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DIGITALLY RECORDED
SWORN STATEMENT
OF



OIG CASE #:
2019-010614

DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL

AUGUST 4, 2021

RESOLUTE DOCUMENTATION SERVICES
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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'm 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. This interview with Federal
7 Bureau of Prisons employee [REDACTED] is
8 being conducted as part of an official U.S.
9 Department of Justice, Office of the Inspector
10 General investigation. Today's date is August
11 4, 2021, and the time is 9:24 a.m. This
12 interview is being conducted at the
13 Metropolitan Correctional Center, known as the
14 MCC, located in New York, New York. Also
15 present is DOJ/OIG Special Agent [REDACTED].
16 Do you want to show him your credentials?

17 [REDACTED]: Thank you.

18 MR. [REDACTED]: This interview will be
19 recorded by me, SSA [REDACTED]. Could
20 everyone please identify themselves for the
21 record and spell your last name? To start,
22 again, I am DOJ/OIG Senior Special Agent [REDACTED]
23 [REDACTED], [REDACTED].

24 MR. [REDACTED]: I am DOJ/OIG Special Agent
25 [REDACTED], [REDACTED].

1 MR. [REDACTED]: And you, sir?

2 [REDACTED]: I am Correctional Counselor

3 [REDACTED], C-A-N-N-A-T-A.

4 MR. [REDACTED]: Correctional Counselor?

5 [REDACTED]: Yes, sir.

6 MR. [REDACTED]: And what did you say
7 that, what level was that? Nine?

8 [REDACTED]: GS-9.

9 MR. [REDACTED]: GS-9. Great. Thank you,
10 sir. This is an official DOJ/OIG investigation
11 into the death of inmate Jeffrey Epstein, and
12 the surrounding circumstances, and you are
13 being asked to voluntarily provide answers to
14 our questions. Will you agree to a voluntary
15 interview with the DOJ/OIG?

16 [REDACTED]: Yes.

17 MR. [REDACTED]: Thank you, sir. We have
18 a form, it's the DOJ/OIG form 3-226/2. It's
19 the United States Department of Justice, Office
20 of the Inspector General, Warnings and
21 Assurances to Employee Requested to Provide
22 Information on a Voluntary Basis. "You are
23 being asked to provide information as part of
24 an investigation being conducted by the Office
25 of the Inspector General. This investigation

1 is being conducted, pursuant to the Inspector
2 General Act of 1978, as amended. This
3 investigation pertains to job performance
4 failure and security failure. This is a
5 voluntary interview. Accordingly, you do not
6 have to answer questions. No disciplinary
7 action will be taken against you if you choose
8 not to answer questions. Any statement you
9 furnish may be used as evidence in any future
10 criminal proceedings or agency disciplinary
11 proceedings, or both."

12 And there's a waiver section. It says, "I
13 understand the Warnings and Assurances stated
14 above, and I am willing to make a statement and
15 answer questions. No promises or threats have
16 been made to me, and no pressure or coercion of
17 any kind has been used against me." If you
18 want to take a second to look at that, if you
19 agree with it, you can, there's an employee
20 signature where you would sign, and then you
21 would print your name under here, where it says
22 employee's name.

23 Thank you, sir, for signing. Do you
24 understand the form?

25 [REDACTED]: Yes.

1 MR. [REDACTED]: Thank you. All right.

2 The date and time, Wednesday, August --

3 MR. [REDACTED]: Fourth.

4 MR. [REDACTED]: -- 4, 2021, and the time
5 is 9:26 a.m. now. So, 8/4/21, at 9:26 a.m.

6 Place: MCC, New York. I am signing as the top
7 line. Once again, this is [REDACTED],
8 and printing below. Special Agent [REDACTED], can
9 you just sign as a witness and then put your
10 name below? Thank you.

11 MR. [REDACTED]: This is Agent [REDACTED]. I'm
12 signing as a witness and printing my name.

13 MR. [REDACTED]: All right. So, before we
14 start the interview, I would like to place you
15 under oath. [REDACTED], can you please raise
16 your right hand? Do you swear to tell the
17 truth and nothing but the truth during this
18 interview?

19 [REDACTED]: Yes.

20 MR. [REDACTED]: Thank you, sir. What is
21 your date of birth?

22 [REDACTED]: [REDACTED].

23 MR. [REDACTED]: And your SSN?

24 [REDACTED]: [REDACTED].

25 MR. [REDACTED]: Thank you. And your

1 current home address?

2 [REDACTED]: [REDACTED],
3 [REDACTED].

4 MR. [REDACTED]: And your current
5 cellphone number?

6 [REDACTED]: [REDACTED].

7 MR. [REDACTED]: And what is your current
8 position again?

9 [REDACTED]: Correctional Counselor.

10 MR. [REDACTED]: And how long have you
11 been in that position?

12 [REDACTED]: Since February 2020.

13 MR. [REDACTED]: Okay. And what were you
14 prior to that?

15 [REDACTED]: A Lieutenant.

16 MR. [REDACTED]: Great. Were you
17 previously interviewed under this
18 investigation?

19 [REDACTED]: Yes.

20 MR. [REDACTED]: All right. Awesome. I'm
21 just going to review the report that was
22 generated, based upon your interview. I'm
23 going to go kind of, a little slower through
24 it, so that you can actually grasp and
25 understand what it is that they wrote. I just

1 want to make sure that everything that they
2 wrote is accurate.

3 [REDACTED]: Uh-huh.

4 MR. [REDACTED]: And just stop me if
5 anything is not accurate.

6 [REDACTED]: Okay.

7 MR. [REDACTED]: All right. It says, "The
8 following interview was conducted by Assistant
9 United States Attorney, AUSA, Rebecca
10 Donaleski, D-O-N-A-L-E-S-I, and Office of the
11 Inspector General, Special Agent David
12 Carpenter. Also present for the interview was
13 Federal Bureau of Investigation Special Agent
14 Arthur Sacco, S-A-C-C-O."

15 "[REDACTED]," and it says your date
16 of birth, "was interviewed at the United States
17 Attorney's Office, 1 St. Andrew Plaza, New
18 York, New York. After being advised of the
19 nature of the interview, and the identities of
20 the interviewing AUSA and Special Agents,
21 [REDACTED] provided the following information."

22 "[REDACTED] stated he worked for the Bureau
23 of Prisons, BOP, since approximately January
24 15, 2001."

25 [REDACTED]: Yes.

1 MR. [REDACTED]: "Prior to employment with
2 the BOP, [REDACTED] worked for the Building and
3 Maintenance Union, the Marine Corps Reserve,
4 and the New York Police Department Auxiliary."

5 [REDACTED]: Yes.

6 MR. [REDACTED]: "[REDACTED] stated he joined
7 the BOP as a Correctional Officer and was
8 promoted to Lieutenant in October 2015."

9 [REDACTED]: Yes.

10 MR. [REDACTED]: "He spent one year at the
11 Federal Correctional Institution, Fort Dix,
12 when he first joined the BOP and had spent the
13 remainder of his tenure at the Metropolitan
14 Correctional Center."

15 [REDACTED]: Yes.

16 MR. [REDACTED]: "Captain [REDACTED] [REDACTED]
17 was his supervisor."

18 [REDACTED]: Yes.

19 MR. [REDACTED]: Who is your supervisor
20 now?

21 [REDACTED]: Right now, it's Nathaniel
22 [REDACTED]. (Phonetic Sp. *00:06:15) He's my Unit
23 Manager.

24 MR. [REDACTED]: Okay. "[REDACTED] stated a
25 GS-9 Lieutenant's responsibilities depend

1 largely on which area of the prison he or she
2 was assigned to, which rotated on a quarterly
3 basis."

4 [REDACTED]: Yes.

5 MR. [REDACTED]: "Those duties include
6 operations, activities, solitary housing,
7 special investigations, and administration, as
8 well as possible collateral duties, such as
9 emergency protection."

10 [REDACTED]: Emergency preparedness.
11 Same thing.

12 MR. [REDACTED]: Okay. Preparedness?

13 [REDACTED]: It would be the EPO is what
14 the title was.

15 MR. [REDACTED]: Sure. I understand.

16 "[REDACTED] stated he was assigned as the
17 Activities Lieutenant at the time of the
18 interview, and worked the regular 2 p.m. to 10
19 p.m. shift."

20 [REDACTED]: Yes.

21 MR. [REDACTED]: And then on the daily
22 schedule, it actually listed 4 to 12, correct?
23 You just came in two hours early?

24 [REDACTED]: Well, what lieutenants were
25 doing, we always did two hour reliefs for each

1 other.

2 MR. [REDACTED]: Okay. But if I was to
3 actually look at that daily schedule --

4 [REDACTED]: I believe it would show 4 to
5 12, or actually, if it was activities,
6 Activities Lieutenants at that time were 6 to 2
7 and 2 to 10. Operations Lieutenants were on
8 the 8 to 4, 4 to 12, 12 to 8 rotation.

9 MR. [REDACTED]: Okay. I see what you're
10 saying. So, there's no actual two hour change,
11 when you're looking at an Activities
12 Lieutenant?

13 [REDACTED]: Yeah, no.

14 MR. [REDACTED]: It is what the actual
15 daily assigned roster said?

16 [REDACTED]: It is what the time, yeah.
17 I forgot what the, it's been a while. I forgot
18 the shift number.

19 MR. [REDACTED]: Absolutely. But, so, the
20 Activities and the Ops Lieutenant were working
21 the same hours?

22 [REDACTED]: They will, they piggyback,
23 but let's say, like, the 2 p.m. Activities
24 Lieutenant, I would be here on the, still under
25 the Day Watch Lieutenant, and then the Evening

1 Watch Lieutenant would roll in, if they're
2 going by 8 to 4. Cause I, as an Evening Watch
3 Activities Lieutenant, I worked 2 p.m. to 10
4 p.m. But if, like, if the Day Watch Lieutenant
5 was still there 8 to 4, I would be working two
6 hours with him or her.

7 MR. [REDACTED]: Yeah, so, I guess what
8 I'm asking is, I thought at this time, in
9 August of 2019, they were allowing the Ops
10 Lieutenants to come in two --

11 [REDACTED]: We were. We were doing two
12 hour reliefs for each other.

13 MR. [REDACTED]: So, you were actually
14 working the same hours?

15 [REDACTED]: Same hours.

16 MR. [REDACTED]: Okay.

17 [REDACTED]: Yes, sir.

18 MR. [REDACTED]: Great. So, you were,
19 both Ops and Activities were 2 to 10 at the
20 time?

21 [REDACTED]: Yes.

22 MR. [REDACTED]: Perfect.

23 [REDACTED]: Well, I think that's what I
24 was assigned to. I can't recall 100%.

25 MR. [REDACTED]: Sure. And these are --

1 [REDACTED]: When I got interviewed.

2 MR. [REDACTED]: Sure. So, I'm going to
3 give you, right now, the daily assignment
4 rosters for both Friday, August 9, 2019, and
5 Saturday, August 10, 2019.

6 [REDACTED]: Uh-huh.

7 MR. [REDACTED]: It's just so that, if it
8 helps you refresh your memory, cause we're
9 talking about so long ago. All right.
10 "[REDACTED] stated he was assigned as the
11 Activities Lieutenant at the time of the
12 interview and worked the regular 2 p.m. to 10
13 p.m. shift. His regular days off were Mondays
14 and Tuesdays. He would, on occasion, work
15 overtime hours or switch shifts with other
16 officers."

17 [REDACTED]: Wait, I'm sorry. Can you
18 read that again? I apologize.

19 MR. [REDACTED]: Absolutely. Okay. So,
20 after the 2 p.m. to 10 p.m. shift, which we
21 just discussed.

22 [REDACTED]: Uh-huh.

23 MR. [REDACTED]: It says, "His regular
24 days off were Mondays and Tuesdays. He would,
25 on occasion, work overtime hours or switch

1 shifts with other officers."

2 [REDACTED]: We're not officers. We're
3 lieutenants.

4 MR. [REDACTED]: That's probably what they
5 (Indiscernible *00:09:11).

6 [REDACTED]: Okay.

7 MR. [REDACTED]: So, switched shifts with
8 other lieutenants, to be able to fill in for
9 the Activities Lieutenant, is what you're
10 saying?

11 [REDACTED]: Yeah. Or, a lot of the
12 times, we got mandated to stay.

13 MR. [REDACTED]: Right. But only
14 lieutenants could actually fill those
15 positions, is what you're saying?

16 [REDACTED]: Yeah. Only, well, a
17 lieutenant, only a lieutenant can fill an
18 Operations Lieutenant.

19 MR. [REDACTED]: Correct.

20 [REDACTED]: You could have a GS-8
21 Officer cover as an Activities Lieutenant.

22 MR. [REDACTED]: Okay.

23 [REDACTED]: Cause, like, that Friday
24 evening, the night before, I was Operations and
25 I had an 8 as my Activities Lieutenant. I had

1 an officer acting as Activities.

2 MR. [REDACTED]: Okay. So, then, people
3 could switch, that were officers?

4 [REDACTED]: No. Only, a lieutenant
5 can't switch with an officer to fill a post.
6 They can backfill, if there's, a lieutenant
7 calls in sick. If a lieutenant is not there.

8 MR. [REDACTED]: Okay. So you can't --

9 [REDACTED]: They can use a GS --

10 MR. [REDACTED]: -- you can't ask an 8,
11 say, hey, can you switch with me? It's only if
12 --

13 [REDACTED]: No. Like, as an Activities
14 Lieutenant, I would have to call in sick to the
15 Captain. If I wanted a shift off, I could
16 switch with another officer. I can't
17 necessarily switch with an 8 officer.

18 MR. [REDACTED]: Okay. And looking at
19 this daily assignment roster, I'm assuming you
20 noticed that you were actually Ops Lieutenant?

21 [REDACTED]: Yes. I was Evening Watch
22 Operations the night before.

23 MR. [REDACTED]: On August 9th? And then
24 [REDACTED] was actually an 8, Acting Lieutenant?

25 [REDACTED]: Yeah, she was a GS-8

1 officer.

2 MR. [REDACTED]: Okay.

3 [REDACTED]: She was my Activities that
4 night.

5 MR. [REDACTED]: I got you. All right.

6 "As there were no Activity Lieutenants assigned
7 during the overnight hours, he had no relief
8 officers." I don't know why they would have
9 wrote that sentence in there. So, I'm going to
10 read this paragraph again, just to help clarify
11 this. "[REDACTED] stated he was assigned as the
12 Activities Lieutenant at the time of the
13 interview and worked the regular 2 p.m. to 10
14 p.m. shift."

15 Again, on Friday, August 9, you were
16 actually the Ops Lieutenant and [REDACTED] was the
17 Activities Lieutenant. It says, "His regular
18 days off were Mondays and Tuesdays. He would,
19 on occasion, work overtime hours or switch
20 shifts with other lieutenants." And in this
21 case, again, you explained --

22 [REDACTED]: Uh-huh.

23 MR. [REDACTED]: -- that you can't
24 actually switch with lieutenants, only if you
25 get bumped and that position is filled, can an

1 8 officer --

2 [REDACTED]: Yes.

3 MR. [REDACTED]: And then it says, "As
4 there were no Activity Lieutenants assigned
5 during the overnight hours, he had no relief
6 officers." You weren't doing overnight?

7 [REDACTED]: No. I got relieved and went
8 home that evening.

9 MR. [REDACTED]: I'm not exactly, were you
10 doing overtime shifts for the morning watch?
11 Is that why they would have wrote that?

12 [REDACTED]: It could possibly be. I
13 mean, we worked overtime shifts constantly. At
14 one point in time, we were short-staffed
15 lieutenants like you wouldn't believe. We were
16 filling this building with five or six
17 lieutenants, we were running the whole
18 building. That's one of the reasons why I
19 became a counselor. I was never home.

20 MR. [REDACTED]: Okay. So that is a
21 little confusing. What it's trying to say,
22 though, is that if you're the Ops Lieutenant,
23 on the morning watch, there is no Activities
24 Lieutenant?

25 [REDACTED]: No. Yeah, that, no.

1 There's only an Activities Lieutenant until 10
2 p.m.

3 MR. [REDACTED]: Right. "[REDACTED] stated
4 the responsibilities of an Activities
5 Lieutenant include making rounds and placing
6 inmates in Special Housing. During rounds,
7 they ensure officers are properly carrying out
8 their job responsibilities and give the inmates
9 the opportunity to address with them any
10 concerns. [REDACTED] stated he often attempted to
11 walk all the tiers, based on time."

12 So, on this, we have heard different
13 things from different people. As an Ops
14 Lieutenant, or an Activities Lieutenant, are
15 you required to go into the SHU, and I'm
16 talking specifically at this time, so August
17 9th, August 10th of 2019. Was a lieutenant, or
18 ~~is she~~ a SHU lieutenant, was a lieutenant
19 responsible to go to the SHU and walk the tiers
20 and do a round with the inmates?

21 [REDACTED]: With the inmates?

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

23 [REDACTED]: Well, a lieutenant is
24 supposed to, is mandatory, supposed to make
25 rounds.

1 MR. [REDACTED]: So what is the definition
2 of a lieutenant round?

3 [REDACTED]: A lieutenant round? Well,
4 in the Special Housing or general pop?

5 MR. [REDACTED]: Let's talk just Special
6 Housing.

7 [REDACTED]: Okay. Special Housing, one,
8 the lieutenant walks through the 27 door,
9 that's the outer door of the SHU. Sign in, in
10 the log book. Go in, go, sit down on the
11 computer, login, do the True Scope rounds. Got
12 to enter your rounds in SHU. Go up to 10
13 South. Make the rounds up there. Same thing.
14 Enter the information in True Scope.

15 MR. [REDACTED]: So, when you go into 9
16 South, though, and you're entering in that you
17 conducted a round, what does the round entail?

18 [REDACTED]: Well, making sure that the
19 officers are doing their job. And like I said,
20 if time permits, if you can, you know, do it,
21 go down the range. Go one range, two ranges,
22 three ranges.

23 MR. [REDACTED]: And that's where, so,
24 this is where we have gotten, some people are
25 saying they had to do, in order to conduct an

1 actual round, you have to actually walk the
2 tiers. Do you know that to be the case?

3 [REDACTED]: Well, yeah. Cause the
4 officer has to let you down range.

5 MR. [REDACTED]: Okay.

6 [REDACTED]: The officer has the grill
7 key. Nobody could just go down range in SHU.

8 MR. [REDACTED]: Sure.

9 [REDACTED]: So, the officer would have
10 to open the grill. You go down range and then
11 have to sign the rounds sheet at the end of
12 each range.

13 MR. [REDACTED]: And I think I understand
14 what you're saying. You're saying sometimes,
15 there just wasn't time to do it --

16 [REDACTED]: Uh-huh.

17 MR. [REDACTED]: -- but does that actually
18 constitute a round, actually walking down the
19 range for a lieutenant?

20 [REDACTED]: Well, not so much, the
21 officers are supposed to be making the 30
22 minute rounds.

23 MR. [REDACTED]: Sure.

24 [REDACTED]: The lieutenant just has to
25 make sure that that that, he or she has to go

1 in that unit and make sure that the officers
2 are doing their rounds. Check the rounds
3 sheets or the log book, log into True Scope,
4 and, you know, make, basically, is that
5 lieutenant is confirming that staff are doing
6 their job.

7 MR. [REDACTED]: So, the lieutenant didn't
8 actually have to walk the tiers?

9 [REDACTED]: No.

10 MR. [REDACTED]: Okay.

11 [REDACTED]: No.

12 MR. [REDACTED]: And the ranges? All
13 right. So, that was your understanding? So
14 when you're assigning the actual round that you
15 conducted, it's to say that you basically did a
16 round with your officers, to ensure they were
17 doing their job?

18 [REDACTED]: Their job, and you go into
19 the 10 South and do the same.

20 MR. [REDACTED]: Okay. But not that
21 you're actually conducting a round?

22 [REDACTED]: Huh-uh.

23 MR. [REDACTED]: Like, as far as
24 conducting a round with inmates?

25 [REDACTED]: No. No, that's, the whole

1 purpose behind the 30 minute log book.

2 MR. [REDACTED]: Right.

3 [REDACTED]: The 30 minute round sheets.

4 MR. [REDACTED]: Okay. "[REDACTED] stated on
5 weekdays, the prison takes a count at 4 p.m.
6 The Activities and Operations Lieutenant take a
7 verbal count by speaking with each unit and
8 match that number with the count slip from
9 Internal. If correct, they clear the
10 institution count. They cannot clear a count
11 until they receive a good verbal count from
12 every unit. He was not aware of any instances
13 in which the count was cleared without speaking
14 with every unit."

15 [REDACTED]: No.

16 MR. [REDACTED]: So that's correct,
17 though?

18 [REDACTED]: Yeah. Yeah.

19 MR. [REDACTED]: "[REDACTED] stated he would
20 attempt to watch the camera monitors as the
21 corrections officers performed the count to
22 ensure officers were properly counting. He
23 could not monitor at all times, due to the
24 amount of activity in the Control Room."

25 [REDACTED]: Well, it depends. During

1 the count, my job is mainly taking the count.

2 MR. [REDACTED]: Right.

3 [REDACTED]: You know, I could look up at
4 the cameras, you know, but you have a lot of
5 movement going around in Control.

6 MR. [REDACTED]: Sure.

7 [REDACTED]: You know, throwing keys.
8 If, let's, and there's been many times where we
9 were so short-staffed, we had one officer in
10 Control.

11 MR. [REDACTED]: Uh-huh.

12 [REDACTED]: So, while I'm taking the
13 count, I'm also doing C&A. I'm helping him
14 throw keys. You know, but as far as clearing
15 the count, yes. You cannot clear the count
16 until you get a verbal, verbal, good verbal
17 count from the Unit Officer, cause we have the
18 PP1, the E1, in front of us with the actual
19 accurate count, as per Sentry. So we have to
20 compare those numbers. You write it down. We
21 compare it. So, you cross it off on the Sentry
22 paperwork, okay, 7, I'll call in a good count.

23 MR. [REDACTED]: But, as far as, like, the
24 4 p.m. count, the Activities or Ops Lieutenant
25 has to actually be present in Control to do

1 that?

2 ██████████: Yes.

3 MR. ██████████: And about how many people
4 are present in Control when that count is being
5 conducted?

6 ██████████: If we're fully staffed,
7 we'll have two officers and the lieutenant in
8 the Control Center.

9 MR. ██████████: Okay. Okay. So it's
10 three people in there?

11 ██████████: Yeah. It's the Control Room
12 Officer, the C&A Officer, and it would be the
13 lieutenant, Activities or Ops.

14 MR. ██████████: What does C&A stand for?

15 ██████████: Counts, truth be told, I
16 have a total brain (Indiscernible *00:17:03).
17 Count --

18 MR. ██████████: So, it's like Control
19 Number 1, Control Number 2 --

20 ██████████: Two, yeah.

21 MR. ██████████: -- and you're saying
22 Control Number 2 is --

23 ██████████: Control Number 2 is C&A.

24 MR. ██████████: Okay.

25 ██████████: Old school, it used to be

1 called C&A.

2 MR. [REDACTED]: Okay.

3 [REDACTED]: I know it's Counts and
4 Accountability, I think is what the acronym
5 was.

6 MR. [REDACTED]: Okay. So that's the
7 person who actually, like, receives the counts
8 from people?

9 [REDACTED]: Yes.

10 MR. [REDACTED]: Is that what you're
11 saying?

12 [REDACTED]: C&A is the one that does all
13 the Sentry work for all the movement, you know,
14 to make sure the roster is accurate, the
15 counts, or the unit base counts and unit counts
16 are accurate.

17 MR. [REDACTED]: That's Control Number 2?

18 [REDACTED]: Yeah.

19 MR. [REDACTED]: So, in this case, if
20 you're looking at August, Friday, August 9,
21 2019, would that Control Officer Number 2, can
22 you tell me who that would have been?

23 [REDACTED]: [REDACTED] (Phonetic Sp.

24 *00:17:49) for the 6 to 2 shift, and John

25 [REDACTED] (Phonetic Sp. *00:17:51) for the 2 to

1 10.

2 MR. [REDACTED]: So, as far as the 4 p.m.
3 count, that would not have been [REDACTED]?

4 [REDACTED]: Well, [REDACTED] would have been
5 in Control, cause he would have been the
6 Control 1 Officer.

7 MR. [REDACTED]: Oh, I thought it was
8 Control 2 for him.

9 [REDACTED]: Control, no, Control 1, [REDACTED]
10 is Control 1 and [REDACTED] is Control 2.

11 MR. [REDACTED]: Oh, okay. So, okay. So,
12 what would Control 1's typical responsibilities
13 have been?

14 [REDACTED]: At 4:00, the same thing. At
15 4:00, people are leaving, so that person would
16 be over at the window, throwing keys. We call
17 it throwing keys.

18 MR. [REDACTED]: Okay.

19 [REDACTED]: It's just, it's an
20 expression. He would be taking the keys,
21 radios, OC and stuff like that from the
22 departing staff, putting it back on the board,
23 giving them their chits and receiving chits for
24 equipment for the oncoming staff.

25 MR. [REDACTED]: Okay. So, in this case,

1 it should have been, at least at 4 p.m., the
2 person that would be signing the documents and
3 taking the count should have been this [REDACTED]
4 and not [REDACTED]?

5 [REDACTED]: With the lieutenant.

6 MR. [REDACTED]: With the lieutenant.

7 Okay. And after we're done with this, we'll
8 just go over some of the counts, just to --

9 [REDACTED]: Okay.

10 MR. [REDACTED]: But we'll move on, just
11 to make sure we can keep moving on this. I'm
12 just going to read it over to, I can't remember
13 exactly where I left off.

14 MR. [REDACTED]: Fourth paragraph.

15 MR. [REDACTED]: Third paragraph?

16 MR. [REDACTED]: Fourth. [REDACTED] stated he
17 was normally relieved (Indiscernible *00:19:24)
18 before 10 p.m.

19 MR. [REDACTED]: I'm just going to read
20 this last paragraph over. "[REDACTED] stated he
21 would attempt to watch the camera monitors as
22 the corrections officers performed the count to
23 ensure officers were properly counting. He
24 could not monitor at all times, due to the
25 amount of activity in the Control Room."

1 Again, you said that you might glance up, but
2 you're not actually, like --

3 ██████████: Yeah. Yeah, I wasn't
4 staring.

5 MR. ██████████: Sure. Absolutely.

6 ██████████: You know? I would be
7 answering the phones, writing down the actual
8 count --

9 MR. ██████████: Totally.

10 ██████████: -- you know, the crossing
11 off, and, you know, making the, especially if I
12 had seen that, like, if a count was being
13 delayed, I would be, like, what's the problem?
14 And I would look. You know.

15 MR. ██████████: I got you. So, you're
16 not, like, yeah, making sure they're doing
17 their job --

18 ██████████: It's not, I'm not glued to
19 the camera.

20 MR. ██████████: -- cause you have your
21 own job to be doing, is what you're saying?

22 ██████████: Yeah.

23 MR. ██████████: Okay. "██████████ stated he
24 would normally relieve, be relieved before 10
25 p.m., prior to evening count. He had heard of

1 an instance where the count was not properly
2 completed, but he had, but it had been some
3 time in the past." So, if you're that 2 to 10
4 shift, do you do the 4, the relieving shift
5 would typically do the 10 p.m., is what you're
6 saying?

7 [REDACTED]: Yes.

8 MR. [REDACTED]: Okay. Do you ever do the
9 10 p.m.?

10 [REDACTED]: On nights that I was coming
11 in for the overnight.

12 MR. [REDACTED]: But, I mean, as the 2 to
13 10 shift, do you ever do the 10 p.m.?

14 [REDACTED]: I probably have, but I can't
15 even recall when the last time I was.

16 MR. [REDACTED]: Yeah, yeah. It's
17 typically that relieving officer's duty,
18 though?

19 [REDACTED]: Yeah. The relieving
20 lieutenant.

21 MR. [REDACTED]: Lieutenant, right.

22 [REDACTED]: Yeah.

23 MR. [REDACTED]: And then it says, "He had
24 heard of an instance where the count was not
25 properly completed, but it had been some time

1 in the past." Any information on that?

2 [REDACTED]: No. I mean, it was
3 probably, I remember when I said that. It was,
4 you always hear of the horror stories, and when
5 you come home, come in off your days off, you
6 would be, like, oh, you know, what happened the
7 other day? Or this, that, and the third. You
8 know.

9 MR. [REDACTED]: Right.

10 [REDACTED]: That kind of thing.

11 MR. [REDACTED]: Okay.

12 [REDACTED]: But I have never heard it
13 where it has been detrimental.

14 MR. [REDACTED]: Okay. But it wasn't
15 talking specifically about, like, August 9th
16 (Indiscernible *00:21:12).

17 [REDACTED]: No, no. I'm talking, like,
18 ten years. I wasn't even a lieutenant at the
19 time.

20 MR. [REDACTED]: Okay.

21 [REDACTED]: You know, I was still an
22 officer.

23 MR. [REDACTED]: "[REDACTED] stated, as a
24 lieutenant, he worked to enforce policy through
25 verbal counseling and by example. Taking the

1 count is one of the most important duties
2 corrections," I keep on saying corrections, but
3 I know it's correctional officers "perform as
4 professionals."

5 [REDACTED]: Right. It's accountability.
6 Inmate accountability is the most important
7 thing here. Maintain security.

8 MR. [REDACTED]: Okay.

9 [REDACTED]: You got to make sure that
10 they're all here at the end of the day.

11 MR. [REDACTED]: So, are you saying, like,
12 basically, counts and rounds are the most
13 important things that a correctional officer
14 does?

15 [REDACTED]: Count, I mean, everything,
16 controlling contraband, shaking down.
17 Nowadays, with the K2, it's ridiculous.

18 MR. [REDACTED]: Right.

19 [REDACTED]: You know, there's a lot on
20 an officer's shoulders.

21 MR. [REDACTED]: Right.

22 [REDACTED]: But of course, you know, we
23 only do the counts at certain periods
24 throughout the day. You know? The officers
25 making rounds are what helps reduce the fact of

1 them doing the K2 or, you know, making weapons
2 or tattooing or things of that nature.

3 MR. [REDACTED]: Sure.

4 [REDACTED]: You know, so, of course,
5 making rounds, being visible. That's what we
6 like to say, and, like, when we're training or
7 whatever. Be visible.

8 MR. [REDACTED]: Sure.

9 [REDACTED]: Make the inmates see you.

10 MR. [REDACTED]: So, counts are basically
11 to ensure everybody is there. And rounds are
12 to ensure that inmates are kind of doing what
13 they're supposed to be doing?

14 [REDACTED]: Yes.

15 MR. [REDACTED]: Okay.

16 [REDACTED]: And that's a perfect, what's
17 the word I'm looking for? Perfect expression.

18 MR. [REDACTED]: Okay. Perfect example.
19 Okay.

20 [REDACTED]: Yeah.

21 MR. [REDACTED]: "[REDACTED] stated the
22 Special Housing Unit is responsible for doing
23 rounds every 30 minutes. As the lieutenant, he
24 would sign round forms, if they were correct.
25 He had never signed off on forms that were

1 filled out in advance, and would report any
2 instances of that to his supervisors, if he was
3 aware of it." So, I'm assuming what you mean
4 there is, if you knew they were filled out in
5 advance?

6 [REDACTED]: I wouldn't sign them.

7 MR. [REDACTED]: Right.

8 [REDACTED]: I'm not putting my John
9 Hancock on that. I would tell them
10 (Indiscernible *00:22:58).

11 MR. [REDACTED]: But, how would you know
12 if they had filled it out in advance? You
13 mean, if --

14 [REDACTED]: If I went there and sat, and
15 if I walked into the SHU unit and it was 1:00,
16 I'm just throwing the time out there --

17 MR. [REDACTED]: Sure.

18 [REDACTED]: -- 1:00 p.m., but I saw the
19 rounds sheet, it was 1:00 when I walked in, but
20 I look at the rounds sheet and the 1:30 rounds
21 are already filled out.

22 MR. [REDACTED]: And would that happen?

23 [REDACTED]: Very rarely. But I might, I
24 don't think I have seen it as a lieutenant, but
25 I have heard of it happening.

1 MR. [REDACTED]: But you never really, you
2 never witnessed it?

3 [REDACTED]: But, I was trained
4 differently. I was trained, you don't put your
5 ink to paper unless it's the way it's supposed
6 to be, and if it is, tell the boss.

7 MR. [REDACTED]: Now, back then, August of
8 2019, had you heard that people were filling
9 them out in advance?

10 [REDACTED]: No. I didn't.

11 MR. [REDACTED]: No?

12 [REDACTED]: No.

13 MR. [REDACTED]: Okay. So you're not
14 aware of anybody filling them out in advance?

15 [REDACTED]: No. I have no personal
16 knowledge.

17 MR. [REDACTED]: "He trained officers to
18 defer their round patterns, so inmates would
19 not be aware of their timing."

20 [REDACTED]: Yes.

21 MR. [REDACTED]: And that means it's just
22 not to be on an exactly 30 minute --

23 [REDACTED]: Yeah. Don't always make
24 your rounds at 1:05, 1:35, 1:45. Alternate
25 your rounds. The policy states, every 30

1 minutes, not to exceed 40.

2 MR. [REDACTED]: Right.

3 [REDACTED]: You know?

4 MR. [REDACTED]: "[REDACTED] stated he had
5 heard stories of officers not completing their
6 30 minute rounds in the SHU. Other than the
7 Jeffrey Epstein death, he had not heard of an
8 instance for approximately five to ten years."

9 [REDACTED]: Yes.

10 MR. [REDACTED]: So, I'm assuming what
11 you're saying here is --

12 [REDACTED]: Back in the days.

13 MR. [REDACTED]: But I'm assuming what you
14 said, when you say other than Jeffrey Epstein,
15 you did hear that they did not complete their
16 30 minute rounds?

17 [REDACTED]: I mean, bureau-wide. People
18 have gotten in trouble for it before.

19 MR. [REDACTED]: Right.

20 [REDACTED]: That's why, like, this
21 whole, this was all new with the fact that how
22 serious it got.

23 MR. [REDACTED]: Okay. But you had heard
24 that, had you heard that on August 9th and 10th,
25 then, and I am assuming this means after the

1 fact, that people weren't conducting their 30
2 minute rounds?

3 [REDACTED]: The only thing I heard is
4 the same thing everybody else has heard, out on
5 the street.

6 MR. [REDACTED]: Okay.

7 [REDACTED]: What you hear in the media,
8 what you hear on social media, what you hear in
9 the newspapers. They were very quiet here.

10 MR. [REDACTED]: Okay.

11 [REDACTED]: I was here that morning of,
12 after the fact, and we didn't get told
13 anything.

14 MR. [REDACTED]: Are you talking about
15 August 10th?

16 [REDACTED]: Yeah. That Saturday.

17 MR. [REDACTED]: Okay.

18 [REDACTED]: You know. There was a total
19 blackout. We were kept in the dark.

20 MR. [REDACTED]: And you hadn't heard
21 anything about, like, people not conducting
22 counts or rounds?

23 [REDACTED]: No. Just, well, like I
24 said, the same thing you heard out on the
25 street.

1 MR. [REDACTED]: But, I mean, not from
2 inside the institution?

3 [REDACTED]: No.

4 MR. [REDACTED]: No one was speaking about
5 that?

6 [REDACTED]: Well, I mean, the whispers,
7 here and there, but nothing was confirmed.

8 MR. [REDACTED]: Okay.

9 [REDACTED]: You know? Of course, when
10 something like this, look, it's, I have been
11 doing this almost 21 years. When something,
12 God forbid happens like this, everybody Monday
13 morning quarterbacks.

14 MR. [REDACTED]: Sure.

15 [REDACTED]: Everybody talks, oh, they
16 must have done this, or they didn't do this.
17 That's all I have heard.

18 MR. [REDACTED]: Uh-huh.

19 [REDACTED]: I didn't hear nothing
20 official, if that's what you're asking.

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

22 [REDACTED]: I have heard rumor mills.

23 MR. [REDACTED]: I just wanted to know --

24 [REDACTED]: There were whispers. This,
25 that, and the other thing.

1 MR. [REDACTED]: I would just assume
2 people would have been talking inside the
3 institution. I wanted to make sure that you
4 also heard it inside the institution, not just
5 through the media?

6 [REDACTED]: Yeah. No, I mean, I, like,
7 as far as a whisper here and a rumor here, I
8 chose to stay away from it, because, one, I was
9 a supervisor and two, I know what was coming
10 down.

11 MR. [REDACTED]: Sure.

12 [REDACTED]: I knew how serious it was
13 going to be. And I was not going to entertain
14 any of that.

15 MR. [REDACTED]: Sure. So, you had heard
16 people saying that there were rounds and counts
17 weren't complete; however, you didn't put any
18 credibility to it --

19 [REDACTED]: No.

20 MR. [REDACTED]: -- because it wasn't
21 official?

22 [REDACTED]: No. It wasn't, it wasn't
23 official. It was just rumor mills. It was
24 whispers. It was Monday morning
25 quarterbacking, for lack of better terms.

1 MR. [REDACTED]: Okay. But that was a
2 correct, was that a correct assessment, which I
3 just --

4 [REDACTED]: Yes. Yes.

5 MR. [REDACTED]: Okay.

6 [REDACTED]: I apologize. I don't mean
7 to go long-winded on it.

8 MR. [REDACTED]: No, no, no. Just cause
9 when I said it, you said, no, but I just wanted
10 to make sure you actually meant yes.

11 [REDACTED]: Yeah, no. Like, I heard --

12 MR. [REDACTED]: With what, I know, I
13 understand --

14 [REDACTED]: -- nothing official. Yeah.

15 MR. [REDACTED]: Right, yeah, yeah. I
16 just, cause for the transcript, it will read
17 that you're contradicting what I said, and I
18 just want to make sure --

19 [REDACTED]: No problem.

20 MR. [REDACTED]: -- what I said was
21 actually accurate. Okay.

22 [REDACTED]: Uh-huh.

23 MR. [REDACTED]: "[REDACTED] stated he
24 recalled suicides taking place in MCC in 2003
25 and another several years later." So, I guess,

1 what you're saying is that since you have
2 worked, maybe there was about two suicides?

3 ██████████: I had one, I was personally
4 involved in one in 2003, and that's the one
5 that I was, that I referenced. There was one
6 years later. I don't recall what year it was,
7 or the outcome of that one. I just know that
8 the one that I was involved in, the officer in
9 charge in the SHU unit got suspended for it.

10 MR. ██████████: Okay.

11 ██████████: So, the rounds were made,
12 but they weren't within that 30 to 40 minute,
13 so the OIC got hit on that one.

14 MR. ██████████: And do you know why the
15 OIC?

16 ██████████: I think the rounds, I think,
17 if I can recall correctly, I think when he
18 entered the round, about 40 minutes, but it
19 turned out it didn't jive with the camera. So
20 they suspended him.

21 MR. ██████████: All right. So, if the
22 time that he wrote on the paper didn't show --

23 ██████████: Didn't jive with the camera.

24 MR. ██████████: (Indiscernible
25 *00:27:38).

1 ██████████: Like, the reason, the camera
2 showed we were making rounds. We just didn't
3 make them between 30 and 40, that 30 minute,
4 not to exceed 40, I believe it just didn't jive
5 with the camera.

6 MR. ██████████: Okay.

7 ██████████: And they hit him.

8 MR. ██████████: And were you actually
9 working in the SHU at the time?

10 ██████████: I was in the SHU at the
11 time.

12 MR. ██████████: Okay.

13 ██████████: I was one of the officers
14 that cut that inmate down and we tried to do
15 CPR on him. We did CPR on him. We got him
16 down to Medical, and then they rushed him out
17 in an ambulance.

18 MR. ██████████: And just out of
19 curiosity, in that case, at about what time was
20 he found?

21 ██████████: Oh, that was, like, 3:30
22 something.

23 MR. ██████████: In the afternoon?

24 ██████████: It was before the 4 p.m.
25 count.

1 MR. [REDACTED]: Okay. So it happened
2 actually in the afternoon?

3 [REDACTED]: Yeah. That was on day
4 shift.

5 MR. [REDACTED]: Did he have a cellmate at
6 the time?

7 [REDACTED]: Yes, he did.

8 MR. [REDACTED]: And the cellmate didn't
9 notice?

10 [REDACTED]: His cellmate said, yo, you
11 want to take care of this?

12 MR. [REDACTED]: Oh, wow.

13 [REDACTED]: And he was strung up.

14 MR. [REDACTED]: Was it also from, where
15 was it, where was he hanging from?

16 [REDACTED]: He had the thing tied up.
17 He was between the bunk and the window.

18 MR. [REDACTED]: Okay. Was he attached to
19 the bunk or what was he attached to?

20 [REDACTED]: I think he was attached to
21 the window, if I recall. I honestly don't
22 remember. That was a long time ago.

23 MR. [REDACTED]: Sure, sure, sure.

24 [REDACTED]: It was either the top of the
25 bunk or to the window. He was between, I do

1 remember he was between the bunk and the
2 window.

3 MR. [REDACTED]: But that's important to
4 note. So he actually had a cellmate at the
5 time?

6 [REDACTED]: Uh-huh.

7 MR. [REDACTED]: And he still was able to
8 successfully -

9 [REDACTED]: Yes.

10 MR. [REDACTED]: -- and it was deemed a
11 suicide, not a murder?

12 [REDACTED]: Yes.

13 MR. [REDACTED]: Okay.

14 [REDACTED]: Cause his cellmate never got
15 charged.

16 MR. [REDACTED]: And do you know what he
17 used to hang himself?

18 [REDACTED]: I believe it was cut-up
19 bedsheets.

20 MR. [REDACTED]: Okay.

21 [REDACTED]: If I recall correctly.

22 MR. [REDACTED]: All right. And that was
23 the 2001 or --

24 [REDACTED]: That was 2003.

25 MR. [REDACTED]: That was the 2003 one?

1 [REDACTED]: I don't remember exactly the
2 dates or the stipulations on the one that
3 happened years later.

4 MR. [REDACTED]: Do you happen to remember
5 the name of that inmate?

6 [REDACTED]: Of that committed suicide?
7 Edwards, I believe.

8 MR. [REDACTED]: Edwards?

9 [REDACTED]: Yeah.

10 MR. [REDACTED]: Okay. "[REDACTED] stated he
11 was on duty the night Epstein was brought to
12 MCC. He was received at the rear gate and
13 observed him being processed in."

14 [REDACTED]: Uh-huh.

15 MR. [REDACTED]: "At the time of his
16 arrival, Epstein was deemed okay to go to
17 general population. [REDACTED] was unaware of his
18 high profile."

19 [REDACTED]: Yes. I remember when he
20 came in. The only thing that I remember that
21 stuck out in my mind, he went to the same high
22 school that I did.

23 MR. [REDACTED]: Okay.

24 [REDACTED]: I graduated from the same
25 high school. Cause the cop, I think he was an

1 NYPD task force guy with the FBI, he was from
2 Brooklyn and we chatted, cause we had Brooklyn
3 accents, and come, you know, me and the cop
4 were from, like, basically, the same area in
5 Brooklyn, and he was, like, what high school
6 did you graduate from? And I said, Lafayette,
7 and Epstein actually said, so did I. I
8 graduated from Lafayette High School.

9 MR. [REDACTED]: Interesting.

10 [REDACTED]: I processed him. Sent him
11 up. I actually found out that they moved him
12 to the Special Housing because of his profile
13 status when I came back to work.

14 MR. [REDACTED]: So, you had no idea who
15 he was?

16 [REDACTED]: I had no idea who he was.
17 As a matter of fact, the next morning, my wife
18 actually said, you'll probably be getting him
19 soon. And showed me the phone, you know, the
20 news feed, and I said, soon? We got him last
21 night. Then I knew who he was.

22 MR. [REDACTED]: Okay.

23 [REDACTED]: And then when I came, by the
24 time I came back to work, though, he was
25 already in SEC (Phonetic Sp. *00:30:35).

1 MR. [REDACTED]: Interesting. Okay. So,
2 it was just within 24 hours, he was moved from
3 general population to SHU?

4 [REDACTED]: I believe so. I believe,
5 less, I believe less than 48, definitely.

6 MR. [REDACTED]: Okay. All right.
7 "[REDACTED] stated he knew Epstein to be in visits
8 often with his legal counsel."

9 [REDACTED]: Yes.

10 MR. [REDACTED]: "Often until 7 to 8 p.m."

11 [REDACTED]: Yes.

12 MR. [REDACTED]: "Other than the intake
13 questions Epstein answered on his arrival,
14 [REDACTED] had no other personal interaction with
15 him."

16 [REDACTED]: No.

17 MR. [REDACTED]: So you never just, you
18 never --

19 [REDACTED]: Never chatted with him. I
20 would just escort him. Cause at one point in
21 time, a lieutenant had to move him.

22 MR. [REDACTED]: Okay. And what about
23 when you would visit the SHU? Would you ever
24 check in on his cell or anything like that?
25 Would you ever look through the door or say,

1 hey, what's up?

2 ██████████: Right. When he was on,
3 like, when he would be on one tier, I remember,
4 I think, at one point in time, he was on H
5 tier, if I'm not mistaken. The only time I
6 would really see him on the tier is when I
7 would escort him.

8 MR. ██████████: And what would you, what
9 would be the purpose of escorting him?

10 ██████████: Down to attorney conference,
11 for his legal visits.

12 MR. ██████████: Okay. So, would that be,
13 then, in the morning, you would do that?

14 ██████████: It would be all day long.
15 He would get legal visits all day, into the
16 evening.

17 MR. ██████████: And he would be going
18 back and forth between the SHU?

19 ██████████: Well, most of the time, he
20 would get brought downstairs and he would be
21 there for hours.

22 MR. ██████████: Right.

23 ██████████: There would be times he
24 would be in legal visits through the count.

25 MR. ██████████: Yeah.

1 ██████████: The officers would have to
2 do the out count.

3 MR. ██████████: Yeah, so my understanding
4 was that he would basically be brought down
5 around 8 a.m. and stay until almost 8 p.m. Is
6 that --

7 ██████████: A lot of the times, he
8 would.

9 MR. ██████████: So not always, though?

10 ██████████: Sometimes, he would go back
11 to SHU and then a different attorney would come
12 in and he would be brought back down in the
13 afternoon.

14 MR. ██████████: Oh, I see.

15 ██████████: You know, he had legal
16 visits in and out of here all day long.

17 MR. ██████████: Okay. So, you talk about
18 when you would escort him, would be that kind
19 of middle timeframe?

20 ██████████: Yeah.

21 MR. ██████████: So if he ever went back
22 to the SHU --

23 ██████████: Depending on what shift I
24 was on.

25 MR. ██████████: Okay. And when you were

1 escorting him, would you communicate with him?

2 [REDACTED]: Basically, how are you
3 doing? All right. Well, I don't, I don't get
4 too chummy with inmates.

5 MR. [REDACTED]: Sure. I would just, you
6 know, with Epstein, I'm assuming, it might
7 stand out in your little, you know, in your
8 head a little bit more. Do you know the last
9 time that you had escorted him or
10 (Indiscernible *00:32:35)?

11 [REDACTED]: I was about to escort him
12 the night before he died.

13 MR. [REDACTED]: And what happened?

14 [REDACTED]: I was in the lieutenant's
15 office, and the attorney conference officer
16 said, hey, Lou, he's ready to go. But Mr.
17 [REDACTED] was here, and [REDACTED] was, like, Lou, I
18 will take him up.

19 MR. [REDACTED]: Okay.

20 [REDACTED]: And he said, you know, by
21 the way, I'm going to take him up. I'm going
22 to give him a legal call.

23 MR. [REDACTED]: Okay.

24 [REDACTED]: I was, like, okay. No
25 problem. [REDACTED] is a GS-12, so. I was like,

1 no problem. He was being escorted by a
2 supervisor, so I went back into the
3 lieutenant's office.

4 MR. [REDACTED]: All right.

5 [REDACTED]: And that was the last time I
6 saw him.

7 MR. [REDACTED]: So, [REDACTED] is the one
8 who escorted him from attorney conferences on
9 August 9th?

10 [REDACTED]: Was it the 9th or 19th?

11 MR. [REDACTED]: The 9th. So, August 9,
12 2019.

13 [REDACTED]: Okay. Yeah. That Friday
14 night.

15 MR. [REDACTED]: He was found on August
16 10th.

17 [REDACTED]: The Friday night.

18 MR. [REDACTED]: Right. Okay.

19 [REDACTED]: I forget the actual date. I
20 remember it being a Friday. I just forgot the
21 date.

22 MR. [REDACTED]: And do you remember,
23 though, the last time you had interacted with
24 him?

25 [REDACTED]: No, I do not. I don't

1 recall.

2 MR. [REDACTED]: No? Okay. And then
3 again, back to SHU, when you would visit the
4 SHU and do a round, would you peek in on his
5 window or anything? Would you check with him
6 and say, everything --

7 [REDACTED]: I mean, sometimes, his cell
8 was right over where the OIC desk was.

9 MR. [REDACTED]: Right.

10 [REDACTED]: And I could look right into
11 his cell, and most of the time, I would see him
12 in it.

13 MR. [REDACTED]: Okay.

14 [REDACTED]: And didn't interact with him
15 though.

16 MR. [REDACTED]: But not actually check in
17 and say, are you good or anything like that?

18 [REDACTED]: No. If I was making a round
19 downrange, I would peek in. I would peek in
20 all the cells, if I'm downrange.

21 MR. [REDACTED]: Right.

22 [REDACTED]: But not on a regular basis,
23 no.

24 MR. [REDACTED]: Okay. "[REDACTED] stated he
25 was not involved officially in regard to

1 Epstein's first alleged suicide attempt. His
2 only other involvement with Epstein was to
3 bring him food while in the SHU."

4 [REDACTED]: Yeah, if he was on G tier.

5 MR. [REDACTED]: Okay.

6 [REDACTED]: Cause on G tier, the
7 lieutenants have to, have the key to the wicket
8 to be able to feed, but if he was on a regular
9 tier, no. There was times when, and when he
10 was a lieutenant hold, a lieutenant had to open
11 his, be there every time his slot was opened.
12 But he wasn't always on a lieutenant hold.

13 MR. [REDACTED]: Can you explain that
14 more? Cause G tier is like the 10 South of the
15 SHU, right?

16 [REDACTED]: G tier is like a mini, it's
17 almost like 10 South. The inmates are self-
18 sustained in there. They have their own
19 shower. They have their own, you know, it's
20 basically, it's a bigger room. It's almost
21 like the 10 South rooms. But also the same
22 thing, the SHU lieutenant, or if the SHU
23 lieutenant, afterhours, there's no SHU
24 lieutenant, only a lieutenant can open those
25 (Indiscernible *00:34:50) boxes. The wickets.

1 MR. [REDACTED]: So, was Epstein ever on G
2 tier?

3 [REDACTED]: I don't recall. I don't
4 remember.

5 MR. [REDACTED]: So what does this mean by
6 his only other involvement with Epstein was to
7 bring him food?

8 [REDACTED]: Food. When they're a
9 lieutenant hold, even if they're in a regular
10 SHU cell, a lieutenant has to be present to
11 open the slot. Even though the lieutenant
12 doesn't have to open it himself, the lieutenant
13 has to be there when the slot is opened.

14 MR. [REDACTED]: So, anytime inmates are
15 served food in the SHU, a lieutenant has to be
16 present?

17 [REDACTED]: No. Not every inmate. Only
18 if the inmate is a lieutenant move. Like, if a
19 lieutenant has to be present, like, high
20 security. Like if they're assaultive. Inmates
21 could be put --

22 MR. [REDACTED]: So, was Epstein ever a
23 lieutenant move?~~(Indiscernible *00:35:23).~~

24 [REDACTED]: I'm not 100% sure.

25 MR. [REDACTED]: So, that's where I'm just

1 trying to get the accuracy of this thing, so
2 it's only --

3 ██████████: I don't, I don't remember.
4 That's the problem. I remember --

5 MR. ██████████: So, do you remember ever
6 bringing Epstein food in the SHU?

7 ██████████: I fed him before. But that
8 might have also been just because I happened to
9 be downrange. I can't recall if, I don't
10 recall if he was ever actually a lieutenant
11 hold.

12 MR. ██████████: Okay.

13 ██████████: I remember he had to be
14 escorted from attorney conference. So that's
15 what, cause that's what --

16 MR. ██████████: How would his feeding be
17 done, when he was in attorney conference?
18 Would they, would you feed him?

19 ██████████: Sometimes, they would get a
20 bag lunch. And they would take it up with
21 them.

22 MR. ██████████: So, as in, like, when --

23 ██████████: I don't remember if he ever
24 ate in the attorney conference room, but he
25 wouldn't get the food from the food cart there.

1 He would get, like, the bag lunch from R&D.

2 MR. [REDACTED]: So, like, if he, when he
3 was escorted in the morning, they would give
4 him a bag lunch to bring into the attorney --

5 [REDACTED]: Yeah. Well, like, they
6 have, sometimes, I believe, he would get, I'm
7 not sure, he could be escorted back to the
8 Special Housing to eat his meal.

9 MR. [REDACTED]: Okay.

10 [REDACTED]: Use the restroom or
11 whatever, and go down, but they get to use the
12 restroom when they're in attorney conference,
13 anyway.

14 MR. [REDACTED]: Okay. So you're not
15 exactly sure how he was fed, then?

16 [REDACTED]: Not down in attorney
17 conference, no.

18 MR. [REDACTED]: Okay. Cause he was there
19 every day, right?

20 [REDACTED]: Yes. He was there pretty
21 much every day.

22 MR. [REDACTED]: Okay.

23 [REDACTED]: That I recall.

24 MR. [REDACTED]: All right. So, the food,
25 I'm assuming, would have taken place more at,

1 like, what time, you know, when he would get,
2 return back at the 8 p.m. mark. Would that be
3 when he would be fed?

4 ██████████: Well, he would, if he was
5 given the food in R&D, like, not R&D, the bag
6 lunches, he would have it given to him in
7 attorney conference and he would take it with
8 him.

9 MR. ██████████: Okay.

10 ██████████: You know, if he was going to
11 eat past dinnertime, but also, a lot of the
12 times, too, if he was, like, not just him. Any
13 inmate. If they're downstairs, the officers
14 could also place the food in his cell, and he
15 could have the food when he comes back from
16 attorney conference.

17 MR. ██████████: Okay. So, they can go in
18 his cell ahead of time, put it in there, even
19 if he had a cellmate?

20 ██████████: Yes.

21 MR. ██████████: Okay. And there was
22 never problems with, like, the other cellmate -

23 -

24 ██████████: No. I mean, for the most
25 part, the inmates respect each other.

1 MR. [REDACTED]: Okay. "[REDACTED] stated he
2 was aware Epstein had been moved back to the
3 SHU, and that he was required to have a
4 roommate, per a mass email he had received."

5 [REDACTED]: Yeah. It went out to all
6 lieutenants.

7 MR. [REDACTED]: So, you received an
8 email, saying that Epstein was required to have
9 a cellmate?

10 [REDACTED]: Yes.

11 MR. [REDACTED]: Okay. And was that
12 requirement still in place on August 9, 2019?

13 [REDACTED]: I believe so.

14 MR. [REDACTED]: Okay. "[REDACTED] stated he
15 did not have any conversations with anyone
16 regarding Epstein's need for a roommate, a
17 cellmate." So no one ever verbalized that to
18 you?

19 [REDACTED]: Just in the email.

20 MR. [REDACTED]: Just the --

21 [REDACTED]: And Psychology would let us
22 know.

23 MR. [REDACTED]: Would Psychology actually
24 verbalize it?

25 [REDACTED]: I mean, basically, yeah.

1 Like, for lack of, they would say that, you
2 know, not on a daily basis. They would just
3 say, any kind of, especially if they have had a
4 suicide attempt in the past, they get put on
5 what's called the hot list. Psychology threats
6 are always on the hot list. Inmates that are
7 on the hot list should always have a bunkie.

8 MR. [REDACTED]: Okay. So, anybody on the
9 hot list gets a bunkie?

10 [REDACTED]: As long, if it's dictated in
11 there by Psychology. Psychology fills out the
12 hot list.

13 MR. [REDACTED]: Right.

14 [REDACTED]: And it gets, they update it.

15 MR. [REDACTED]: So, is Psychology's hot
16 list, is it just for the people that need
17 cellmates or is it also people that can't have
18 cellmates? What is the hot list?

19 [REDACTED]: What do you mean? Can or
20 can't? What do you mean?

21 MR. [REDACTED]: Can't, cause aren't there
22 some people that have, like, you know,
23 (Indiscernible *00:38:34).

24 [REDACTED]: Separation, no, the hot list
25 doesn't pertain, the hot list is psychological.

1 It's from Psychology. Psychology generates it.

2 MR. [REDACTED]: So, if you're on the hot
3 list, everybody gets a cellmate?

4 [REDACTED]: Yeah. If it's annotated in
5 there. It will, every inmate's, in the hot
6 list, a picture of the inmate is in there.
7 That is, whether he or she is in for a Psych
8 study or a forensic study or what have you, and
9 it will say, you know, suicide attempts in the
10 past. Or cutter. Or what have you.

11 MR. [REDACTED]: And where would that hot
12 list be?

13 [REDACTED]: The hot list is kept in SHU.

14 MR. [REDACTED]: Where in the SHU?

15 [REDACTED]: It should be in a, either on
16 a clipboard or in a folder.

17 MR. [REDACTED]: And do you know where it
18 was on August 9, 2019?

19 [REDACTED]: It should have been, I'm not
20 100% sure. I can't recall, but it should have
21 been on a clipboard on the hook.

22 MR. [REDACTED]: And are the officers --

23 [REDACTED]: By the officers' station.

24 MR. [REDACTED]: Are the officers that are
25 in SHU required to look at that hot list?

1 [REDACTED]: Yes.

2 MR. [REDACTED]: All right. So, they
3 should know --

4 [REDACTED]: They should be familiar with
5 who is on the hot list.

6 MR. [REDACTED]: So, is everybody that
7 worked in the SHU, should have they known that
8 Epstein was required to have a cellmate?

9 [REDACTED]: Yes.

10 MR. [REDACTED]: Is there any reason for
11 someone to say that they didn't know that
12 Epstein was required to have a cellmate?

13 [REDACTED]: Unless they weren't assigned
14 to the post and they were thrown in there on
15 overtime or mandated to work overtime and they
16 weren't familiar with it, that can happen. But
17 if you're steady, assigned to that post, you
18 should be familiar with the hot list.

19 MR. [REDACTED]: Okay. And is there any
20 kind of requirement for people, like, overtime
21 that are, you know, not regularly working in
22 the SHU, to be either briefed on the hot list
23 or to review the hot list when they joined?

24 [REDACTED]: It all depends. Like, I
25 mean, a good SHU officer, worth his weight in

1 salt, would at least talk the staff member
2 through it. But, like I said, there was plenty
3 of times where the entire SHU crew were all
4 overtimers.

5 MR. [REDACTED]: Right.

6 [REDACTED]: So, nobody came to work.

7 MR. [REDACTED]: Okay.

8 [REDACTED]: And a lot of the times, you
9 would have SHU crews, never mind just SHU
10 crews, institutional staff that would be
11 zombies, because they had been getting stuck
12 four days in a row. So a lot of the times,
13 things, you know, it's a lot to absorb. You
14 just, you're trying to do the job.

15 MR. [REDACTED]: Okay. So, looking at the
16 August 9, 2019, roster, and I'm going to say
17 from the 8 a.m. hour on to the end of the day,
18 for the people that were working in the SHU,
19 can you tell me who you believe should have
20 known that he was required to have a cellmate?

21 [REDACTED]: For the day shift or the
22 evening shift?

23 MR. [REDACTED]: Just from 8 a.m. on.

24 [REDACTED]: 8 a.m. on. All right.

25 Well, it looks, there was three officers,

1 ██████████, and basically, ██████████ is 6 to 2.
2 ██████████ is a senior staff member. ██████████
3 (Phonetic Sp. *00:41:12) was a rookie. Officer
4 Monge is a senior staff member. So, three out
5 of the four on the day shift.

6 MR. ██████████: So, you're saying
7 everybody but ██████████ --

8 ██████████: Yeah.

9 MR. ██████████: -- should have known?
10 Okay. What about for the evening shift?

11 ██████████: Evening shift? All right.

12 ██████████ had a couple of years on the job. The
13 SHU floor was unassigned, because we were
14 short. There was only three officers.

15 ██████████ is non-custody. So, ██████████ would
16 not be super familiar with it, because he
17 worked warehouse.

18 MR. ██████████: Okay.

19 ██████████: And he's with commissary.

20 MR. ██████████: Was he a --

21 ██████████: Noel was fairly new. She
22 had, maybe, just a little over a year on the
23 job.

24 MR. ██████████: But if Noel was a regular
25 SHU person, that was her quarterly post, should

1 she have known what the hot list was?

2 [REDACTED]: Yes.

3 MR. [REDACTED]: And should have she known
4 that Epstein was required to have a cellmate?

5 [REDACTED]: Yes. You have to sign for
6 the hot, you have to sign that you reviewed the
7 hot list.

8 MR. [REDACTED]: Oh, you do have to sign
9 that?

10 [REDACTED]: Yeah. Uh-huh.

11 MR. [REDACTED]: All right. And who, when
12 do you sign that?

13 [REDACTED]: Last I checked, I don't, I
14 can't get quoted on this, cause I'm not 100%
15 certain. We would sign it a lot, like, well,
16 at least the lieutenants, would sign it when we
17 would do lieutenants meetings and meet with
18 Psychology and go, review the hot list, we
19 would all sign for it.

20 MR. [REDACTED]: Now, I'm assuming the hot
21 list is ever-changing, correct?

22 [REDACTED]: Yes. Psychology always
23 updates it.

24 MR. [REDACTED]: So, how often does the
25 hot list have to be signed?

1 ██████████: Every time it gets updated,
2 and they put a new one, it should be reviewed.

3 MR. ██████████: Okay.

4 ██████████: And I don't, I honestly
5 haven't seen it in a while, cause now, my
6 contact with Special Housing is limited, now
7 that I'm a counselor.

8 MR. ██████████: Did you make that note?

9 MR. ██████████: Yeah. Can I ask a question
10 on that?

11 MR. ██████████: Yes.

12 MR. ██████████: What exactly are you signing?

13 ██████████: That you reviewed the hot
14 list.

15 MR. ██████████: But, is that, like, a form or
16 is it on the copy --

17 ██████████: It's a sign-in sheet.

18 MR. ██████████: A sign-in sheet?

19 ██████████: Yeah.

20 MR. ██████████: Okay.

21 MR. ██████████: And you know that
22 lieutenants had to, but do you believe the
23 officers had to sign the review of the hot
24 list?

25 ██████████: I'm not 100% sure, but I

1 know, as they have, they're require to review
2 the hot list. They should be familiar with
3 that hot list. Know who their psychological
4 inmates are, just as well as reviewing the
5 posted picture file.

6 MR. [REDACTED]: Okay.

7 [REDACTED]: To know who your high
8 profile and your dangerous inmates are.

9 MR. [REDACTED]: All right. So, at that
10 time, you being an Activities or in this case,
11 an Ops Lieutenant, would have you had to have
12 reviewed and signed the hot list in the SHU?

13 [REDACTED]: No, no, no. It's, I would
14 sign it here. Like I said, in the lieutenants
15 meetings, we would go over it with Psychology.

16 MR. [REDACTED]: Sorry. I mean, the SHU
17 hot list, is what I mean.

18 [REDACTED]: No, that's the one that
19 would be there. The hot list is just generated
20 by Psychology. It's not like there's one for
21 SHU, one for the lieutenant's office, one for
22 here. It stays in SHU, but Psychology would
23 always make sure we familiarize ourselves with
24 it.

25 MR. [REDACTED]: And is it only, is there

1 only a hot list in SHU?

2 ██████████: That I know of.

3 MR. ██████████: Okay. So, my question,
4 sorry, I probably was unclear, is at this time,
5 the SHU hot list, you being the Activities
6 Lieutenant, or, in this case, the Ops
7 Lieutenant on that specific date, August 9th,
8 would you have reviewed and signed that hot
9 list?

10 ██████████: Not every day.

11 MR. ██████████: Yeah, yeah. But, like,
12 when it was --

13 ██████████: Generated, yes.

14 MR. ██████████: Right. So, point being,
15 like, if Epstein was on the hot list, you would
16 have signed and reviewed it?

17 ██████████: Yes. Of course. I mean,
18 like I said, anybody at that point in time
19 should have known that he was going to be on
20 the hot list.

21 MR. ██████████: Okay.

22 ██████████: Especially after the first
23 suicide attempt.

24 MR. ██████████: Okay. And do you think
25 anybody in the institution, with his high-

1 profile nature and the fact that he had a first
2 suicide, suicide attempt, including these
3 people that you mentioned in the SHU, is there
4 any reason for anybody to say they didn't know
5 that Epstein was required to have a cellmate?

6 [REDACTED]: I don't know.

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

8 [REDACTED]: No. I mean, the people that
9 are assigned to SHU, but the problem is, if you
10 look, overtime. He wasn't assigned. Overtime.
11 She got assigned to that post, but it probably,
12 I don't believe it was her post for the
13 quarter. You know? I'm not, I don't, I can't
14 recall 100%.

15 MR. [REDACTED]: But as far as, aren't
16 people that work in this facility, correctional
17 officers first?

18 [REDACTED]: Of course. Of course.
19 That's the thing.

20 MR. [REDACTED]: And if they know that the
21 high-profile nature and the fact that he tried
22 to commit suicide, don't all officers pretty
23 much know, if you try to commit suicide, you're
24 required to have a cellmate?

25 [REDACTED]: Of course.

1 MR. [REDACTED]: So, shouldn't everyone
2 have known that he was required to have a
3 cellmate?

4 [REDACTED]: In that sense, yes.

5 MR. [REDACTED]: All right. And
6 especially the fact that he is in the SHU, he
7 is, at the time, I think, your most high-
8 profile inmate.

9 [REDACTED]: Uh-huh.

10 MR. [REDACTED]: Do you believe that they
11 should have known that he was required to have
12 a cellmate?

13 [REDACTED]: Yes.

14 MR. [REDACTED]: Okay. "[REDACTED] stated
15 Lieutenant Rice was the SHU lieutenant. He
16 believed Lieutenant Rice would have known
17 Epstein required a roommate or a cellmate as it
18 is a regular responsibility. He believed
19 Lieutenant Rice would have enforced the
20 roommate rule. [REDACTED] stated he had worked
21 the 2 p.m. to 10 p.m. shift on August 9, 2019.
22 He was relieved around 9:50 to 9:55 p.m. that
23 evening. He was not aware that Epstein did not
24 have a roommate."

25 [REDACTED]: No.

1 MR. [REDACTED]: "He did not know Reyes,
2 Epstein's former roommate, had left MCC,
3 leaving Epstein without a roommate. [REDACTED]
4 found out the following morning. He had been
5 working as Operations Lieutenant that evening.
6 R. [REDACTED] had been working as Activities
7 Lieutenant. She had made the rounds."

8 All right, so on this, I'll guess we'll
9 just go one sentence at a time. So you didn't
10 know that day that Reyes had left the
11 institution, is what you said?

12 [REDACTED]: No. No.

13 MR. [REDACTED]: Now, is that --

14 [REDACTED]: I was unaware.

15 MR. [REDACTED]: Now, is that something
16 that if he, if he had left, is that something
17 that you should have known?

18 [REDACTED]: No. What happens is, when
19 inmates go to court, and then they get released
20 or transferred out, they don't necessarily tell
21 us. Basically, what happens is then, the only
22 way we're going to know anybody moved is when
23 we do the PP30 at the end of the night. Right?
24 Just to, you know, write down who --

25 MR. [REDACTED]: Is it PP30 or 38?

1 ██████████: PP, I believe it might be a
2 38. I don't, off the top of my head, I don't
3 remember. I know it's the quarter's, the
4 movement roster. I haven't done it in a while.

5 MR. ██████████: Well, there's some of
6 those things we're going to review after --

7 ██████████: Yeah. But I know it's a
8 Sentry, it's got to be entered in Sentry, and
9 then basically, it gets transferred over to the
10 lieutenant's log.

11 MR. ██████████: Okay.

12 ██████████: Right? At, you know, to
13 monitor what movement you had, just to make
14 sure your numbers jive with the institution
15 numbers at the end of each shift.

16 MR. ██████████: Okay. So, in this case,
17 do you believe someone should have, being that
18 it was Epstein, and Epstein's cellmate, Reyes,
19 left the institution? Should someone have told
20 you this?

21 ██████████: Should somebody have told me
22 directly?

23 MR. ██████████: Yeah, as the Ops
24 Lieutenant, you have Epstein, your most high-
25 profile. He is required to have a cellmate.

1 Reyes, his cellmate, leaves the institution.
2 Should someone have notified you?

3 ██████████: I would have liked to be
4 notified.

5 MR. ██████████: So, who should have
6 notified you that Reyes was --

7 ██████████: When he departed the
8 institution, somebody should have been
9 notified. Maybe not me, but somebody should
10 have known.

11 MR. ██████████: Okay. So, if he departed
12 the institution at 8:38 a.m., and he's listed
13 as pre-remove, removed off of the records, how
14 should have that went down?

15 ██████████: If he was known to not come
16 back, then he should have had gotten a new
17 cellie.

18 MR. ██████████: Like right away?

19 ██████████: As soon as humanly possible.

20 MR. ██████████: Okay. So, if people
21 claim that they didn't, they weren't, they
22 assumed he wasn't coming back, cause he went
23 With All Belongings. So, if someone goes With
24 All Belongings --

25 ██████████: WAB means With All

1 Belongings. That means they're not coming
2 back.

3 MR. [REDACTED]: And that's pretty much --

4 [REDACTED]: Most of the time, they're
5 not coming back. There are occasions where
6 they cancel the bus, or they cancel the
7 transport or Air America, they will cancel, and
8 then they'll come back, but most of the time,
9 when they go WAB, that means they're going.
10 They're either going home or going to whatever
11 institution they're getting moved to.

12 MR. [REDACTED]: Right. So, in this case,
13 if people know that Reyes leaves at 8:30, he's
14 moved down by the OIC from the SHU to R&D, WAB.
15 What should have happened at that point?

16 [REDACTED]: So, I would assume that
17 during the day, on a Friday, the lieutenant,
18 the SHU lieutenant is here.

19 MR. [REDACTED]: So, if the SHU lieutenant
20 is actually off that day, no SHU lieutenant,
21 you got --

22 [REDACTED]: A lieutenant should have, a
23 SHU, a supervisor should have been notified.

24 MR. [REDACTED]: Okay.

25 [REDACTED]: And been like, hey, he don't

1 have a bunkie no more.

2 MR. [REDACTED]: Okay. And if that --

3 [REDACTED]: And then it should be, you
4 know, then get him one.

5 MR. [REDACTED]: All right. So, and if
6 the OIC, let's, for the benefit of the doubt,
7 OIC does inform one of the lieutenants, let's
8 say in this case, it looks like Activities was
9 [REDACTED]. And the Ops was [REDACTED].

10 [REDACTED]: Uh-huh.

11 MR. [REDACTED]: And no action is taken by
12 them. What would be the next thing that could
13 have happened with this, to make sure, you
14 know, Epstein, high-profile, doesn't have a
15 cellmate. What should have, how could this
16 catch up to itself? How could we rectify the
17 fact that Epstein was --

18 [REDACTED]: Well, that's, then, if
19 nobody is notified, no one knows.

20 MR. [REDACTED]: Right. So, would the
21 SHU, after [REDACTED] is gone, the next, you
22 know, and his crew leaves and then the next SHU
23 crew comes in, should have they, then, said,
24 hey, Reyes isn't here. We're doing our rounds.
25 There's nobody in there.

1 [REDACTED]: Uh-huh.

2 MR. [REDACTED]: Should they have notified
3 the lieutenant?

4 [REDACTED]: I should have been notified.

5 MR. [REDACTED]: And who should have you
6 been notified by?

7 [REDACTED]: At least the SHU crew. They
8 should have been, like, hey, this guy doesn't
9 have a cellmate.

10 MR. [REDACTED]: If [REDACTED], the former Ops
11 Lieutenant, knows that, at the very least,
12 Reyes left the institution --

13 [REDACTED]: Uh-huh.

14 MR. [REDACTED]: -- possibly for court.
15 Maybe he doesn't know he's WAB, but he knows
16 that he left. Should he have notified you that
17 Reyes was --

18 [REDACTED]: Well, if he had knowledge,
19 you know, that's part of taking over. You
20 know, the changeover. Hey, anything happen?
21 Anything I need to know? (Indiscernible
22 *00:51:00).

23 MR. [REDACTED]: In this case, Reyes,
24 knowing that, if he knew Reyes was Epstein's
25 cellmate, had left the institution, should have

1 he notified you of that?

2 [REDACTED]: I mean, if he had direct
3 knowledge, possibly. Like, that's the thing.
4 It was, no one knew.

5 MR. [REDACTED]: But, if he says he knew,
6 he knew that, well, let's say if [REDACTED] says,
7 yeah, I knew Reyes left. I just wasn't certain
8 he wasn't coming back.

9 [REDACTED]: That's possible.

10 MR. [REDACTED]: But should have he
11 notified you?

12 [REDACTED]: I should have known about
13 it. Whether or not it was from [REDACTED] or from
14 the SHU crew, especially cause he was a hot
15 inmate.

16 MR. [REDACTED]: Okay. So, either [REDACTED]
17 or the SHU crew should have informed you?

18 [REDACTED]: Yes.

19 MR. [REDACTED]: And no one informed you?

20 [REDACTED]: I wasn't informed.

21 MR. [REDACTED]: Okay.

22 [REDACTED]: I found out the next day.

23 MR. [REDACTED]: Right. What about, I
24 know your Activities Lieutenant, you said, is
25 the one who did the round, correct?

1 [REDACTED]: Yes.

2 MR. [REDACTED]: Should she have known,
3 Reyes is gone. Epstein is without a cellmate,
4 when she did her round?

5 [REDACTED]: If she found it. I don't
6 know, cause I wasn't there.

7 MR. [REDACTED]: No, no, no. I'm saying,
8 should she have, should that be, like, when she
9 is doing her round in the SHU, is that
10 something that she should have recognized?

11 [REDACTED]: If she went downrange,
12 maybe. But if she didn't go downrange, and no
13 one told her, it would be the same ballpark.
14 No one told her. She is, you know, it's
15 unbeknownst to her.

16 MR. [REDACTED]: When she went to the SHU,
17 should --

18 (knocking on door)

19 MR. [REDACTED]: -- we're in here. When
20 she went into the SHU, should the OIC crew, or
21 not the OIC, the SHU crew have told her, Reyes
22 is gone, Epstein is without a cellmate?

23 [REDACTED]: Possibly. Yeah. I mean, a
24 lieutenant is not going to know anything unless
25 the officers relay that information to the

1 lieutenant. We're not superhuman.

2 MR. [REDACTED]: So, if she did her
3 rounds, and again, you said that she is the one
4 who did the rounds, do you believe it was their
5 responsibility to say, hey, Activities
6 Lieutenant, just so you know, no one is in that
7 cell. Reyes is gone. Just want to give you
8 the heads up. Should that have happened?

9 [REDACTED]: Yes.

10 MR. [REDACTED]: Okay. And then she would
11 have then informed you --

12 [REDACTED]: Of course, listen, she would
13 have definitely notified me. She is, for the
14 lack of better terms, and I don't mean to use
15 profanity, she is a shit hot lieutenant.

16 MR. [REDACTED]: Okay.

17 [REDACTED]: She is on her job.

18 MR. [REDACTED]: Yep.

19 [REDACTED]: She would have definitely,
20 if she knew, she would have let me know.

21 MR. [REDACTED]: Okay.

22 [REDACTED]: And we would have fixed it.

23 MR. [REDACTED]: So, whoever was working
24 on her, on that shift, when she visited, should
25 certainly have informed her that Reyes was

1 gone?

2 ██████████: To my understanding, yes.

3 MR. ██████████: And ██████████ never told you
4 as --

5 ██████████: No. I don't recall her
6 telling me. And like I said, just knowing her,
7 and her caliber, she would have told me.

8 MR. ██████████: Right. "██████████ stated
9 if he had known Epstein did not have a
10 roommate, he would have ensured he did."

11 ██████████: Yes.

12 MR. ██████████: "And he knew him to be on
13 the hot list."

14 ██████████: Yes.

15 MR. ██████████: "██████████ stated the
16 following morning, August 10, 2019, at
17 approximately 6:30 to 6:45 a.m., he received a
18 call from Lieutenant Stanley ██████████, informing
19 him that Epstein had attempted suicide and he
20 should go straight to the hospital, instead of
21 reporting to the jail for duty."

22 ██████████: Yes. That's what I did, I
23 went straight to Beekman Hospital.

24 MR. ██████████: Okay. "██████████ stated,
25 at the hospital, the escorting staff informed

1 him that Epstein had passed away."

2 ██████████: Yes.

3 MR. ██████████: "He saw his body and told
4 his officers not to speak to anyone and direct
5 any questions to the prison public relations
6 officer."

7 ██████████: Yes.

8 MR. ██████████: Do you know who that was
9 at the time?

10 ██████████: It's usually the Executive
11 Assistant, so it should have been Lee Plourde.

12 MR. ██████████: Okay. So, Lee Plourde?

13 ██████████: Lee Plourde is the public --

14 MR. ██████████: Yeah. "He said the same
15 to the hospital security."

16 ██████████: Yes.

17 MR. ██████████: Okay. So that was not
18 people that were BOP, but the hospital --

19 ██████████: No, yeah. There was
20 hospital security around the room, too, and I
21 was, like, no one goes in here unless it's
22 hospital staff or Bureau staff.

23 MR. ██████████: Okay. "██████████ stated
24 officers P. Dupree, (Phonetic Sp. *00:54:46) S.
25 Andrea, and ██████████ were on-scene at the

1 hospital."

2 [REDACTED]: Yes.

3 MR. [REDACTED]: Now, were they people
4 that escorted Epstein to the hospital?

5 [REDACTED]: That's what I believe, yeah.
6 They had to be, because, like I said, I was on
7 my way to the hospital. I went straight to the
8 hospital. I believe those were the three staff
9 members that they got to be the escorting
10 staff.

11 MR. [REDACTED]: Okay. Now, as far as
12 Epstein going to the hospital, do you know when
13 he actually was deceased?

14 [REDACTED]: I remember, my mission at
15 that point, Lieutenant [REDACTED] had told me, go
16 straight to the hospital, tell the officers,
17 you know, keep the area secure and record time
18 of death. I think the hospital told me it was,
19 like, 7 something. I don't recall the actual
20 time, and then I called Lieutenant [REDACTED] and
21 gave him that time, and then he was, like, all
22 right. We already got it. Bring yourself back
23 to the institution.

24 MR. [REDACTED]: So, do you know if, prior
25 to that time, he had shown any signs of life?

1 [REDACTED]: No. I am unaware. No.

2 MR. [REDACTED]: Okay. So did anyone
3 mention to you or state to you, he died
4 actually at the prison?

5 [REDACTED]: No.

6 MR. [REDACTED]: They just pronounced him
7 dead there?

8 [REDACTED]: They told me they pronounced
9 him dead. I don't remember the actual time.
10 It was 7 something, which was the time of death
11 that the hospital recorded.

12 MR. [REDACTED]: Okay.

13 [REDACTED]: And that's what I relayed
14 back to Lieutenant [REDACTED], and then he said, all
15 right, we got it already. Come to the
16 institution. And then I left the hospital.

17 MR. [REDACTED]: Do you believe that when
18 he was found at the BOP institution, he was
19 actually dead on scene?

20 [REDACTED]: I don't, I don't know. I
21 can't, I can't answer yes or no.

22 MR. [REDACTED]: Okay.

23 [REDACTED]: I just know, when I saw his
24 body in the thing here, the intubation tube in
25 his neck and down his throat, and it looked

1 like they were working on him.

2 MR. [REDACTED]: And they were still
3 working on him?

4 [REDACTED]: No, no, no. They had worked
5 on him.

6 MR. [REDACTED]: Okay.

7 [REDACTED]: He was already deceased, but
8 he still had the intubation tube down his
9 throat.

10 MR. [REDACTED]: Okay. "[REDACTED] stated he
11 had not taken any photographs of Epstein's body
12 and advised his officers to stay with the body
13 until they could be relieved."

14 [REDACTED]: Yes.

15 MR. [REDACTED]: "[REDACTED] stated, back at
16 the prison, he resumed his activities as
17 lieutenant and was guided to collect log books
18 and escort FBI agents as part of the death
19 investigation."

20 [REDACTED]: Yes.

21 MR. [REDACTED]: Were any OIG there at the
22 time?

23 [REDACTED]: Not that I know of. There
24 were so many agents and people coming in and
25 out, taking computers, I don't, I could have

1 been escorting OIG and I didn't even know.

2 MR. [REDACTED]: Sure.

3 [REDACTED]: Basically, Captain [REDACTED]
4 just made me go along and go and try, assist in
5 any way I could, anytime, any documents they
6 needed or whatever. That's what I did.

7 MR. [REDACTED]: Sure.

8 [REDACTED]: Pretty much the rest of the
9 day.

10 MR. [REDACTED]: Okay. "[REDACTED] stated he
11 was not aware of the destruction of any
12 records."

13 [REDACTED]: No.

14 MR. [REDACTED]: "[REDACTED] stated he knew
15 Officer Thomas for a few years and knew Officer
16 Noel as a newer officer, but had no personal
17 relationship with either."

18 [REDACTED]: No.

19 MR. [REDACTED]: All right. Cool.
20 Anything that they missed or failed to capture?

21 [REDACTED]: No. I was being refreshed,
22 as you were reading it.

23 MR. [REDACTED]: And that's for future, is
24 what I'm talking about.

25 MR. [REDACTED]: Okay.

1 MR. [REDACTED]: All right. Great. So
2 now, so, everything seemed accurate, as far as
3 this was written?

4 [REDACTED]: Yes.

5 MR. [REDACTED]: Okay. Perfect.

6 MR. [REDACTED]: I just have a couple of
7 follow-ups.

8 MR. [REDACTED]: Yep. Please. Go ahead.

9 MR. [REDACTED]: You mentioned round sheets.
10 Do you recall if here, at the MCC, in the SHU,
11 the round sheets are kept at the end of each
12 tier? Or are they kept on the desk?

13 [REDACTED]: They're supposed to be kept
14 at the end of each range.

15 MR. [REDACTED]: So, as a lieutenant, at that
16 point, when you made your, if you had made your
17 rounds --

18 [REDACTED]: If I have seen the sheets on
19 the desk, I would always tell the officers they
20 need to be downrange, not on your desk.

21 MR. [REDACTED]: Okay.

22 [REDACTED]: And I would not initial
23 them, unless they were, I wouldn't initial them
24 unless they were accurate.

25 MR. [REDACTED]: Okay.

1 [REDACTED]: Uh-huh.

2 MR. [REDACTED]: So, on that note, then,
3 when you would go into sign that document,
4 would you always go downrange to grab it?

5 [REDACTED]: No. There was times where I
6 would see it on the desk and I would be, like,
7 these need to be downrange.

8 MR. [REDACTED]: So, you're, when you walk
9 into the SHU, you are supposed to walk
10 downrange to do --

11 [REDACTED]: To sign it.

12 MR. [REDACTED]: -- to sign it there?

13 [REDACTED]: Uh-huh.

14 MR. [REDACTED]: But oftentimes, that
15 would --

16 [REDACTED]: As of late, as of late, that
17 is where they are now. It all depends on what
18 shift, because the morning watch lieutenant,
19 the overnight lieutenant, has those sheets
20 already sent down to that person.

21 MR. [REDACTED]: Uh-huh.

22 [REDACTED]: In the thing, but you still
23 have to go up and sign the round sheets anyway.
24 Every shift, those round sheets have to be
25 signed. Cause you have to ensure that the

1 officers are doing their rounds.

2 MR. [REDACTED]: So, when [REDACTED] did her
3 round on August 9, 2019, should she have had to
4 have gone downrange, especially on the range
5 that Epstein was on?

6 [REDACTED]: If the round sheets were
7 downrange.

8 MR. [REDACTED]: Right. And that's where
9 they are supposed to be?

10 [REDACTED]: Like they're supposed to be.

11 MR. [REDACTED]: Okay. And if they
12 weren't, she should have notified SHU. Hey,
13 you guys got to be keeping these down here?

14 [REDACTED]: Yes.

15 MR. [REDACTED]: All right. And is the
16 purpose of that, though, to ensure that people
17 are doing rounds and that's where it, when they
18 sign that?

19 [REDACTED]: Well, that's where they're
20 supposed to be, for the sake of the officers,
21 that's, it's to prevent fudging the round
22 sheets.

23 MR. [REDACTED]: Right.

24 [REDACTED]: You know, if they're down on
25 the desk, and you can just write whatever you

1 want, for lack of better terms. Look, I'm
2 (Indiscernible *00:59:40) I'll call a spade a
3 space. Right? If somebody is going to fudge
4 around, it's easier for them to do it that way.

5 MR. [REDACTED]: Uh-huh.

6 [REDACTED]: Then if it's downrange. If
7 it's downrange, you have to go downrange.

8 MR. [REDACTED]: Right.

9 [REDACTED]: So, you're going to look in
10 each cell and then when you get to the end of
11 that tier, that's when you scribble your time.
12 That's why it's easier for that round sheet and
13 that camera to jive.

14 MR. [REDACTED]: Uh-huh.

15 [REDACTED]: Cause they're downrange.

16 MR. [REDACTED]: Okay. Sorry.

17 [REDACTED]: Sorry.

18 MR. [REDACTED]: No, no. And the point of the
19 lieutenant signing it is not that the
20 lieutenant did the rounds --

21 [REDACTED]: It's to make sure that the
22 officers are doing what they're supposed to be.

23 MR. [REDACTED]: Okay. Do you recall any
24 special instructions coming down from the
25 Warden or the Captain, regarding Epstein?

1 ██████████: Nothing as far as, like,
2 that he was high-profile. You know.

3 MR. ██████████: What was the, you mentioned
4 instructions from Psychology, right?

5 ██████████: Uh-huh. Which were
6 basically the same, like, you know, he needs a
7 bunkie. He is high-profile.

8 MR. ██████████: But there was no
9 instructions, like you are never, as a
10 lieutenant, there was no special instructions
11 (Indiscernible *01:00:36).

12 ██████████: If he was a lieutenant move,
13 our instructions were a lieutenant has to be
14 present when he moved. So, a lieutenant has to
15 escort him, that I recall.

16 MR. ██████████: That email you mentioned that
17 you got. Who was that from? The mass email?

18 ██████████: I believe it was from the
19 Captain.

20 MR. ██████████: We're going to go through
21 all that.

22 ██████████: Or Correctional Services.
23 I'm not, I'm not exactly sure who sent that
24 out.

25 MR. ██████████: Okay.

1 ██████████: It would be generated from
2 all the department heads.

3 MR. ██████████: Okay. That's it. That's all
4 I had.

5 MR. ██████████: Okay. But you're
6 familiar with the SHU, correct?

7 ██████████: Yes. Yes.

8 MR. ██████████: (Indiscernible *01:01:15)
9 all right. Great. Looking at this camera
10 angle, this is a still shot. Can you tell me
11 what it is that we're looking at here?

12 ██████████: This is the camera that's up
13 in, on the upper tier, by the 46 door, which is
14 going into 10 South. This camera view right
15 here is of the multipurpose area. These stairs
16 right here, that you can barely make out, this
17 would be G tier.

18 MR. ██████████: Okay.

19 ██████████: H tier. J, █ tier down
20 there. You can't see L and M. This little
21 shadow right here is the pipe, but that's about
22 all you can see of L tier. And then M tier is
23 down those steps, and that's the OIC's station.

24 MR. ██████████: So, from this camera
25 angle, this, if Epstein is in L tier, would you

1 be able to see if people were going up and down
2 L tier, from this camera angle?

3 ██████████: You would be able to see a
4 quick movement, but not the full, cause you
5 can't see the steps.

6 MR. ██████████: Is there a way for them,
7 over this way, to like, go over here and go up
8 here without you seeing them come up, or is
9 this so close --

10 ██████████: No, no, no. This is
11 totally, this is elevated. This area right
12 here, this is a staircase door.

13 MR. ██████████: Okay.

14 ██████████: This is an elevated
15 position. You can't, this camera would see
16 staff coming up.

17 MR. ██████████: Oh, but as far as this
18 angle, though, could you, could you, if anybody
19 was going up and down L tier --

20 ██████████: And if anybody was coming
21 this way --

22 MR. ██████████: -- could you tell that
23 from here?

24 ██████████: -- and going up, you would
25 be able to, like I said, you would be able to

1 see a flash of movement, but you really
2 wouldn't be able to see, judging from the way
3 this picture is, you really wouldn't be able to
4 see much of the actual step climbing.

5 MR. [REDACTED]: Okay. But could anybody
6 get up to L tier without you seeing from this
7 angle in the SHU?

8 [REDACTED]: Well, you would see them go
9 this way. But whether or not they were walking
10 towards the kitchen or going up to L tier would
11 be hard to distinguish, just from looking at
12 this. If the camera were there --

13 MR. [REDACTED]: So, is this a blind spot?
14 Could someone come from this way and go up L
15 tier without you seeing?

16 [REDACTED]: Yes. Yeah. Without a
17 doubt.

18 MR. [REDACTED]: Okay.

19 [REDACTED]: From, you could come from
20 straight outside and then go up.

21 MR. [REDACTED]: All right. And what,
22 this staircase that is clearly visible, this is
23 the officer's station, right?

24 [REDACTED]: Yes.

25 MR. [REDACTED]: And right to the left of

1 the officer's station, what is that staircase
2 going to?

3 [REDACTED]: That's going to J tier.

4 MR. [REDACTED]: Okay. Awesome. Can you,
5 on this SHU map, so this first page is the
6 first tier.

7 [REDACTED]: Wait. Which, first tier?

8 MR. [REDACTED]: So, this is the, we have
9 the SHU layout. It's not perfect, but this is
10 what was provided to us.

11 [REDACTED]: Yeah. Cause I'm trying to,
12 all right, so --

13 MR. [REDACTED]: So, this is, like, for
14 instance, you know, you will see the first
15 letter is what the, so this is G tier. It
16 looks like this is M tier. And the second one,
17 over here, this is the second floor, this is my
18 understanding. Here's J, L.

19 [REDACTED]: I can barely see it.

20 MR. [REDACTED]: Yeah. Maybe that's G. I
21 don't know.

22 [REDACTED]: May I?

23 MR. [REDACTED]: Absolutely. This is, so,
24 what I'm going to ask you to do is, from
25 looking at this --

1 [REDACTED]: J. Okay. There it is. J.

2 MR. [REDACTED]: -- keeping in mind where
3 the officers' station is --

4 [REDACTED]: And this is L. Okay.

5 MR. [REDACTED]: -- and where this is, can
6 you kind of point to me, can you put the
7 location of where this camera is on here?

8 [REDACTED]: Oh, shit.

9 MR. [REDACTED]: Looking down?

10 [REDACTED]: Recreation.

11 MR. [REDACTED]: So, if you're looking at

12 --

13 [REDACTED]: It would be up here.

14 MR. [REDACTED]: Right. So, like, the
15 angle, like, you can put a circle, and I'm
16 pointing towards, so I guess put a big circle
17 where the officers' station would be.

18 [REDACTED]: All right. This is J tier.
19 That's right there. And there's the wall,
20 right there, so, right there, this is L tier,
21 going up and M would be down, yeah. That's
22 right. So, this is basically where the --

23 MR. [REDACTED]: So then you can put OC in
24 the middle.

25 [REDACTED]: OIC.

1 MR. [REDACTED]: For OIC, perfect. And
2 then, so, if you're looking straight at this,
3 this is that, can you put a star next to
4 whatever, whatever staircase you're looking at
5 in this video?

6 [REDACTED]: Okay. This is J tier, right
7 here.

8 MR. [REDACTED]: J tier. All right.

9 [REDACTED]: J. And this is M.

10 MR. [REDACTED]: Okay.

11 [REDACTED]: I'm assuming that's the one
12 going down.

13 MR. [REDACTED]: Okay. Great. And then
14 as far as, this is what you're looking at,
15 right here, where would you believe the camera
16 would be?

17 [REDACTED]: Judging from the way this
18 is, it looks like the camera is panning from,
19 like, here. That way.

20 MR. [REDACTED]: Oh, right. So, if this
21 is, this is G tier --

22 [REDACTED]: G.

23 MR. [REDACTED]: -- right, so, would it
24 be, like, kind of over here?

25 [REDACTED]: Here's the, this is the

1 lieutenant's office up there. That's here, in
2 the corner. And I think the camera is above
3 the lieutenant's office.

4 MR. [REDACTED]: Okay.

5 [REDACTED]: So, maybe like right here,
6 maybe? I'm not 100% certain. But it should
7 be, it's somewhere over here, the camera and
8 the camera pans that way.

9 MR. [REDACTED]: Can you just put a star
10 there and in that open spot next to it, just
11 write camera? All right. Perfect. Do you
12 mind just initialing and dating that? And then
13 we're also --

14 [REDACTED]: Eight, today is the 4th,
15 cause it's my daughter's birthday.

16 MR. [REDACTED]: Oh, is it? Happy
17 Birthday.

18 [REDACTED]: Twenty-one.

19 MR. [REDACTED]: How old?

20 [REDACTED]: Twenty-one.

21 MR. [REDACTED]: Oh, wow. Can you initial
22 and date that, that we're looking --

23 [REDACTED]: Sure. Date it, too?

24 MR. [REDACTED]: Yes, please. All right.
25 So, all right. Thank you. That confirms what

1 this is, thank you. And this is someone else's
2 drawing. I just want to see, this kind of
3 (Indiscernible *01:06:32) this is actually what
4 we said here. Yeah, so it looks like, and this
5 is everything. Cool. Now, was there, you
6 said, you mentioned a bulletin board that had
7 the hot list? Where would that be?

8 ██████████: Well, I can't, right here,
9 it's hard to tell from that, but usually, the
10 hot list should be somewhere right up there on
11 the hook.

12 MR. ██████████: Okay, so this is the
13 bulletin board here?

14 ██████████: Yeah. And there's also,
15 now, I don't, not then, but there was, there's,
16 there was stuff up here, but not, I don't
17 believe it was a bulletin board. It's a
18 bulletin board now, if you go up there.

19 MR. ██████████: All right.

20 ██████████: But there was, the hot list
21 used to be right there. It should have been
22 right there, by where the phone was.

23 MR. ██████████: All right. So, I'm going
24 to write above it, B board. So this is where
25 the bulletin board was?

1 [REDACTED]: Yeah.

2 MR. [REDACTED]: And you believe the hot
3 list would have been on that, is what you're
4 saying?

5 [REDACTED]: Yes.

6 MR. [REDACTED]: And this was, you said J
7 tier?

8 [REDACTED]: That was, those are the
9 steps going up to J tier.

10 MR. [REDACTED]: So I'm going to write J
11 right here with an arrow going up.

12 [REDACTED]: Uh-huh. And [REDACTED] tier would be
13 the one going down.

14 MR. [REDACTED]: And is that going down
15 here?

16 [REDACTED]: Yeah.

17 MR. [REDACTED]: Or over that way?

18 [REDACTED]: No. Down that way. There,
19 to the left.

20 MR. [REDACTED]: Okay. But J was going
21 up?

22 [REDACTED]: Yes.

23 MR. [REDACTED]: All right. And then I'm
24 going to write up here, L tier would have been
25 right here, going up?

1 [REDACTED]: Yes.

2 MR. [REDACTED]: All right. So that's all
3 accurate?

4 [REDACTED]: Yep.

5 MR. [REDACTED]: Perfect. Okay. So, you
6 said that this one also checked out, this looks
7 exactly the same as where you were. Oh, do you
8 know where Epstein was located?

9 [REDACTED]: He was on L tier.

10 MR. [REDACTED]: And do you know where,
11 like, in looking at this, where his --

12 [REDACTED]: It should be right there.

13 MR. [REDACTED]: That one? Can you put a,
14 I don't know, a box in there, I guess, and put,
15 yeah, JE or something there?

16 [REDACTED]: JE.

17 MR. [REDACTED]: Perfect. Thanks.

18 [REDACTED]: His cell could look right
19 down onto the OIC desk. If he looked outside
20 his window --

21 MR. [REDACTED]: So he could see?

22 [REDACTED]: -- he could look right down
23 at the officers.

24 MR. [REDACTED]: Okay. And you already
25 initialed and dated this. Great. So, if

1 you're looking at this photo, is this a photo
2 of L tier, going up?

3 ██████████: Yep.

4 MR. ██████████: And would he be over
5 here?

6 ██████████: He would be the first cell,
7 right, in this corner most, right here, is the
8 shower. But right next to the shower is the
9 first cell.

10 MR. ██████████: So if you're walking up
11 the tier, you open the door, he's right to the
12 right?

13 ██████████: He's going to be the first
14 cell to the right.

15 MR. ██████████: The first cell to the
16 right. Okay. And I know you can't really make
17 out this. Do you have any reason to believe
18 that wouldn't be his cell?

19 ██████████: Well, I can't even make out
20 the number.

21 MR. ██████████: Right. And then, you
22 know, this is the tier. This is L tier, going
23 down. Is this a camera, right here?

24 ██████████: Yes.

25 MR. ██████████: Is this camera supposed

1 to be recording everything going on here?

2 [REDACTED]: That's supposed to be
3 recording everything, facing this way. So,
4 like, it would see you walk, it would see, if
5 this is me, first person, coming up this way,
6 it would film everything from the grill back to
7 where it is.

8 MR. [REDACTED]: And is this where the
9 round sheet is supposed to be located?

10 [REDACTED]: Yes.

11 MR. [REDACTED]: Is there, do you even see
12 anything, where it could be?

13 [REDACTED]: It might be that speck
14 right, no, that's too high. It might be, there
15 might be a little hole, I can't tell.

16 MR. [REDACTED]: But that's where it's
17 supposed to be located?

18 [REDACTED]: Yeah. At the end of the --

19 MR. [REDACTED]: Right underneath the
20 camera?

21 [REDACTED]: No. I'm sorry. They had
22 gotten moved. I believe that right now,
23 they're down there, but they might, I think
24 they were on the wall here, at the beginning of
25 the tier or on the other side. I'm not 100%

1 certain.

2 MR. [REDACTED]: Okay. So, back then,
3 they wouldn't have been at the end of the hall?
4 They were probably at the beginning of the
5 tier?

6 [REDACTED]: I know at one point in time,
7 they were, the clipboard was being rested on
8 that coax pipe.

9 MR. [REDACTED]: Would this be underneath
10 L tier, or would that be where it would be?

11 [REDACTED]: No. It's always on the
12 inside of the range.

13 MR. [REDACTED]: Always on the inside?
14 Okay.

15 [REDACTED]: Yeah.

16 MR. [REDACTED]: So it would have been
17 after you opened the range door, but not at the
18 end of the hall at that time?

19 [REDACTED]: I know I, like I said, at
20 one point, they had it on the wall to the side,
21 but at one point in time, they were putting the
22 clipboard, they were just resting it on that
23 pipe.

24 MR. [REDACTED]: Okay.

25 [REDACTED]: As long as it was downrange,

1 it needed to be downrange.

2 MR. [REDACTED]: So, even at that time, it
3 was supposed to be downrange?

4 [REDACTED]: They always have to be
5 downrange.

6 MR. [REDACTED]: Okay.

7 [REDACTED]: Yes.

8 MR. [REDACTED]: Per BOP policy?

9 [REDACTED]: Yes.

10 MR. [REDACTED]: Okay. And this is just,
11 so, we had to review a lot of emails and I see,
12 this one, I think, was directed to you. It
13 says, "BOP official legal hold notice for
14 inmate's death." What was your, was your
15 understanding of that not to destroy any
16 documents?

17 [REDACTED]: Yes.

18 MR. [REDACTED]: All right. Did you
19 destroy any documents?

20 [REDACTED]: No. Not at all.

21 MR. [REDACTED]: So you still have all
22 your emails from then and everything?

23 [REDACTED]: I don't have anything.
24 Like, I know the AUSA had my memo. I don't
25 even have a copy of my memo.

1 MR. [REDACTED]: Okay.

2 [REDACTED]: And I don't, I didn't tear
3 up anything.

4 MR. [REDACTED]: Perfect.

5 [REDACTED]: And I've been getting these
6 periodically from you guys.

7 MR. [REDACTED]: Oh, you still do? Okay.

8 [REDACTED]: Yeah.

9 MR. [REDACTED]: Do you still have, like,
10 all the emails from back then and everything?

11 [REDACTED]: No. I mean, anything that I
12 had, I either just closed out of, but the thing
13 is, I didn't, I don't even remember having any
14 direct emails. All the official emails, like,
15 I, like, sent them to my trash bin, like even
16 these, I mean, this was just telling me not to
17 destroy anything, and I didn't destroy
18 anything.

19 MR. [REDACTED]: Okay.

20 [REDACTED]: So, I didn't save these.

21 MR. [REDACTED]: Okay. But as far as, so,
22 did you understand, like, as far as if you
23 received an email pertaining to Epstein, were
24 you supposed to save that, or could have you
25 deleted that?

1 ██████████: What do you mean? In, like,
2 as far as from staff?

3 MR. ██████████: Yeah, like, for instance,
4 this is another one that, I think this is the
5 email that you would have received, regarding
6 Epstein being required to have a cellmate from
7 July 30, 2019?

8 ██████████: Oh, yeah, yeah. No, these,
9 I would get them and delete them.

10 MR. ██████████: All right. So you would
11 delete those?

12 ██████████: Yeah. And as long as I
13 knew, you know, that was it.

14 MR. ██████████: So, you didn't
15 understand, like, this to mean, like, not to
16 delete anything pertaining to Epstein?

17 ██████████: No, but the thing is, at
18 least I never got anything like this, after it
19 happened.

20 MR. ██████████: Yeah, yeah, yeah. I'm
21 talking about, like, prior to, I think that
22 this is asking you to save anything that was
23 related to Epstein, correct?

24 ██████████: Yeah, no. I get what that,
25 you know, that, I didn't think that that was

1 what it meant. Like these. These were just
2 routine things. I thought it meant --

3 MR. ██████████: Okay. Well, that came
4 from yours. So, you didn't, I was able to get
5 it, at least.

6 ██████████: Okay.

7 MR. ██████████: You may have deleted it,
8 but my point being is, like --

9 ██████████: Uh-huh. Well, I
10 misunderstood, maybe. I'm thinking destroying
11 means shredding.

12 MR. ██████████: But if you received an
13 email pertaining to Epstein, you thought you
14 could delete it?

15 ██████████: Yeah. I guess so.

16 MR. ██████████: Right. Fair enough.

17 ██████████: There's, like, stuff like
18 this, if it's sitting in my trash bin. I don't
19 always empty my trash. I mean, anybody in the
20 Bureau could pull those emails anyway.

21 MR. ██████████: Okay. Let me see how --

22 ██████████: Yeah, I thought it meant,
23 like, physically, like, destroying stuff.
24 Like, I wish I could even have a copy of my
25 memo, but AUSA has it.

1 MR. [REDACTED]: Cause, like, for
2 instance, this says, "Please preserve all
3 electronic files; example, emails or
4 documents."

5 [REDACTED]: Right. I missed, I totally
6 misunderstood.

7 MR. [REDACTED]: All right. So, you
8 misunderstood that?

9 [REDACTED]: Yeah.

10 MR. [REDACTED]: Okay.

11 [REDACTED]: I wouldn't do it
12 maliciously.

13 MR. [REDACTED]: Yeah, yeah, yeah. No,
14 and that's what I wanted to know --

15 [REDACTED]: Uh-huh.

16 MR. [REDACTED]: -- cause a lot of people
17 got this, so you're the first person I'm even
18 asking about this.

19 [REDACTED]: Uh-huh.

20 MR. [REDACTED]: So I was just curious,
21 it's like, what is your understanding. So, did
22 you not know --

23 [REDACTED]: Yeah. I thought it meant,
24 actually, like, physically, like, destroying
25 things, like, you know, in the shredder.

1 MR. [REDACTED]: Right. All right. So,
2 yeah. So you didn't actually read it, I'm
3 assuming, like, where it says emails? That's
4 the first thing it says.

5 [REDACTED]: I probably mis, no, like, I
6 remember the first one I received, I called the
7 staff attorney. I was, like, what does this
8 mean? And he was like, just that you're still,
9 it's still active.

10 MR. [REDACTED]: Okay. Would you mind,
11 just, anything we talk to you, it's just
12 initialing and dating.

13 [REDACTED]: Yeah. No problem.

14 MR. [REDACTED]: It's just to say what it
15 is what we looked at and talked about.

16 [REDACTED]: Uh-huh.

17 MR. [REDACTED]: And you already
18 mentioned, you remember receiving this email
19 from Psychology --

20 [REDACTED]: Yeah.

21 MR. [REDACTED]: from [REDACTED]-
22 [REDACTED].

23 [REDACTED]: Yeah. [REDACTED].

24 MR. [REDACTED]: Yeah.

25 [REDACTED]: Yeah.

1 MR. [REDACTED]: Saying that he was
2 required to have a cellmate?

3 [REDACTED]: Have a cellmate.

4 MR. [REDACTED]: So you do remember that?
5 Okay, great.

6 [REDACTED]: Uh-huh.

7 MR. [REDACTED]: And you knew he was
8 required to have a cellmate?

9 [REDACTED]: Yes.

10 MR. [REDACTED]: Do you mind just
11 initialing and dating that?

12 [REDACTED]: Sure.

13 MR. [REDACTED]: Was that the same email that
14 you mentioned before? Cause you mentioned that
15 there was an email from Captain [REDACTED].

16 [REDACTED]: I believe there was one, as
17 far as when he, anytime he would be put as a
18 lieutenant hold. This is the one I was talking
19 about, like, Psychology would send out that,
20 about having the cellmate.

21 MR. [REDACTED]: Oh.

22 MR. [REDACTED]: Thank you, sir. Now, as
23 far as this, you said no one told you. So,
24 this is a memo from, at the time, SOS [REDACTED].

25 [REDACTED]: Uh-huh.

1 MR. [REDACTED]: G-R-I-J-A-L-V-A. It
2 says, "Past information from Special Housing
3 Unit." It says, "On Friday, August 9, 2019, at
4 approximately 1:50 p.m., I, SOS [REDACTED],
5 passed on to oncoming staff member, Officer
6 [REDACTED] and present shift staff, SOS [REDACTED] and
7 Officer [REDACTED], that inmate Reyes was going WAB
8 and possibly may not return. Also that inmate
9 Epstein will be needing a cellmate upon arrival
10 from his attorney visit." Did you know
11 anything about that?

12 [REDACTED]: No.

13 MR. [REDACTED]: Is this the first you're
14 seeing of this memo?

15 [REDACTED]: That's the first I'm seeing
16 of it.

17 MR. [REDACTED]: All right. So, a couple
18 things. First, if [REDACTED] passed on to these
19 people and those are the people that worked on
20 your shift?

21 [REDACTED]: Yeah. Yes. Right here.
22 [REDACTED]. No, wait. What does it say? No,
23 [REDACTED] was day shift. [REDACTED] was day shift.
24 [REDACTED] is the only one.

25 MR. [REDACTED]: Okay. So, oncoming staff

1 members [REDACTED], [REDACTED], and Officer [REDACTED], so
2 let's see. When would have [REDACTED] been working
3 on this, like, what --

4 [REDACTED]: 2 to 10.

5 MR. [REDACTED]: So, [REDACTED] would have been
6 2 to 10.

7 [REDACTED]: Uh-huh.

8 MR. [REDACTED]: And the present ones were
9 [REDACTED]. When would he have been working?

10 [REDACTED]: 8 to 4.

11 MR. [REDACTED]: And [REDACTED]?

12 [REDACTED]: 8 to 4.

13 MR. [REDACTED]: All right. So, I think
14 [REDACTED] would have only been working as --

15 [REDACTED]: Till 2:00.

16 MR. [REDACTED]: 2:00. So, if he told,
17 before he left, 2:00, [REDACTED], [REDACTED], and
18 [REDACTED]?

19 [REDACTED]: [REDACTED].

20 MR. [REDACTED]: Right. Should any of
21 those people have notified either you or
22 [REDACTED], that he was, that Reyes was gone and --

23 [REDACTED]: Yes.

24 MR. [REDACTED]: Yes? Okay. And nobody
25 did?

1 ██████████: I wasn't told. Like I said,
2 I found out the day after it happened. Well,
3 the day that it happened, when I came in.

4 MR. ██████████: Now, on the second note
5 of this, if ██████████ knew that Reyes was WAB,
6 should have he ensured that he got a cellmate
7 prior to his departure, at 1:50 p.m.? So, if
8 Reyes left at 8:38 a.m., WAB, into R&D, he's
9 keyed out of the system. Should a new cellmate
10 have been assigned to Epstein, even prior to
11 ██████████ leaving?

12 ██████████: It would have been prudent
13 to do it as soon as possible.

14 MR. ██████████: Okay. So, should
15 ██████████ have then notified any, you know,
16 ██████████, and it looks like ██████████, during his
17 shift, that, hey, we need to get Epstein a new
18 cellmate?

19 ██████████: Anybody that was on that,
20 that is mentioned there, should have been, if
21 the knowledge got passed, it was never passed
22 to the lieutenants.

23 MR. ██████████: Okay. But, okay. And
24 then if the lieutenants knew, so, for instance,
25 ██████████ and ██████████, if ██████████ told them, hey,

1 Reyes is gone, should have he notified them
2 that he was WAB gone? Or, so, if he believed
3 he was at court, WAB --

4 ██████████: Uh-huh.

5 MR. ██████████: -- and let's say, for
6 instance, ██████████ is the Ops, so he's kind of
7 like the boss, right?

8 ██████████: Uh-huh.

9 MR. ██████████: If ██████████ knew, yep, I
10 know Reyes is gone. I know he is Epstein's
11 cellmate. Is there any reason, and especially
12 if he went WAB, is there any reason, any
13 argument for ██████████ to be made that, well, I
14 didn't know if he was coming back or not?

15 ██████████: If he wasn't notified that
16 he was WAB, it would, you wouldn't know.

17 MR. ██████████: Okay. So, if he wasn't,
18 if he didn't know he was WAB, it is an argument
19 to be made to say, well, he could have come
20 back, is that correct?

21 ██████████: Yes.

22 MR. ██████████: Okay. So, he would have
23 had to have known that he was WAB?

24 ██████████: If he didn't, he would have
25 had to have known he was WAB, if he knew he

1 wasn't coming home, like, coming home, coming
2 back to the jail.

3 MR. [REDACTED]: Okay. All right. If he
4 knew he was WAB, he should have acted and
5 gotten him a new cellmate. If he didn't know
6 he was WAB, then it was okay for him not to
7 issue him a new cellmate?

8 [REDACTED]: Yeah. If he didn't know he
9 wasn't coming back or if he was even gone, he
10 wouldn't know. That's why I said, if the white
11 shirts didn't get notified, we don't know
12 what's happening.

13 MR. [REDACTED]: Yeah, yeah. But you had,
14 so, let me ask you separately. If [REDACTED] says,
15 yep, I knew Reyes was, I knew Reyes was gone.
16 I knew Reyes was Epstein's cellmate. And he
17 didn't know he was WAB. Was it okay for him
18 not to have acted?

19 [REDACTED]: No. If he was told, it was
20 not okay.

21 MR. [REDACTED]: But if he wasn't told
22 that he was WAB, he was just told he went to
23 court.

24 [REDACTED]: I mean, at that point in
25 time, I would have been a little worried that

1 he was alone, but you're talking day watch,
2 there's constant movement.

3 MR. [REDACTED]: Well, if Epstein's down
4 in attorney visits until 8 p.m. --

5 [REDACTED]: Yeah. That's probably what
6 happened.

7 MR. [REDACTED]: Yeah.

8 [REDACTED]: He's in attorney conference,
9 thinking by the time he goes back upstairs,
10 this guy is coming back from court.

11 MR. [REDACTED]: Okay.

12 [REDACTED]: I'm assuming.

13 MR. [REDACTED]: And what time did [REDACTED]
14 work until, until that day?

15 [REDACTED]: I relieved him at just about
16 probably 2:00.

17 MR. [REDACTED]: Okay. So, if he is
18 saying, I knew Reyes was gone, but I didn't
19 know he wasn't coming back, would that
20 translate to mean he didn't know he was WAB?

21 [REDACTED]: Yes.

22 MR. [REDACTED]: Okay. So, if he didn't
23 know he was WAB, was it okay for [REDACTED] not to
24 tell you that Reyes was gone?

25 [REDACTED]: If he didn't think that

1 there was an issue, no.

2 MR. ██████████: Should have he told you
3 that there was gone, being that it was Epstein,
4 he was required to have a cellmate, and Reyes
5 was at court?

6 ██████████: If he knew, then he should
7 have notified me.

8 MR. ██████████: So, regardless if he was
9 WAB or not, he should have notified you that
10 Reyes was at least at court?

11 ██████████: At that point in time, so,
12 see, this is where it's hard to tell. Look,
13 when you're Operations Lieutenant, you're
14 moving, you're working the entire institution.

15 MR. ██████████: Yep.

16 ██████████: You're filling overtime. As
17 you can see, filling that roster was a
18 nightmare.

19 MR. ██████████: Uh-huh.

20 ██████████: All right? You're doing
21 this, you're doing that. You're doing a
22 million things. Right? You may not even know
23 that this guy even went to court.

24 MR. ██████████: But if he says he knew?

25 ██████████: If he says he knew --

1 MR. [REDACTED]: He says he knew he went
2 to court. He just didn't know that he wasn't
3 coming back.

4 [REDACTED]: That's different. If he
5 knew, if he said he knew, then something should
6 have happened.

7 MR. [REDACTED]: So, if he knew he went to
8 court, even if he says, I didn't know if he
9 wasn't coming back or not, he should have at
10 least notified you, though, hey, heads-up,
11 Reyes is at court?

12 [REDACTED]: Uh-huh. Yeah. Or it was
13 just, or at least tell the OIC, like, listen,
14 if Epstein comes back up and this guy is not
15 back from court yet, make sure Epstein has a
16 bunkie.

17 MR. [REDACTED]: Okay.

18 [REDACTED]: You know, something should
19 have been put in place.

20 MR. [REDACTED]: So, [REDACTED] should have at
21 least, should have notified either, should have
22 notified, it sounds like, both you, as well as,
23 in this case, who was the OIC at the time?

24 [REDACTED]: Day watch OIC? [REDACTED].

25 MR. [REDACTED]: So, [REDACTED]?

1 [REDACTED]: SHU-1 is OIC.

2 MR. [REDACTED]: Okay. So, but even
3 though [REDACTED], so [REDACTED] was the OIC,
4 though, I think, for, like, the whole, is it
5 always SHU-1? Cause I thought [REDACTED] was
6 just the OIC, like, in the SHU, I thought it
7 worked that, like, [REDACTED] was --

8 [REDACTED]: Whoever is assigned as SHU-1
9 is the OIC. That's the OIC position.

10 MR. [REDACTED]: All right. Cause my
11 understanding was that at this period of time,
12 [REDACTED] was known as the OIC of the SHU.

13 [REDACTED]: If he, unless he is
14 assigned, if he is assigned to SHU-1 --

15 MR. [REDACTED]: Just SHU-1?

16 [REDACTED]: -- for the quarter, then
17 you're the OIC.

18 MR. [REDACTED]: Okay. So, in this case,
19 though, [REDACTED]. So, [REDACTED] should have notified
20 [REDACTED]?

21 [REDACTED]: If he knew.

22 MR. [REDACTED]: If he knew that, if he
23 knew that he was at court, but again, wasn't
24 sure he wasn't coming back, what should have he
25 told [REDACTED]?

1 ██████████: That make sure that if
2 Epstein, when Epstein comes back from legal
3 visit, he gets a bunkie.

4 MR. ██████████: Okay. And ██████████ never
5 informed you?

6 ██████████: No.

7 MR. ██████████: Okay. And should have he
8 informed you?

9 ██████████: If he knew --

10 MR. ██████████: If he knew that he was in
11 court?

12 ██████████: -- that he wasn't going to
13 get a bunkie, I should have been told.

14 MR. ██████████: Great. But what I'm
15 asking, sorry, I think we're confusing here --

16 ██████████: If he knew that he was --

17 MR. ██████████: -- even if he didn't know
18 that he was, so, if his argument is --

19 ██████████: Just the fact that he was
20 out.

21 MR. ██████████: Right.

22 ██████████: If he knew, yes, I should
23 have been told.

24 MR. ██████████: So, if he knew he was at
25 court, he should have let you know?

1 ██████████: If he knew that, if he knew
2 that he was going to not have a bunkie, I
3 should have been, I should have known, being
4 that I was coming on.

5 MR. ██████████: So, this is where I'm
6 trying, just try to focus on my words.

7 ██████████: I'm sorry.

8 MR. ██████████: Right now, I'm asking, if
9 Reyes was at court, but ██████████ didn't know that
10 he wasn't coming back. He just knew that Reyes
11 was at court, should have he told you?

12 ██████████: Yes.

13 MR. ██████████: Okay. So, regardless if
14 he was coming back or not, he should have
15 notified you?

16 ██████████: Well, see, that's the thing.
17 We don't always, we don't know who went to
18 court until we do that roster of the movement.

19 MR. ██████████: But if we talk to ██████████,
20 and he says, yep, I know Reyes was at court.

21 ██████████: Uh-huh.

22 MR. ██████████: I just didn't know if he
23 was coming back or not.

24 ██████████: Yeah.

25 MR. ██████████: Should have he relayed

1 that information to you?

2 ██████████: Yes. Especially because of
3 the profile found.

4 MR. ██████████: Okay. So, he should have
5 relayed that information?

6 ██████████: Yeah.

7 MR. ██████████: Okay. I just wanted to
8 get to that. Do you mind just initialing and
9 date that?

10 ██████████: Uh-huh.

11 MR. ██████████: And he did not, correct?

12 ██████████: No.

13 MR. ██████████: Thank you, sir. Do you
14 remember, while we're at it, do you remember in
15 this case being that ██████████ shift says it
16 ends at 2. Well, ██████████, she's on an overtime
17 shift. So, she doesn't actually start until 4.

18 ██████████: Uh-huh.

19 MR. ██████████: Is it okay, do you know
20 if ██████████ would have had to have stayed from 2
21 to 4 until he was --

22 ██████████: Not necessarily. As long as
23 there's a lieutenant on the desk.

24 MR. ██████████: Okay. So, the fact that
25 if you're, you know, either you or ██████████ is

1 there, [REDACTED] could have ended at 2?

2 [REDACTED]: Yes.

3 MR. [REDACTED]: And there could be a gap
4 from 2 to 4 with --

5 [REDACTED]: Yeah. That was actually
6 common.

7 MR. [REDACTED]: Okay.

8 [REDACTED]: You know. Especially when
9 we didn't have a regular lieutenant scheduled
10 for the 2 to 10 activities.

11 MR. [REDACTED]: Okay. So, would you
12 always get, as a lieutenant, especially as Ops
13 and Activities, would you get the prisoner
14 production lists?

15 [REDACTED]: Yes. From R&D.

16 MR. [REDACTED]: And then was that
17 something that you were supposed to review?

18 [REDACTED]: It's basically, if we needed
19 it.

20 MR. [REDACTED]: Okay.

21 [REDACTED]: Yeah.

22 MR. [REDACTED]: So, for instance, this
23 one. It shows that it was dated Thursday,
24 August 8, 2019, prisoner production for August
25 9, 2019.

1 [REDACTED]: Uh-huh.

2 MR. [REDACTED]: It's from, it says --

3 [REDACTED]: Elzahr.

4 MR. [REDACTED]: -- Elzahr, E-L-Z --

5 [REDACTED]: Yeah, he used to work here.

6 Now he works for the U.S. ~~Marshalls~~Marshals.

7 MR. [REDACTED]: Okay. E-L-Z-A-H-R.

8 [REDACTED]: Yeah.

9 MR. [REDACTED]: And then this is the
10 attachment to it.

11 [REDACTED]: Uh-huh.

12 MR. [REDACTED]: So, it says the second
13 list down was Efrain Reyes. Are you able to
14 tell from this at all what it was that was
15 going on with Efrain Reyes that day?

16 [REDACTED]: Sorry. That would probably
17 be the time that he had to go down to court.

18 MR. [REDACTED]: Okay.

19 [REDACTED]: Down to R&D.

20 MR. [REDACTED]: Does this transfer within
21 mean anything?

22 [REDACTED]: I'm not familiar. It
23 doesn't say that on our stuff.

24 MR. [REDACTED]: But this would have been
25 what you got, right? This is the email that

1 was sent to the lieutenants?

2 [REDACTED]: Yeah.

3 MR. [REDACTED]: I pulled this from your
4 emails.

5 [REDACTED]: No, I got it.

6 MR. [REDACTED]: So, I'm just, I'm
7 curious, is this something that, like --

8 [REDACTED]: Transfer within doesn't, it
9 don't jump out at me, cause I'm used to seeing,
10 like, pre-remove, pre-hold.

11 MR. [REDACTED]: Okay. So, there's the
12 PP38 that you were talking about.

13 [REDACTED]: Okay.

14 MR. [REDACTED]: It shows from 8/9/2019.

15 [REDACTED]: Uh-huh.

16 MR. [REDACTED]: So that's the daily log.

17 [REDACTED]: Yeah.

18 MR. [REDACTED]: On the third page, it
19 says, "Reyes, pre-remove, 8:38."

20 [REDACTED]: Yes.

21 MR. [REDACTED]: If he was just going --

22 [REDACTED]: That's the time that he was
23 keyed out of the institution.

24 MR. [REDACTED]: So, if he was just going
25 to court, would have he been listed to pre-

1 remove?

2 [REDACTED]: No. It would, I believe it
3 would say SDNY or EDNY, or whatever, whatever
4 court he was going to.

5 MR. [REDACTED]: So, if it was listed as
6 pre-remove --

7 [REDACTED]: Uh-huh.

8 MR. [REDACTED]: -- does that assume that
9 he's not coming back?

10 [REDACTED]: Yes.

11 MR. [REDACTED]: Okay. So, at 8:38 --

12 [REDACTED]: Now, that has changed
13 before. Like, they've been pre-removed and
14 then come back --

15 MR. [REDACTED]: Okay.

16 [REDACTED]: -- because something got
17 cancelled.

18 MR. [REDACTED]: All right. So, is this
19 something that you got, like, as the Ops and
20 the Activities Lieutenant, are you supposed to
21 be kind of aware of this stuff?

22 [REDACTED]: Well, we would get sent
23 this, mainly, I hate to say this, there would
24 be sometimes issues with the officers in the
25 morning, getting the inmates out to court.

1 MR. [REDACTED]: Okay.

2 [REDACTED]: And they wouldn't have the
3 actual court list, so if they had to call us
4 and be, like, hey, Lou, you know, R&D is
5 calling for this guy and I would just bring
6 this up, and be like, yeah, he's on the list.
7 But we wouldn't study this. We would just, we
8 were included in the ~~Marshalls~~Marshals loop,
9 because we would be the supervisors.

10 MR. [REDACTED]: Now, if he was actually
11 being transferred to another institution --

12 [REDACTED]: Uh-huh.

13 MR. [REDACTED]: -- would he be also
14 listed on the court list?

15 [REDACTED]: No, he would be on the moves
16 for the day.

17 MR. [REDACTED]: All right. So, here is
18 an email from also the U.S. ~~Marshalls~~Marshals
19 Service, from a Choo, C-H-O-O --

20 [REDACTED]: Okay.

21 MR. [REDACTED]: -- subject, "Transfer of
22 Prisoners from NYM to GEO."

23 [REDACTED]: GEO. GEO.

24 MR. [REDACTED]: What's GEO?

25 [REDACTED]: It's the private jail.

1 MR. [REDACTED]: In New York?

2 [REDACTED]: Yes. I believe it's in New
3 York. I'm not sure.

4 MR. [REDACTED]: Okay. And this one is
5 also dated Thursday, August 8, 2019. It says,
6 "The following prisoners are to be
7 transferred." Here it says, "Reyes, Efrain."
8 And his reg number. "Please schedule a
9 transfer for Friday, 8/9/2019." Do you know
10 why he would be listed on this email, on August
11 8th, as well as a prisoner production on August
12 8th? Is there any --

13 [REDACTED]: No. No. That's whatever
14 the ~~Marshalls~~Marshals were doing.

15 MR. [REDACTED]: Have you ever seen
16 something like that before?

17 [REDACTED]: What, moving an inmate?

18 MR. [REDACTED]: Well, so, on this, it
19 says he's going to court, right?

20 [REDACTED]: Uh-huh.

21 MR. [REDACTED]: But on this one, it says
22 he's being transferred.

23 [REDACTED]: Quite honestly, it's, I know
24 I've seen, like I said, like on the 38, I'm
25 just going, I'm sorry, I'm going BOP-wise.

1 MR. [REDACTED]: And then the 38 --

2 [REDACTED]: On the 38, see, like, GCT
3 release, full-time release, FT release, or like
4 you see here, the pre-remove status and stuff
5 like that.

6 MR. [REDACTED]: Yeah, so that's kind of
7 where we're trying to, we're trying to put
8 these pieces together. Why would he be on an
9 email here, saying that prisoner schedule
10 report, listing him as court. Here, saying
11 he's being transferred, excuse me, to the GEO.

12 [REDACTED]: GEO.

13 MR. [REDACTED]: And then on the 38,
14 showing he's pre-removed.

15 [REDACTED]: Yeah. I guess, I'm
16 assuming, I could be wrong, this is just the
17 way our computer, the way our system puts it
18 in. Like, this right here, the FT release,
19 that means this guy maxed out. He's not going
20 to, like, a halfway house or anything like
21 that. Where is it? Pre-remove means he's
22 being transferred.

23 MR. [REDACTED]: Pre-remove means he's
24 being transferred?

25 [REDACTED]: Transferred.

1 MR. [REDACTED]: And do you know if this
2 thing next to him would be that transfer within
3 thing? Would that be --

4 [REDACTED]: I don't know. Honestly, I
5 have, I can't answer that.

6 MR. [REDACTED]: Okay. Giovanne Bousy.
7 (Phonetic Sp. *01:29:42). Where's that guy?
8 Yeah, so, Bousy officer says transfer --

9 [REDACTED]: Pre-remove.

10 MR. [REDACTED]: -- and he's pre-remove.
11 But these other guys don't seem to say transfer
12 within. So, is this something like, if this is
13 being sent to the lieutenant, should you be
14 able to look at this and say, like, transfer
15 within, that means he's out of here?

16 [REDACTED]: Honestly, I can't answer
17 that.

18 MR. [REDACTED]: Okay.

19 [REDACTED]: I have never looked, I have
20 honestly never looked at that part.

21 MR. [REDACTED]: Okay.

22 [REDACTED]: I have never looked at it.

23 MR. [REDACTED]: So, when you receive
24 this, do you, as the Ops Lieutenant, Activities
25 Lieutenant, look at these things, these

1 prisoner production lists?

2 [REDACTED]: I would glance at it, and I
3 would see what it is, but I would normally, I'm
4 not going to lie. I would put it off to the
5 side, because I would only really use that if
6 there was a problem with the officers getting
7 the inmates to court.

8 MR. [REDACTED]: Okay.

9 [REDACTED]: And then, you know, R&D
10 calling the lieutenants over, saying, hey, I'm
11 trying to get this dude down from 7 North, and
12 they're not sending him, and then I would look.

13 MR. [REDACTED]: All right.

14 [REDACTED]: I didn't look at it every
15 day.

16 MR. [REDACTED]: So, the fact that these
17 are being sent to the MCC --

18 [REDACTED]: Uh-huh.

19 MR. [REDACTED]: -- saying he's transfer
20 within here, and he's here being, you know,
21 this one is, the prison production list, and
22 this one is being the transfer order for these
23 two people.

24 [REDACTED]: Uh-huh.

25 MR. [REDACTED]: And then obviously at

1 8:38, he is listed as pre-remove. So, we're
2 being notified that Reyes is leaving the
3 institution. With these notifications from the
4 U.S. ~~Marshalls~~Marshals Service, who should have
5 acted? Who should have known, Reyes isn't
6 coming back?

7 [REDACTED]: I mean, whoever saw it
8 first.

9 MR. [REDACTED]: Who, is there somebody,
10 like, that's responsible for, like, saying,
11 like, all right?

12 [REDACTED]: Everybody in this address
13 box gets it from the ~~Marshalls~~Marshals. It
14 goes out at the same time.

15 MR. [REDACTED]: Sure.

16 MR. [REDACTED]: And that's what I mean,
17 there's a lot of people there.

18 [REDACTED]: Yeah. And that's the thing.

19 MR. [REDACTED]: There's a lot of people
20 here, and there's less people on this one.

21 [REDACTED]: Uh-huh.

22 MR. [REDACTED]: This one, it looks like
23 it's, does this look, can you indicate from the
24 transfer email, can you tell at that time who
25 those people would have been?

1 [REDACTED]: Okay. Everybody here is the
2 R&D staff.

3 MR. [REDACTED]: Okay. So, R&D gets the
4 actual transfer notice.

5 [REDACTED]: Uh-huh.

6 MR. [REDACTED]: On this prisoner
7 production list, it looks like, you know,
8 Efrain Reyes saying that he's leaving and it
9 says a transfer within.

10 [REDACTED]: Uh-huh.

11 MR. [REDACTED]: As does the other person
12 on this email.

13 [REDACTED]: Yeah.

14 MR. [REDACTED]: This Giovanna --

15 [REDACTED]: Bousy.

16 MR. [REDACTED]: -- Bousy also says
17 transfer within.

18 [REDACTED]: Uh-huh.

19 MR. [REDACTED]: None of the other guys
20 seem to say transfer within. They all say,
21 like, status hearing, sentencing, change of
22 plea. All that kind of stuff.

23 [REDACTED]: Uh-huh.

24 MR. [REDACTED]: So, being that we got
25 this going to R&D, then we got this going to,

1 also, custody, saying that, you know, he is
2 being transferred within, is it the captain
3 that should have known it? Is it, who is the
4 one that should have said, like, yes, we know
5 he's leaving this institution. This is
6 Epstein's cellmate. Who should have been able
7 to take action on this?

8 ██████████: I can't, I can't, I don't
9 know.

10 MR. ██████████: You don't know?

11 ██████████: I don't know. I don't know
12 who would have been the main person responsible
13 for it. I mean, I guess everybody, I guess
14 it's for everybody's eyes, but it wasn't
15 something that routinely got utilized.

16 MR. ██████████: Is this something that
17 would have been, if this is a transfer within,
18 this transfer notice, is this something that
19 the SHU staff would have been notified of?
20 Saying --

21 ██████████: No. SHU, I don't believe
22 SHU --

23 MR. ██████████: Cause they're not on
24 this.

25 ██████████: -- the COs were tagged on

1 it.

2 MR. [REDACTED]: But I'm saying, like, as
3 far as, here's the, you know, whatever --

4 [REDACTED]: Well, the inmates, whatever
5 comes on that, whatever R&D gets from the
6 ~~Marshalls~~Marshals Service, they put out their
7 own court list to the staff.

8 MR. [REDACTED]: Huh.

9 [REDACTED]: The officers get regular
10 court lists generated. So those names of those
11 inmates would get put on the court, the call
12 out list.

13 MR. [REDACTED]: Okay.

14 [REDACTED]: And for the court list, and
15 that court list gets handed out in the morning.

16 MR. [REDACTED]: Okay. So, as far as
17 this, it looks like we know he's being
18 transferred, and now that we're seeing that
19 these two guys that were being transferred are
20 both listed on this prisoner schedule report as
21 transfer within --

22 [REDACTED]: Uh-huh.

23 MR. [REDACTED]: -- what should R&D have
24 done? Should have they, are the people that
25 are listed on that court list, are they also

1 the people that are being transferred to other
2 institutions?

3 [REDACTED]: No. Everybody on the court
4 list, it would say exactly what they are. If
5 they're on the court list, it would say, you
6 know, court. It would say, or, it would say,
7 you know, WAB.

8 MR. [REDACTED]: Okay.

9 [REDACTED]: So, and then they send that
10 out to the housing units, including SHU.

11 MR. [REDACTED]: So, again, if, you know,
12 going back to that memo, [REDACTED] knows, it
13 says, would it say WAB or court? Or both?

14 [REDACTED]: I believe it just says, if
15 it's WAB, it would say, it would say, I think
16 it says FT remove, or I'm not 100% sure. I
17 haven't seen one in so long.

18 MR. [REDACTED]: Okay. All right. So
19 you're not exactly sure what it said, but --

20 [REDACTED]: No.

21 MR. [REDACTED]: -- it's all the same
22 document of the people they need to bring down
23 that morning?

24 [REDACTED]: Yeah, but it's, all of this
25 is not on that.

1 MR. [REDACTED]: Right.

2 [REDACTED]: It would just say the
3 inmate's name and that he's got to be in, it
4 says a.m. court and p.m. court, from the last
5 time I saw the actual court list. A.M. court,
6 meaning he's got to be down there at 6:30 in
7 the morning, once R&D opens.

8 MR. [REDACTED]: Okay.

9 [REDACTED]: P.M. court would be
10 afternoon.

11 MR. [REDACTED]: All right.

12 [REDACTED]: And SHU gets that legal,
13 that court list, just like every other housing
14 unit.

15 MR. [REDACTED]: But again, if [REDACTED],
16 for instance, knows that he's the one who walks
17 him down to R&D, he walks Reyes down. He knows
18 he's WAB. Again, you're saying, you know he's
19 WAB. He ain't coming back unless something
20 gets cancelled.

21 [REDACTED]: Uh-huh.

22 MR. [REDACTED]: Like a transport gets
23 cancelled.

24 [REDACTED]: Basically.

25 MR. [REDACTED]: All right. So, it sounds

1 like [REDACTED] is the one who actually should
2 have, at the very least, notified his
3 superiors, hey, we need to get him a new
4 cellmate. Is it okay that he has wrote this
5 memo, saying, I passed it on. You know, I knew
6 at 8:38 he was WAB, but I passed it on to the 2
7 p.m. people, make sure he gets a cellmate?

8 [REDACTED]: I don't, like, can you, I'm
9 sorry.

10 MR. [REDACTED]: So, I'm just trying to
11 figure out who messed up here. Cause
12 obviously, Epstein's required to have a
13 cellmate.

14 [REDACTED]: Uh-huh.

15 MR. [REDACTED]: We saw from that email.
16 We know Reyes is being transferred. We know
17 he's gone.

18 [REDACTED]: Uh-huh.

19 MR. [REDACTED]: So, we know the day
20 before it happens, there's emails that go out.
21 We know at 8:38, R&D listed him as pre-remove.
22 He's gone from this institution. However,
23 Epstein never gets a new cellmate.

24 [REDACTED]: Uh-huh.

25 MR. [REDACTED]: Somebody doesn't take

1 action. So, what I'm trying to figure out is,
2 who should have taken action?

3 [REDACTED]: I mean, I don't, I can't
4 make that decision. I don't know.

5 MR. [REDACTED]: As the Ops Lieutenant at
6 the time, you can't figure that --

7 [REDACTED]: I mean, as an Ops
8 Lieutenant, I should have been told by
9 somebody.

10 MR. [REDACTED]: Right.

11 [REDACTED]: I should have known about
12 it.

13 MR. [REDACTED]: Uh-huh. All right. And
14 so, when [REDACTED] is passing, would [REDACTED]
15 have known, though, if he were WAB?

16 [REDACTED]: I should have been notified,
17 truth be told, the way, I was brought up in
18 this agency, I should have been notified by the
19 OIC.

20 MR. [REDACTED]: Right. So, but you
21 weren't on the schedule? Like, in the daytime?

22 [REDACTED]: In the daytime, no.

23 MR. [REDACTED]: So that's where, I'm not
24 even focusing on you.

25 [REDACTED]: No, I get it. I get it.

1 MR. ██████████: I'm focusing on the
2 daytime thing.

3 ██████████: I get it.

4 MR. ██████████: What should have
5 happened? ██████████ knows, WAB?

6 ██████████: The OIC should have notified
7 day watch Operations.

8 MR. ██████████: Okay. So, ██████████ should
9 have known, he should have been, he should have
10 known, yes, he is WAB and he needs a new
11 cellmate.

12 ██████████: Uh-huh.

13 MR. ██████████: Then what should have he
14 done?

15 ██████████: Made sure that he got a
16 cellmate.

17 MR. ██████████: Should have he notified
18 the captain? Or should have he just gotten him
19 the cellmate?

20 ██████████: He should have got on the,
21 told the SHU OIC, hey, get, he needs a bunkie,
22 ASAP.

23 MR. ██████████: Okay. So, it basically
24 falls onto the Ops Lieutenant to have, he
25 needed to have taken that action?

1 [REDACTED]: To make sure that, ensure
2 the OIC.

3 MR. [REDACTED]: All right. And do you
4 remember, I know you said you didn't know he
5 transferred, but should his, you know, should
6 you have known by these documentations, from
7 this prisoner report?

8 [REDACTED]: If I had read that, well,
9 this, I don't, I have never seen this before.

10 MR. [REDACTED]: Right. This one.

11 [REDACTED]: But that?

12 MR. [REDACTED]: From looking at it?

13 [REDACTED]: I would just, from looking
14 at it --

15 MR. [REDACTED]: Would you even know?

16 [REDACTED]: -- I don't remember, recall
17 the transfer within. I would always only look
18 at the names. And know that they have to be
19 generated for a court list.

20 MR. [REDACTED]: Okay. So you just know
21 these people are going to court? You don't
22 even know that the transfer was (Indiscernible
23 *01:37:52) the transfer?

24 [REDACTED]: I don't always know, off the
25 top of my head, like, this guy is going here,

1 this guy is going there. I just know they have
2 to be presented so there's no problems, like, I
3 said, I would only really refer to that if R&D
4 contacted me and said, hey, LT, this guy, I'm
5 waiting an hour so far for this guy. Can you
6 get on the office? And I'd look, okay, yeah.
7 Hey, Jones, inmate Schmukatelli (Phonetic Sp.
8 *01:38:11) from 7 North, you know, you got to
9 get him to court.

10 MR. [REDACTED]: Okay.

11 [REDACTED]: He's on the court list.

12 MR. [REDACTED]: All right. So, and as
13 the court list, does the Op, like, would [REDACTED]
14 have had that court list, saying, if it said
15 WAB, would have he had that, [REDACTED], the Ops
16 Lieutenant, have the court list?

17 [REDACTED]: Yes and no. Sometimes, the
18 internal would drop a copy of the court list
19 off to the lieutenant's office. Mainly, the
20 main people that need it was internal, and the
21 housing units.

22 MR. [REDACTED]: Okay.

23 [REDACTED]: And SHU.

24 MR. [REDACTED]: All right. So, the Ops
25 Lieutenant isn't actually provided a copy of

1 the court list?

2 [REDACTED]: It's not required.

3 MR. [REDACTED]: All right. Okay. Do you
4 mind just initialing and dating these?
5 (Indiscernible *01:38:54).

6 MR. [REDACTED]: While you do that, the
7 transfer email, the one that you signed, who
8 was that from?

9 [REDACTED]: It's from Elzahr.

10 MR. [REDACTED]: And you mentioned before,
11 Elzahr used to work here?

12 [REDACTED]: Yeah. He used to be BOP.

13 MR. [REDACTED]: Just to clarify. Was he
14 working here during this Epstein time
15 (Indiscernible *01:39:07).

16 [REDACTED]: No, he was already gone.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: He's from the

19 ~~Marshalls~~Marshals Service. The

20 ~~Marshalls~~Marshals Service.

21 MR. [REDACTED]: But before, he said he was
22 working here, and now he's, I just want to
23 clarify for the record.

24 [REDACTED]: No, he was --

25 MR. [REDACTED]: Gone at that point?

1 [REDACTED]: -- gone long before that
2 happened.

3 MR. [REDACTED]: Thank you. Thank you.

4 [REDACTED]: This too?

5 MR. [REDACTED]: Yes, please. The other
6 way, you can keep them in order. Thank you.

7 [REDACTED]: These too?

8 MR. [REDACTED]: We're going to keep them,
9 just so if we have to refer to them.

10 [REDACTED]: Okay.

11 MR. [REDACTED]: That's easier. All
12 right. So, what time is the daily activities
13 report and the lieutenant's log usually sent
14 out in the mornings for the day before?

15 [REDACTED]: It's done on the morning
16 shift.

17 MR. [REDACTED]: So is it always supposed
18 to be done before 6 a.m.?

19 [REDACTED]: Yeah. As the morning watch
20 lieutenant, I have to make sure that before my
21 shift is done, I send out the whole thing, and
22 that's the roster, cause if you look at the
23 back, the last person to sign it is the evening
24 watch lieutenant.

25 MR. [REDACTED]: Okay.

1 ██████████: I now, as the morning watch
2 lieutenant, you know, the 10 to 6 or 12 to 8,
3 whichever it is, this, I have to print out the
4 daily log, the three daily logs from the
5 midnight to 8, prior, the day shift, and the
6 evening watch and there's a thing that, and it
7 gets emailed to the exec staff, the captain,
8 and I believe it used to get emailed to the
9 executive assistant, if I'm not mistaken.

10 MR. ██████████: Okay.

11 ██████████: There was a certain amount
12 of people on the thing.

13 MR. ██████████: But is it supposed to be
14 done, basically, the morning, the morning watch
15 shift ends at 6 a.m., correct?

16 ██████████: Yes.

17 MR. ██████████: So it's supposed to be,
18 like, sent out before 6 a.m.?

19 ██████████: Yes.

20 MR. ██████████: All right. So, I have
21 these emails from Tuesday, August 6, 2019.
22 This one was sent at 5:16 a.m. The next one
23 from August 7th was sent at 5:03 a.m. For some
24 reason, I wasn't able to look at Thursday, but
25 Friday, August 9th, was sent out at 5:11 a.m.

1 And then Saturday, August 10, 2019, it wasn't
2 sent out until almost, it says almost 9:30 a.m.
3 9:26 a.m. Do you know why, any reason, why
4 that could have happened, if, if (Indiscernible
5 *01:41:21).

6 ██████████: You know what? It might
7 have been because she didn't go home at the end
8 of her shift, because that kicked off.

9 MR. ██████████: But if that didn't kick
10 off until 6:33 a.m. --

11 ██████████: Uh-huh.

12 MR. ██████████: -- her shift, she says
13 she, the person relieved her by 6 a.m. --

14 MR. ██████████: 5:30.

15 MR. ██████████: -- at 5, so somewhere
16 between 5:30 a.m. and 6 a.m. --

17 ██████████: Uh-huh.

18 MR. ██████████: -- is there a reason why
19 she wouldn't have sent it out before her shift
20 ended?

21 ██████████: I don't know.

22 MR. ██████████: You don't know?

23 ██████████: No, I don't know.

24 MR. ██████████: All right. And then the
25 next day, though, the next couple of days,

1 Sunday, August 11th, it actually doesn't, isn't
2 sent out until 6:15 a.m., and then the day
3 after that, August 12th, it actually isn't sent
4 out until 6:36 a.m.

5 [REDACTED]: Yeah. It all depends on,
6 like, what, like I said, I mean, that's a
7 different story. That was an emergency
8 situation, but there's things, other things
9 that happen. You get tied up. You got to get
10 pulled, you know, got to go see the captain.
11 You got to go, you're in R&D, dealing with
12 something, and then you don't get to close out.
13 Especially if you're doing a double, too.

14 MR. [REDACTED]: Okay. So, in this case,
15 though, in these cases, like, for the morning
16 watch Ops Lieutenant, do they sometimes get
17 relieved and that's when they work on, oh, I
18 got to get all the, I got to get the activity,
19 or I got to get the daily log and lieutenant's
20 log up-to-date now?

21 [REDACTED]: Uh-huh.

22 MR. [REDACTED]: And then stay behind to
23 do that?

24 [REDACTED]: As far as, well, after
25 you're relieved?

1 MR. [REDACTED]: Yep.

2 [REDACTED]: It does happen.

3 MR. [REDACTED]: Right.

4 [REDACTED]: You know, you can't, the
5 bottom line is, as a lieutenant, you should not
6 be leaving and leaving stuff incomplete.

7 MR. [REDACTED]: Okay. And it's that Ops
8 Lieutenant's responsibility to complete it?

9 [REDACTED]: Yes.

10 MR. [REDACTED]: And then once it's
11 completed, are they then supposed to send out,
12 send it out to everybody?

13 [REDACTED]: Yes. The morning watch
14 Operations Lieutenant --

15 MR. [REDACTED]: Right.

16 [REDACTED]: -- is the one that sends out
17 the paperwork. The daily paperwork.

18 MR. [REDACTED]: All right. So, the fact
19 that, if something wasn't sent out before 9:30,
20 does that indicate to you, you know, you, well,
21 it's because she hadn't finished it yet, so she
22 stayed behind in order to finish it?

23 [REDACTED]: That definitely could be the
24 case.

25 MR. [REDACTED]: Okay. Do you mind just

1 initialing and dating that?

2 ██████████: Sure.

3 MR. ██████████: All right. Thank you.

4 Now, here is the one that we were just talking
5 about, that ██████████ sent out on
6 Saturday, August 10, 2019, at 9:26 a.m. As
7 you'll see, this is August 10th. So I just want
8 to draw your attention to a few things.

9 Friday, August 9th, that starts at 12 a.m., then
10 we get to 8:30 a.m. On this daily activities
11 log, it shows at 8:38 a.m., Reyes, from the
12 SHU, or from Z06-220 UAD to pre-remove. Who
13 would have filled that out? Do you know?

14 ██████████: The Operations Lieutenant.

15 MR. ██████████: At the time?

16 ██████████: Yeah. Day watch operations.

17 MR. ██████████: All right. So, is it R&D
18 should have called and told the Operations
19 Lieutenant, hey, this person is pre-removed and
20 that's how, how would they get that
21 information?

22 ██████████: No, well, normally, we would
23 do a 38.

24 MR. ██████████: Okay. So, as in, that,
25 he would have been entered in the system at

1 that time, saying remove?

2 ██████████: Uh-huh. That would, yeah,
3 and then, cause as the inmates leave the
4 institution, this has to get updated.

5 MR. ██████████: But wouldn't, I mean, we
6 do have the 38 that I showed you at 8:38, but
7 would this be R& doing that, or the Operations
8 Lieutenant?

9 ██████████: No. The day watch
10 Operations Lieutenant would print out a 38.

11 MR. ██████████: Okay.

12 ██████████: To do this. To be able to
13 do this.

14 MR. ██████████: Okay.

15 ██████████: Basically, we would read off
16 of that.

17 MR. ██████████: So, would only, so, for
18 this specific thing from 8 a.m. to 4 p.m., is
19 this the responsibility of, for instance, in
20 this case, ████████?

21 ██████████: Day watch operations. Yes.

22 MR. ██████████: So, ████████ would, could,
23 should, could anyone after ████████, like, you or
24 even ██████████, who sent this out --

25 ██████████: Anybody could go back in and

1 update the log.

2 MR. [REDACTED]: And is that a problem, if
3 they do that?

4 [REDACTED]: I don't know. I guess now
5 it is, but I don't --

6 MR. [REDACTED]: No, no, no. I'm not, I
7 don't know that it's a problem or not.

8 [REDACTED]: No, we, we, we, it's common
9 practice. It's like, if, you know, we could go
10 back and correct, cause this way, look, also,
11 if an incident happened on day watch, I'm not
12 talking about this incident. If, let's say,
13 there was a use of force.

14 MR. [REDACTED]: Uh-huh.

15 [REDACTED]: And that day watch
16 lieutenant is running the use of force team,
17 the oncoming lieutenant could, like, update the
18 log, so that lieutenant could finish what, you
19 know, he or she was doing with the move.

20 MR. [REDACTED]: Okay. But in this case,
21 at 8:38, now, he's listed as pre-removed right
22 here.

23 [REDACTED]: Uh-huh.

24 MR. [REDACTED]: Who do you believe would
25 have entered that?

1 [REDACTED]: It should, in my opinion, it
2 would be the day watch Operations Lieutenant.

3 MR. [REDACTED]: And then, again, if it's
4 listed as pre-removed, would they have known,
5 hey, Reyes is gone? He's not coming back.

6 [REDACTED]: That should be an indicator,
7 yes.

8 MR. [REDACTED]: Okay. And again, that
9 would have been [REDACTED], so [REDACTED] entered this
10 and it actually says, pre-remove. Hey, Reyes
11 is gone. Epstein needs a new roommate or
12 cellmate?

13 [REDACTED]: Uh-huh.

14 MR. [REDACTED]: All right. Do you
15 remember anything regarding, I know this is at
16 3:15 p.m., but it says, "I.M. Fernandez,
17 placed on dry cell from [REDACTED]." Do you remember
18 anything involving that?

19 [REDACTED]: I do not. I don't recall.

20 MR. [REDACTED]: All right. I'll show you
21 some emails later. But, this, again, do you
22 believe that would have been the Ops Lieutenant
23 that would have entered that?

24 [REDACTED]: Yes. Only a lieutenant is
25 doing this log.

1 MR. [REDACTED]: Okay.

2 [REDACTED]: That's the lieutenant's log.

3 MR. [REDACTED]: So, if someone after this
4 shift did this, would they have to, like, is
5 there a way to just kind of enter a line in
6 here to do, you know, extra? How would they
7 modify this? Would they have to modify
8 everything or can you just enter in --

9 [REDACTED]: No. You could add a space.

10 MR. [REDACTED]: Add a space?

11 [REDACTED]: Add a space.

12 MR. [REDACTED]: And then do

13 (Indiscernible *01:46:31).

14 [REDACTED]: And then just enter the time
15 and enter it then.

16 MR. [REDACTED]: And as far as you're
17 concerned, that's actually not an issue, if
18 they go back and correct something or --

19 [REDACTED]: Not that they go back and
20 correct. If you go back and have to add,
21 because now you're involved in the thing.
22 Like, let's say if I was coming on and you were
23 the day watch Operations Lieutenant, I was the
24 evening watch, and I'm relieving you.

25 MR. [REDACTED]: Right.

1 ██████████: And you're like, hey, we got
2 a use of force going on upstairs. Right? I
3 got to go run the team. Can you just finish my
4 log? That kind of thing.

5 MR. ██████████: Okay.

6 ██████████: You know? Not so much go
7 back to dot another lieutenant's I's and cross
8 another lieutenant's T's.

9 MR. ██████████: Okay.

10 ██████████: Just like piggyback off of
11 one another.

12 MR. ██████████: Okay.

13 ██████████: And I'm sorry, I have to
14 keep leaning in, cause I don't have glasses.

15 MR. ██████████: No, no, no. I'm sorry.
16 I'm sorry. So, 3:15, there's this, and this is
17 where the confusing part is. We're not sure
18 who exactly, so this was your shift.

19 ██████████: Uh-huh.

20 MR. ██████████: So, would have this top
21 part been something that you would have added,
22 or then brought over? It does say it up here.
23 So, does this all just get transferred from
24 this space over to here?

25 ██████████: Yes. Uh-huh. And then,

1 anything then has to be added or added or taken
2 away.

3 MR. [REDACTED]: Okay. So, on this one,
4 it says, "I.M. Fernandez, dry cell with staff
5 in R&D." It says, "Good verbal count
6 announced." Now, this is where it starts
7 getting a little tricky, because we have to --

8 [REDACTED]: Uh-huh. Yeah. I had gone
9 home almost at 10:00. This is where, like I
10 said, where the piggyback would be.

11 MR. [REDACTED]: Yep.

12 [REDACTED]: [REDACTED] would go, just and
13 close out, because she would be the one here,
14 when the clear count took place.

15 MR. [REDACTED]: Okay. So, this is where
16 things get a little whacky, because we're
17 saying, it looks like somebody would have
18 possibly modified this, especially, see, look.
19 This one is Saturday, August 10, 2019.

20 [REDACTED]: Uh-huh.

21 MR. [REDACTED]: Starting at 12 a.m.,
22 Lieutenant G. [REDACTED] assumes duties. The SHU
23 says 73-5. Well, at 12 a.m., it actually came
24 over as 72-5. At 12:35 a.m., minus one SHU
25 correction, Fernandez, dry cell. Fernandez was

1 not keyed out of SHU --

2 [REDACTED]: Uh-huh.

3 MR. [REDACTED]: -- until 12:35, although
4 he was removed at 3:15 p.m. We're going to get
5 into the counts now, but all these counts are
6 off. That's not what the counts were.

7 [REDACTED]: Uh-huh.

8 MR. [REDACTED]: The counts were actually
9 plus one for all of these, although they should
10 have been, these should have been the accurate
11 numbers, but they weren't.

12 [REDACTED]: Huh.

13 MR. [REDACTED]: It came over, on the
14 counts, these are listed as 73, 73, 72, 74, 75,
15 76.

16 [REDACTED]: Always one more.

17 MR. [REDACTED]: Right. And it's because
18 this was corrected to go back down to 72-5, and
19 this was 73. So, I'm just trying to piece this
20 together. Would that be, why would have she
21 done that, if she has got listed that there was
22 this correction, why would have she gone back
23 and changed all that stuff?

24 [REDACTED]: I don't know. Maybe cause
25 she didn't want to go back and change it. I

1 don't know. I can't --

2 MR. [REDACTED]: Does that make sense to
3 do that, though?

4 [REDACTED]: I can't answer.

5 MR. [REDACTED]: If it came over as 73-5,
6 and this list is listed at 72-5, does that make
7 any sense to do that?

8 [REDACTED]: No, I would want to go back
9 and verify everything, because then if the
10 count is not right. I would want to ensure
11 that the count is right.

12 MR. [REDACTED]: All right. So, let's go
13 over the counts then.

14 [REDACTED]: I can't really answer the
15 question, though. I don't know why it was
16 done.

17 MR. [REDACTED]: So, here, just to close
18 the loop with Fernandez, here is, so, for
19 instance, here is a, to the lieutenants, it
20 says it's from [REDACTED] (Phonetic Sp. *01:50:02)

21 [REDACTED].

22 [REDACTED]: PA, physician's assistant.

23 MR. [REDACTED]: Okay. So, it says, you
24 know, inmate name. Here is another one that's
25 from the captain to you, asking you to use a

1 specific form. It looks like this is a
2 synopsis from ██████ on what actually, I guess,
3 transpired.

4 ██████████: Uh-huh.

5 MR. ██████████: I'm assuming maybe you
6 sent it to him or ██████████. So, here is one
7 that ██████████ sent to you on Friday, August 9,
8 2019, at 6:07 p.m.

9 And this is the, you know, synopsis of
10 what happened. "On August 9, 2019, at
11 approximately 1:40 p.m., SOS ██████████, while
12 assigned to the Special Housing Unit, proceeded
13 to enter the 9 South visiting room. As I
14 walked towards the door, I observed through the
15 visiting door inmate Fernandez attempt to grab
16 an unknown item from his visitor. Once inmate
17 Fernandez reached to grab the item, I
18 (Indiscernible *01:50:55) the door and called
19 for a lieutenant. Once I was able to enter the
20 visiting room, I gave inmate Fernandez a direct
21 order to walk to the visiting room to conduct a
22 visual search. Inmate Fernandez complied and a
23 visual search was conducted. Operations
24 Lieutenant was contacted and inmate Fernandez
25 was removed from the unit."

1 So, should have this been listed as 3:15
2 p.m., or should it have been listed as 1:40
3 p.m.? Do you know?

4 ██████████: No, the 3:40 p.m. would be
5 the time that he was placed on dry cell.

6 MR. ██████████: Okay.

7 ██████████: Would not necessarily be the
8 time of the incident.

9 MR. ██████████: All right. So, this,
10 where he did the visual search --

11 ██████████: This is the time, this is
12 the time of the incident.

13 MR. ██████████: -- but not the time,
14 okay. This is the time of the incident, dry
15 cell would have been a different thing. All
16 right. Do you remember, I mean, do you
17 remember at all that incident on that day?

18 ██████████: I don't recall. It happened
19 so often, so.

20 MR. ██████████: Sure. Now, would
21 ██████████, it says that he sent you this at 6:07
22 p.m. Would have he sent this to you from
23 inside the institution?

24 ██████████: Yeah. It would have been
25 from the computer. Email.

1 MR. [REDACTED]: Okay. So, if he's not
2 listed on anywhere. He's listed as leaving at
3 1:50 p.m. Is it, we're able to tell where
4 [REDACTED] was?

5 [REDACTED]: That's odd. That is very
6 odd.

7 MR. [REDACTED]: And it all makes sense
8 that he was there at 6:07, because all these
9 inmates' emails are going back, you know, use
10 this one. That was at 4:38 p.m., from the
11 captain to you. And from the PA was the one at
12 3:11 p.m. So, I'm trying to figure out, why
13 was [REDACTED] here at 6:07 p.m.?

14 [REDACTED]: That's very odd. I don't
15 recall. I don't remember.

16 MR. [REDACTED]: No?

17 [REDACTED]: I don't recall.

18 MR. [REDACTED]: But that would have had
19 to have been sent from in here? Especially
20 from an officer, right?

21 [REDACTED]: That's, yeah. An officer
22 doesn't have the outside email access. I
23 didn't, as a lieutenant.

24 MR. [REDACTED]: Right. So he was
25 definitely here at 6:07 p.m.?

1 [REDACTED]: If that came through at that
2 time, that's on the government computer.

3 MR. [REDACTED]: Okay. Do you mind just
4 initialing and dating that? Sorry.

5 [REDACTED]: No problem.

6 MR. [REDACTED]: All right. Now, here's
7 the inmate history move. Just to, so, again,
8 close that loop. So, it shows Fernandez, here
9 are his inmate history quarters. And it shows
10 --

11 [REDACTED]: (Indiscernible *01:53:05)

12 MR. [REDACTED]: -- that on 8/2/2019, he
13 was brought to the SHU, Z, and then it shows on
14 --

15 MR. [REDACTED]: 8/10, right next to it.

16 MR. [REDACTED]: Yeah, I'm just, just give
17 me a second. So, yeah, then it says that
18 8/10/2019, at 0035, that's when he was moved
19 over, I guess, to, what does that stand for?

20 [REDACTED]: That's the R&D cells.

21 MR. [REDACTED]: So, R01 is the R&D cells?

22 [REDACTED]: Uh-huh.

23 MR. [REDACTED]: So, that's when he was
24 keyed out of the system, at 0035. Which does
25 correspond to that, 12:35 a.m.

1 [REDACTED]: Yeah, he was probably never
2 punched out, and they, somebody probably ghost-
3 counted him.

4 MR. [REDACTED]: Okay. So, do you mind
5 just initialing and dating that? Thank you,
6 sir. All right. Now, we're going to go into
7 these, just while these lieutenant sheets are
8 up, kind of go into some of these counts. All
9 right. So, here we got the 8/9/2019, Federal,
10 or, sorry, Bureau of Prisons count sheet. This
11 is the E-1, correct?

12 [REDACTED]: Yes.

13 MR. [REDACTED]: And on the E-1, at [REDACTED],
14 what does the number 6 show?

15 [REDACTED]: 77.

16 MR. [REDACTED]: All right. So, 77.
17 Let's go back to this guy and see what the
18 number says. All right. So, it looks like 77.
19 Okay. Now, what does the /5 mean?

20 [REDACTED]: 10 South.

21 MR. [REDACTED]: 10 South?

22 [REDACTED]: Wait, what, I'm sorry, what?

23 MR. [REDACTED]: So, this /5?

24 [REDACTED]: Yeah, that's 9 South/10
25 South.

1 MR. [REDACTED]: All right. So, on the
2 daily, on the daily lieutenant's log, it shows
3 77/5, and on the E-1, it shows 77 for [REDACTED] and 5
4 for ZB. And we go, we look at the
5 corresponding count slip for ZB. It says 5.
6 For [REDACTED], it says 77, correct?

7 [REDACTED]: Yeah.

8 MR. [REDACTED]: All right. Mind just
9 initialing and dating that?

10 MR. [REDACTED]: Is that the 5A one?

11 MR. [REDACTED]: 5A, yeah. All right.
12 Thank you, sir. Okay. So, now this is where
13 we start getting a little bit into the weeds
14 here. So, this is the 4 p.m. count, correct,
15 on August 9, 2019?

16 [REDACTED]: Uh-huh.

17 MR. [REDACTED]: All right. So, the E-1
18 shows for [REDACTED], there is, it says for the census
19 column 76, for the count, 75. And is that
20 because one is --

21 [REDACTED]: One is keyed out, right
22 here. Look. Right here, one is from attorney
23 conference. This Atty right here?

24 MR. [REDACTED]: Yep.

25 [REDACTED]: Is attorney conference, so

1 you had one out count and two attorney
2 conference.

3 MR. [REDACTED]: So, Epstein is in
4 attorney conference. We got one there. So,
5 inside the SHU should be 75, correct?

6 [REDACTED]: Yes.

7 MR. [REDACTED]: All right. So, for the 4
8 p.m. count, (Indiscernible *01:56:10) count in
9 progress, it shows there should have been 75 or
10 should, this said 76. What should that have
11 said there?

12 [REDACTED]: If he was keyed out --

13 MR. [REDACTED]: So, looking at this E-1 -
14 -

15 [REDACTED]: The E-1 is showing that he
16 was in attorney conference.

17 MR. [REDACTED]: Right. So, should this
18 number on the lieutenant's log have said 75 or
19 76, based upon this? Should it have said this,
20 76 number or should it --

21 [REDACTED]: It's whatever this is.

22 MR. [REDACTED]: So, this should have said
23 75, as of this --

24 [REDACTED]: Yes. Yes.

25 MR. [REDACTED]: All right. Now let's go

1 look at the corresponding. ZB shows 5. ■ 75.

2 ■: 75.

3 MR. ■: All right. So, that's
4 correct, then?

5 ■: Yes.

6 MR. ■: Based upon that?

7 ■: Yep.

8 MR. ■: All right. Do you mind
9 initialing and dating?

10 MR. ■: Just a question on that.
11 Keep in mind, you started off the day at 77.

12 ■: Uh-huh.

13 MR. ■: (Indiscernible

14 *01:57:07) Efrain Reyes was removed.

15 MR. ■: We'll get into that.

16 MR. ■: Okay. 74.

17 MR. ■: Yeah, I'm just, what's
18 that?

19 MR. ■: Shouldn't this be 74?

20 MR. ■: I'm just, I just want to
21 know, according to this, cause we can go back
22 to things.

23 MR. ■: Okay.

24 MR. ■: All right. So, here is
25 the 8/9/2019. It shows, this is for the 10

1 p.m. count. So, this ■ says 73 and 73,
2 correct?

3 ■: Yes.

4 MR. ■: All right. So, the 10
5 p.m. count, good verbal announced. What does
6 that say?

7 ■: 72.

8 MR. ■: 72, so the daily
9 lieutenant's log says 72 here, but this says
10 73.

11 ■: Uh-huh.

12 MR. ■: Okay. Do you know why
13 that would be?

14 ■: I don't know. There might
15 have been somebody, math was messed up, as far
16 as the lieutenants. As long as this is right,
17 and this jives with the officer's counting in
18 the units, that's what matters. That means we
19 don't have an escape. This, you know, people,
20 I'm not the greatest mathematician in the
21 world.

22 MR. ■: Okay.

23 ■: You know, you make a, what's
24 the word, an arithmetic mistake.

25 MR. ■: Sure, sure. Do you

1 believe, though, this would have said 73, since
2 this over here says 73, on the next day?

3 [REDACTED]: I mean, it should. If there
4 was no movement.

5 MR. [REDACTED]: Right.

6 [REDACTED]: Between the evening watch
7 and the morning watch.

8 MR. [REDACTED]: Right. And we'll go
9 through the numbers, like you were just
10 suggesting, later. I'm just trying to
11 correlate what this says, what this says, with
12 what this says.

13 [REDACTED]: Uh-huh.

14 MR. [REDACTED]: You know, so they are
15 different numbers here. All right. So, the
16 fact that this says [REDACTED] on it?

17 [REDACTED]: Uh-huh.

18 MR. [REDACTED]: Would that mean that he
19 would have been the one that actually takes the
20 count?

21 [REDACTED]: He was the one that took the
22 count.

23 MR. [REDACTED]: So, even though, when we
24 go back before you said that, I think you said
25 that Control 1 would have been doing the keys

1 and all that stuff.

2 [REDACTED]: Uh-huh.

3 MR. [REDACTED]: And [REDACTED], did I
4 pronounce that?

5 [REDACTED]: [REDACTED].

6 MR. [REDACTED]: [REDACTED] would have been,
7 but looking at the actual E-1, it looks like [REDACTED].
8 [REDACTED] actually took the count?

9 [REDACTED]: Yeah. Well, at 10:00,
10 though, nobody is coming in or out, except
11 basically whoever is on 2 to 10.

12 MR. [REDACTED]: Okay.

13 [REDACTED]: And also at 10:00, he's
14 alone.

15 MR. [REDACTED]: Oh, he's alone? So,
16 [REDACTED] is not there?

17 [REDACTED]: Yeah, cause [REDACTED] goes home
18 at 10:00.

19 MR. [REDACTED]: All right. So, [REDACTED]
20 is there. Who was the one on the 4 p.m.?

21 MR. [REDACTED]: [REDACTED]?

22 MR. [REDACTED]: Okay. [REDACTED] did the 4
23 p.m. Okay. So, [REDACTED] is the one who did the
24 10 p.m. All right. Now we're on the same
25 page. Now we're going to look at the

1 corresponding count slips. You would have been
2 gone by this count, correct?

3 ██████████: Yeah.

4 MR. ██████████: All right. So you're
5 gone now. So here's R&D. We get 1. But on
6 the, where would it have shown R&D on this?

7 ██████████: Wherever he was keyed out
8 of.

9 MR. ██████████: Would it have been this
10 RA?

11 ██████████: Yeah. It should have been
12 █. It should have been somewhere over here in
13 this column.

14 MR. ██████████: All right. So, we got
15 no, we got a count slip for R&D 1.

16 ██████████: Uh-huh.

17 MR. ██████████: But nothing on the E-1,
18 saying there was anybody in there. And then
19 we've got █, 73. So, this one says 95 plus 1,
20 on top of the R&D 1, and then we go over to the
21 █ count slip. Or not, sorry.

22 ██████████: 9 South plus 1.

23 MR. ██████████: 9 South plus 1. Sorry.

24 ██████████: That's why, they ghost-
25 counted him from 9 South in R&D.

1 MR. [REDACTED]: All right. So, if you
2 read this, this one says, for [REDACTED], says 73 plus
3 1.

4 [REDACTED]: Yeah, plus 1.

5 MR. [REDACTED]: Does that mean that that
6 actually should be 74, if they're saying plus
7 1?

8 [REDACTED]: Unless that's the plus 1, I
9 don't know how they did the numbers. How they
10 did the math.

11 MR. [REDACTED]: Okay. Have you ever seen
12 anything like this before? Plus 1s?

13 [REDACTED]: I've seen them ghost-
14 counting.

15 MR. [REDACTED]: Have you seen plus 1s on
16 our count slips?

17 [REDACTED]: No.

18 MR. [REDACTED]: All right. What about
19 the fact that --

20 [REDACTED]: Cause honestly, in 21 years,
21 this is the first time I'm seeing a plus 1 on a
22 count slip.

23 MR. [REDACTED]: Okay. So you have never
24 seen a plus 1 before?

25 [REDACTED]: No.

1 MR. [REDACTED]: What about, have you ever
2 seen anything where every single count slip is
3 crossed off, aside from these two?

4 [REDACTED]: Yes. I don't know about
5 these two. I know as, when you're taking the
6 count --

7 MR. [REDACTED]: Yep.

8 [REDACTED]: -- I normally, that's how we
9 get the clear count.

10 MR. [REDACTED]: Sure.

11 [REDACTED]: When we do the good verbal
12 by, what we do is, we make one line. When the
13 unit officers call --

14 MR. [REDACTED]: On the E-1, right?

15 [REDACTED]: -- we make the one line on
16 the E-1. Once I get all the paper, cause what
17 we'll do is, like, once I have a good verbal, I
18 do the one line and I see every unit has got a
19 good verbal. That's when I tell Control, we
20 got a good verbal count at whatever time. And
21 then we say, awaiting paper. And once internal
22 brings down all the count slips, whoever that
23 person is that's taking the count will have
24 those count slips in front. Not everybody does
25 it. I do it. I would, I'm a crosser. And

1 what I do is I verify everything and that's
2 when I make my X on the E-1.

3 MR. [REDACTED]: Does this suggest
4 anything to you, though, the fact that every
5 one of these count slips is crossed off, aside
6 from R&D, where there is no one actually on the
7 E-1 --

8 [REDACTED]: And SHU.

9 MR. [REDACTED]: -- and then SHU, which
10 has the 73 plus 1, on the E-1, it says 73. On
11 the count slip, it says 73 plus 1, but on the
12 daily log, it says 72. Any, does that indicate
13 anything to you, the fact that those aren't
14 crossed out?

15 [REDACTED]: The only thing that jumps
16 out at me is that it might have been somebody
17 else that did these two count slips versus
18 these.

19 MR. [REDACTED]: Like someone who was
20 taking the count, like [REDACTED]? Would [REDACTED]
21 would have been the person that, like, crossed
22 these things out?

23 [REDACTED]: I don't recall if he was a
24 crosser or not.

25 MR. [REDACTED]: But who, if it wasn't [REDACTED].

1 ██████████, who would it have been?

2 ██████████: At that point in time, it
3 was only him in Control.

4 MR. ██████████: All right. And it was --

5 ██████████: If the lieutenant was in
6 there, she would, her name would be here.

7 MR. ██████████: So who would have taken
8 over for you? You said you only worked until
9 10?

10 ██████████: I worked until 10.

11 MR. ██████████: So who would have taken
12 over at 10?

13 ██████████: ██████████ relieved me that
14 night.

15 MR. ██████████: So, ██████████ would have
16 relieved you at 10?

17 ██████████: And then she worked until 6
18 in the morning.

19 MR. ██████████: Okay. So, she didn't
20 start at midnight. She started at 10. Okay.

21 ██████████: Yeah. That's why I was
22 saying the Ops Lieutenant, we used to do the
23 two hour differences.

24 MR. ██████████: So, is it possible that
25 ██████████ actually took this count?

1 [REDACTED]: I'm trying to, may I?

2 MR. [REDACTED]: Yeah. Absolutely. Are
3 you able to even tell --

4 [REDACTED]: She did take it. This is
5 her signature.

6 MR. [REDACTED]: All right. So, [REDACTED]
7 took the 10 p.m. count?

8 [REDACTED]: [REDACTED] prepared the count.

9 MR. [REDACTED]: Okay.

10 [REDACTED]: This is her, this is her
11 loop in there, taking the count.

12 MR. [REDACTED]: All right. So, [REDACTED]
13 took the 10 p.m. count. Okay. And then, this
14 is where, so, can you tell from this E-1 on
15 August 10, 2019, at the 12 a.m. --

16 [REDACTED]: 3, this is 3:40.

17 MR. [REDACTED]: Sorry. Oh, no, no, no.
18 So, you're saying the 12 a.m. count, [REDACTED]
19 took?

20 [REDACTED]: Yes.

21 MR. [REDACTED]: All right. Not the 10
22 p.m.?

23 [REDACTED]: The 10 p.m., [REDACTED] did by
24 himself.

25 MR. [REDACTED]: [REDACTED] took, so, forget

1 that.

2 ██████████: I'm sorry, the time is, I
3 mean.

4 MR. ██████████: Yeah, absolutely. So,
5 ██████████ did the 10 p.m., the ones that have the
6 count slips with the 9 South plus 1, and the 73
7 plus 1. ██████████ did the 12 a.m. count.

8 ██████████: 12, yeah.

9 MR. ██████████: And the 12 a.m. count is
10 the one where it goes from the E-1 at 10 p.m.,
11 the day before, with 73, the 12 a.m. E-1, is
12 72, and now let's go to the corresponding count
13 slips. ███, what's the number on that?

14 ██████████: 73.

15 MR. ██████████: 73. So the count slip
16 says 73 for 12 a.m., but the E-1 says 72.

17 ██████████: Yeah.

18 MR. ██████████: Can you think of why that
19 would be?

20 ██████████: Like I said, the only thing
21 that comes to mind is a ghost count.

22 MR. ██████████: Okay. Then the RA still
23 says 1, though. Can you ghost count someone if
24 they're putting in count slips for 1?

25 ██████████: No, cause then there would

1 be, it would be off by plus 1.

2 MR. [REDACTED]: And then R&D now has 1 in
3 there, correct?

4 [REDACTED]: One, yeah.

5 MR. [REDACTED]: So, 72 in [REDACTED], 1 in RA.

6 [REDACTED]: This is, this is jiving with
7 this. That's working.

8 MR. [REDACTED]: Now it's working, here it
9 wasn't.

10 [REDACTED]: From what I understand.
11 From what I'm, the way I'm reading it.

12 MR. [REDACTED]: Right. Have you ever
13 seen anything like this before?

14 [REDACTED]: I have never seen plus 1s
15 written on the count slip.

16 MR. [REDACTED]: Plus, what about count
17 slips that aren't corresponding with what's --

18 [REDACTED]: I have seen staff, but
19 normally, you have, you call that unit officer
20 and be, like, hey, I need a new count slip.
21 The count slip is wrong. That I have seen.

22 MR. [REDACTED]: All right.

23 [REDACTED]: Plus 1s, I have never seen.
24 I have never seen anybody write a plus 1 on a
25 count slip.

1 MR. [REDACTED]: Okay. And then 3 a.m.

2 again is a [REDACTED]. Does this mean that --

3 [REDACTED]: Cause he's alone, yeah. A
4 lieutenant only has to do one count on a shift.

5 MR. [REDACTED]: Sure. And is there any
6 indication that anybody on here did anything,
7 other than [REDACTED]?

8 [REDACTED]: No. That's his --

9 MR. [REDACTED]: Okay. And then again, [REDACTED]
10 says 72, 72. Z--

11 [REDACTED]: ZB?

12 MR. [REDACTED]: ZB says 5. And RA says 1
13 and 1.

14 [REDACTED]: Uh-huh.

15 MR. [REDACTED]: And again, there are the
16 corresponding count slips now. The count slips
17 for [REDACTED] do say 72, and ZB says 5, and the RA
18 says 1. Same thing with the --

19 [REDACTED]: 5 a.m.

20 MR. [REDACTED]: -- the 5 a.m. count.
21 Same deal. We don't need to go into the rest
22 of them for this. So, does this indicate to
23 you for all, does this indicate anything to you
24 for all of this? Does it indicate that they
25 weren't conducting their counts at all? Let's

1 take this out of the picture and let's directly
2 focus on the E-1 and the count slips here. The
3 fact that at the 10 p.m. count, they're listed
4 73. The count slip says 73 plus 1. And then
5 the 12 a.m. says 72. Count slip says 73. And
6 then on the daily lieutenant's log, the guy,
7 Fernandez, is keyed out at 035 hours, because
8 he was keyed into the SHU the whole time.

9 [REDACTED]: Uh-huh.

10 MR. [REDACTED]: And then everything is,
11 from that point forward, is corrected to 72.
12 So he was never present in the SHU. We have
13 got the 10 p.m. and the 12 a.m. counts, we both
14 have count slips for, saying that he's there in
15 RA, and somehow, their numbers, there is only
16 72 people in the SHU. So the count slips are
17 showing 73 people. There's only 72 people in
18 there. The E-1 at 10 p.m. says 73, even though
19 there's only 72 people in there.

20 [REDACTED]: Two.

21 MR. [REDACTED]: The E-1 at midnight does
22 show 72, but that's only because at 12:35 --

23 [REDACTED]: It was corrected.

24 MR. [REDACTED]: It was corrected. And
25 the count slip says 73, although there were

1 only 72 people in there. Does that indicate to
2 you that the people in the SHU were just
3 basically going off of what the E-1 should have
4 said, versus counting it themselves?

5 ██████████: It's possible. I mean, I
6 know that they are charged with falsifying
7 documents.

8 MR. ██████████: Yep.

9 ██████████: I know they say that they
10 did not conduct a count, so I guess so. I
11 guess that's what they, I don't know.

12 MR. ██████████: How would have they
13 gotten the number 73? So, 73 is what is on the
14 E-1.

15 ██████████: Uh-huh.

16 MR. ██████████: There is only 72 people
17 in the SHU. But they're listing 73 on the
18 count slip.

19 ██████████: It could have been easily,
20 in my opinion, it could have been easily as
21 they were going off of the SHU locator, and the
22 locator wasn't corrected.

23 MR. ██████████: What's the SHU locator?

24 ██████████: It's basically a chart with
25 the cell assignments and the inmates names and

1 numbers written in it. So, basically, you have
2 what inmates are in where. Right?

3 MR. [REDACTED]: So, it's like a document?

4 [REDACTED]: It's not, like, an official
5 BOP thing. It's something that was brought,
6 it's like made in Word. It's basically like,
7 almost like a blueprint. But it's of, it will
8 have the cells, and it will state what names,
9 like, the SHU staff use it to also, when
10 they're doing the showers, right, they'll mark
11 off who got their showers.

12 MR. [REDACTED]: Okay.

13 [REDACTED]: And everything like that.

14 MR. [REDACTED]: Is that something that
15 only the SHU staff has?

16 [REDACTED]: That's only, that's
17 upstairs. Unless you're --

18 MR. [REDACTED]: Does the E-1 people, does
19 Control have access to that?

20 [REDACTED]: Not everybody has access to
21 a PPE-1.

22 MR. [REDACTED]: So, the thing, though,
23 that, if they're using this thing that you
24 just, what did you call it again?

25 [REDACTED]: The locator.

1 MR. [REDACTED]: So, if they're, the SHU
2 staff is using a locator, does the people in
3 Control have access to that locator?

4 [REDACTED]: Not to the locator, no.
5 That's a SHU thing.

6 MR. [REDACTED]: All right. And then some
7 people in the SHU could have had access to,
8 what are the people in the Control utilizing?

9 [REDACTED]: Control have the E-1 access.
10 Lieutenants have an E-1 access.

11 MR. [REDACTED]: All right.

12 [REDACTED]: Not everybody has full
13 Sentry access.

14 MR. [REDACTED]: All right. So, going to
15 this 10 p.m. count, do you know if, so who, on
16 the [REDACTED] count slip, it says [REDACTED] and Noel,
17 correct?

18 [REDACTED]: That's definitely [REDACTED].
19 Yeah, Noel, all right. I don't know what I'm
20 looking at. I'm sorry. I don't have my
21 readers.

22 MR. [REDACTED]: Sure.

23 [REDACTED]: N-O-E-L, yeah.

24 MR. [REDACTED]: Do you know if either of
25 these people would have had access to this E-1

1 data?

2 [REDACTED]: I do not know if they had
3 it.

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

5 [REDACTED]: I do not know.

6 MR. [REDACTED]: Okay.

7 [REDACTED]: Computer Services would have
8 a record of who has access to what on Sentry.

9 MR. [REDACTED]: All right. Fair enough.
10 And do you know anything about them falsifying
11 their counts?

12 [REDACTED]: I do not.

13 MR. [REDACTED]: No?

14 [REDACTED]: Like I said, I only know
15 what I have read and what I hear.

16 MR. [REDACTED]: Okay. And what have you
17 heard?

18 [REDACTED]: The same thing that you,
19 they're being charged with ringing
20 (Indiscernible *02:10:43). I heard that they
21 were sleeping and they didn't count and --

22 MR. [REDACTED]: Had you heard at all that
23 either the 4 p.m. or the 10 p.m. counts weren't
24 conducted?

25 [REDACTED]: No. I heard the overnight

1 counts.

2 MR. [REDACTED]: All right. So just the
3 midnight, 3, and 5?

4 [REDACTED]: Yes.

5 MR. [REDACTED]: But you hadn't heard
6 about the 4 or 10?

7 [REDACTED]: I was told that at 10:00,
8 not that I was told, from what I heard, at
9 10:00, he was alive.

10 MR. [REDACTED]: Okay. Again, though,
11 going back to this lieutenant --

12 [REDACTED]: Do you want me to sign this?

13 MR. [REDACTED]: Yeah. I'm going to have
14 you do that now. Going back to these
15 lieutenant logs, do you know why, how that
16 could be off, too, though, if the E-1 and the
17 count slips are all saying 73 at 10 p.m., why
18 would they be writing 72 here?

19 [REDACTED]: Honestly, I don't know.
20 Like I said, some people are better in math
21 than others. It could be just a simple
22 arithmetic mistake.

23 MR. [REDACTED]: But do you think that
24 being that it came over as 73, [REDACTED]
25 is the one that corrected Fernandez being out,

1 and then she doesn't send the activities report
2 daily log out until 9:30 a.m. Do you think
3 that she would have gone back in there and
4 maybe she just --

5 ██████████: I don't know. I don't know.

6 MR. ██████████: Would have she been
7 authorized to do that?

8 ██████████: No. I don't know. I can't
9 answer that question. I have, I'm not --

10 MR. ██████████: But you had mentioned
11 that people can go in and (Indiscernible
12 *02:11:57).

13 ██████████: It can be done. You can go
14 back and do it.

15 MR. ██████████: Now, should she have?

16 ██████████: No. Not that I know, unless
17 she saw that, unless she was trying to make the
18 correction, to make sure that everything was
19 right with the count.

20 MR. ██████████: And that's what I mean.

21 ██████████: Which we, you know, we all
22 try to look, you know, to better, at the end of
23 the day, remember, accountability is the most
24 important thing.

25 MR. ██████████: Yeah, yeah.

1 ██████████: So, we would try to make
2 sure that it's there, and it's not to, like,
3 cover up or anything like that, cause at this
4 point in time, nothing was wrong. So, you're
5 not covering up anything. And at that point in
6 time, once that happened in the morning, she
7 wouldn't have been able to do this anyway,
8 cause the FBI was already here, taking
9 everything.

10 MR. ██████████: Well, if someone says
11 that at 9:30, well, this is all, this is all
12 done electronically, right? She sent this out
13 electronically?

14 ██████████: You get, have to email that,
15 yes.

16 MR. ██████████: Right. And is it my
17 understanding that this is actually created in,
18 like, a Word document, that is in a shared
19 folder?

20 ██████████: It's in the shared folder.
21 It's in, but only lieutenants have access to
22 that.

23 MR. ██████████: Right.

24 ██████████: And the captain.

25 MR. ██████████: So, if someone is in that

1 shared folder, and they can tell, someone is
2 modifying that thing right now, and it's at,
3 like, 9:30.

4 [REDACTED]: Oh, well, that's the thing.
5 But if there is, only one person can be in
6 there at the time.

7 MR. [REDACTED]: Right.

8 [REDACTED]: If I try to go into that log
9 program and another lieutenant was on it, I
10 wouldn't be able to.

11 MR. [REDACTED]: Right. So, if the
12 captain notices that someone is in there,
13 modifying that log --

14 [REDACTED]: Uh-huh.

15 MR. [REDACTED]: -- at that time, is that
16 okay?

17 [REDACTED]: I'm sure that would bring,
18 like, flag something. The captain would be,
19 like, what's going on?

20 MR. [REDACTED]: Right.

21 [REDACTED]: Yeah.

22 MR. [REDACTED]: But, okay. But if you
23 were [REDACTED], and you were the one
24 modifying this thing, and you are going back
25 and basically, you know, changing this stuff,

1 do you think that would be acceptable? Or
2 should have she left it as it was and just left
3 her one saying 73, I corrected it, brought it
4 back to 72 and left the day before, the August
5 9th date alone and just stuck with August 10th?

6 [REDACTED]: I believe so.

7 MR. [REDACTED]: You believe she should
8 have just stuck with August 10th?

9 [REDACTED]: I do my own things.

10 MR. [REDACTED]: Right.

11 [REDACTED]: It's not my job to correct
12 another lieutenant.

13 MR. [REDACTED]: All right. And do you
14 believe there would be something wrong with her
15 doing that, though? Going back to August 9th
16 and changing things?

17 [REDACTED]: No. Because it was past
18 practice.

19 MR. [REDACTED]: Okay.

20 [REDACTED]: You know, it's something
21 that we have always done that, you know, from
22 the very first time. I personally don't like
23 correcting other people.

24 MR. [REDACTED]: All right.

25 MR. [REDACTED]: But you mentioned it would

1 have been that, if you piggyback off each
2 other.

3 ██████████: Yeah.

4 MR. ██████████: Something came up. She
5 (Indiscernible *02:14:29).

6 ██████████: Like I said, like, for
7 instance, I go home at 10, right? She is
8 relieving me at 10, but there is still going to
9 be a good verbal and a clear count after I'm
10 gone.

11 MR. ██████████: And that's true.

12 ██████████: But then she would have to
13 go --

14 MR. ██████████: She's actually starting
15 on August 9th.

16 ██████████: She would have to be going
17 back into mine in order to put the, clear the
18 count, because she can't put 10:30 good verbal
19 and 10:45 clear count on her log, cause it's
20 after midnight. Does that make sense? So, she
21 will go, like, things like that, you piggyback.
22 Just like if, like, we end up, we do the two
23 hour relief thing, you know, you got to, you
24 piggyback, but otherwise, I don't go back to,
25 like, correct another person. That's me,

1 personally.

2 MR. [REDACTED]: But she did start on
3 August 9th, and what you're saying is you don't
4 find it problematic that she did correct
5 something? You don't think there's anything
6 wrong with it? You just wouldn't have done it?

7 [REDACTED]: I wouldn't have done it
8 personally.

9 MR. [REDACTED]: Right.

10 [REDACTED]: But I don't think there's
11 nothing wrong with what she did.

12 MR. [REDACTED]: Did you want to talk
13 about these anymore, about the lieutenant logs?

14 MR. [REDACTED]: No. We covered it.

15 MR. [REDACTED]: All right. Okay.

16 [REDACTED]: I don't know if there is a
17 certain order I'm supposed to --

18 MR. [REDACTED]: No, yeah, I just keep it,
19 I kept them in order. They're all in order of
20 the counts. Thank you for initialing and
21 signing everything. And we had to go past
22 that, so, this would be, thank you, sir.

23 [REDACTED]: You're welcome.

24 MR. [REDACTED]: This is the last thing we
25 have got. All right. So, we have only got two

1 more documents or something. So, these are
2 the, what are these?

3 [REDACTED]: These are the round sheets.

4 MR. [REDACTED]: So, is this L tier?
5 Would that be where Epstein was housed for
6 8/9/2019, in the SHU?

7 [REDACTED]: Yes.

8 MR. [REDACTED]: All right. And did you
9 say you had heard that these were not
10 conducted?

11 [REDACTED]: Well, like, for instance,
12 case in point, I don't know who this is, but I
13 wouldn't have, when I made rounds, unless he
14 made rounds around this time, or prior to this
15 time, these were never finished.

16 MR. [REDACTED]: Okay. So, this person,
17 if you didn't go do the round, who, do you
18 believe, would have gone in and actually signed
19 off on that?

20 [REDACTED]: It would be the either/or.
21 I don't recognize --

22 MR. [REDACTED]: Does that look like --

23 [REDACTED]: I know this is me.

24 MR. [REDACTED]: Okay. So, you actually
25 did a round in there?

1 ██████████: I did the rounds somewhere,
2 no, wait a minute, is this me?

3 MR. ██████████: I thought you said ██████████
4 did the round.

5 ██████████: ██████████ did make the round in
6 SHU. I don't know why I'm, I don't know why my
7 signature is on here.

8 MR. ██████████: That is your signature,
9 though?

10 ██████████: It looks like my MC. But I
11 didn't make rounds in SHU. I know that. I
12 didn't make the evening watch rounds.

13 MR. ██████████: Shoot. I didn't print
14 off the list for the lieutenants, cause
15 there's, but that is your signature on there?

16 ██████████: That looks like my MC.

17 MR. ██████████: And would have you had to
18 have gone to the actual SHU to do that?

19 ██████████: Yes, I would have had to
20 have, and I didn't make rounds up there that
21 night.

22 MR. ██████████: Any idea how that would
23 have gotten on there, if you didn't, you
24 weren't in there?

25 ██████████: No. No. I don't.

1 MR. [REDACTED]: Do you know if anyone
2 asked you after the fact to sign off on
3 something?

4 [REDACTED]: Not necessarily. No. But I
5 know I didn't make rounds up there, but that
6 looks like my MC. And this is the first I'm
7 seeing this.

8 MR. [REDACTED]: Yeah. It does look
9 exactly like what you have been doing. I
10 didn't even notice that before. So, this is
11 your signature on the 8/9/2019 --

12 [REDACTED]: Uh-huh.

13 MR. [REDACTED]: -- 30 minute check sheet,
14 but you did not visit the SHU on August 9th?

15 [REDACTED]: No. I did not make rounds.
16 My Activities Lieutenant made rounds that
17 night.

18 MR. [REDACTED]: Would it have anything to
19 do with the fact that she was an Acting
20 Activities Lieutenant?

21 [REDACTED]: I mean, no, because I don't
22 remember, I don't recall signing the round
23 sheet for that shift.

24 MR. [REDACTED]: Cause it looks like all
25 of, it looks like all of them are you, right?

1 ██████████: Well, some, one thing right
2 here, too, it's not signed off on here, either.

3 MR. ██████████: So the bottom aren't
4 signed off on. Well, who --

5 ██████████: The morning watch went, upon
6 ██████████ coming in, oh, you know what? I'm
7 not, I don't remember doing it, but the only
8 thing I could think of is when it gets picked
9 up, but the thing is, this don't get picked up,
10 it don't get sent down until morning watch.
11 So, I don't, I don't remember, I really don't
12 remember signing that. But I really don't
13 remember signing that, and it looks like the
14 morning watch lieutenant didn't sign, either.
15 Cause then if you look at this, I wouldn't have
16 signed, if I saw rounds not done. Remember, I
17 said that earlier.

18 MR. ██████████: So does this at all look
19 like it could have been, like, cut and paste or
20 why, why would that be modified?

21 ██████████: I don't know.

22 MR. ██████████: Do you have any reason to
23 believe that that is not your signature?

24 ██████████: I don't recall signing it,
25 but that looks like my MC. I always initial.

1 I don't ever fully sign. I always do the MC,
2 as you can see, I do the MC in the circle.
3 Yeah. Yeah, I don't, I don't know. I don't
4 recall. I don't recall signing it, but that is
5 my signature. I didn't make rounds. The only
6 thing I could, I could assume is maybe [REDACTED]
7 asked me to sign because she made the round,
8 but she is not an actual lieutenant. But I
9 don't recall.

10 MR. [REDACTED]: But would have she had,
11 like, literally have been allowed to bring,
12 take the --

13 [REDACTED]: No. No. That's the thing.
14 They can't leave the unit until morning watch.
15 This gets sent down for the morning watch.

16 MR. [REDACTED]: All right.

17 [REDACTED]: Like, when [REDACTED] came in
18 for Saturday morning watch --

19 MR. [REDACTED]: Uh-huh.

20 [REDACTED]: -- this, after midnight,
21 between 11:30 and 12 is the last round for the
22 evening shift. Then this gets sent out.
23 That's why I'm looking at this, look, it's on
24 this one. It's on this one, but where is it
25 here? It's not here. It's not here. So,

1 what, was one tier, two tiers done and not the
2 other? There's six tiers up there.

3 MR. [REDACTED]: And they're all for
4 8/9/2019? So, we got some kind of discrepancy
5 going on with these.

6 [REDACTED]: I don't remember signing
7 that.

8 MR. [REDACTED]: (Indiscernible *02:21:12).

9 MR. [REDACTED]: And you would, you would
10 have signed it before 10 p.m.? Before you
11 left?

12 [REDACTED]: Yeah. Before I left.

13 MR. [REDACTED]: So you don't remember
14 ever visiting the SHU?

15 [REDACTED]: I might have been up in the
16 SHU, like, to move an inmate or whatever have
17 you, or like, to lock somebody up, but I don't
18 even remember if I did or not, honestly. I
19 don't remember.

20 MR. [REDACTED]: Do you believe that you
21 didn't?

22 [REDACTED]: I don't remember signing it.

23 MR. [REDACTED]: Okay.

24 [REDACTED]: I do not remember signing
25 the round sheet and I know [REDACTED] made rounds

1 that night.

2 MR. [REDACTED]: So, what, I guess what
3 I'm asking is, what is this? So, this one
4 still says 8/9, but for ZB --

5 [REDACTED]: That's 10 South.

6 MR. [REDACTED]: But 10 South, you got to
7 go through the SHU to get to 10 South.

8 [REDACTED]: Yes.

9 MR. [REDACTED]: Who is that person?

10 [REDACTED]: I'm not sure. I don't know.
11 I don't recognize it. It could be [REDACTED].
12 It looks like an R and something else.

13 MR. [REDACTED]: So, do you believe that
14 in some way, then, do you believe that you did
15 not sign the 8/9/2019 count sheet?

16 [REDACTED]: I don't remember signing it.

17 MR. [REDACTED]: Right. Right.

18 [REDACTED]: I could have very well --

19 MR. [REDACTED]: I guess what I'm asking
20 is, like, do we now have to look into, oh,
21 crap, this stuff might have been, like, copied
22 and pasted and put onto something else?

23 [REDACTED]: I don't know. Well,
24 actually, I don't know. I can't answer that
25 question. I just don't, I do not, I can tell

1 you I do not remember signing it, but I do
2 remember, I did not make rounds in SHU. I
3 don't remember signing it. I don't.

4 MR. [REDACTED]: All right.

5 [REDACTED]: But that is, I can't, that's
6 my MC.

7 MR. [REDACTED]: All right. So, your
8 signature is on these, but you don't recall
9 signing it, and you did not do rounds?

10 [REDACTED]: I did not make the round in
11 SHU.

12 MR. [REDACTED]: So, if you didn't do a
13 round in SHU, were you off, could have you
14 signed it?

15 [REDACTED]: What do you mean? Wait, I'm
16 --

17 MR. [REDACTED]: So, you signed it, saying
18 that you did a round, but you didn't actually
19 do a round?

20 [REDACTED]: I didn't make the rounds in
21 SHU. And I don't remember signing this.

22 MR. [REDACTED]: Okay.

23 [REDACTED]: Could I have signed it,
24 like, hey, you missed a signature? Possibly.
25 But I don't remember signing it. Cause I know

1 I didn't make rounds that night.

2 MR. [REDACTED]: Right. So, your
3 signature is on there, saying you did a round,
4 but you did not do rounds?

5 [REDACTED]: Huh-uh. But I didn't, I
6 wasn't there. I didn't make the round in SHU.

7 MR. [REDACTED]: Why do you clearly remember
8 that you didn't go in the SHU that night?

9 [REDACTED]: I'm sorry?

10 MR. [REDACTED]: Why do you remember that you
11 never went --

12 [REDACTED]: Because I was trying to hire
13 overtime for the morning watch shift most of
14 the night. At that point in time, with how
15 short we were lieutenants, and how short we
16 were staffed, an Operations Lieutenant would
17 spend at least four hours a shift, trying to
18 just fill the overtime. And I remember, cause
19 I even, I think, if I recall correctly, I
20 remember, I even mandated Noel to work in SHU
21 that night, for the overnight.

22 MR. [REDACTED]: So you think you spent most
23 of the time in the office, trying to --

24 [REDACTED]: Yes. I was doing the
25 roster, trying to fill the roster when [REDACTED]

1 said, hey, I got it, Lou. I'll take Epstein
2 upstairs, the night before.

3 MR. [REDACTED]: Do you think anyone could
4 have filled your signature in?

5 [REDACTED]: Unless, unless they traced
6 it.

7 MR. [REDACTED]: But that does appear to
8 be your signature?

9 [REDACTED]: It's my MC, but it doesn't
10 look the same on all of them, like, this one,
11 it looks a little different than here.

12 MR. [REDACTED]: But, for, I guess, the
13 next person to come in and sign would have been
14 this individual.

15 [REDACTED]: That's [REDACTED].

16 MR. [REDACTED]: [REDACTED].

17 [REDACTED]: Yeah.

18 MR. [REDACTED]: So, do you have any
19 reason to believe that [REDACTED] would have
20 signed for you?

21 [REDACTED]: No. No.

22 MR. [REDACTED]: If she noticed that this
23 block was empty?

24 [REDACTED]: No. No.

25 MR. [REDACTED]: So you don't believe

1 [REDACTED] would have done that?

2 [REDACTED]: No. I don't believe

3 [REDACTED] would have done that at all.

4 MR. [REDACTED]: So you do believe that
5 this is your signature?

6 [REDACTED]: I believe it's my signature,
7 but I just don't remember signing that. I
8 don't.

9 MR. [REDACTED]: And you don't remember
10 even going to the SHU.

11 [REDACTED]: I didn't make rounds that
12 evening, no.

13 MR. [REDACTED]: And you don't remember
14 actually even going into the SHU that --

15 [REDACTED]: Not that I recall. No.

16 MR. [REDACTED]: So that's (Indiscernible
17 *02:25:05) like how could have your signature
18 got on there?

19 [REDACTED]: You would have to, you would
20 have to, you would have to review the cameras,
21 but I don't recall signing this paper. And I
22 know I didn't make rounds, because even when I
23 went in with you guys in the FBI and the AUSA,
24 she even told me [REDACTED] name before I even
25 said it. I said, my Activities Lieutenant made

1 rounds that night in SHU, and she said, that's
2 Acting Lieutenant, [REDACTED]. [REDACTED]. I
3 said, you are, I said, correct. I still
4 recall, I recall that interview.

5 MR. [REDACTED]: So, because this has such
6 a high level focus now --

7 [REDACTED]: Uh-huh.

8 MR. [REDACTED]: -- this is something that
9 is actually, unfortunately, brand-new to us --

10 [REDACTED]: Uh-huh.

11 MR. [REDACTED]: -- we're going to have to
12 somehow resolve that.

13 [REDACTED]: Uh-huh.

14 MR. [REDACTED]: Do you have any, any kind
15 of explanation to how that could have happened
16 then? You didn't do rounds in SHU. You never
17 even went in the SHU, and you could only sign
18 this document from within the SHU.

19 [REDACTED]: Uh-huh.

20 MR. [REDACTED]: And this is the documents
21 that were obtained.

22 [REDACTED]: No, this could get signed in
23 the lieutenant's office, after it's collected.

24 MR. [REDACTED]: All right, so this could
25 have been collected --

1 ██████████: Every night, this gets, the
2 six round sheets gets sent down to the
3 lieutenant's office.

4 MR. ██████████: So, do you think --

5 ██████████: That might have been when I
6 signed it, but this would have, I wasn't here
7 on morning watch.

8 MR. ██████████: What about on August 10th,
9 when you did come back from the hospital? You
10 came back, right, on August 10th?

11 ██████████: Yeah. I was here the whole
12 day. I didn't go home. I don't remember
13 exactly, but I know it was, like, around 4:00
14 ish, 5:00 ish, when I got home, when I left.

15 MR. ██████████: So, I mean, it doesn't
16 look like, these things look like they were
17 taken right away, you know?

18 ██████████: Uh-huh.

19 MR. ██████████: After Noel --

20 ██████████: That might have very well
21 been what happened.

22 MR. ██████████: That you signed it the
23 next day?

24 ██████████: I might have signed it when
25 it was sitting on the lieutenant's office pile.

1 MR. [REDACTED]: All right. Can you give
2 me the 4 p.m. count again, now that you're
3 saying that it's sparking my memory that people
4 are saying that other documents weren't signed,
5 as they should have been, the 4 p.m. count?
6 Were there places that you, as the Ops
7 Lieutenant, you were supposed to sign that you
8 didn't here?

9 [REDACTED]: This was, this should be
10 signed off by the day watch Operations
11 Lieutenant.

12 MR. [REDACTED]: So that's day watch?
13 That wouldn't have been you?

14 [REDACTED]: Yeah. Yeah. Cause here I
15 am, I signed that one, right there.

16 MR. [REDACTED]: So, you said this one on
17 page, the third page should have been [REDACTED]
18 that signed that one?

19 [REDACTED]: It could have been [REDACTED] --

20 MR. [REDACTED]: Count time, 4 p.m.

21 [REDACTED]: -- [REDACTED] or myself.

22 MR. [REDACTED]: But then you say you
23 started at 2?

24 [REDACTED]: Yeah. No, I'm saying, it
25 could have been me.

1 MR. [REDACTED]: And you did the count?

2 [REDACTED]: It could have been [REDACTED],
3 either/or.

4 MR. [REDACTED]: Who did the count?

5 [REDACTED]: [REDACTED] took the count.

6 MR. [REDACTED]: Okay. And you didn't
7 participate in the 4 p.m.?

8 [REDACTED]: No.

9 MR. [REDACTED]: Did you participate in
10 the count that day?

11 [REDACTED]: I'm not sure. I don't
12 remember. I don't remember.

13 MR. [REDACTED]: But so at 4 p.m., you
14 were from 2 to 10. [REDACTED] was only until 2.
15 And this is the 4, so shouldn't you have signed
16 that?

17 [REDACTED]: I could, I could have been
18 the one that should have signed it, cause I
19 signed this one right here. I signed that, I
20 know I signed that out count.

21 MR. [REDACTED]: So what is this one that
22 doesn't have a signature? What is that for?

23 [REDACTED]: This one right here? That's
24 the total out count and there was one cadre
25 from 11 South out.

1 MR. [REDACTED]: Okay. So that one
2 doesn't have a signature, but the fourth page
3 does and that's your signature, you said?

4 [REDACTED]: That's me.

5 MR. [REDACTED]: Anything else on here
6 that needed to have signatures by you guys?

7 [REDACTED]: Yeah. I don't know who, I
8 don't know who signed that one right there.

9 MR. [REDACTED]: That's [REDACTED], saying
10 that she signed --

11 [REDACTED]: No, that's from, it's from
12 [REDACTED].

13 MR. [REDACTED]: Oh, cause she was still
14 in attorney conference for the 4 p.m.

15 [REDACTED]: Yeah. This is, I don't know
16 whose signature that is.

17 MR. [REDACTED]: But that's not yours?

18 [REDACTED]: That's not mine.

19 MR. [REDACTED]: So, at 4 p.m., the
20 attorney conference approved by, you can't
21 actually even make that out.

22 [REDACTED]: I can't. I don't know who
23 that is.

24 MR. [REDACTED]: If that's supposed to be
25 the Operations Lieutenant, this is not you, by

1 looking at this daily roster, can you deduce
2 who it could have been? [REDACTED]? It's not
3 [REDACTED], because --

4 [REDACTED]: It's going to be [REDACTED] or
5 [REDACTED], one of the two.

6 MR. [REDACTED]: You can have 4 p.m., if
7 [REDACTED] is gone at 2?

8 [REDACTED]: Oh, no, no, cause he's gone
9 at 2. Both of them were gone at 2. But that's
10 not me. That's definitely not me. You see, I
11 do the M, the M circle everywhere.

12 MR. [REDACTED]: So, is [REDACTED] the one
13 that would have provided this to somebody to
14 sign?

15 [REDACTED]: Yeah. She would have given
16 the out count to the Operations Lieutenant.

17 MR. [REDACTED]: All right. So we have to
18 ask [REDACTED] who signed this?

19 [REDACTED]: Yeah. Cause I don't know
20 who that is. I don't know whose signature that
21 is.

22 MR. [REDACTED]: And none of these people
23 on here that are working that day look like
24 anybody that that could, that would have the
25 authority to do that?

1 ██████████: No. There are only two
2 people, these are the only, ██████████ was the
3 captain, the lieutenants, ██████████ and ██████████, and
4 myself are the only people. I mean --

5 MR. ██████████: It's not ██████████. It's
6 not you.

7 ██████████: An acting, an acting
8 lieutenant could sign, if they're in that
9 capacity, but she was still attorney conference
10 when this was done.

11 MR. ██████████: All right.

12 ██████████: So, I don't know whose
13 signature that is.

14 MR. ██████████: And then this --

15 ██████████: And that's mine.

16 MR. ██████████: And that one is yours, so
17 for the official out count. Is this weird to
18 you at all, this, the fact that somebody else's
19 signature is on that?

20 ██████████: Yeah. I don't know who the
21 fuck, cause I know I didn't sign it. And I
22 know, this was probably just a slip of the, I
23 forgot to sign it, the other one.

24 MR. ██████████: Uh-huh.

25 ██████████: Because I signed everything

1 else.

2 MR. [REDACTED]: So the one, so one is
3 that you were supposed to have signed was
4 signed by someone else, and another one looks
5 like you forgot.

6 [REDACTED]: I forgot.

7 MR. [REDACTED]: So, it would have been J.
8 Smalls?

9 [REDACTED]: No. Smalls was the one that
10 was in R&D. This is the R&D, coming from R&D
11 out count.

12 MR. [REDACTED]: So who would have
13 provided this to you, to sign it?

14 [REDACTED]: R&D.

15 MR. [REDACTED]: All right. So, Small
16 would have given that to you to sign?

17 [REDACTED]: Yeah.

18 MR. [REDACTED]: But in this case, it
19 sounds like she didn't?

20 [REDACTED]: No. I don't know. I don't
21 remember if she didn't (Indiscernible
22 *02:31:02) give it to me right off the bat, or
23 if I just forgot to sign it. It could be, I
24 forgot to sign it.

25 MR. [REDACTED]: Okay.

1 ██████████: But I don't know who that is
2 on that other one. I don't even, it looks
3 like, it just looks like a squiggly line.

4 MR. ██████████: So, on the 4 p.m. count,
5 after the E-1, so there's, on the third page,
6 you forgot to sign. On the fifth page, fourth
7 page, you did sign. Seventh page, shows the
8 official count from R. ██████████. That is not
9 your signature. All right. And then the last
10 one is you as well.

11 ██████████: I signed. Uh-huh.

12 MR. ██████████: Which is the official out
13 count from the hospital. So, the attorney
14 conference room, you got to figure out whose
15 signature that is. And no one would have been
16 authorized, as you know --

17 ██████████: A lieutenant is supposed to
18 sign the out count.

19 MR. ██████████: But it could have been a
20 lieutenant? But there are, as far as you know,
21 there is no other lieutenants that were
22 actually even in the building at that time?

23 ██████████: Unless this was done before,
24 an out count has to be in 45 minutes prior to
25 the count. So that means it would have had to

1 be done no later than 3:15. Unless that was
2 done before [REDACTED] went home, I don't know.

3 MR. [REDACTED]: But it doesn't even look
4 like it would be a [REDACTED].

5 [REDACTED]: It doesn't.

6 MR. [REDACTED]: Carlos? Oh, that could
7 be Carlos [REDACTED]?

8 [REDACTED]: I don't know, it just, it
9 looks like a squiggly line. But that's
10 definitely not my signature. You have been
11 watching me sign papers all this interview. I
12 do the MC circle --

13 MR. [REDACTED]: Yeah, no, I know it's not
14 yours. That's what I'm just trying to figure
15 out who it is.

16 [REDACTED]: Yeah. Yeah. I don't know.

17 MR. [REDACTED]: No, there's no question.
18 It's not yours. Do you remember that day,
19 though, you're positive you came in at 2?

20 [REDACTED]: I don't even know why it
21 says non-custody here.

22 MR. [REDACTED]: Somebody indicated that
23 someone manipulated that, and that it shouldn't
24 say non-custody.

25 [REDACTED]: I was custody at the time.

1 MR. [REDACTED]: So, somebody, somebody
2 has told us, doesn't make any sense that
3 there's an NC there. Do you agree with that?

4 [REDACTED]: I agree 100% there. It
5 would have said, it would have said nothing.
6 It would have said nothing, because custody
7 don't have that, NC stands for non-custody on
8 the roster.

9 MR. [REDACTED]: The fact that this was
10 printed out on June 2, 2021, would that auto --

11 [REDACTED]: That's because I was a
12 counselor already.

13 MR. [REDACTED]: -- would that populate to
14 non-custody automatically?

15 [REDACTED]: Yes. Because I'm non-
16 custody now.

17 MR. [REDACTED]: Okay.

18 [REDACTED]: I'm a counselor.

19 MR. [REDACTED]: So, when we printed out,
20 that date, these things would be automatically
21 generated with your name, NC.

22 [REDACTED]: Uh-huh. Yes.

23 MR. [REDACTED]: So would that be why then
24 (Indiscernible *02:33:27).

25 [REDACTED]: That's probably why. I

1 didn't see that this was printed this year.

2 MR. [REDACTED]: Okay. All right. So, it
3 would be printed, based upon what you are at
4 the time, but you were custody at the time?

5 [REDACTED]: I was a lieutenant at the
6 time. Yeah.

7 MR. [REDACTED]: All right. So, okay. So
8 we can't put any real credence to NCs when we
9 see the, based upon the print (Indiscernible
10 *02:33:48).

11 [REDACTED]: No, after, like, I became a
12 counselor, February 2020.

13 MR. [REDACTED]: Okay.

14 [REDACTED]: So I have only been non-
15 custody since then.

16 MR. [REDACTED]: All right. And then this
17 one was just an email, saying that I was, this
18 is just confirming that, it's just an email
19 that you sent to someone, Cynthia Adorno?

20 [REDACTED]: Adorno.

21 MR. [REDACTED]: A-D-O-R-N-O, just saying
22 that you were Activities, and had to go to the
23 hospital to make sure staff weren't bothered by
24 media, while his body was there. "Today, I am
25 DW Ops."

1 [REDACTED]: Day watch.

2 MR. [REDACTED]: Day watch Ops. Okay.

3 That was just in case you had any kind of need
4 for recollection that you actually worked those
5 days. Here you go. So, here is something,
6 just saying that, so, in his first suicide
7 attempt, correct, do you remember who his
8 cellmate was at the time?

9 [REDACTED]: He was that cop guy. I
10 forgot his name.

11 MR. [REDACTED]: Tartaglione.

12 [REDACTED]: Tartaglione.

13 MR. [REDACTED]: T-A-R-T-A-G-L-I-O-N-E.

14 [REDACTED]: Yeah.

15 MR. [REDACTED]: So, there's an email
16 dated August 7, 2019, to all the lieutenants,
17 saying that Tartaglione was going to be in
18 attorney conference on Friday, August 2, 2009.
19 Now, (Indiscernible *02:35:03) Epstein was in
20 there at the same time. Do you know if they
21 would have had any interaction in there?
22 Together?

23 [REDACTED]: No. They were in separate
24 rooms.

25 MR. [REDACTED]: So they would not have

1 gone together?

2 ██████████: Unless, like, when they were
3 going in, or coming out.

4 MR. ██████████: Okay.

5 ██████████: If they were coming in or
6 out at the same time, but otherwise, they're in
7 two separate rooms.

8 MR. ██████████: So they're not even
9 seeing each other or interacting?

10 ██████████: No. They will be in, and as
11 a matter of fact, they're SHU inmates, so the
12 SHU inmates, the SHU cell, the SHU cells, the
13 attorney conference cells for the SHU inmates
14 are the same as the SHU cells. They're locked
15 in with their attorney.

16 MR. ██████████: Okay.

17 ██████████: So, they couldn't even,
18 like, come out and pass each other.

19 MR. ██████████: Okay. Do you mind just
20 initialing and dating that?

21 ██████████: Sure.

22 MR. ██████████: Did you have any
23 involvement with that initial July 23, 2019?

24 ██████████: No.

25 MR. ██████████: Have you heard any rumors

1 about Tartaglione attempting to harm Epstein?

2 [REDACTED]: No. I heard that he was
3 helping him. He is the one that notified the
4 staff that he needed help.

5 MR. [REDACTED]: Okay.

6 [REDACTED]: That's what I heard.

7 MR. [REDACTED]: So, you didn't hear
8 anything about him trying to harm Epstein?

9 [REDACTED]: On the street.

10 MR. [REDACTED]: And what --

11 [REDACTED]: People talking shit.

12 MR. [REDACTED]: Do you think --

13 [REDACTED]: And I'm not even talking
14 about Bureau staff. I'm talking about, you
15 know how much shit, pardon my language --

16 MR. [REDACTED]: Yeah.

17 [REDACTED]: -- I know we're on camera --

18 MR. [REDACTED]: Yeah, yeah.

19 [REDACTED]: -- on tape here, do you know
20 how much trash I got from people that have
21 known me my whole life, and I tell them
22 straight out, I can't answer your questions.
23 I'm not going to answer your questions.

24 MR. [REDACTED]: Right.

25 [REDACTED]: Don't talk stupid trash to

1 me. I was, like, don't, don't even go there.

2 MR. [REDACTED]: Do you think there's any
3 validity to any kind of a claim, saying that
4 Tartaglione attempted to harm Epstein?

5 [REDACTED]: I don't know. I'm not in
6 the cell with them.

7 MR. [REDACTED]: Okay. But from any
8 information that you have received, do you have
9 any reason to believe?

10 [REDACTED]: No. I know, from what I
11 know of Tartaglione, he's trying to beat his
12 case. He's trying to fight his case. So I
13 don't think he would want to add any undue
14 thing to his case.

15 MR. [REDACTED]: Okay. Okay, so I'm just
16 going to, so this was after the fact, on
17 Friday, August 16, 2019, the captain, [REDACTED]
18 [REDACTED], [REDACTED], sent a message to a number
19 of people, it looks like all the lieutenants,
20 to include yourself. It just says,
21 "Lieutenants, there has been a significant
22 change concerning the placement of inmates on
23 suicide watch at MCC. Starting 8/16/19, when
24 an inmate expresses intentions to physically
25 harm themselves or behavior warrants placement on

1 watch, please make sure the captain is notified
2 immediately by phone. If inmate companions are
3 needed to sit on the inmate, the overall
4 approving authority is the warden. Inmates
5 will no longer be able to remain on SHU bed
6 space, so there should be an initiative to have
7 adequate bed assignments available in the
8 Special Housing Unit." So, were people that
9 were attempting to harm themselves previously
10 not being referred to suicide watch, are you
11 aware?

12 [REDACTED]: No. As a matter of fact, if
13 I, I, at one point in time, if I felt like a
14 new intake, if I was, let's say, Operations
15 Lieutenant on an off-shift, and we didn't have
16 Psychology here, if I felt they were a threat
17 to themselves, I would put them on watch, and
18 then all I would have to do is notify
19 Psychology.

20 MR. [REDACTED]: Okay.

21 [REDACTED]: Like, I would wake up the
22 on-duty psychologist at home and say, hey, doc,
23 I'm putting inmate Schmukatelli on observation.

24 MR. [REDACTED]: All right. So, the only
25 change here was that the captain wanted to be

1 notified?

2 [REDACTED]: Yes. I believe so.

3 MR. [REDACTED]: All right. And he wasn't
4 notified prior to that time, is that what he's
5 saying?

6 [REDACTED]: He wasn't, he didn't have to
7 be.

8 MR. [REDACTED]: Okay.

9 [REDACTED]: As long as we notified
10 Psychology.

11 MR. [REDACTED]: Sure. So, people were,
12 it's not a change in practice. It's a change
13 in notification to the captain?

14 [REDACTED]: Yes.

15 MR. [REDACTED]: Okay.

16 [REDACTED]: A lot of those things change
17 like I change socks.

18 MR. [REDACTED]: Yeah. If you don't mind,
19 just initial and date these daily assignments,
20 then.

21 [REDACTED]: Sure.

22 MR. [REDACTED]: For the 9th and 10th. I
23 know we have been keeping you awhile. Just
24 want to finish up these questions.

25 [REDACTED]: (Indiscernible *02:38:42).

1 MR. [REDACTED]: So what is your
2 understanding of what happened to Epstein on
3 August 9th and 10th, 2019?

4 [REDACTED]: My understanding is that he
5 committed suicide. That he hung up.

6 MR. [REDACTED]: Is that, you understand
7 of how he died was from suicide and hanging?

8 [REDACTED]: That's what I understand.
9 Yes.

10 MR. [REDACTED]: Okay. Do you have any
11 information with regard to any suspicious
12 activity that occurred on August 9th or 10th,
13 2019, leading up to the discovery of Epstein in
14 his cell?

15 [REDACTED]: No.

16 MR. [REDACTED]: I'm just going to go over
17 just some broad, general issues and just ask
18 you if you have any information on it. So, we
19 just talked about his first suicide attempt on
20 July 23, 2019. Are you aware if Epstein was
21 placed on suicide watch after that?

22 [REDACTED]: I'm not sure. I'm not 100%
23 sure. I think he was placed on observation
24 after that incident.

25 MR. [REDACTED]: Okay.

1 [REDACTED]: If I'm not mistaken.

2 MR. [REDACTED]: And is observation,
3 suicide watch, are they basically the same
4 thing, just a matter of, if you give your
5 clothes or not?

6 [REDACTED]: It's a matter of the
7 clothing. Observation, they were allowed to
8 have their regular attire on, with an inmate
9 companion. Suicide watch, they were in the
10 smock and had the, like, the sleeping bag, the
11 suicide sleeping bag.

12 MR. [REDACTED]: And that is outside of
13 the SHU, correct?

14 [REDACTED]: That is outside of the SHU.

15 MR. [REDACTED]: What floor is that?

16 [REDACTED]: In the event, in the event
17 that suicide watch on second floor was
18 overbooked, overfilled, we would do suicide
19 watch in SHU, but it would be a staff member
20 watching.

21 MR. [REDACTED]: Okay. And is it your
22 understanding, though, that Epstein was removed
23 from the SHU and placed on either suicide watch
24 or psychological observation after the initial
25 incident on July 23rd?

1 ██████████: I've seen him down on
2 suicide watch and observation on the second
3 floor.

4 MR. ██████████: So, you actually did see
5 him there?

6 ██████████: Yes. That's where I fed
7 him.

8 MR. ██████████: Okay.

9 ██████████: Cause lieutenants have to
10 feed the inmates.

11 MR. ██████████: Oh, so that notation of
12 feeding on this was actually not regarding the
13 --

14 ██████████: It was probably, it might
15 have, it may have been in the SHU, if he was a
16 lieutenant hold at the time. But when he was
17 on observation, I have fed him down there.

18 MR. ██████████: Okay. So you had
19 interaction with him when he was actually on --

20 ██████████: Yeah, basically just, as far
21 as opening the slot, handing him his food
22 trays, collecting his trash, locking the slot,
23 you okay? You okay? Okay. And, can I talk to
24 the Psychology Department? Go get the psyche.
25 That's it.

1 MR. [REDACTED]: Anything that he said to
2 you that was cause for concern?

3 [REDACTED]: No.

4 MR. [REDACTED]: No? Anything more than
5 can you get me this or get me that?

6 [REDACTED]: No. That was it.

7 MR. [REDACTED]: Okay. Do you believe
8 that Epstein was prematurely removed from
9 psychological observation or suicide watch?

10 [REDACTED]: No. I mean, the Ph.D.
11 psychologist felt that it was appropriate.
12 They're the doctors.

13 MR. [REDACTED]: Have you heard any rumors
14 about anyone else having any say in him being
15 removed?

16 [REDACTED]: No.

17 MR. [REDACTED]: Have you heard any rumor
18 about the judge calling the warden and asking
19 him to have him removed so he could continue
20 with his attorney visits?

21 [REDACTED]: I have never heard the
22 rumor.

23 MR. [REDACTED]: No? By anyone, streets
24 or inside or otherwise?

25 [REDACTED]: No.

1 MR. [REDACTED]: Okay. We already talked
2 about Reyes being removed. Although you
3 received that email the day before, that wasn't
4 something that you reviewed, so you didn't know
5 that Reyes was actually being removed from the
6 institution or transferred, correct?

7 [REDACTED]: No. No. Yes. Yes.
8 Correct.

9 MR. [REDACTED]: And no one told you?

10 [REDACTED]: No.

11 MR. [REDACTED]: Aside from that email?

12 [REDACTED]: Aside from the email.

13 MR. [REDACTED]: Okay. And that, again,
14 is that, oh, you already answered it. Do you
15 know anything about other falsified counts
16 being conducted in the MCC prior to August 10,
17 2019?

18 [REDACTED]: No.

19 MR. [REDACTED]: Do you believe that
20 counts were being conducted in the MCC, prior
21 to August 9th and 10th, 2019?

22 [REDACTED]: I would hope so.

23 MR. [REDACTED]: Anything about the SHU,
24 though, I mean, if they're sleeping in the SHU,
25 we have heard rumors that maybe in the SHU,

1 they were sleeping a lot. Had you heard
2 anything about that, them sleeping during their
3 shifts in the SHU?

4 ██████████: What, the staff?

5 MR. ██████████: Yeah.

6 ██████████: Well, all I could say is
7 this. The staff were walking around like
8 zombies.

9 MR. ██████████: Right.

10 ██████████: These guys and girls were
11 getting stuck four days a week, sometimes five
12 days a week, doing 16 hour shifts. I have
13 never in my career have seen so many write-ups
14 for officers refusing mandates. I have had to
15 write-up countless officers because they
16 refused a mandate, when I told them they had to
17 stay. And then, but at the same time, I
18 didn't, I felt bad for them.

19 MR. ██████████: Uh-huh.

20 ██████████: I really did. Because they
21 were zombies. I was a zombie. And I was only
22 getting hit, like, twice a week.

23 MR. ██████████: Okay.

24 ██████████: And I was a zombie. I'm
25 also pushing 47 now. I'm not a young kid

1 anymore, and some of these kids, 20 something
2 years old, they would literally, they would be
3 standing up and exhausted.

4 MR. ██████████: So people are just too
5 exhausted to do their job, is it?

6 ██████████: How, I mean, I spent time in
7 the Marine Corps and I remember going 36, 40
8 hours on three hours of sleep and that was
9 rough at 18, 19 years old.

10 MR. ██████████: Right.

11 ██████████: You know? Doing 16 hours,
12 it's not human.

13 MR. ██████████: Uh-huh.

14 ██████████: Our bodies are not made for
15 that.

16 MR. ██████████: Okay. So, being that
17 they were exhausted and people were sleeping
18 during their shifts, especially with the
19 focusing (Indiscernible *02:43:49) in on the
20 SHU. Do you believe that it's likely that
21 counts weren't being conducted prior to August
22 9, 2019?

23 ██████████: I hope to God not.

24 MR. ██████████: Okay.

25 ██████████: I really do. I can't

1 confirm nor deny it. I just hope to God not.

2 MR. [REDACTED]: What about rounds? Do
3 you know if they were being conducted in the
4 SHU prior to that?

5 [REDACTED]: I would hope, once again, I
6 would hope so.

7 MR. [REDACTED]: But you're unaware for
8 both?

9 [REDACTED]: I'm unaware.

10 MR. [REDACTED]: Okay.

11 [REDACTED]: I can't confirm.

12 MR. [REDACTED]: All right. What do you
13 know about the MCC, and particularly the SHU
14 cameras not working on August 9th and 10th, 2019?

15 [REDACTED]: I found that out when
16 everybody else did. I honestly didn't know
17 they weren't working.

18 MR. [REDACTED]: So, during your,
19 especially on August 9th, when you were working,
20 did anyone ever notify you that the cameras
21 were not recording?

22 [REDACTED]: No.

23 MR. [REDACTED]: Is there any way for you
24 to have known?

25 [REDACTED]: No. I don't know. The only

1 thing, like in the lieutenant's office and in
2 control, we can see the cameras, but we don't
3 know if they're actually recording or not.

4 MR. [REDACTED]: So, there's nothing to
5 indicate if they're recording?

6 [REDACTED]: Like, that's kept somewhere
7 else, like in the Computer Services people.

8 MR. [REDACTED]: Do you know at the time
9 where that was kept?

10 [REDACTED]: I think, if I'm not
11 mistaken, there's one on 3, by the com room,
12 and I'm not sure if there is one down here on
13 1.

14 MR. [REDACTED]: Do you know if, at the
15 time, do you know if the cameras where the
16 recording would have been kept in the SIS
17 office?

18 [REDACTED]: Well, there's, where the
19 cameras, like, the hard drives are in the back
20 of where the com room is.

21 MR. [REDACTED]: Okay.

22 [REDACTED]: Which is part of the whole
23 SIS shop back there.

24 MR. [REDACTED]: So, if someone wanted to
25 knock the cameras offline and intentionally

1 stop them from recording, like, where could
2 have they done that from?

3 [REDACTED]: I'm not 100% certain. I
4 don't know if it could be done from back there
5 or not. I just know that that's where the room
6 is.

7 MR. [REDACTED]: And do you know anything
8 about anyone knocking the cameras offline?

9 [REDACTED]: No. I do not.

10 MR. [REDACTED]: Have you heard any rumors
11 about that?

12 [REDACTED]: No.

13 MR. [REDACTED]: Do you have any kind of,
14 even theory or explanation of why the cameras
15 were not recording specifically in the SHU?

16 [REDACTED]: No.

17 MR. [REDACTED]: No? And you hadn't heard
18 anything about that?

19 [REDACTED]: Not until I heard it from,
20 you know, what everybody else going on around,
21 like, yo, the cameras didn't work. The cameras
22 didn't pick anything up. And the newspapers.

23 MR. [REDACTED]: Is that surprising to
24 you, for you to hear?

25 [REDACTED]: No. Cause everything here

1 is gone. This building is decrepit.

2 MR. [REDACTED]: Okay.

3 [REDACTED]: I'm sorry. I can't put it
4 lightly.

5 MR. [REDACTED]: Oh, no. That's why we're
6 here, is to figure out --

7 [REDACTED]: I've been here, listen, I've
8 been here 20 out of my 21 years on the job.
9 I'm rounding it off. I mean, I don't have
10 exactly 21 years. I've seen this place on a
11 steady decline.

12 MR. [REDACTED]: I know. What about the
13 cameras? Weren't they all fixed?

14 [REDACTED]: They were just recently
15 fixed. Now, the cameras are phenomenal.

16 MR. [REDACTED]: Okay.

17 [REDACTED]: Like, when I was a
18 lieutenant, I wished the cameras were as good
19 as they are now. You could actually see faces
20 of inmates fighting.

21 MR. [REDACTED]: Uh-huh.

22 [REDACTED]: And identify them. But
23 before that, you couldn't.

24 MR. [REDACTED]: Who is responsible for
25 the cameras?

1 [REDACTED]: The com room. I'm sorry.

2 Not the com room. The com shop, the com techs.

3 MR. [REDACTED]: And do you know who that
4 would have been at the time?

5 [REDACTED]: Who was here? I think
6 [REDACTED]. I think [REDACTED]. I'm not sure of who
7 else.

8 MR. [REDACTED]: So, [REDACTED] [REDACTED]?

9 [REDACTED]: [REDACTED] [REDACTED].

10 MR. [REDACTED]: Do you know if [REDACTED]
11 would have been here at the time?

12 [REDACTED]: I don't remember. I don't
13 remember when he started.

14 MR. [REDACTED]: Okay.

15 [REDACTED]: He's the head of Facilities,
16 so.

17 MR. [REDACTED]: And who is, what's his
18 name? [REDACTED] what?

19 MR. [REDACTED]: [REDACTED].

20 MR. [REDACTED]: Who is [REDACTED] [REDACTED]?

21 [REDACTED]: Right now, he is the lock
22 shop. The Chief of the lock shop. Lock and
23 Security --

24 MR. [REDACTED]: Do you know where he
25 would have been at the time?

1 ██████████: I don't remember. I think
2 he was, was he plumbing at the time or was he
3 in the lock shop? I'm not sure.

4 MR. ██████████: Do you know if he had
5 anything to do with cameras?

6 ██████████: I'm not, I'm not 100%
7 certain.

8 MR. ██████████: So, ██████████ is in charge
9 of the cameras. Who would have he reported to,
10 do you know?

11 ██████████: ██████████?

12 MR. ██████████: Yeah. ██████████ ██████████.

13 ██████████: Well, I think, I guess his
14 boss would be ██████████ and the assistant.

15 MR. ██████████: The assistant, who?

16 ██████████: Facilities Manager.

17 MR. ██████████: All right. So, there's a
18 Facilities Manager and an Assistant Facilities
19 Manager?

20 ██████████: They are, and they're not.

21 MR. ██████████: Okay.

22 ██████████: When we're fully staffed,
23 there is usually a boss and an assistant.

24 MR. ██████████: Okay.

25 ██████████: I don't recall who it was at

1 the time.

2 MR. [REDACTED]: Do you know if Epstein
3 was in his assigned cell on August 10, 2019,
4 when he was found?

5 [REDACTED]: I'm not 100% sure. I know
6 he was in that corner cell, that's all I know.

7 MR. [REDACTED]: Who would be responsible,
8 if he, in the BOP database, the system, he is
9 assigned to a different cell than he is
10 actually physically located? Who would be
11 responsible for making that change within the
12 BOP?

13 [REDACTED]: Oh, within Sentry?

14 MR. [REDACTED]: Yeah.

15 [REDACTED]: As soon as the, basically,
16 the SHU Lieutenant would have to stay up on top
17 of that.

18 MR. [REDACTED]: So, it's the SHU
19 Lieutenant's responsibility for that?

20 [REDACTED]: To make sure that everything
21 is where it's supposed to be in his unit.

22 MR. [REDACTED]: Does Ops or lieutenants
23 or anybody that visits the SHU and do rounds,
24 are they responsible at all for --

25 [REDACTED]: No. You're not going to

1 pick up a PP30 --

2 MR. [REDACTED]: Sure.

3 [REDACTED]: -- when you're making
4 rounds. Like I said, your predominant, the
5 predominant function of doing the rounds is to
6 make sure the officers are doing their job.

7 MR. [REDACTED]: Do you have, do you know
8 if Epstein was always in that cell that you
9 described?

10 [REDACTED]: No. Like I said, at one
11 point in time, I think he was down on H tier.
12 I do know --

13 MR. [REDACTED]: Let's say, after he
14 returned from suicide watch or psychological
15 observation, do you know if he was always --

16 [REDACTED]: I don't remember.

17 MR. [REDACTED]: You don't remember?

18 [REDACTED]: I don't remember.

19 MR. [REDACTED]: Do you know if, at least
20 for the days leading up to August 9th, was he in
21 that same cell?

22 [REDACTED]: I mean, at least a couple of
23 days, I believe, yes. I'm not 100% certain,
24 though.

25 MR. [REDACTED]: Okay. And you mentioned,

1 this will be the last of the big topics, you
2 mentioned that you knew that ██████ was
3 allowing Epstein to place a telephone call on
4 August 9, 2019?

5 ██████████: Yeah. When I came around to
6 escort him, he said, I got it. I'm going to
7 bring him up to SHU, and I'm going to give him
8 a legal call. I said, okay.

9 MR. ██████████: And do you know why he
10 was being afforded a legal call?

11 ██████████: No, I do not.

12 MR. ██████████: Especially the fact that
13 he is already in with his attorneys?

14 ██████████: And his attorney had left
15 already. I do not know.

16 MR. ██████████: Do you know if it was
17 actually a legal call that he placed?

18 ██████████: I don't know. I don't know.

19 MR. ██████████: Do you know anything
20 about it at all?

21 ██████████: Other than he brought him on
22 the elevator and that was the last I saw of
23 Epstein.

24 MR. ██████████: And did you talk to
25 ██████████ about that at all after the fact?

1 [REDACTED]: No. No.

2 MR. [REDACTED]: Did you see [REDACTED] after
3 he returned him?

4 [REDACTED]: No. I think he went home.
5 I think he left the building.

6 MR. [REDACTED]: [REDACTED]?

7 [REDACTED]: Yeah.

8 MR. [REDACTED]: All right. Did you find
9 it unusual that he was being allowed to place a
10 --

11 [REDACTED]: No. I mean, we have done it
12 for other inmates before, too. Like, if, let's
13 say, you know, oh, I forgot to ask my lawyer,
14 it's all about, what's the word I'm looking
15 for? Convenience. If it's not inconveniencing
16 the person or the time, or if it's going to be
17 an issue or a security issue, or something like
18 that, and you feel like doing it, you can do
19 it. There's nothing to say --

20 MR. [REDACTED]: What if Epstein told them
21 that he is actually not calling his lawyer, but
22 he's calling his --

23 MR. [REDACTED]: Mother.

24 MR. [REDACTED]: -- mother?

25 [REDACTED]: I don't know.

1 MR. [REDACTED]: Is that at all, do you
2 believe that to be an acceptable practice, to -
3 -

4 [REDACTED]: I wouldn't, I wouldn't do
5 it. If you're telling me you need a legal
6 call, you're going to call your attorney.

7 MR. [REDACTED]: Right.

8 [REDACTED]: I'm not going to put you on
9 with the attorney and then sit there and hear
10 you say, oh, hi, Mom. No. Cause if you tell
11 me a legal call, I'm giving you a legal call.

12 MR. [REDACTED]: Do you know, would have
13 [REDACTED] needed approval to allow him to place a
14 call like that?

15 [REDACTED]: Well, you, [REDACTED] is a unit
16 team member, and unit team would normally do
17 the legal calls for the inmates.

18 MR. [REDACTED]: Okay. So, would have, if
19 it was a legal call they provided him, but not
20 to his legal team, to his mother, would have he
21 needed to obtain approval for that?

22 [REDACTED]: I don't know. I'm assuming
23 yes. I don't know. I never heard of any, I
24 never heard that it was to his mom. I always,
25 he told me, I'm giving him a call.

1 MR. [REDACTED]: Okay. So that's all you
2 know about it?

3 [REDACTED]: That's all I know about it,
4 and he got on the elevator and brought him up
5 to SHU.

6 MR. [REDACTED]: Okay. What do you know
7 about someone else taking Epstein's life?

8 [REDACTED]: Nothing. Except for the,
9 pardon my language, the BS rumors that you hear
10 out in the media, on social media, and in the
11 public.

12 MR. [REDACTED]: Okay. What do you know
13 about others assisting with taking Epstein's
14 life?

15 [REDACTED]: I don't believe that.

16 MR. [REDACTED]: What do you, when you say
17 you don't believe it, do you know of any rumors
18 or --

19 [REDACTED]: No, I don't know of
20 anything, and I don't believe it. I don't,
21 there is nothing I know about it. And I have
22 seen, not just at MCC New York, you hear about
23 it throughout the Bureau. Somebody could hang
24 themselves, just leaning forward on a bed. And
25 it only takes a couple of minutes.

1 MR. ██████████: So, did Epstein take his
2 own life?

3 ██████████: I believe so, yes.

4 MR. ██████████: Did Epstein act alone in
5 taking his own life?

6 ██████████: I believe so.

7 MR. ██████████: Did you have any
8 involvement with Epstein --

9 ██████████: Absolutely not.

10 MR. ██████████: What would have prevented
11 Epstein's death, in (Indiscernible *02:52:11)?

12 ██████████: In all actuality, if he
13 really wanted to commit suicide, nothing would
14 have prevented it, because anybody that really
15 wants to kill themselves can kill themselves.
16 Epstein's cell overlooked the OIC's desk. He
17 was watching the staff. He knew when he could
18 and when he couldn't.

19 MR. ██████████: Okay. So do you think
20 that if they were actually conducting their
21 counts and rounds as they should have, would
22 have that helped in preventing the death?

23 ██████████: It could have helped, but it
24 wouldn't have totally prevented it, because it
25 just takes minutes to kill yourself. If I

1 wanted to do it, I would wait for you to make
2 your round. I now know, I have 30 minutes to
3 kill myself. It only takes two or three.

4 MR. [REDACTED]: What about the fact that
5 he was mandated to have a cellmate, and the
6 cellmate was removed and no one backfilled it?
7 Do you think that would have helped?

8 [REDACTED]: Yes or no. Remember what I
9 told you, in 2003. That dude committed suicide
10 and he had a bunkie.

11 MR. [REDACTED]: And then in the same
12 token, though, you said Tartaglione was the one
13 that notified them when he attempted the first
14 time.

15 [REDACTED]: Yeah. So, like, yes and no.
16 That's why I said yes and no. Like, if that
17 inmate is asleep, and let's say that inmate is
18 a heavy sleeper, Epstein could have strung up
19 while he was asleep.

20 MR. [REDACTED]: Okay. And then this is
21 just the last overall question that I have and
22 then I'll turn it over. What are some of the
23 systematic problems inside the MCC, and
24 specifically, the SHU that allowed for Epstein
25 to die?

1 ██████████: I'm sorry. Can you just
2 restate the question?

3 MR. ██████████: So, what are some of the
4 problems in the SHU? We just talked about,
5 obviously, if they didn't conduct their rounds
6 and the counts as they should have, the SHU
7 staff --

8 ██████████: Uh-huh.

9 MR. ██████████: -- and people didn't act
10 in order to get him a new cellmate, what are
11 some of the other problems, systematic
12 problems? It sounded like you may have
13 mentioned that people were too tired to work
14 (Indiscernible *02:54:04).

15 ██████████: Well, that's the only thing
16 I got. Especially at that time. Right now,
17 staffing got a little better. It got a lot
18 better, and staff got put on 12 hour shifts.
19 So, this way, they have more time off. And
20 they can't get stuck for 16s every day. Right?
21 That's now. Then, they were tired. They were
22 tired. And you also didn't, you never had a
23 regular crew. What I mean by a regular crew,
24 you never, you didn't always have the
25 consistent staff in there. And you had staff

1 that were exhausted, on top of exhaustion. And
2 the SHU unit, in my opinion, always has, when I
3 was even, when I was a SHU officer back in the
4 early 2000s, that was the post. That was one
5 of the most high-profile posts in this
6 building.

7 MR. [REDACTED]: The SHU was?

8 [REDACTED]: SHU. Yeah. I mean, even
9 until this whole thing happened.

10 MR. [REDACTED]: Why?

11 [REDACTED]: We had, we had El Chapo for
12 two years.

13 MR. [REDACTED]: Right.

14 [REDACTED]: Without a hitch. With
15 nothing.

16 MR. [REDACTED]: But he was also not in
17 SHU. He was in 10 South.

18 [REDACTED]: He was in 10 South.

19 MR. [REDACTED]: Do you believe that
20 Epstein should have been in 10 South or G tier?

21 [REDACTED]: I mean, my personal opinion
22 really doesn't matter with the grand scope of
23 things. I'm not a decision maker.

24 MR. [REDACTED]: Well, just with 20 years
25 at MCC, do you believe he should have --

1 [REDACTED]: I feel he should have been
2 on 10 South.

3 MR. [REDACTED]: Okay. And why?

4 [REDACTED]: Because that is the Super
5 Max Unit. That's even more higher security
6 than SHU. And it's also a lot, it's easier,
7 let's say, for instance, on a staff member
8 that's totally exhausted. There's only six
9 cells up there. And you don't have to crawl up
10 and down stairs. You walk from the first cell,
11 it's like a U, almost.

12 MR. [REDACTED]: Is it also true that
13 every cell has their own individual camera?

14 [REDACTED]: Yes.

15 MR. [REDACTED]: And who monitors those
16 cameras?

17 [REDACTED]: The officer that is working
18 the unit has the screens up and, right in front
19 of his or her station and the same cameras can
20 be seen in the com room.

21 MR. [REDACTED]: Okay. So, is anybody
22 actually monitoring in the com room?

23 [REDACTED]: Not on the off-shifts.

24 MR. [REDACTED]: Okay. What shifts?

25 [REDACTED]: Day shift.

1 MR. [REDACTED]: Just day shift?

2 [REDACTED]: There used to be, when the
3 staff was available, the night shift. But for
4 the most part, it was the day shift.

5 MR. [REDACTED]: Okay. So, but the person
6 that's actually assigned to 10 South, and is
7 this the same for, does the 10 South guy also
8 review G South? The G tier cameras, as well?

9 [REDACTED]: I believe the cameras are in
10 there, too. You can see them on that screen,
11 yes.

12 MR. [REDACTED]: So, 10 South would watch
13 both --

14 [REDACTED]: Yeah. Uh-huh.

15 MR. [REDACTED]: -- 10 South, as well as G
16 tier?

17 [REDACTED]: I believe so.

18 MR. [REDACTED]: And all of them have
19 cameras?

20 [REDACTED]: I could be wrong, but I
21 believe so.

22 MR. [REDACTED]: Okay. But you believe
23 that by placing him on 10 South, he would have
24 had more visibility?

25 [REDACTED]: Yes. That's my personal

1 opinion.

2 MR. [REDACTED]: Okay. Is there anything
3 else that you want to add that we haven't
4 addressed?

5 [REDACTED]: No.

6 MR. [REDACTED]: No? [REDACTED]?

7 MR. [REDACTED]: You have about covered
8 everything. Just a last question. Are COs
9 allowed to conduct rounds, counts by
10 themselves?

11 [REDACTED]: If there's less than five
12 inmates.

13 MR. [REDACTED]: If, let's say in the SHU.
14 Are they allowed to do counts by themselves?

15 [REDACTED]: No. There's more than five
16 inmates. Ten South, if there's four inmates on
17 10 South, the officer doesn't need another
18 officer to count.

19 MR. [REDACTED]: If they did the count by
20 themselves, is that an actual count? Is it
21 considered as a count?

22 [REDACTED]: It's not a proper count.
23 It's not a proper count. I mean, I could
24 count, easily count 96 inmates, 100 inmates, 20
25 inmates, whatever it is, by myself. It's not

1 going to be an official count unless you have a
2 back-up person. You have, the way the policy
3 works is one officer is supposed to stay at the
4 end of the range, one officer goes downrange,
5 counts the inmates, come back and that other
6 officer goes down and counts the range. And
7 then when you meet back up at the front, I got
8 15, 15, okay. Then they go to the next tier.
9 Cause I might have 15 and you might have
10 counted 14. We got to redo that count. And
11 then until we both jive, and then go to the
12 next tier, same thing, another tier, another
13 tier, whatever, how many tiers there are in the
14 unit, then we come up with our total number,
15 and that's what we call into Control. Say,
16 hey, ■■■■■, ■■■■■ and ■■■■■, I got 55. Fifty-
17 five is a good verbal. All right. Thank you.
18 Sign the count slip. You sign, I give it to
19 you, you sign the count slip. Send it down to
20 internal to control.

21 MR. ■■■■■: Nothing from me.

22 MR. ■■■■■: Nothing? All right.

23 Nothing else?

24 ■■■■■: No.

25 MR. ■■■■■: Any questions for us?

1 [REDACTED]: Nope.

2 MR. [REDACTED]: All right. It is
3 currently 12:22 p.m. on Wednesday, August 4,
4 2021. This is Senior Special Agent [REDACTED]
5 [REDACTED], and I am turning off the recorder.

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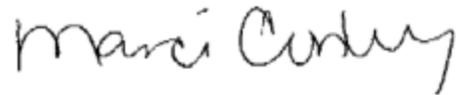
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CERTIFICATE

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]



Marcella Conley, Transcriber