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DIGITALLY RECORDED

SWORN STATEMENT

OF



OIG CASE #:

2019-010614

DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL

AUGUST 5, 2021

RESOLUTE DOCUMENTATION SERVICES
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APPEARANCES:

OFFICE OF THE INSPECTOR GENERAL

BY: [REDACTED]

BY: [REDACTED]

WITNESS:

[REDACTED]

OTHER APPEARANCES:

NONE

1 [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.

7 [REDACTED]: Okay.

8 [REDACTED]: And this interview with
9 Federal Bureau of Prisons employee S'amar
10 [REDACTED] is being conducted as part of an
11 official U.S. Department of Justice, Office of
12 the Inspector General investigation. Today's
13 date is August 5, 2021, and the time is 1:49
14 p.m. This interview is being conducted at the
15 Metropolitan Correctional Center, located in
16 New York, New York. Also present is DOJ/OIG
17 Special Agent [REDACTED]. This interview
18 will be recorded by me, Special Agent - or
19 Senior Special Agent - [REDACTED].
20 Could everyone please identify themselves for
21 the record, and spell their last name? To
22 start, again, I am DOJ/OIG Senior Special Agent
23 [REDACTED]. [REDACTED].

24 MR. [REDACTED]: This is DOJ/OIG Special
25 Agent, [REDACTED]. The last name is D-A-N-

1 I-E-L. Here is my credentials.

2 [REDACTED]: Okay. My name is officer

3 [REDACTED] with the Federal Bureau of Prisons.

4 Last name [REDACTED]. [REDACTED]. And these are
5 my credentials.

6 [REDACTED]: You got your credentials
7 this time. Wow. Fancy. All right.

8 MR. [REDACTED]: Thank you.

9 [REDACTED]: Thank you. I am looking
10 at a picture, which it does match the person
11 sitting in front of me. This is an official
12 DOJ investigation into the death of inmate
13 Jeffrey Epstein and the surrounding
14 circumstances, and you are being asked to
15 voluntarily provide answers to our questions.
16 Will you agree to a voluntary interview with
17 the DOJ/OIG?

18 [REDACTED]: Sure.

19 [REDACTED]: All right. And there's a
20 form that we - and we just interviewed you,
21 just shortly, you know, a short time ago - but
22 it's the same form. It says, United States
23 Department of Justice, Office of the Inspector
24 General, Warnings and Assurances to Employee
25 Requested to Provide Information on a Voluntary

1 Basis. "You are being asked to provide
2 information as part of an investigation being
3 conducted by the Office of the Inspector
4 General. This investigation is being conducted
5 pursuant to the Inspector General Act of 1978,
6 as amended. This investigation pertains to job
7 performance failure and security failure. This
8 is a voluntary interview. Accordingly, you do
9 not have to answer questions. No disciplinary
10 action will be taken against you if you choose
11 not to answer questions. Any statements you
12 furnish may be used as evidence in any future
13 criminal proceedings, or agency disciplinary
14 proceedings, or both." And there's a waiver
15 section. It says, "I understand the Warnings
16 and Assurances stated above and I am willing to
17 make a statement and answer questions. No
18 promises or threats have been made to me, and
19 no pressure or coercion of any kind has been
20 used against me." You want to take a look?
21 Again, it's the same form from before, but if
22 you agree, there's an employee signature, and
23 an employee's name, where you print.

24 [REDACTED]: Mm-hmm. Okay.

25 [REDACTED]: Thank you very much for

1 signing and printing your name. Today's date
2 is - again - 8/5/21, and the time is --

3 MR. [REDACTED]: 1:52 p.m.

4 [REDACTED]: -- 1:52 p.m. We are at
5 the MCC, New York. And I'm signing my name.
6 Again, this is [REDACTED]. And I'm
7 printing. Here you go, Special Agent [REDACTED].

8 MR. [REDACTED]: This is [REDACTED]. I'm
9 signing on the signature of witness.

10 [REDACTED]: Did you understand the
11 OIG form?

12 [REDACTED]: Yes.

13 [REDACTED]: Thank you. Before
14 starting the interview, I'd like to place you
15 under oath. [REDACTED], can you please raise
16 your right hand? Do you swear to tell the truth
17 and nothing but the truth during this
18 interview?

19 [REDACTED]: Yes, I do.

20 [REDACTED]: Great. Were you
21 previously interviewed by the OIG in August of
22 2019, and then again, by myself and SA [REDACTED]
23 this past month, in July of 2021?

24 [REDACTED]: Yes. I was.

25 [REDACTED]: All right. And you

1 already showed me your credentials, so I don't
2 need to ask you this background stuff. Are you
3 currently employed by the BOP?

4 ██████████: Yes.

5 ██████████: And what is your current
6 position with the BOP?

7 ██████████: Receiving and Discharge.
8 Correctional Systems Officer.

9 ██████████: Is there any change since
10 the last time we spoke to you?

11 ██████████: No.

12 ██████████: Great. All right. So,
13 this is just a supplemental interview. When we
14 spoke last, you talked about some different
15 documentation that we could potentially obtain
16 in order to clear up some of the things we were
17 looking at. Specifically, we were looking into
18 Efrain Reyes. And when he was released, and
19 what would have been put on the court list.
20 The court transfer. So, when we last spoke, we
21 talked about this daily log. This, I'm going
22 to show you. It's from 8/9/2019. And on the
23 third page, where I've highlighted, it says
24 Reyes was pre-removed at 0838, when you had
25 mentioned, during our interview, that you can't

1 tell exactly why he was removed at that point,
2 just that, if he's listed as pre-removed, it
3 was highly unlikely that he would have been
4 returned, and it was assumed that he was
5 leaving the MCC, for good. Is that correct?

6 [REDACTED]: That is correct.

7 [REDACTED]: All right. Great. So,
8 there is that, in case you wanted to look at
9 it. So, we went back, and we found these
10 emails. And so, this is just the first email
11 that we found was, this was from a Sampson
12 Choo, C-H-O-O, from the U.S. Marshal Service.

13 [REDACTED]: Okay.

14 [REDACTED]: And this was to, it looks
15 like - I'm assuming all of R&D, as well as
16 yourself.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: And then, it says, the
19 subject, "Transfer of Prisoners from NYM to
20 GEO." What is GEO?

21 [REDACTED]: It's like a private prison
22 that the Marshals transfer the inmates to when
23 they can't be housed in the BOP.

24 [REDACTED]: Okay. And it says, date,
25 Thursday, August 8, 2019 --

1 [REDACTED]: Mm-hmm.

2 [REDACTED]: -- at 10:33 a.m. And the
3 body of the email, it says, "The following
4 prisoners are to be transferred."

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: And it's two people's
7 name, and the second one says Efrain Reyes.
8 "Please schedule the transfer for Friday,
9 8/9/2019."

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: So, there's that one.

12 [REDACTED]: Okay.

13 [REDACTED]: And then, there's another
14 email that came out the same day, that says
15 it's from another person with the U.S. Marshal
16 Service, with the last name Elzahr, E-L-Z-A-H-
17 R. And this one was subject, "Prisoner
18 Production On 8/9/2019," and the date was
19 Thursday, August 8th, 2019 at 3:36 p.m., was
20 the email. And one of the attachments was NYM.
21 Is that MCC?

22 [REDACTED]: Yes.

23 [REDACTED]: All right. Great. And
24 the second, the first two people are the same
25 two people that were listed on this other

1 email. And the second person, as you'll see, is
2 Efrain Reyes. It says, "Transfer within," and
3 then, right underneath, it says Judge, MCC,
4 TOT, and then GEO.

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: What is TOT?

7 [REDACTED]: Like, when they transfer them
8 out of the prison.

9 [REDACTED]: Okay. So, by looking at
10 this stuff, does this now let you know what was
11 entered pre-removed and why?

12 [REDACTED]: Yes. That he was being
13 officially removed out of the institution,
14 going to another destination.

15 [REDACTED]: Okay. So, was he ever
16 going to court, based on that?

17 [REDACTED]: No. He was going to be
18 transferred to another prison.

19 [REDACTED]: Okay. So then, we here
20 at the MCC, then, did know that he was going to
21 another prison, and not coming back to the MCC?

22 [REDACTED]: That is correct.

23 [REDACTED]: And would you be the
24 person -? So, here's your work schedule.

25 [REDACTED]: Mm-hmm.

1 [REDACTED]: I think you couldn't
2 remember at the time. So, on the 8th and the
3 9th, it shows that you were working regular
4 time.

5 [REDACTED]: Mm-hmm.

6 [REDACTED]: Eight hours. And would
7 you be the one that would have created that
8 court list for the SHU?

9 [REDACTED]: For SHU?

10 [REDACTED]: Yeah. We were told by
11 your supervisor that you would be the person
12 that would have created that.

13 [REDACTED]: 8/9 [REDACTED] worked 2:00 to
14 10:00 for Small. Probably. So, I don't
15 recall, but if that was my position that day,
16 then I probably would have created it for the
17 SHU.

18 [REDACTED]: Okay.

19 [REDACTED]: So, we do it the night
20 before, and send it out the housing units the
21 night before, and they take it up to their
22 units for the next day, for production.

23 [REDACTED]: Okay. And then, what is
24 sent and how is it sent?

25 [REDACTED]: We just type it in the Sentry

1 system. We print out call outs. And the
2 internal officer will disseminate it, and pass
3 it around to the unit officers.

4 [REDACTED]: So, the way that the SHU
5 would - you would give it to internal, and then
6 internal would bring it to the SHU?

7 [REDACTED]: That is correct.

8 [REDACTED]: Okay. And what would the
9 SHU, what would they receive?

10 [REDACTED]: They receive a printout of
11 the call out, of whatever this is. This here
12 is people's report (Indiscernible *00:08:22),
13 they print out (Indiscernible *00:08:23) from
14 Sentry.

15 [REDACTED]: So, they get a printout
16 of the actual document?

17 [REDACTED]: Not this document. A Sentry
18 devised document.

19 [REDACTED]: Okay.

20 [REDACTED]: We put their names in the
21 Sentry computer system. It prints out a call
22 out receipt, with all the names, the times, and
23 the internal officer would then take it to the
24 housing unit.

25 [REDACTED]: Okay. So, based upon

1 this information that I just showed you --

2 ██████████: Mm-hmm.

3 ██████████: -- what would have you
4 created? What would have it said next to Efrain
5 Reyes' name?

6 ██████████: It would say WAB.

7 ██████████: Is that it?

8 ██████████: That was it.

9 ██████████: Okay. So --

10 ██████████: It would say WAB.

11 ██████████: -- by it saying WAB, does
12 that mean that he's leaving and he's not
13 returning?

14 ██████████: That is correct.

15 ██████████: Okay. So, the people
16 that received this in the SHU, in the housing
17 unit that Efrain Reyes was staying in, they
18 would know this guy is leaving and not coming
19 back?

20 ██████████: Yes.

21 ██████████: Okay.

22 ██████████: Well, let me not say they
23 would know. They just know it says WAB. I'm
24 not sure if they know what those acronyms
25 stands for. They just know that he's on a call

1 out, and that --

2 [REDACTED]: If they know it means --

3 [REDACTED]: -- he has to go down to R&D.

4 [REDACTED]: -- if the people, let's
5 say that we know WAB means With All Belongings,
6 and we're supposed to give them everything that
7 they have, and send them on their way.

8 [REDACTED]: Mm-hmm. That is correct.

9 [REDACTED]: Shouldn't they know, at
10 that point, that they're leaving and not coming
11 back?

12 [REDACTED]: They should know, yes.

13 [REDACTED]: Okay. Great. And since
14 we spoke, were you ever able to find that list
15 that you would have created to provide to the
16 SHU?

17 [REDACTED]: We don't keep those.

18 [REDACTED]: They don't keep them? Is
19 it ever emailed?

20 [REDACTED]: No.

21 [REDACTED]: No. So --

22 [REDACTED]: We didn't email those.

23 [REDACTED]: -- it's only --

24 [REDACTED]: No.

25 [REDACTED]: -- created, printed out,

1 and then, you said it's actually created in
2 Sentry, though?

3 [REDACTED]: Mm-hmm.

4 [REDACTED]: And how long is it
5 maintained in Sentry?

6 [REDACTED]: I believe 45 days.

7 [REDACTED]: 45 days. So, there is no
8 -. There would be no way to actually obtain
9 that court list?

10 [REDACTED]: I'm not sure.

11 [REDACTED]: Okay. But it is called
12 the -.

13 [REDACTED]: I don't want to say yeah, and
14 I don't want to say no. I'm not sure.

15 [REDACTED]: Okay. But there's no
16 way, that you know of, to obtain that court
17 list?

18 [REDACTED]: Right.

19 [REDACTED]: And that's what it's
20 called? A court list? Or is it called --

21 [REDACTED]: A call out.

22 [REDACTED]: -- it's called a call out
23 list?

24 [REDACTED]: Mm-hmm.

25 [REDACTED]: Okay. So, it's not

1 actually called a court list.

2 ██████████: Right.

3 ██████████: Okay. Call out list.

4 ██████████: Because normally, what we do
5 is, we go back in the night, like, if I have to
6 do a new call list for the next day, I delete
7 the previous call list, because then you'll
8 keep having call lists. So, we go in, we
9 delete it, and we do the next one for the next
10 day.

11 ██████████: Okay. Gotcha.

12 ██████████: So, I don't even know if
13 they're maintained, how they're maintained in
14 the system. If they're even stored in the
15 system.

16 ██████████: Okay.

17 ██████████: After that. I don't know.

18 ██████████: All right. So, they may
19 only be stored for that 24-hour period, until
20 you do your next list.

21 ██████████: Right.

22 ██████████: Okay.

23 ██████████: Because we're supposed to go
24 in and delete the call out. And then, for the
25 next day, like say, for example, tonight, I

1 will be deleting today's call out, and I will
2 be entering tomorrow's call out.

3 [REDACTED]: Okay.

4 [REDACTED]: So, that's how it's supposed
5 to be done.

6 [REDACTED]: Perfect. All right.
7 Great. Do you mind just initialing and dating
8 those --

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: -- just so we have them?
11 It's not certifying the accuracy. It's simply
12 saying that that's what you reviewed.

13 [REDACTED]: Mm-hmm.

14 [REDACTED]: And you can go on, and
15 the date is 8/5/21.

16 [REDACTED]: Okay. Okay. Okay.

17 [REDACTED]: Thank you.

18 [REDACTED]: That's everything. Right?

19 [REDACTED]: Thank you so much. All
20 right. So, that covers Efrain Reyes. The next
21 one is going to be with regard to inmate
22 Fernandez. Do you recall us talking to you
23 about an inmate Fernandez? I know you worked in
24 control.

25 [REDACTED]: No.

1 [REDACTED]: Oh, that's fine.

2 [REDACTED]: We probably talked about it.

3 [REDACTED]: We talked about a lot.

4 So, this is just to refresh your memory. It
5 shows that you worked at the MCC on Saturday,
6 August 10th, 2019. This is the daily
7 assignment roster.

8 [REDACTED]: Mm-hmm.

9 [REDACTED]: It shows that you were
10 control number one.

11 [REDACTED]: Mm-hmm.

12 [REDACTED]: Working overtime from
13 midnight to 8:00 a.m.?

14 [REDACTED]: That is correct.

15 [REDACTED]: Is that -? Okay. Great.
16 And then, when you were in control one, are you
17 the only person in control, at that time?

18 [REDACTED]: No.

19 [REDACTED]: Okay.

20 [REDACTED]: I have a control two. Okay.
21 Wait a minute.

22 [REDACTED]: And I'll -.

23 [REDACTED]: I know [REDACTED] was there with
24 me.

25 [REDACTED]: So, internal would be

1 actually with you?

2 ██████████: That number two was - would
3 be in control with me.

4 ██████████: Okay. So, that's how it
5 went. Okay.

6 ██████████: At that time, the number two.
7 They normally they didn't have an internal
8 number two, but that person is the person that
9 was in there with me because, at that time,
10 when they would put the internal number two on
11 the roster, they would be the person that would
12 assist the control center officer, in the
13 control. And they would do the counts, and
14 assignments, and do the - yeah - the counts.
15 The call outs. If somebody was on suicide
16 watch, and they had a companion swap out to
17 come out to a work detail, they would take that
18 companion off, put that new companion on, while
19 food service came and they would key in the
20 food service workers that would be off the
21 housing unit, but at that time, we only have -.
22 If we had anybody, it would be him.

23 ██████████: Okay.

24 ██████████: Yes. Yes.

25 ██████████: So - and you probably

1 told me this before, then - so, [REDACTED] would be
2 the one responsible for doing the counts, as --

3 [REDACTED]: Yes.

4 [REDACTED]: -- as the second. And
5 what would your responsibility be?

6 [REDACTED]: My responsibility was
7 ensuring all the equipment was in the control
8 center, doing a body alarm testing. What else?
9 Tracking all the equipment. Doing the
10 paperwork as far as the security forms,
11 (Indiscernible *00:13:37) security forms. And
12 looking up at cameras periodically. Popping
13 the doors.

14 [REDACTED]: Okay. But nothing to do
15 with counts?

16 [REDACTED]: No.

17 [REDACTED]: Okay. Then this might
18 not be too relevant. All right. As far as the
19 last person we talked about during our last
20 interview was Fernandez, and we've since
21 learned, through our reviews, that Fernandez
22 was gone from the SHU around 1:40 p.m., and
23 definitely moved to R&D at least by 3:15.

24 [REDACTED]: Oh, I recall that.

25 [REDACTED]: Yeah.

1 [REDACTED]: Okay.

2 [REDACTED]: Okay.

3 [REDACTED]: I recall. Yes.

4 [REDACTED]: So, were you able to -?

5 [REDACTED]: I didn't recall his name.

6 [REDACTED]: I think you may have led
7 us onto this. I can't exactly remember. But
8 there's the inmate history quarters for inmate
9 Fernandez.

10 [REDACTED]: Mm-hmm.

11 [REDACTED]: And it shows that he was
12 in the SHU, put to the SHU on August 2nd, 2019,
13 and then, he was not keyed out of the SHU, and
14 put into his RO1. Does that stand for R&D?

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: Okay. Until 8/10/2019,
17 at 12:35 a.m., on August 10th, 2019. Would
18 that have -. Would you be involved in that at
19 all?

20 [REDACTED]: No.

21 [REDACTED]: No? So, not with what you
22 were doing?

23 [REDACTED]: Hmm-mm.

24 [REDACTED]: Who has the ability to
25 key people in and out of the housing units.

1 Does -?

2 [REDACTED]: I mean, the control center
3 officers have the ability to do it. The
4 lieutenants, if they know. They have the
5 ability to do it. The SHU officers have the
6 ability to do it. And R&D has the ability to
7 do to it.

8 [REDACTED]: Okay. So, there's
9 actually a number of people that could have
10 done that.

11 [REDACTED]: Yeah.

12 [REDACTED]: Okay. But that's not
13 something you would have done in your role?

14 [REDACTED]: No. Hmm-mm.

15 [REDACTED]: And you don't recall
16 doing that?

17 [REDACTED]: No.

18 [REDACTED]: Okay. Great. Do you
19 mind just -. And you're there -. Actually,
20 just initial and date these (Indiscernible
21 *00:15:19).

22 [REDACTED]: Mm-hmm.

23 [REDACTED]: So, in your expert
24 opinion, at that time, 12:35 a.m., who would
25 have been the one, then --

1 [REDACTED]: Well --

2 [REDACTED]: -- do you think, who
3 would have -?

4 [REDACTED]: -- that would be the number
5 two person because he's --

6 [REDACTED]: If they did it from
7 control.

8 [REDACTED]: -- right. Right. But if he
9 did it from control, because he would be
10 preparing the counts. Or it could have been
11 the SHU officer. I don't know.

12 [REDACTED]: Okay.

13 [REDACTED]: It could have been a number
14 of people.

15 [REDACTED]: Or it could have been the
16 Ops Lieutenant. Correct?

17 [REDACTED]: Right.

18 [REDACTED]: Okay. But it wasn't you?

19 [REDACTED]: But normally, the Ops
20 Lieutenants, they don't do that. It's normally
21 the control, or the SHU officer. What is
22 today? The fifth?

23 [REDACTED]: And that's who would
24 normally do it? When an inmate is moved, it
25 would typically be control --

1 [REDACTED]: Control.

2 [REDACTED]: -- or the housing unit
3 officers?

4 [REDACTED]: No. Not the housing unit
5 officer.

6 [REDACTED]: Just the SHU?

7 [REDACTED]: It would be the control.

8 [REDACTED]: Oh, so, typically, it's
9 control?

10 [REDACTED]: Control.

11 [REDACTED]: So, if -.

12 [REDACTED]: But if he's moving from an
13 area within SHU, like say one SHU bed to
14 another SHU bed, the SHU OIC would be making
15 the changes in the system, but this is one
16 location to another location. Like, physically
17 out of that unit. That probably, most likely,
18 at that time, and it might have been the
19 control.

20 [REDACTED]: Well, so, in this case,
21 that's not when he was moved. That's just when
22 it was caught. So, we believe that actually --

23 [REDACTED]: Right.

24 [REDACTED]: -- the Ops Lieutenant did
25 that, because she's the one who figured it out.

1 However, it sounds like, when he was moved at
2 approximately 3:00 p.m. the day before, August
3 9th, 2019, control should have been the one --

4 ██████████: Mm-hmm.

5 ██████████: -- to do it. Is that
6 correct?

7 ██████████: Wait a minute.

8 ██████████: So, if he --

9 ██████████: Repeat that again.

10 ██████████: -- if he went from - at
11 about 3:00 p.m., he was moved from the SHU,
12 that was his housing unit, and placed into R&D
13 as his new housing unit --

14 ██████████: Right.

15 ██████████: -- and placed on dry
16 cell, with staff assigned to him, who should
17 have -?

18 ██████████: Control should have. The SHU
19 officer should have notified control, or
20 whoever was moving him, and put him there,
21 should have notified control this inmate moved
22 from so and so place, and is now placed here,
23 and the control center officer should have been
24 keying him at that location.

25 ██████████: So, the control should

1 have done it?

2 [REDACTED]: Mm-hmm.

3 [REDACTED]: Perfect. Thank you.

4 MR. [REDACTED]: If the officer who actually
5 moved him actually wrote up a shot, also, for
6 moving him? Because if --

7 [REDACTED]: Say that again.

8 MR. [REDACTED]: DO you know what a shot is?

9 [REDACTED]: Mm-hmm. An incident report.

10 MR. [REDACTED]: Incident report. Does that
11 mean that the officer was responsible for - or
12 to make sure that the control was aware that
13 inmate was being moved?

14 [REDACTED]: Well, whenever an inmate is
15 leaving your housing unit, going off your unit
16 completely, you should be notifying control,
17 and verifying your base count and your unit
18 count. So, that's what you should be doing.

19 [REDACTED]: Well, what about in this
20 case? If the person was actually in visiting,
21 and the reason why he got the shot was because
22 the person that was visiting him provided him
23 contraband. From there, they took him -.

24 [REDACTED]: Well, the unit officer might
25 not necessarily know that, because somebody

1 would have to tell that unit officer this
2 person is being removed, going to SHU, because
3 they got drugs on the visiting floor. So, the
4 unit officer might not necessarily know that,
5 but -.

6 ██████████: Well, let's say, in this
7 case, for instance, it was. It was actually
8 the person who found him, was the OIC of the
9 SHU, he's the one who saw what happened, and --

10 ██████████: Mm-hmm.

11 ██████████: -- actually is the one
12 who placed him onto the dry cell, and is the
13 one that wrote up the shot.

14 ██████████: Oh, okay. Well then, he
15 should have just ben notifying control he's
16 going to dry cell. If it was dry cell within
17 the SHU, then he doesn't --

18 ██████████: It was dry cell in R&D.

19 ██████████: -- right, but if it was in
20 SHU, he wouldn't have to notify nobody because
21 it's in SHU.

22 ██████████: Right.

23 ██████████: He would just make the bed
24 assignment change, but because he actually
25 physically left the unit, he should have been

1 notifying the control center, I got one being
2 moved from SHU down to R&D for dry cell.

3 [REDACTED]: Okay. So, he should have
4 notified control and said, key this person into
5 --

6 [REDACTED]: Mm-hmm.

7 [REDACTED]: -- to R&D? Okay.

8 [REDACTED]: Not just specifically him,
9 but anybody that was in the SHU working that
10 day should have just notified. It's not, you
11 know, because we all share the same
12 responsibility.

13 [REDACTED]: Okay. Perfect. Do you
14 mind just initialing and dating that --

15 [REDACTED]: Mm-hmm.

16 [REDACTED]: -- then, the last --

17 MR. [REDACTED]: I'm sorry. I have a quick
18 question on the same thing.

19 [REDACTED]: Sure.

20 MR. [REDACTED]: How soon after you move an
21 inmate should that update be done?

22 [REDACTED]: Immediately.

23 MR. [REDACTED]: Why?

24 [REDACTED]: Because if you got to do an
25 emergency count, you've got to account for

1 where that person is.

2 MR. [REDACTED]: Now, let's say, if it wasn't
3 done immediately, what could happen to the
4 count?

5 [REDACTED]: We have a bad count.

6 [REDACTED]: Here you go. Keep those
7 together. Keep it in order. And then, the
8 last thing, I think -. Well, no, because
9 there's, like, two more. This one was the -
10 and you just said, [REDACTED] would have been the one
11 responsible for the --

12 [REDACTED]: Mm-hmm.

13 [REDACTED]: -- the count. Correct?

14 [REDACTED]: Mm-hmm.

15 [REDACTED]: So, and I think we talked
16 about this already.

17 [REDACTED]: Mm-hmm.

18 [REDACTED]: But if you see, this is
19 the count from 8/10/2019, it says it was
20 printed at 12:35, I guess, and then, it shows
21 [REDACTED], and I think this is [REDACTED]
22 signature, as well. Right above [REDACTED]. It
23 says, "Good verbal" at 12:36 a.m. Count
24 cleared at 12:49 p.m. ZA, it says 72. RA, it
25 says one. However, and again, I think - which

1 we already discussed in our last one -
2 according to the ZA count slips, on the very
3 last page, it says 73.

4 [REDACTED]: Mm-hmm.

5 [REDACTED]: And it shows, M. Thomas
6 and Noel are the ones that signed it.

7 [REDACTED]: Mm-hmm.

8 [REDACTED]: And it shows they signed
9 it at 12:01 a.m. And do you have any knowledge
10 or recollection of this being a bad count?
11 Being that the E1 says 72, and the count slip
12 said that, it said 73. And you don't --

13 [REDACTED]: No.

14 [REDACTED]: -- no?

15 [REDACTED]: Because normally, when
16 they're take - that's, like, the beginning of
17 the shift. So, normally, while they're taking
18 count, I'm in there, verifying keys, making
19 sure equipment is there, radios is there,
20 checking all - everything else. So, while
21 they're taking the count. So, I'm not
22 necessarily sitting right there, alongside
23 them, listening to what's going on.

24 [REDACTED]: Okay.

25 [REDACTED]: You know? So, no.

1 [REDACTED]: And if the Ops Lieutenant
2 was [REDACTED] at this time, I believe
3 that's her signature on top of [REDACTED]. If she's
4 taking that official count, where would that
5 count be -? Where would she be taking the
6 count?

7 [REDACTED]: In the control center,
8 alongside the counting assignment Office,
9 alongside [REDACTED].

10 [REDACTED]: Okay. And do you recall
11 that taking place that night, by chance?

12 [REDACTED]: If the roster said she was
13 there, then she probably was there, but I don't
14 recall. I don't.

15 [REDACTED]: Okay. But in order for
16 her to sign it, and for him to --

17 [REDACTED]: She would have to be there.

18 [REDACTED]: -- all right. And do you
19 know - this is pretty nice handwriting - do you
20 know if that would be [REDACTED] handwriting, or
21 hers? Can you really tell by that?

22 [REDACTED]: I know this is [REDACTED]. I
23 don't know whose writing this is.

24 [REDACTED]: Okay. But that is
25 [REDACTED]?

1 [REDACTED]: This is his right here, yeah.

2 [REDACTED]: Okay. Perfect. And you
3 don't -. And do you recall [REDACTED] ever
4 getting on the phone, though, with the SHU,
5 regarding this count?

6 [REDACTED]: No.

7 [REDACTED]: No. That's fine. Do you
8 mind just initialing --

9 [REDACTED]: Mm-hmm.

10 [REDACTED]: -- and dating it.

11 [REDACTED]: Now, that, I don't. Are you
12 taking this? Okay.

13 [REDACTED]: And then, this. Can you
14 just explain to us what we're looking at here?
15 What is this document?

16 [REDACTED]: Okay. This is an, on the
17 evening watch shift, the control center, the
18 control number one person is responsible for
19 accounting for all the keys. So, you go
20 through every key, count the keys, make sure Al
21 has 17 keys. And that's what this is. So,
22 each key, you're accounting for the amount of
23 keys on the keyring. So, that's what this is.

24 [REDACTED]: Okay. So, when people go
25 in and out of the institution, they get keys.

1 Is that what it is?

2 [REDACTED]: No. At the end of the night,
3 at the end of the night, on the evening shift,
4 you got to account for all the equipment, and
5 that's the - to make sure those keys are there,
6 and that those keys have this many -. Let me
7 not say that, like that. Account for all the
8 keys on the keyring. The keyring might say A1,
9 five keys. So, there's a chit on the keyring
10 that says five. So, you have to make sure five
11 keys is on that keyring.

12 [REDACTED]: Okay. So, it's kind of,
13 like, it's for equipment, though? Not for
14 people?

15 [REDACTED]: No. That's for equipment.

16 [REDACTED]: Okay. And is there also
17 one, though, for people?

18 [REDACTED]: There's one for people. To
19 make sure who's on duty?

20 [REDACTED]: Yeah. So, like, I've
21 been in other institutions where they have
22 these, you know, the little rings that, if they
23 go in or out of the institution, they grab
24 their chip, or they put it back on --

25 [REDACTED]: It's a chit board. We have a

1 chit board here.

2 [REDACTED]: -- okay. So, that's not
3 this, though?

4 [REDACTED]: No.

5 [REDACTED]: This has to do
6 specifically with equipment, if you take a
7 piece of equipment, then you take the chip to
8 go with it?

9 [REDACTED]: No. That has to do
10 specifically, with accountability for keys.
11 Meaning, A1 has 18 keys. So, if the chit on
12 the keyring says 18, you're supposed to have 18
13 keys. So, if lock shop came and changed the
14 keys, and took one key off or added a key, that
15 key count would be different. It would be
16 another number for that key. So, you're
17 verifying. That's basically just verification
18 and accountability that this is how ever many
19 keys we have on that keyring.

20 [REDACTED]: Okay. So, this is just
21 showing what keys, and if they're actual keys,
22 and the accountability of those keys.

23 [REDACTED]: Right. And how many keys is
24 on that ring.

25 [REDACTED]: All right. That was your

1 question. Did you want anything more on that?

2 MR. [REDACTED]: With this show any keys
3 belonging to the SHU? And let's say if the
4 count was off, would it be reflected was off,
5 would it be reflected in there?

6 [REDACTED]: No.

7 MR. [REDACTED]: (Indiscernible *00:24:40)
8 manner?

9 [REDACTED]: Would this have anything
10 to do with the count?

11 [REDACTED]: This doesn't have anything to
12 do with the count. This is just equipment.

13 MR. [REDACTED]: No, no. I mean, the count
14 for the keys, the number of keys. And let's
15 say the number of keys on that ring, and
16 (Indiscernible *00:24:51) -.

17 [REDACTED]: No, because what the control
18 center officer does is, on the evening watch
19 shift, whatever keys is not in the control
20 center, he'll call up to the unit as he's doing
21 - as he's testing body alarms, he'll say, what
22 keys do you have? You'll say, oh, I have
23 Charlie nine, and with what. And he'll tell
24 you, you'll say, I have Charlie nine with five
25 or whatever amount of keys you have, and he'll

1 write that down. And then, the lieutenant will
2 go over this at night, and verify the key count
3 is accurate.

4 MR. [REDACTED]: Is there a count in there for
5 the SHU keys?

6 [REDACTED]: Well, this isn't the
7 count. It's not 8/10.

8 MR. [REDACTED]: Yeah.

9 [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: I just want to know if there
11 is specifically addresses SHU keys, that's all.

12 [REDACTED]: Okay.

13 [REDACTED]: This is the whole
14 institution's keys. So, yeah. SHU keys would
15 be here, too. Yes.

16 [REDACTED]: What would they be listed
17 under?

18 [REDACTED]: The Charlie keys.

19 MR. [REDACTED]: Do you know which Charlies?

20 [REDACTED]: Hmm.

21 [REDACTED]: So, the C's?

22 [REDACTED]: The C keys. So, I think,
23 starting, if I don't -. If I recall. I think
24 they start at --

25 MR. [REDACTED]: If you don't know --

1 ██████████: -- they're Charlie and the
2 Bravos. Because it's - I think it starts at
3 Charlie. What is it? I don't remember. I just
4 know the keys when I'm in the control center.

5 MR. ██████████: Okay.

6 ██████████: I can't tell you off the top
7 of my head by looking, but I know it's the
8 Charlie keys, and the Bravo keys. Because one
9 is a cuff key, and one is a cell door key.

10 MR. ██████████: Can you initial and date
11 that?

12 ██████████: Mm-hmm.

13 ██████████: (Indiscernible *00:26:19)
14 question (Indiscernible *00:26:19)?

15 MR. ██████████: No.

16 ██████████: Okay.

17 ██████████: Yeah. But - yeah - this
18 doesn't tell you who had the keys. It just
19 tells you -.

20 MR. ██████████: Is there a way to identify
21 who signed out the keys, or anything like that?

22 ██████████: No, because everybody puts
23 their chits on it. We don't sign out keys.

24 MR. ██████████: Okay.

25 ██████████: Nobody signs out keys.

1 MR. [REDACTED]: It's a chit. Okay.

2 [REDACTED]: It's a chit system. That's
3 how you know who has what equipment.

4 [REDACTED]: So, when you take a key,
5 you leave your chit?

6 [REDACTED]: Yes.

7 [REDACTED]: How do you spell chit?

8 [REDACTED]: C-H-I-T.

9 [REDACTED]: Okay. Why they don't
10 just call it a chip. It's so much easier.

11 [REDACTED]: Mm-hmm. Yeah. A chit.
12 Yeah. So, it's like a barter system. Like, I
13 give you this, you give me that.

14 [REDACTED]: Okay.

15 [REDACTED]: And then, at the end of the
16 night, you're giving the keys, you get your
17 chits back. So, that's what that's for.

18 [REDACTED]: Does everybody have a
19 certain amount of chits?

20 [REDACTED]: Everybody gets six chits. If
21 you lose a chit, you can always go and get more
22 chits. Or if you don't have chits, and lock
23 shop is not here, go to the lieutenant's
24 office, you get some temp chits. And then,
25 you'll use those chits at -. And then, when

1 you're done with your shift, you return the
2 temp chits back to the lieutenant's office, but
3 everybody -. It depends on if you come from
4 another institution, you already come with
5 extra chits on you --

6 ██████████: Right.

7 ██████████: -- because you got those from
8 your previous institution. So, everybody
9 doesn't have the same amount of chits.

10 ██████████: And does it say your name
11 on it?

12 ██████████: Yeah.

13 ██████████: Okay.

14 ██████████: Mm-hmm.

15 ██████████: So, if you have to borrow
16 one, what does that say?

17 ██████████: If you have to borrow a chit?

18 ██████████: Yeah. If you forgot them
19 or something, and you've got to go and get one
20 to use.

21 ██████████: The temp chit says temp on
22 it.

23 ██████████: Temp. Okay.

24 ██████████: It says T-E-M-P. It looks
25 like this. I'm going to pull it off my ring.

1 They look like this.

2 ██████████: Oh, okay. Cool. So, it
3 says S. ██████ on there.

4 ██████████: Mm-hmm.

5 ██████████: Perfect.

6 ██████████: So, each institution does it
7 different. But some of them are square, some
8 of them are circle. Some of them are octagon
9 shaped. Just depends on however your
10 institution cuts them out.

11 ██████████: Okay. Cool.

12 ██████████: But that's --

13 ██████████: Thank you.

14 ██████████: -- a chit.

15 MR. ██████: And this count happens only
16 once a day, on the evening watch?

17 ██████████: Mm-hmm. Yup.

18 ██████████: At what time?

19 ██████████: Normally, they do it when
20 they come in. On the evening shift, when
21 they're doing the count. So, like, for, like,
22 at that time, we was on three shifts. So, the
23 evening shift would do this, anywhere between
24 4:00, 6:00.

25 ██████████: So, this document you

1 were looking at, would have been somewhere
2 between 4:00 and 6:00 on 8/9/2021. The next
3 one wouldn't be done until --

4 ██████████: Because they have up until --

5 ██████████: -- (Indiscernible
6 *00:28:42).

7 ██████████: -- the end of their shift to
8 turn this in.

9 ██████████: Sure.

10 ██████████: So, most of the times, if you
11 have officers on the unit, it's feasible to
12 take the key count when you're doing your body
13 alarm testing of the unit officers, and
14 verifying that officers on duty asking who's on
15 shift, so you can write their name for that
16 post. So, it's always easy to do it at that
17 time. So, normally, for the officers, this
18 would take place during, when their body alarm
19 is being tested. And that's normally at the
20 start of your shift, that you test your body
21 alarm, when you come in the institution.
22 That's --

23 ██████████: Cool.

24 ██████████: -- primarily.

25 MR. ██████████: The last question. If there

1 was --

2 ██████████: Mm-hmm.

3 MR. ██████████: -- happened to be a set of
4 keys missing, is that recorded anywhere?

5 ██████████: If you write it in a logbook,
6 and you notify the lieutenant, but if it's
7 missing, and it can't be found, then yeah, it
8 gets written down. But if it's missing and
9 it's located, and it's returned, then it's not
10 really missing because it's, oh, I, you know,
11 if you say - prime example - you'll say inmate
12 so and so chit is here, but you know so and so
13 is gone, and those chits should have been back.
14 You might call them and say, hey, do you have
15 keys, so and so? And they'll say, oh, yeah, and
16 then, they'll turn around, because you're
17 supposed to turn around immediately and bring
18 the keys back to the institution.

19 ██████████: Okay.

20 ██████████: If you happen to go home with
21 it in your pocket, or on your belt, or
22 something.

23 ██████████: Okay.

24 ██████████: Or still on your waist. Or
25 you just forgot to just transfer over the keys

1 to the relieving officer. That has happened.
2 If somebody went home, you know, left out the
3 institution with the keys on, and just didn't
4 think to give it to the officer, by accident.
5 And had to come back and bring the keys back.
6 So, yeah.

7 [REDACTED]: But in this case, you
8 couldn't get, like, the key to, like, actually
9 get in and out of the SHU. Correct? Because
10 that inner door, that's not on that board.
11 Correct?

12 [REDACTED]: Hmm-mm. Nobody just pops a
13 key, uses a key to get in SHU. Nobody -
14 everything is always by the control center, in
15 order to get into SHU - nobody can just walk up
16 to SHU with a key and go in and out.

17 [REDACTED]: Right.

18 [REDACTED]: No.

19 [REDACTED]: So, would these keys,
20 when you said there's these keys, there's some
21 SHU on there, with the Charlie --

22 [REDACTED]: Mm-hmm.

23 [REDACTED]: -- what are you --

24 [REDACTED]: The Charlie keys.

25 [REDACTED]: -- what are you referring

1 to? Is that, like, the cell keys?

2 [REDACTED]: These are - yeah, that's what
3 I had said - these are cell door keys.

4 [REDACTED]: Okay.

5 [REDACTED]: Cell door keys, and handcuff
6 keys. Restraint keys.

7 [REDACTED]: Okay.

8 [REDACTED]: Yeah.

9 [REDACTED]: Cool.

10 [REDACTED]: Mm-hmm. Yeah. No one gets a
11 door key. The only door key is the inner door.
12 That's it.

13 [REDACTED]: Right. And because the
14 control has to pop the door on the outer door?

15 [REDACTED]: Yup.

16 [REDACTED]: Okay.

17 [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: And do you guys sign in and
19 out with the inner door keys?

20 [REDACTED]: The inner door keys?

21 MR. [REDACTED]: Yeah.

22 [REDACTED]: The chits.

23 [REDACTED]: But not --

24 [REDACTED]: You don't sign it.

25 [REDACTED]: -- there's no SHU inner

1 door key that you can sign in and out of.

2 [REDACTED]: No.

3 [REDACTED]: Correct? No?

4 [REDACTED]: No.

5 [REDACTED]: Okay.

6 [REDACTED]: No.

7 [REDACTED]: Okay. So, that's not
8 even listed on that document?

9 [REDACTED]: No.

10 [REDACTED]: Great.

11 MR. [REDACTED]: Okay.

12 [REDACTED]: No.

13 [REDACTED]: Well, thank you very
14 much.

15 [REDACTED]: You're welcome.

16 [REDACTED]: Anything else?

17 MR. [REDACTED]: I'm good. Thank you.

18 [REDACTED]: Anything else that you
19 could think of, since the last time we spoke,
20 that we should know about?

21 [REDACTED]: Hmm. No. No.

22 [REDACTED]: All right. Well, we
23 can't thank you enough. You're always --

24 [REDACTED]: Oh, you're welcome, guys.

25 [REDACTED]: -- a pleasure.

1 [REDACTED]: All the time.

2 [REDACTED]: And it is 2:21 p.m. This

3 is Senior Special Agent [REDACTED] and

4 I'm turning off the recorder.

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CERTIFICATE

I hereby certify that the foregoing pages represent an accurate transcript of the electronic sound recording of the proceedings before the Department of Justice, Office of the Inspector General in the matter of:

Interview of [REDACTED]

Brianna Rose Burton

Brianna Rose Burton, Transcriber