don't think that there was
2 anything for you to catch. You didn't know.
3 But I could be mistaken on that, and that's
4 where I'm just really hoping that, if you can
5 think about it, and you can kind of put
6 together, oh, yeah, that is what happened, or,
7 okay, that's what - that's how it transpired,
8 that's how it went down. If you could just
9 contact us, myself or ██████, and just let us
10 know. That would be greatly -. We would so
11 appreciate it because when we do these things,
12 we got to be accurate. The highest levels of
13 the government are going to get - or look at
14 these things. And being that these counts are
15 off, that's kind of a big thing.

16 MR. ██████: Yeah.

17 MR. ██████: Especially with regard
18 to, you know, with the night before, and the
19 morning of, Epstein --

20 MR. ██████: Yeah.

21 MR. ██████: -- being found. And so,
22 we just want to make sure that we're being as
23 accurate as possible. I'll give you a card so
24 that, if you can think of anything, you can
25 certainly contact me. And we can modify

1 whatever it is that needs to be modified, or do
2 a supplemental. All right. Any questions for
3 us?

4 MR. [REDACTED]: No, sir.

5 MR. [REDACTED]: No? All right. Well, we
6 can't thank you enough for your time.

7 MR. [REDACTED]: Mm-hmm. Thank you, too.

8 MR. [REDACTED]: All right.

9 MR. [REDACTED]: And I hope I helped a little
10 bit.

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: Yes. Thank you, sir.
13 Appreciate you. God Bless you. I'm going to
14 turn the recorder off now. It is certainly
15 4:19 p.m. This is [REDACTED], Senior
16 Special Agent with DOJ/OIG, and I'm turning off
17 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]

Brianna Rose Burton

Brianna Rose Burton, Transcriber