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DIGITALLY RECORDED

SWORN STATEMENT

OF

[REDACTED]

OIG CASE #:

2019-010614

DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL

OCTOBER 27, 2021

RESOLUTE DOCUMENTATION SERVICES

[REDACTED]

Agoura Hills, CA 91301

Phone: [REDACTED]

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APPEARANCES:

OFFICE OF THE INSPECTOR GENERAL

BY: [REDACTED] [REDACTED]

BY: [REDACTED] [REDACTED]

WITNESS:

[REDACTED] [REDACTED]

OTHER APPEARANCES:

EDWARD HAYES

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

7 MR. [REDACTED]: Okay. Mm-hmm.

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

11 MR. [REDACTED]: [REDACTED] [REDACTED].

12 MR. [REDACTED]: Is being conducted as
13 part of an official U.S. Department of Justice,
14 Office of the Inspector General investigation.
15 Today's date is October 27th, 2021, and the
16 time is 1:53 p.m. This interview is being
17 conducted - what is the -? Is it 1515?

18 MR. [REDACTED]: 515.

19 MR. [REDACTED]: 515?

20 MR. [REDACTED]: Yes.

21 UNKNOWN MALE: Madison Avenue. 31st
22 floor.

23 MR. [REDACTED]: Okay. [REDACTED]
24 [REDACTED]. New York, New York. Also
25 present is DOJ/OIG Special Agent [REDACTED] [REDACTED].

1 As well as --

2 UNKNOWN MALE: Edward Hayes.

3 MR. [REDACTED]: -- Mr. [REDACTED]

4 attorney. I'm sorry. What is it?

5 MR. HAYES: Edward Hayes. H-A-Y-E-S.

6 First name E-D-W-A-R-D.

7 MR. [REDACTED]: Thank you, sir. Who is
8 representing Mr. [REDACTED]. This interview will
9 be recorded by me, Senior Special Agent [REDACTED]
10 [REDACTED]. could everyone please identify
11 themselves for the record, and spell your last
12 name? To start, again, I am DOJ/OIG Senior
13 Special Agent, [REDACTED] [REDACTED]. [REDACTED]-
14 [REDACTED].

15 MR. [REDACTED]: This is DOJ Special Agent
16 [REDACTED] [REDACTED]. [REDACTED]. And these are my
17 credentials.

18 MR. [REDACTED]: Okay. And I am --

19 MR. HAYES: I can't --

20 MR. [REDACTED]: -- [REDACTED] --

21 MR. HAYES: -- I can't show you any
22 credentials.

23 MR. [REDACTED]: -- [REDACTED]. First name --

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: -- [REDACTED], [REDACTED]. And

1 last name [REDACTED], [REDACTED], [REDACTED],

2 [REDACTED].

3 MR. [REDACTED]: Thank you, sir. Do you
4 happen to one --

5 MR. HAYES: I still don't know how he
6 pronounces his name. Is it -? Yeah. And I'm
7 so arrogant that I don't carry identification.
8 You know what I mean?

9 MR. [REDACTED]: No. That's fine.

10 MR. HAYES: Yeah. But you are sitting
11 down here, you are willing to pay the fee.

12 MR. [REDACTED]: Yeah.

13 MR. HAYES: You know who I am.

14 MR. [REDACTED]: So, I am looking at Mr.
15 [REDACTED] law enforcement officer credentials.
16 And it has a picture. And a signature of the
17 gentleman sitting in front of me. Thank you,
18 sir. And his attorney, do you mind - and
19 again, it's Edward --

20 MR. HAYES: Edward --

21 MR. [REDACTED]: -- Hayes.

22 MR. HAYES: -- Hayes. And I'm sorry, I
23 don't have -. I really --

24 MR. [REDACTED]: No. That's quite all
25 right.

1 MR. HAYES: -- as I say --

2 MR. [REDACTED]: But you are --

3 MR. HAYES: -- Edward Hayes. I'm his
4 lawyer.

5 MR. [REDACTED]: -- perfect, and we're in
6 your office.

7 MR. HAYES: Right.

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

15 MR. [REDACTED]: Yes, I will.

16 MR. [REDACTED]: Thank you, sir. This is
17 the form that we have to do all interviews,
18 interviewees.

19 MR. HAYES: Is that form B?

20 MR. [REDACTED]: This is the OIG form III-
21 226/2.

22 MR. HAYES: Yeah.

23 MR. [REDACTED]: Okay.

24 MR. [REDACTED]: But it says is - I'm
25 going to read it for you - United States

1 Department of Justice, Office of the Inspector
2 General, Warnings and Assurances to Employee
3 Requested to Provide Information on a Voluntary
4 Basis. It says, "You are being asked to
5 provide information as part of an investigation
6 being conducted by the Office of the Inspector
7 General. This investigation is being conducted
8 pursuant to the Inspector General Act of 1978,
9 as amended. This investigation pertains to job
10 performance failure, and security failure."
11 And this is what we are writing for everyone
12 that we speak to, just because we're looking at
13 it as a --

14 MR. [REDACTED]: Right.

15 MR. [REDACTED]: -- whole of what
16 happened. "This is a voluntary interview.
17 Accordingly, you do not have to answer
18 questions. No disciplinary action will be
19 taken against you if you chose not to answer
20 questions. Any statements you furnish may be
21 used as evidence in any future criminal
22 proceedings, or agency disciplinary
23 proceedings, or both." And there is a waiver
24 section. It says, "I understand the Warnings
25 and Assurances stated above, and I am willing

1 to make a statement and answer questions. No
2 promises or threats have been made to me, and
3 no pressure or coercion of any kind has been
4 used against me." If you would like to take a
5 look at it, you may. If you agree to it, if
6 you want your attorney to look at it, he may,
7 as well.

8 MR. [REDACTED]: Okay.

9 MR. [REDACTED]: You can sign where it
10 says "Employee Signature." And then, also
11 write your name. I did read it verbatim.

12 MR. HAYES: I'm sure you did. Okay.
13 There is no place that said attorneys --

14 MR. [REDACTED]: No, no, no.

15 MR. HAYES: -- signatures.

16 MR. [REDACTED]: It's not for you to sign.
17 It's for him, myself, and the witness. It's
18 just if you wanted to review it, or ask any --

19 MR. HAYES: No, that's all right.

20 MR. [REDACTED]: -- questions about it.

21 MR. HAYES: That's all right. I do have a
22 question.

23 MR. [REDACTED]: Where do you want me to
24 sign?

25 MR. HAYES: In other words, if you say to

1 him --

2 MR. [REDACTED]: Oh, so, where it says --

3 MR. [REDACTED]: Right side.

4 MR. [REDACTED]: -- "Employee Signature."

5 MR. HAYES: Do you have sex with ducks?

6 And so, I'm not going to answer that question.

7 That's the - he can't get in trouble for that?

8 MR. [REDACTED]: I won't be asking that
9 question.

10 MR. HAYES: I mean, (Indiscernible
11 *00:04:18).

12 MR. [REDACTED]: (Indiscernible *00:04:20).

13 MR. HAYES: (Indiscernible *00:04:22).

14 MR. [REDACTED]: (Indiscernible *00:04:21).

15 Okay.

16 MR. [REDACTED]: Under the interview that
17 we are doing right now, for voluntary
18 interviews, he doesn't have to answer our
19 questions.

20 MR. [REDACTED]: Okay. Great.

21 MR. [REDACTED]: All right. So, thank you
22 for signing that, sir. Did you have any
23 questions on the form?

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

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

1 signing as the signature of the Office of the
2 Inspector General, Special Agent. I'm printing
3 my name.

4 MR. HAYES: Oh, one thing. So,
5 ordinarily, I would take notes. I've been at
6 Jim Rad (Phonetic Sp. *00:04:49) for 50 years,
7 as you saw, to which my body is falling apart.
8 I had severe arthritis in my neck, and it's
9 radiated down to my hands. I can't really
10 basically write. So, that's why --

11 MR. [REDACTED]: Sure.

12 MR. HAYES: -- I'm not taking notes. But
13 I have a pretty good memory, so, yeah.

14 MR. [REDACTED]: All right. Great.
15 [REDACTED], can you just sign as the witness?

16 MR. [REDACTED]: Oh.

17 MR. [REDACTED]: Put your name and take
18 care of the rest of the form.

19 MR. [REDACTED]: This is Special Agent [REDACTED]
20 [REDACTED]. I'm signing as the witness, and dating
21 it.

22 MR. [REDACTED]: All right. Before
23 starting the interview, I would like to place
24 you under oath. Mr. [REDACTED], can you please
25 raise your right hand?

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: Do you swear to tell the
3 truth and nothing but the truth during this
4 interview?

5 MR. [REDACTED]: I do.

6 MR. [REDACTED]: Thank you, sir. What is
7 your current home address?

8 MR. [REDACTED]: [REDACTED],
9 Burlington, New Jersey. 08016.

10 MR. [REDACTED]: And what is your date of
11 birth?

12 MR. [REDACTED]: [REDACTED].

13 MR. [REDACTED]: And what --

14 MR. HAYES: Jesus Christ.

15 MR. [REDACTED]: -- what is the --

16 MR. HAYES: I'm old.

17 MR. [REDACTED]: -- what are the last four
18 of your social security number?

19 MR. [REDACTED]: [REDACTED].

20 MR. [REDACTED]: Is it correct that you
21 were interviewed regarding the Epstein matter
22 on August 19th, 2019?

23 MR. [REDACTED]: Yeah.

24 MR. [REDACTED]: Or in August of 2019.

25 MR. [REDACTED]: I know it was some time in

1 August.

2 MR. [REDACTED]: Correct. Okay. How long
3 have you worked for the BOP?

4 MR. [REDACTED]: 30 years. And August,
5 September, October, November. 30 years and
6 three months.

7 MR. [REDACTED]: All right. And what is
8 your current position with the BOP?

9 MR. [REDACTED]: I'm the Warden at FCI Fort
10 Dix.

11 MR. [REDACTED]: Okay. And what are your
12 -. You are the warden, you said?

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: Were you previously a
15 regional director?

16 MR. [REDACTED]: I was the deputy regional
17 director in Philadelphia.

18 MR. [REDACTED]: And how long have you
19 been the warden at FCI Fort Dix?

20 MR. [REDACTED]: About two or three weeks.
21 Two weeks.

22 MR. [REDACTED]: Oh, so --

23 MR. [REDACTED]: Yeah.

24 MR. [REDACTED]: -- it's a brand --

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: -- new position?

2 MR. [REDACTED]: It just got there. Yeah.

3 MR. [REDACTED]: Okay. How long were you
4 the deputy regional director?

5 MR. [REDACTED]: I got it in February.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: Of 2021.

8 MR. [REDACTED]: Okay. And as the deputy
9 regional director, what were your duties and
10 responsiblvilities?

11 MR. [REDACTED]: Monitoring he activities of
12 the 20 institutions in the region, and, you
13 know, managing the administratives within the
14 northeast region, and, you know, showing that
15 institutions were running in an orderly
16 fashion.

17 MR. [REDACTED]: Now, did you supervise
18 the various wardens at those institutions?

19 MR. [REDACTED]: Yes. I was over there. I
20 was the rating official on some of the
21 evaluations.

22 MR. [REDACTED]: And were you a warden
23 prior to that position?

24 MR. [REDACTED]: Yes, I was.

25 MR. [REDACTED]: Where were you a warden?

1 MR. [REDACTED]: In New York. MCC. The
2 Metropolitan Correctional Center in New York.

3 MR. [REDACTED]: And how long were you a
4 warden there?

5 MR. [REDACTED]: I came from May of - '17,
6 '18 - May of '18 until, I forget the date, in
7 2020. I forget what it was.

8 MR. [REDACTED]: Okay. So, May 2018 to
9 some time in 2020 --

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: -- when you became the
12 regional director?

13 MR. [REDACTED]: No. The position --

14 MR. [REDACTED]: Yeah.

15 MR. [REDACTED]: -- prior to that, I was
16 given --

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: -- was a liaison to the
19 regional director. And then, I went into the
20 deputy position.

21 MR. [REDACTED]: Okay. Sounds good. And
22 August of 2019, though, were you a warden at
23 the MCC New York?

24 MR. [REDACTED]: Yes, I was.

25 MR. [REDACTED]: Thank you, sir. And are

1 you familiar with inmate Jeffrey Epstein, who
2 was housed within the MCC in July and August of
3 2019?

4 MR. ██████████: Yes.

5 MR. ██████████: Yes. Okay. Great. What
6 I have here is an after-action report that was
7 written by the BOP.

8 MR. ██████████: Mm-hmm.

9 MR. ██████████: Have you seen this?

10 MR. ██████████: I have not seen that.

11 MR. ██████████: All right. So, this is
12 not something that you are actually familiar
13 with?

14 MR. ██████████: No, I am not.

15 MR. ██████████: No one discussed any
16 findings or anything like that with you?

17 MR. ██████████: No one.

18 MR. ██████████: All right. I'm going to
19 set this aside just in case we need to, you
20 know, reference it. So, no role in the after-
21 action report?

22 MR. ██████████: Nothing. I wasn't
23 interviewed. I wasn't spoken to.

24 MR. ██████████: All right. Do you know
25 of anybody interviewed, or I mean, talked to

1 and at least about, like, providing the
2 information that they utilized to this report?

3 MR. [REDACTED]: No.

4 MR. [REDACTED]: No. Okay. Fair enough.
5 After the incident occurred, what was your role
6 with determining what happened and what didn't
7 happen after Epstein was found on August 10th,
8 2019?

9 MR. [REDACTED]: Well, I responded to the
10 institution. At the time, when I got there, he
11 was at the hospital. So, I didn't go up to the
12 unit, as far as - because it was a crime scene,
13 and I've always been trained, if it was a crime
14 scene, if you weren't particularly there, the
15 least amount of people that, you know, that go
16 through that crime scene, just don't go into
17 it. So, I didn't go into it, but you know,
18 basically gathering information on what
19 happened, notifying the region, notifying the
20 FBI. The IG.

21 MR. HAYES: (Indiscernible *00:09:28).
22 He's already got that phone call.

23 MR. [REDACTED]: Oh.

24 MR. HAYES: Oh, yeah, you know what I
25 mean? Jeffrey Epstein --

1 MR. [REDACTED]: Mm-hmm.

2 MR. HAYES: -- like, fuck it, I'm going to
3 sell. Oh, okay.

4 MR. [REDACTED]: Yeah.

5 MR. HAYES: That's why we do it for the
6 next six months.

7 MR. [REDACTED]: So, there was a lot of
8 notification on what happened. Trying to find
9 out the status of inmate Epstein. And things
10 more along those lines.

11 MR. [REDACTED]: Now, did you help with
12 gathering information, up until a certain
13 point, and then, were you told not to anymore,
14 or did you continue to gather -?

15 MR. [REDACTED]: No, like, my boss was
16 calling me the regional director. They needed
17 information. You know, starting a timeline on
18 what happened. So, I had my executive
19 assistant there, and, you know, we would just
20 gather any information, and just, you know,
21 making sure that, you know, things that were
22 requested were being provided to them, any
23 information.

24 MR. [REDACTED]: And who was the regional
25 director at the time?

1 MR. [REDACTED]: It was [REDACTED] [REDACTED], at the
2 time.

3 MR. [REDACTED]: Okay. And then, who was
4 your executive assistant?

5 MR. [REDACTED]: [REDACTED]
6 ~~Sp. *00:10:21)~~.

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: [REDACTED] [REDACTED]?

9 MR. [REDACTED]: [REDACTED].

10 MR. [REDACTED]: Now, as part of our
11 investigation, we have to review everyone's
12 emails, with regard to the incident.

13 MR. [REDACTED]: Right.

14 MR. [REDACTED]: So, you mentioned that
15 you provided Mr. [REDACTED] with timelines --

16 MR. [REDACTED]: Yeah.

17 MR. [REDACTED]: -- and things like that.
18 So, these are just some timelines from - again,
19 Mr. Epstein, I believe, was found around 6:33
20 a.m.

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: In the Special Housing
23 Unit. This is a timeline starting with, it
24 looks like, August 10th, 2019, at 11:04 a.m.
25 So, a few hours after the fact. It just says,

1 it says, "See below. Just to ensure you know
2 what is being relayed to DOJ." Now, is this -.
3 And then, what I have behind it is, these are
4 different timelines that are all updated
5 throughout the day.

6 MR. ██████████: Mm-hmm.

7 MR. ██████████: Here is one that was at
8 2:21 p.m. Same date. And then, the next one
9 was 3:42 p.m. And the next one was August
10 12th. And then, the final one that we have is
11 the August 13th. So, these, do these look like
12 the timelines that you would have been
13 gathering information and providing to Mr.
14 ██████████?

15 MR. ██████████: Okay. It looks like it.

16 MR. ██████████: Now, where were you
17 actually obtaining this information from? You
18 said ██████████ ██████████ was obtaining it for you?

19 MR. ██████████: He was the exec, we recall,
20 and in that, I'm not too familiar on the
21 specifics on how we get it, because there was
22 so much going on.

23 MR. ██████████: Mm-hmm.

24 MR. ██████████: That, you know, I don't
25 recall if it was from the logbooks, or, you

1 know, calling around and trying to find out.

2 So, I don't really recall the specifics.

3 MR. [REDACTED]: All right. Well, rather
4 than get into each one of these, because it
5 will take too long, I'll just do the very first
6 one. It says, it just says, "7/23/2019, at
7 1:27 a.m., Epstein found in fetal position in
8 cell, breathing, but would not acknowledge
9 staff initially." So, that is referring to the
10 first initial attempt that Epstein may have had
11 on his life?

12 MR. [REDACTED]: Let me see which one. Are
13 we talking the day of, or -?

14 MR. [REDACTED]: No. This is --

15 MR. [REDACTED]: This is July.

16 MR. [REDACTED]: -- yeah, July,

17 (Indiscernible *00:12:40) 27.

18 MR. [REDACTED]: Oh, no. This is July.

19 MR. [REDACTED]: Yeah.

20 MR. [REDACTED]: This is the --

21 MR. [REDACTED]: So, this is the --

22 MR. [REDACTED]: -- no, the --

23 MR. [REDACTED]: -- timeline.

24 MR. [REDACTED]: -- this would -. We would
25 have probably got this from the SIS

1 investigation.

2 MR. [REDACTED]: Okay.

3 MR. [REDACTED]: From that. I thought you
4 were referring to the actual suicide. This is
5 --

6 MR. [REDACTED]: No. What I meant was --

7 MR. [REDACTED]: -- this is -.

8 MR. [REDACTED]: -- just the information
9 that was all put in there, as far as --

10 MR. HAYES: This was his first attempt.

11 MR. [REDACTED]: -- well, it's everything.
12 So, so, it starts July 23rd. The next one is
13 July 29th. And it goes 8/9/2019. And then,
14 and then, until -. So, it's only - there is
15 only a few. That's why I was going to read it,
16 just because there is only, like, three
17 paragraphs, four or five, four or five
18 paragraphs.

19 MR. [REDACTED]: So, this looks to me like we
20 sent~~e~~ the information to the regional director
21 --

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: -- and what he did was,
24 compile this information to send to DOJ.

25 MR. [REDACTED]: Okay. Oh, you're right.

1 MR. [REDACTED]: Yeah.

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

3 MR. [REDACTED]: This is not --

4 MR. [REDACTED]: -- sent this to you. So,
5 he is saying --

6 MR. [REDACTED]: -- yeah, this thing.

7 MR. [REDACTED]: -- "see below --

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: -- just ensure you know."

10 MR. [REDACTED]: so, this is compiled off of
11 several different documents --

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: -- which he condensed.

14 MR. [REDACTED]: So --

15 MR. [REDACTED]: From --

16 MR. [REDACTED]: -- he sent it to you.

17 I'm sorry. I read that incorrectly. So,
18 looking at this, then, let's just review it and
19 make each point, just make sure that it's what
20 you understand. It says, "On July 23rd, 2019,
21 Epstein was found in a fetal position in cell,
22 breathing, but would not acknowledge staff
23 initially."

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: -- "After removed, he

1 interacted with staff and speaking to staff.
2 Neck was red. Placed on suicide watch, and
3 medical evaluation. Epstein receive daily
4 psychological evaluations while on suicide
5 watch." Was that your recollection, too?

6 MR. ██████████: Yeah. That is what is in
7 the report. But I want to --

8 MR. ██████████: Sure.

9 MR. ██████████: -- clarify what we went -.
10 You know, when I, when you first read it to me
11 --

12 MR. ██████████: Mm-hmm.

13 MR. ██████████: -- I thought you meant the
14 day of.

15 MR. ██████████: Yup, yup.

16 MR. ██████████: So --

17 MR. ██████████: Well, we have that, too.
18 That's --

19 MR. ██████████: Right.

20 MR. ██████████: -- that one is here. And
21 this one is from you, and this is what I
22 thought it was starting with, as well.

23 MR. ██████████: Right.

24 MR. ██████████: Because it said timeline
25 on it. From you to Mr. ██████████. This initial

1 one actually talks about Friday, August 9th,
2 2019. It starts with, "8:00 a.m., inmate Reyes
3 Efrain, reg number 85993-054, departs for
4 court. WAB-USMS-SDNY. Reyes is Epstein's
5 cellmate."

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: So, just starting with
8 that, then, I do have, we're going to get into
9 that later, but what does that tell you, if it
10 says inmate Reyes is departing for court, but
11 it also says WAB-USMS-SDNY?

12 MR. [REDACTED]: So, that would mean With All
13 Belongings.

14 MR. [REDACTED]: So, that means he's not
15 returning. Correct?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: All right. So, at 8:00
18 a.m., Efrain Reyes is actually leaving, not
19 coming back to the MCC.

20 MR. [REDACTED]: Mm-hmm.

21 MR. [REDACTED]: All right. Great. And
22 then, it just goes on from there, what happens
23 throughout that day. And we're going to get
24 into these things more in detail, so I don't
25 want to go through each thing, because we're

1 going to have to get into it later. But so,
2 this information is stuff that you guys were
3 compiling, and you were providing to Mr.

4 [REDACTED].

5 MR. [REDACTED]: That would probably be
6 information that we sent up to him.

7 MR. [REDACTED]: Okay. Great. And then,
8 this is all the updates that occurred
9 afterwards. Let's see. Why is that
10 highlighted? So, here is something. Why, dDo
11 you know why in this one, it would be updated?
12 This one is 7:00 p.m., 7:00 p.m., and then,
13 "7:32 a.m., PIO notified of incident by the
14 warden." Is that just, put that in the wrong
15 place or something, and it says, "Inmate Reyes
16 released from court."

17 MR. [REDACTED]: (Indiscernible *00:16:27).

18 MR. [REDACTED]: (Indiscernible *00:16:30)
19 just in the wrong spot. It was made for August
20 10th.

21 MR. [REDACTED]: Mm-hmm. (Indiscernible
22 *00:16:34).

23 MR. [REDACTED]: Yeah. Okay. So, the
24 next one, that is the big discrepancy here. It
25 just shows the next update, you have that under

1 August - or Saturday - August 10th.

2 MR. [REDACTED]: This can't be -. This
3 doesn't make -. I don't know. Because it
4 says, "PIO notified of incident by the warden."
5 I was off that day, on Friday. I wasn't at
6 work.

7 MR. [REDACTED]: Yeah. So, that's why I
8 think that they -. So, the next one I'm
9 looking at shows that that point is now under
10 Saturday, August 10th.

11 MR. [REDACTED]: Yeah. I don't know why it
12 would be --

13 MR. [REDACTED]: So --

14 MR. [REDACTED]: -- under Friday, because I
15 wasn't --

16 MR. [REDACTED]: -- yeah. Okay.

17 MR. [REDACTED]: -- I wasn't working.

18 MR. [REDACTED]: So, you were actually off
19 --

20 MR. [REDACTED]: I was off --

21 MR. [REDACTED]: -- off on August 9th?

22 MR. [REDACTED]: -- on Friday. Yes.

23 MR. [REDACTED]: All right. You and
24 everyone else.

25 MR. [REDACTED]: Huh?

1 MR. [REDACTED]: Everybody was off that
2 day.

3 MR. [REDACTED]: Yeah. I didn't come back to
4 work until, when I got called, there was a
5 suicide at the (Indiscernible *00:17:28).

6 MR. [REDACTED]: Okay. So, all of this.
7 So, if I can have that back, if you don't mind.
8 So, all of this. All right. Is it safe to
9 assume that, as this went on, and specifically,
10 the last one that we have is Tuesday, August
11 13th, 2019. The Tuesday 13th, August 13th,
12 would be the most accurate timeline?

13 MR. [REDACTED]: It should be, but I don't
14 want to attest to it. I mean --

15 MR. [REDACTED]: Yeah, yeah.

16 MR. [REDACTED]: -- yeah.

17 MR. [REDACTED]: I'm just saying, based -
18 is there any reason for you to believe that the
19 timelines that were provided, or in any way, it
20 was determined that, you know, we should add a
21 point that actually didn't occur? Or is it
22 safe to assume that, the last one that was sent
23 would be the most accurate one?

24 MR. [REDACTED]: That's how it typically
25 works. At, you know, but I can't, I can't

1 attest to it --

2 MR. [REDACTED]: And yeah.

3 MR. [REDACTED]: -- of whether it was
4 accurate, but typically, the last one that you
5 send usually, you know, if you have to make
6 corrections, you make the corrections. ~~And~~
7 information, if you have to.

8 MR. [REDACTED]: Sure. Okay. Great.
9 When I show you things, it's not attesting to
10 it, but --

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: -- I'm going to ask you
13 just to initial and date, and that's just to
14 say, specifically, that this is the document we
15 looked at, ~~and~~ when we spoke. It is absolutely
16 not attesting to it.

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: It's not saying that this
19 stuff is accurate.

20 MR. [REDACTED]: And so, I write the date --

21 MR. [REDACTED]: If you could --

22 MR. [REDACTED]: -- and put reviewed on it,
23 or -?

24 MR. [REDACTED]: -- nope. Just your
25 initial and date. I'm just going to do this

1 last one, just the top of it. I'm not going to
2 have you do every single one. And I'm going to
3 put this in a pile, back in a paper clip, and
4 I'm going to hand it to my friend over here.

5 MR. [REDACTED]: What's the date? The 18th?

6 MR. [REDACTED]: 27th.

7 MR. [REDACTED]: 27th.

8 MR. [REDACTED]: 10/27/21.

9 MR. [REDACTED]: Thank you, sir, for
10 initialing and dating that. All right. I'm
11 going to just actually, because it's the
12 timeline, I'm going to keep it in front of me
13 because we might have to reference it.

14 MR. HAYES: I can tell --

15 MR. [REDACTED]: All right.

16 MR. HAYES: -- this is going to be a long-
17 ass interview.

18 MR. [REDACTED]: It's going to be pretty
19 long. That's where I was trying to --

20 MR. HAYES: Yeah. Just -.

21 MR. [REDACTED]: -- you know? All right.
22 So, July 23rd incident. That was, what do you
23 recall what happened on July 23rd with inmate
24 Tartaglione and Mr. Epstein? Do you recall?

25 MR. [REDACTED]: I recall the investigation

1 that couldn't determine if they had an
2 altercation, or I believe if it was an attempt
3 at suicide.

4 MR. ██████████: All right. So --

5 MR. ██████████: Yeah.

6 MR. ██████████: -- so, something happened
7 on the July 23rd --

8 MR. ██████████: Something happened --

9 MR. ██████████: -- where Mr. --

10 MR. ██████████: -- in his cell.

11 MR. ██████████: -- Epstein was found
12 with, like, a - was it a noose around his neck?

13 MR. ██████████: It wasn't determined. It
14 was, you know, that he was laying in his cell,
15 but I don't recall the specifics of the report.
16 But I know it went back and forth where there
17 was a suicide attempt, or an issue with inmate
18 --

19 MR. ██████████: Tartaglione.

20 MR. ██████████: -- with - yeah -
21 Tartaglione. Yeah.

22 MR. ██████████: All right. So, these are
23 emails that we reviewed with regard --

24 MR. ██████████: Mm-hmm.

25 MR. ██████████: -- to that incident.

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: So, this one is

3 specifically from, it says [REDACTED]

4 [REDACTED]. Was that --

5 MR. [REDACTED]: Yeah.

6 MR. [REDACTED]: -- your AW?

7 MR. [REDACTED]: That is the AW.

8 MR. [REDACTED]: Send it to you?

9 MR. [REDACTED]: Right.

10 MR. [REDACTED]: And this is a memo from,

11 it says Mr. [REDACTED] [REDACTED], is the

12 operations lieutenant.

13 MR. [REDACTED]: Yeah. Lieutenant. She's a

14 female.

15 MR. [REDACTED]: Right. This is where I

16 wanted to ask you if you knew --

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: -- about this. It

19 specifically says, so, it was originally, I

20 guess, sent from Captain [REDACTED] to AW Skipper-

21 [REDACTED] --

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: -- from [REDACTED] to

24 you.

25 MR. [REDACTED]: Mm-hmm.

1 MR. [REDACTED]: And her note to you says,
2 "From the memo attached, the information I
3 received is not what I was told happened."

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: So, what I wanted to know
6 is, and I guess, would you like me just to
7 refresh your memory, to really quickly read
8 what she said happened, so we can figure out
9 what it is that didn't happen?

10 MR. [REDACTED]: Okay. Yeah.

11 MR. [REDACTED]: All right. So, this is
12 subject, "Possible suicide attempt." Again,
13 July 23rd, 2019. It says, "On July -". Let me
14 just sit back so you can just kind of read
15 along with me. Would you mind if I sit next to
16 you?

17 MR. [REDACTED]: No. No problem.

18 MR. [REDACTED]: I'm vaccinated, just so
19 you know. It says, "On July 23rd, 2019, at
20 approximately 1:27 a.m., a call for assistance
21 on the Special Housing Unit was announced by
22 the control center. Upon my arrival, I was
23 informed that an inmate had attempted suicide
24 and proceeded to cell Z05-124LAD. I observed
25 inmate Epstein, Jeffrey, number 76318-054,

1 lying in the fetal position on the floor of his
2 cell, wearing a t-shirt and boxers.

3 He was breathing heavily, and was snoring.
4 I called out to inmate Epstein and observed him
5 flicker his eyes, and continued snoring. His
6 neck was red with no abrasions. I observed no
7 further injuries to his person. An attempt was
8 made to get the inmates, to get the inmate to
9 stand on his own, with negative results. The
10 inmate was placed in hand restraints, and staff
11 was directed to retrieve the stretcher.

12 As inmate Epstein was being placed on the
13 stretcher by responding staff, he would open
14 his eyes and observe staff. When staff made
15 eye contact with him, he would hurriedly shut
16 his eyes. The inmate was taken to HA-Unit."
17 Was it that? The health care?

18 MR. [REDACTED]: Health. Health Services.

19 MR. [REDACTED]: "Dressed in a suicide
20 smock, and placed on suicide watch. While
21 awaiting the arrival of an inmate companion,
22 inmate Epstein sat on the [REDACTED] of the bed and
23 began moving forward, as if was attempting to
24 fall over, head first. When I looked away, he
25 straightened up. As I turned to look at him

1 again, he attempted the same act. I laid him
2 down on the bed, and directed him to cease his
3 action or he would be placed in restraints for
4 his safety.

5 At that moment, he stated, 'Okay. I won't
6 do it again.' And gave the thumbs up. Because
7 of his unpredictable behavior, the decision was
8 made to have the staff member observe inmate
9 Epstein. I had left HA-Unit in order to make
10 staff notifications. Moments later, I spoke
11 with Officer [REDACTED], who stated that Inmate
12 Epstein was alert and had indicated that his
13 cellmate, Tartaglione, Nicholas, number 78514-
14 054, had attempted to kill him, and had been
15 harassing him.

16 He stated that the inmate had indicated
17 that he had informed his attorney of this
18 matter. I photographed and spoke with inmate
19 Tartaglione, Nicholas, who stated that he was
20 asleep with his headphones on when he felt
21 something hit his legs, and said, '[REDACTED]. What
22 are you doing?' He didn't answer. So, he got
23 up, turned on the light," or - so, yeah - "He
24 got up, turned on the light, and saw him with a
25 string around his neck.

1 He stated that he then called the guards,
2 and they ran down. Upon further questioning,
3 inmate Tartaglione stated that he sleeps on the
4 bottom bunk, but gave it to inmate Epstein
5 because he's old. He stated that he sleeps on
6 the floor, on a mattress. He stated that, when
7 he got up, he couldn't remember if he sat up or
8 stood up to check on Epstein. He stated that
9 Epstein was sitting on the floor, leaning to
10 the side, with his eyes opened, but wasn't
11 responding.

12 He stated that the last time he saw him,
13 he was snoring really loud. Inmate Epstein
14 stated that he comes in from a legal visit at
15 approximately 8:00 p.m., and staff handed him a
16 copy of the Daily News. Nick was on the
17 floor reading the Daily News. He stated that
18 he had given it to him. He stated that
19 Tartaglione mentioned that he had been in court
20 all day, in Westchester (Phonetic Sp.
21 *00:25:00), and was carrying on.

22 At that point, inmate Tartaglione paused,
23 as if he was making the story up, as he went
24 along, and stated that Tartaglione stated,
25 'These fucking N-I-G-G-E-R-S. This place is

1 inhumane. I wish I could report it. [REDACTED],
2 Officer, that N-I-G-G-E-R, hobbit
3 motherfucker.' He then turned to a page in the
4 Daily News that had his picture on it, and
5 stated that Epstein was worth 77 million
6 dollars.

7 Epstein then stated that he took his
8 picture, balled it up, and threw it in the
9 garbage. I asked inmate Epstein what happened
10 prior to staff's arrival. He stated that at
11 approximately 1:00 a.m., he had gotten up to
12 get a drink of water, as he gets up every 30
13 minutes. He remembered walking back to his
14 bunk, and waking up with staff there, in his
15 cell. I asked if he had waken up and seen
16 staff, why didn't he respond when we were
17 calling out to him.

18 He stated that he only remembered hearing
19 himself making a noise like snoring. When
20 asked about the allegations against his
21 cellmate, he stated that he was told if he hurt
22 him, staff wouldn't care. Duty medical [REDACTED]
23 -" how do you pronounce that name?

24 MR. [REDACTED]: [REDACTED].

25 MR. [REDACTED]: [REDACTED]. "Was

1 notified and briefed. It was determined that
2 no further medical attention was needed. A
3 medical assessment was not conducted at the
4 time of this incident, due to the fact there
5 was no medical staff available after 10:00 p.m.
6 Upon their arrival of medical staff, inmate
7 Epstein was examined and treated by [REDACTED]."

8 MR. [REDACTED]: [REDACTED].

9 MR. [REDACTED]: [REDACTED]. [REDACTED].

10 "For a circular line of arrhythmia, at the base
11 of his neck. One section on the front, with
12 marks of friction, and a small arrhythmia on his
13 left knee." So, sorry that that was so
14 lengthy. But so, again, the question would be,
15 is this, is this, does anything in here strike
16 you as inaccurate?

17 MR. [REDACTED]: No.

18 MR. [REDACTED]: So, when [REDACTED]
19 [REDACTED] says that in the attached memo, "The
20 information I received is not what I was told
21 happened." Do you know what she is referring
22 to?

23 MR. [REDACTED]: I think she - if I recall -
24 that she told, that said that it was an
25 attempted suicide, but then she got any

1 additional information that it might have been
2 Epstein and Tartaglione having an issue in his
3 cell.

4 MR. [REDACTED]: And what, and my
5 understanding is that SIS came up with
6 inconclusive findings.

7 MR. [REDACTED]: In the investigation.

8 MR. [REDACTED]: What is your belief that
9 happened?

10 MR. [REDACTED]: I can't speculate.

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

12 MR. [REDACTED]: I don't want -. I mean, I
13 don't know, you know, with the injuries on the
14 neck, I don't know if it was a suicide, and I
15 don't know, based on Epstein's statement, that
16 was something done to him. So, couldn't prove
17 what it was.

18 MR. [REDACTED]: Okay. And is it, is
19 there any reason for us to know or believe that
20 it was one or the other, though? I know you
21 are trying not to speculate, but -.

22 MR. [REDACTED]: I mean, I would, you know,
23 you have there be the medical department, who
24 did an assessment, and, you know, typically,
25 you could say you come to a conclusion from

1 injuries, from physical injuries, but we
2 weren't even able to do that.

3 MR. [REDACTED]: So, according to the
4 medical assessment, your understanding is that
5 they weren't able to tell if someone -?

6 MR. [REDACTED]: That, from what I - if I can
7 - and I don't know - I read it - but I don't
8 know -. I remember on the report, they were
9 unable to conclude what would, you know, what,
10 what -. Did he attempt suicide, or was he
11 assaulted?

12 MR. [REDACTED]: And were you satisfied
13 with that response, or did you think that they
14 missed something?

15 MR. [REDACTED]: I think they looked into it.
16 And I think it was, you know, you couldn't look
17 into it any further. I mean, either --

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: -- it was a suicide, or it
20 was assault. So, we separated them.

21 MR. [REDACTED]: Okay. But there is -.
22 So, it didn't say, like, keep digging, or you
23 weren't, you know -?

24 MR. [REDACTED]: I mean, they interviewed
25 them. They asked the questions. You had the

1 medical assessment. So, I don't know what
2 other --

3 MR. [REDACTED]: Sure.

4 MR. [REDACTED]: -- conclusions could have
5 been drawn from it.

6 MR. [REDACTED]: And what happened with
7 inmate Epstein after July 23rd? Or on July
8 23rd.

9 MR. [REDACTED]: I don't specifically
10 remember what happened. I know we separated
11 the both of them. He wasn't - and then, I know
12 he was on suicide watch. They placed him on a
13 watch. And then had psychology talk to him.

14 MR. [REDACTED]: Okay. So, just so, that
15 is just so you know, if you don't mind just
16 initialing and dating that one, that we just
17 read. Okay. So, this next one is from
18 [REDACTED] [REDACTED] to a [REDACTED] [REDACTED].
19 (Phonetic Sp. *00:30:05).

20 MR. [REDACTED]: She's a psychologist.

21 MR. [REDACTED]: Okay. And then, with
22 UCC.

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: It says, "SW,
25 chronological log, re: Epstein." It says,

1 "C.O. Thomas was assigned to staff watch.
2 However, the wrong book was used. I am
3 companion log, -in lieu of staff suicide watch
4 log."

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: Was that something
7 normal? Was that an easy mistake?

8 MR. [REDACTED]: yeah, I could see it
9 happening because we have a log that the
10 inmate, you have an inmate companions that
11 watch inmates. So, they use the log. And
12 then, you have, if staff are going to sit on
13 someone, then they use a certain log. But the
14 fact that, you know, the documentation took
15 place, it was just, you know, it was just an
16 error.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: But they did document, so.

19 MR. [REDACTED]: Now, C.O. Thomas. Is
20 this Michael Thomas that you, are you aware?

21 MR. [REDACTED]: I had two Thomas's. I don't
22 know which one it was.

23 MR. [REDACTED]: Okay. So, if I tell you
24 it was --

25 MR. [REDACTED]: No, no, no. It had to be

1 Officer Thomas, because if it was C.O. Thomas,
2 he would have been - his title is material
3 handler.

4 MR. [REDACTED]: Okay. So, you don't
5 believe it was actually Michael Thomas?

6 MR. [REDACTED]: No. I think it was the
7 officer.

8 MR. [REDACTED]: It was Mr. Michael
9 Thomas. Just from our records and from
10 speaking --

11 MR. [REDACTED]: Okay.

12 MR. [REDACTED]: -- with Mr. Thomas.

13 MR. [REDACTED]: Can I see the log --

14 MR. [REDACTED]: Sure.

15 MR. [REDACTED]: -- how he opened the log?

16 MR. [REDACTED]: That is correct, right,
17 [REDACTED]?

18 MR. [REDACTED]: Where does it show that he
19 started his shift? Because usually, when you
20 come on shift, you write --

21 MR. [REDACTED]: This is what --

22 MR. [REDACTED]: -- the name.

23 MR. [REDACTED]: -- was attached to that
24 email.

25 MR. [REDACTED]: Yeah. Typically, when you

1 start your shift, your start off, you know,
2 you're putting your name, if you are relieved,
3 or you assume suicide watch.

4 MR. [REDACTED]: So, here is the next
5 email, so you might be able to show me an
6 example of what you are referring to. It's
7 this email, is it the same thing you were CC'd,
8 and this is, like, maybe this is the real log
9 that maybe he should have been using. But
10 here, it shows all the other logs.

11 MR. [REDACTED]: So, this is -.

12 MR. [REDACTED]: Hmm.

13 MR. [REDACTED]: See, this is what I mean by
14 when someone comes on duty, but this is what
15 they leave --

16 MR. [REDACTED]: This is the -.

17 MR. [REDACTED]: -- they mix the book up.
18 But they must have wrote it in the suicide log.
19 But typically, when you come on, let's say the
20 shift starts at 8:00, you will state your full
21 name, as assuming the duties.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: And you typically say who
24 you relieved on there.

25 MR. [REDACTED]: All right. So, it looks

1 like they maybe didn't fill it out correctly.

2 MR. ██████: They didn't fill it out
3 correctly.

4 MR. ██████: And so, our investigation
5 shows that it was Michael Thomas --

6 MR. ██████: Okay.

7 MR. ██████: -- that was on him on the
8 23rd.

9 MR. ██████: Mm-hmm.

10 MR. ██████: And that wasn't an "I
11 gotcha," whatsoever. My question was actually,
12 Michael Thomas is the one that actually found
13 him on August 10th. Correct?

14 MR. ██████: Yes.

15 MR. ██████: And is that suspicious at
16 all to you, that he was the one that was
17 watching him on suicide watch, and then that he
18 is the one that found him on the 10th?

19 MR. ██████: No. I mean, typically, we
20 had so much overtime in the institution, that -
21 and we go by when you sign up for it. So,
22 there is a program that you sign up for, and I
23 don't know how the lieutenant did. They might
24 have called them, then he signed up for it.
25 So, I don't know. I can't say if it was

1 suspicious or not.

2 MR. [REDACTED]: Sure. And then, all
3 these documents that we're reviewing right
4 here, on these two emails, what are they?

5 MR. [REDACTED]: Which one?

6 MR. [REDACTED]: Both of them.

7 MR. [REDACTED]: The suicide watch log?

8 MR. [REDACTED]: Yeah. So, is this
9 suicide watch log, as well as this?

10 MR. [REDACTED]: Yeah. The suicide
11 observation log, and this is, appears to be the
12 cover of a logbook, for suicide watch.

13 MR. [REDACTED]: Perfect.

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: All right. Do you mind
16 just initial and dating this? And again, these
17 aren't trick questions --

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: -- I just don't want to,
20 like, put answers in your -. If I think it is
21 something, but maybe it's not, you might be
22 able to tell me what it actually is.

23 MR. [REDACTED]: This one, too?

24 MR. [REDACTED]: Yes, please. Thank you,
25 sir. And this is, this says psych ops. So,

1 this is another one of those emails. This one
2 is from [REDACTED] to you. Also dated August 10th,
3 2019. It says, "Psych ops is discontinued on
4 7/30/2018." I think she means 2019. Correct?

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: At 8:15 a.m.

7 MR. [REDACTED]: Mm-hmm.

8 MR. [REDACTED]: So, is this also part of
9 the suicide watch log?

10 MR. [REDACTED]: That is a log you would also
11 use.

12 MR. [REDACTED]: Okay. Great. And does
13 it say in there, I guess right here, "8:15
14 a.m., psych observation is being
15 discontinued."?

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: Okay. Awesome. Do you
18 mind just initial and dating this? And [REDACTED],
19 as I am giving these to you, can you try to
20 keep these in order with regard to --

21 MR. [REDACTED]: I've just been stacking them.

22 MR. [REDACTED]: -- making a note. Don't
23 stack them on tip, though, keep them, like,
24 bundled together, so we know this is psych.
25 This is, like, the psych observation logbook.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: So, if you can keep them,
3 and then write a note on them.

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED]: So that when we are -.
6 After this thing is transcribed, we can keep
7 things in order. This one is regarding the
8 first attempt, and the one we read from [REDACTED]
9 [REDACTED]. And can you tell me, sir, what
10 this is? This is July 30th. So, it is that
11 same date that he came off of -. What am I
12 looking at here?

13 MR. [REDACTED]: So, this is -. Date, name,
14 signature. Inmate name. Reg number. This is
15 -. Is this a entrance log to the Special
16 Housing Unit?

17 MR. [REDACTED]: I'm not sure. That's
18 what I'm saying.

19 MR. [REDACTED]: I'm just, I don't know. It
20 might be an entrance log. This is 7/30.

21 MR. [REDACTED]: These are all dates, but
22 at least up until 7/30, that he was in the
23 Special Housing Unit, but this says J. Epstein.
24 So, I don't know if he would sign himself in.

25 MR. [REDACTED]: No, no.

1 MR. [REDACTED]: So -.

2 MR. [REDACTED]: I don't know. It might be
3 an entrance --

4 MR. [REDACTED]: Or is it to the attorney
5 visits or something?

6 MR. [REDACTED]: -- it might be attorney
7 visits. Let me see. 7/30. G tall (Phonetic
8 Sp. *00:36:57). Signature. Inmate name.
9 Name. This might be an attorney log. Name.
10 Fall. Signature. Yeah. This might. This is
11 probably an attorney --

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: -- the log into the attorney
14 room. I think that's probably it.

15 MR. [REDACTED]: Here is Epstein again.
16 It shows 7/30, 7/30, 7/30.

17 MR. [REDACTED]: The different attorneys.
18 He, you know, he could have had one attorney
19 that comes in early in the morning --

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: -- and then, any time a new
22 one comes in, they have to sign in, saying who
23 you came to see.

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: So, he had multiple --

1 MR. [REDACTED]: So, this is --

2 MR. [REDACTED]: -- (Indiscernible

3 *00:37:46).

4 MR. [REDACTED]: -- an attorney log.

5 MR. [REDACTED]: This is an attorney log. He
6 usually had multiple attorneys.

7 MR. [REDACTED]: So, it wasn't Epstein
8 signing his name. They are --

9 MR. [REDACTED]: No, no.

10 MR. [REDACTED]: -- saying they were
11 visiting this person.

12 MR. [REDACTED]: Whoever comes and visits has
13 to put who --

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: -- they are visiting.

16 MR. [REDACTED]: So, the visitor logs were
17 for attorneys.

18 MR. [REDACTED]: Attorneys. Yeah.

19 MR. [REDACTED]: All right. You mind just
20 initial and dating that? And again, [REDACTED], if
21 you want to write on here, just --

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: -- attorney logbook
24 visit. So, again, so that we can keep track of
25 what it is these things are. Now, is this the

1 same thing we just looked at? This looks like,
2 again, it says, "Inmate companion assumed
3 duties from staff on 7/23/19, at 7:00 until
4 7/24/19, at 8:45 a.m. Epstein was transferred
5 to psych observation on 7/24/2019, at 8:45 a.m.
6 until 7/30/2019 at 8:15 a.m. Inmate companion
7 was utilized."

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: So, this one says July
10 23rd, 24th. And this one, again, suicide watch
11 chronological log.

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: Inmate companion logs.
14 Does this tell you anything more about Michael
15 Thomas, or anything different? What is this?
16 This one is the PP-37. What does that tell us?
17 That's just he's on it?

18 MR. [REDACTED]: Yeah. It just says, you
19 know, (Indiscernible *00:39:01), let me see.
20 You got category. I don't know what the MDS
21 is, but typically, it's an assignment. Like, I
22 could put in and do a PP-37 and say where he
23 was housed at. So, I could put quarters. So,
24 this must be a medical term. Concerning his
25 medical status.

1 MR. [REDACTED]: Okay. Great. And then,
2 this is the first page, it looks like, of the
3 logbook. Does this tell you --

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: -- anything different
6 than what we looked at before, or is this the
7 same thing?

8 MR. [REDACTED]: It's the same. It's an
9 inmate suicide watch --

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: -- log.

12 MR. [REDACTED]: So, it doesn't say
13 Michael Thomas on it, it just --

14 MR. [REDACTED]: No. It says inmate
15 companion was watching him.

16 MR. [REDACTED]: Okay. You said inmate -.
17 Oh, so, this is an inmate companion instead of
18 --

19 MR. [REDACTED]: Yeah, yeah.

20 MR. [REDACTED]: -- the actual. Okay.

21 MR. [REDACTED]: You have --

22 MR. [REDACTED]: I got you. So, whatever,
23 does it tell us which, who the inmate was, that
24 was his companion?

25 MR. [REDACTED]: Inmate companion Esteban

1 (Phonetic Sp. *00:39:51), and it has his number
2 right there.

3 MR. [REDACTED]: Okay. Great.

4 MR. [REDACTED]: Assumed responsibility for
5 inmate Epstein on -.

6 MR. [REDACTED]: Perfect.

7 MR. [REDACTED]: So, that's why I was telling
8 you, the staff one should read just like that,
9 too.

10 MR. [REDACTED]: All right. So, this one
11 is 7/23 is the actual inmate that was --

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: -- Epstein's companion on
14 7/23 until 7/24. Do you mind just initial and
15 dating that?

16 MR. [REDACTED]: And this is right after the
17 incident. The first incident, right?

18 MR. [REDACTED]: This is - so, July 23rd
19 or the 24th - yes, this is when he was on
20 suicide watch, not on observation.

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: And this is that, it
23 looks like this one is, again, it's from you to
24 Mr. [REDACTED].

25 MR. [REDACTED]: Mm-hmm.

1 MR. ██████████: It says psych ops/suicide
2 watch. And it looks like it's the difference
3 between the two.

4 MR. ██████████: Right.

5 MR. ██████████: In laymen's terms, what
6 is the difference between suicide watch and
7 psychological observation at the MCC, during
8 this time period when Epstein was on it?

9 MR. ██████████: So, suicide watch is when we
10 have determined, or there is a possibility,
11 through what an individual is saying, that they
12 might cause self-harm to themselves. Psych ops
13 is, that person might not admit it, and we
14 might not have anything to say to put them on
15 suicide watch, so we just put them on what we
16 call psychological observation.

17 MR. ██████████: And now, it was my
18 understanding --

19 MR. ██████████: (Indiscernible *00:41:11).

20 MR. ██████████: -- it's basically the
21 same thing, aside from what the inmate is
22 allowed to have, such as clothes.

23 MR. ██████████: That, too.

24 MR. ██████████: Okay. So, is it same
25 unit, same room, same --

1 MR. [REDACTED]: Same.

2 MR. [REDACTED]: -- same procedures?

3 MR. [REDACTED]: Yes.

4 MR. [REDACTED]: Okay. The one thing that
5 I've learned more recently is, though, during
6 psychological observation, or I guess I should
7 ask for them. During suicide watch, as well as
8 psychological observation, is the inmate
9 allowed to have attorney visits?

10 MR. [REDACTED]: If they are on that watch,
11 no.

12 MR. [REDACTED]: What about during
13 psychological observation?

14 MR. [REDACTED]: I think it would be the same
15 thing, that they are not allowed to have. And
16 I'm not sure. Don't quote me to it. Because
17 typically, when they are on that, we don't have
18 it.

19 MR. [REDACTED]: Okay. Do you recall if
20 either yourself or anyone at the institution
21 was contacted by anyone, such as a judge or
22 Epstein's attorneys, asking that he be removed
23 from either psychological observation or
24 suicide watch, so that he, for any reason?

25 MR. [REDACTED]: They will always call. I

1 mean, they would. There was always a number
2 subject, whether it was to place him in general
3 population. So, I don't, you know, recall -.

4 MR. [REDACTED]: Do you remember ever
5 being called by a judge?

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

8 MR. [REDACTED]: Okay.

9 MR. [REDACTED]: Speaking with a judge.

10 MR. [REDACTED]: All right. Because that
11 was the rumor we heard, was that a judge
12 contacted you and said they wanted him removed
13 from one or the other.

14 MR. [REDACTED]: No. Judges wouldn't
15 typically call for that.

16 MR. [REDACTED]: But the attorneys
17 frequently would?

18 MR. [REDACTED]: Yeah, frequently, they
19 would, you know, call our legal department,
20 saying, you know, why can't he go to general
21 population. Why is he, you know, being housed
22 here? And just not him, if there was any type
23 of equipment that was requested. Those are the
24 type of requests you get from the attorney.

25 MR. [REDACTED]: Okay. And do you know if

1 those attorneys were made, though, when he was
2 on either suicide watch or psychological
3 observations?

4 MR. [REDACTED]: I don't recall that.

5 MR. [REDACTED]: You don't recall.

6 MR. [REDACTED]: No.

7 MR. [REDACTED]: Sure. That's fine.

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: Do you know - I know you
10 said that, and you didn't think that inmates
11 typically could - but do you know if Mr.
12 Epstein visited with his attorneys during that
13 time, between the 23rd and the 30th of --

14 MR. [REDACTED]: I don't know --

15 MR. [REDACTED]: -- (Indiscernible
16 *00:43:28)?

17 MR. [REDACTED]: -- if he was on that status,
18 then he would not have been --

19 MR. [REDACTED]: You don't believe so?

20 MR. [REDACTED]: -- I don't believe so.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: No. I don't believe so.

23 MR. [REDACTED]: No problem. All right.

24 So, this, this one again. Oh, do you mind
25 initial and dating that?

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: Okay, [REDACTED], you can
3 file that accordingly. This one just goes back
4 to that first initial timeline, that looked
5 like it may have been a little messed up. The
6 initial email from you, it looks like it's a
7 psych ops. "The logbook shows he was released
8 on July 30th. He had an attorney visit,
9 starting at 8:20 a.m.

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: He was there all day. I
12 will send the attorney log next." And then,
13 Mr. [REDACTED] response was, "The timeline we
14 sent DOJ says 7/29. Where did we get that
15 date?" So, are we confident that he stayed
16 until the 30th?

17 MR. [REDACTED]: He stayed until the 30th.

18 MR. [REDACTED]: Okay. So, was this just
19 an incorrect --

20 MR. [REDACTED]: I think that was a typo.

21 MR. [REDACTED]: -- okay. Oh, sorry. Do
22 you mind initial and dating?

23 MR. [REDACTED]: Well, this answers your
24 previous question.

25 MR. [REDACTED]: What's that?

1 MR. [REDACTED]: About being on psych ops and
2 seeing an attorney. He didn't go until after
3 he got off.

4 MR. [REDACTED]: Well, it says that he had
5 an attorney visit --

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: -- starting at 8:20 a.m.,
8 but it doesn't say if he had any prior to that
9 time.

10 MR. [REDACTED]: Right. Oh, because he was
11 released on July 30th.

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: Okay.

14 MR. [REDACTED]: So, just saying, like,
15 yeah, he was released and --

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: -- he was visiting with
18 his attorneys.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: And that's something
21 we've had a little bit of a conflicting
22 information.

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: We've heard that he
25 actually did have attorney visits during that

1 time. And we've heard that he didn't. So,
2 that's why I was wondering if you would be able
3 to clear that up at all, but you're not --

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: -- to your recollection -
6 -

7 MR. [REDACTED]: No.

8 MR. [REDACTED]: -- he wouldn't have?

9 MR. [REDACTED]: Yeah. Typically, if you are
10 on that, you're not going to have an attorney
11 visit.

12 MR. [REDACTED]: And just talking to
13 psychology, they would, they said that, no, we
14 always try to afford an inmate - they have a
15 right to attorney visits - so, we try to afford
16 that right. But do you think that maybe they
17 were mistaken?

18 MR. [REDACTED]: I'm just going from my
19 experience, like any other of the inmates that
20 we've had on suicide watch have not gone to an
21 attorney visit.

22 MR. [REDACTED]: Okay. Now, this,
23 speaking of psychology, that's the next point.
24 Let me just make sure that all the information
25 is on that incident. So, as far as

1 Tartaglione, or Tartaglione, however it is -.
2 How do you think it's -?

3 MR. [REDACTED]: Tartaglione.

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED]: Yeah.

6 MR. [REDACTED]: Okay. So, did you have
7 any involvement with selecting Tartaglione as
8 Epstein's cellmate?

9 MR. [REDACTED]: We did.

10 MR. [REDACTED]: Okay. And how was that
11 selection made?

12 MR. [REDACTED]: So, we weren't able to get a
13 whole lot of people, you know, think that how
14 we could house him to be safe. Tartaglione was
15 a white male. Another high-profile case. So,
16 and he is not, you know, there is this
17 misconception that he was a big hulking
18 bodyguard, but he lost over 100 something
19 pounds. So, he was smaller in stature and
20 frame. So, we said that would have been an
21 appropriate cellmate for him.

22 MR. [REDACTED]: And who made the
23 decision?

24 MR. [REDACTED]: To put them together?

25 MR. [REDACTED]: Mm-hmm.

1 MR. [REDACTED]: I did.

2 MR. [REDACTED]: Okay. Was it in
3 coordination with both the captain, as well as
4 Mr. [REDACTED]?

5 MR. [REDACTED]: Everyone - yeah - would
6 discuss it, like, you know, I, obviously, I
7 sent it up the chain, to say, look who we're
8 going to make him his cellmate, and what was
9 the reasoning.

10 MR. [REDACTED]: So --

11 MR. [REDACTED]: Yeah.

12 MR. [REDACTED]: -- in talking with the
13 captain, his recollection was that he brought
14 the three names, you discussed it with Mr.
15 [REDACTED], he was present for that discussion, and
16 Mr. [REDACTED] is the only one who said, I want
17 Tartaglione, put him with Tartaglione. Do you
18 recall it to be that way, or do you recall it
19 to be -?

20 MR. [REDACTED]: Which -? Well, are we
21 talking about Tartaglione?

22 MR. [REDACTED]: Oh, did that happen with
23 Reyes?

24 MR. [REDACTED]: Well, Reyes and - what do
25 you call it? - Reyes and, there were two names.

1 So, I talked to my boss about it. They wanted
2 to see the names. So, I don't know who they
3 talked to at Main Justice. So, I sent the
4 email, and stuff, with all the break down of
5 the two inmates to the director's office.

6 ██████████ (Phonetic Sp. *00:47:45). And
7 because he was the chief of staff at the time.
8 And I sent it up, you know, I put my input in,
9 about as far as if we had to choose between who
10 was going to get it, was the - what was it? -
11 the Spanish, the older gentleman who left, like
12 --

13 MR. ██████████: Efrain Reyes?

14 MR. ██████████: -- Reyes, that Reyes would
15 be the most appropriate because we couldn't
16 find anybody.

17 MR. ██████████: Okay. So --

18 MR. ██████████: And then, they went up, and
19 then, I got word back that, to go with Reyes.

20 MR. ██████████: Okay. So, Reyes was when
21 the -. So, your superiors actually made the
22 selection, but for --

23 MR. ██████████: Tartaglione.

24 MR. ██████████: -- Tartaglione, that was
25 you?

1 MR. [REDACTED]: I mean, it was in
2 conjunction. I sent it up and told, you know,
3 the powers that be that this is who we're going
4 to be, and it came back and said, you know,
5 we're good for that.

6 MR. [REDACTED]: Okay. Do you know what
7 Tartaglione was in for?

8 MR. [REDACTED]: He had - I know it was a big
9 drug case involving drug dealers, and stuff
10 like that. So, and - so, yeah, (Indiscernible
11 *00:48:45) --

12 MR. HAYES: Some kind of narcotics.

13 MR. [REDACTED]: -- huh?

14 MR. HAYES: Some kind of narcotics.

15 MR. [REDACTED]: Some kind of narcotics. So,
16 he - and then, I don't - and I recall there was
17 murder involved, too.

18 MR. HAYES: Yeah.

19 MR. [REDACTED]: But he was a high-profile
20 case. So, I could -. I had gentlemen in there
21 that were trying to get in there, but you know,
22 they would have probably harmed him. I had
23 another pedophile in there, and everybody in
24 the unit, they know who's in the unit, I'm not
25 taking him as a cellmate. You know? So, we

1 can't just arbitrarily force another inmate
2 into the cell upon them. So, Tartaglione was,
3 you know, the best --

4 MR. HAYES: The other inmates --

5 MR. ██████████: -- inmates -.

6 MR. HAYES: -- would not accept Epstein,
7 nor would not accept a pedophile.

8 MR. ██████████: They weren't going to -.
9 They just weren't going to stab Epstein
10 *00:49:29). I don't know the reasons. But I
11 mean, I can't make the decisions and say, all
12 right, I'm going to force you to take this, and
13 then something happens to him, and then -.

14 MR. ██████████: So, someone actually
15 spoke with Tartaglione and he said he was
16 willing to do it?

17 MR. ██████████: And I'm not sure on there -
18 who spoke to him, but I don't know.

19 MR. ██████████: Okay.

20 MR. ██████████: It might have been. But I
21 know we said we were going to put him in, and
22 this is, this is what -. And he didn't have
23 any issues.

24 MR. ██████████: Okay. And if someone did
25 speak with him, who would that have been?

1 Would that have been captain?

2 MR. ██████: It might have been the
3 captain. Shoot, (Indiscernible *00:50:02).
4 But it probably would have been the captain,
5 but -

6 MR. ██████: Okay.

7 MR. ██████: -- you know, typically, you
8 know, we're going to make a move, and we're
9 putting somebody in there, we're not going to,
10 you know, sit down and consult with an inmate,
11 if that's okay with you. I mean --

12 MR. ██████: Sure.

13 MR. ██████: -- we just have a feel of
14 the unit --

15 MR. ██████: No.

16 MR. ██████: -- that, who is appropriate
17 to go in there, okay, I'm not going to put a
18 drug dealer in there with him. So, you know,
19 typically, another high-profile inmate would be
20 appropriate.

21 MR. ██████: Okay. Now, do you have
22 any reason to believe that Tartaglione did, in
23 fact, try to harm Epstein on July 23rd?

24 MR. ██████: Again-, I can't speculate on
25 that.

1 MR. [REDACTED]: Sure. Just because -

2 MR. [REDACTED]: I mean -.

3 MR. [REDACTED]: -- it would be pure
4 speculation, if you did?

5 MR. [REDACTED]: Yeah. It would be. I would
6 be speculating on that.

7 MR. [REDACTED]: Okay.

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

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: And you just prefer not
12 to do that?

13 MR. [REDACTED]: Yeah. I don't want to
14 speculate.

15 MR. [REDACTED]: Okay. Now, so, our
16 assessment from other people has been that --

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: -- Tartaglione was trying
19 to beat his case --

20 MR. [REDACTED]: Mm-hmm.

21 MR. [REDACTED]: -- and that he had every
22 reason in the world not to harm Epstein. And
23 that Tartaglione was actually the person who
24 notified the guards that Epstein was in need of
25 help. Is that what you -? Is that a correct

1 assessment?

2 MR. HAYES: Tartaglione wasn't in the cell
3 at the time.

4 MR. [REDACTED]: So --

5 MR. [REDACTED]: On July 23rd, he was.

6 MR. [REDACTED]: -- he was. So, he --

7 MR. HAYES: He was. Oh, I --

8 MR. [REDACTED]: -- yeah.

9 MR. HAYES: -- yeah, right.

10 MR. [REDACTED]: Yeah. So, here's how I'm
11 going to put this. As far as Tartaglione, we
12 and his behavior in the institution, he wasn't
13 a model prisoner. I mean, we caught him, you
14 know, with a cellphone. You know, making
15 calls, you know, and circumventing his case,
16 and whatever. But so, I don't, I can't
17 speculate on, you know, whether he would do
18 something, or he wouldn't do something. So,
19 that was, you know, my dealings with
20 Tartaglione, when I was aware of him. Plus,
21 you know, his case.

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: And the request from his
24 attorneys.

25 MR. [REDACTED]: Okay. So, following

1 Epstein's time on suicide watch and
2 psychological observation, was he placed back
3 in the SHU?

4 MR. [REDACTED]: Yes.

5 MR. [REDACTED]: Okay. So, and I
6 apologize to read all these, but this is just -
7 again - we're not going to through them one by
8 one, but just to show what it is that we have
9 here. So, this one says it's from an [REDACTED]
10 [REDACTED] to [REDACTED] [REDACTED]. Did I get this from you?
11 I think this is something that forwarded on.

12 MR. HAYES: She say even gave your own
13 drinking --

14 MR. [REDACTED]: This one says, "Can you
15 send me notes on Epstein? On his suicide
16 attempt. Thanks." That was from [REDACTED] [REDACTED].
17 [REDACTED] [REDACTED], it looks like, sent it up. So,
18 [REDACTED] [REDACTED] said, "I need this ASAP." And it
19 says, "Here are his notes."

20 MR. [REDACTED]: So, he said [REDACTED] (Phonetic
21 Sp. *00:52:59). I guess the regional is
22 requesting it.

23 MR. [REDACTED]: Okay. So, the region
24 wanted this?

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: So, this, is this what
2 this is? Is this the psychology file of
3 Epstein?

4 MR. [REDACTED]: Those are clinical notes.

5 MR. [REDACTED]: So, these are all
6 clinical notes --

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: -- here?

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: Would this have been,
11 like, okay, it starts with, it looks like July
12 31st, and then goes back, July 30th. So, it
13 looks like these are clinical notes from the
14 day he got there --

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: -- up until July 31st.

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: I wonder why. Why would
19 they only send until July 31st? Do you know?

20 MR. [REDACTED]: You said --

21 MR. [REDACTED]: Not August.

22 MR. [REDACTED]: -- they sent from where?

23 MR. [REDACTED]: Well, it --

24 MR. [REDACTED]: From -?

25 MR. [REDACTED]: -- started from the day

1 that he arrived, it looks like, on, it's July
2 8th, 2019.

3 MR. [REDACTED]: Right.

4 MR. [REDACTED]: To July 31st, 2019.

5 MR. [REDACTED]: It's any encounter you have
6 with him. Any medical --

7 MR. [REDACTED]: So, did they not --

8 MR. [REDACTED]: -- (Indiscernible
9 *00:53:53).

10 MR. [REDACTED]: -- have any encounters
11 after July 31st, 2019?

12 MR. HAYES: Do you know?

13 MR. [REDACTED]: No. I am not aware of that
14 because it would only - they would only
15 annotate if they had encounters with him.

16 MR. [REDACTED]: Okay. So, you are
17 unaware of, after July 31st, if anyone had any
18 kind of, any psychology had any interactions
19 with him?

20 MR. [REDACTED]: No. If it's not in the BEMR
21 notes, and that, I guess they didn't have any.

22 MR. [REDACTED]: So, you would assume that
23 --

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: -- there wouldn't be?

1 Okay. Do you mind initialing? And do you know
2 why that would be?

3 MR. [REDACTED]: Hold on. If an inmate is
4 cleared off of - so, and you have to talk them
5 about it - but most inmates didn't, once you
6 are cleared off of suicide watch, they have
7 other things that they do. You can come down
8 and they give you some (Indiscernible
9 *00:54:42) coping courses to take. So, they
10 have other types of therapy, but it doesn't
11 necessarily have to be entered in as a medical
12 encounter.

13 MR. [REDACTED]: Okay. So, this is, so,
14 psychology could have been still meeting with
15 them, just not noted as a medical encounter?

16 MR. [REDACTED]: Yeah. You - I mean - you
17 see them, and you can just, like, if you have
18 patients, you will go, how is everything going?
19 You doing all right? Yeah. I'm fine. I'm
20 okay. So, it doesn't have to be noted as a
21 medical encounter.

22 MR. [REDACTED]: Okay. So, your
23 involvement with this, being that he came off
24 of psychological observation on July 30th,
25 should psychology had interacted with him more

1 in that type of setting, where they would have
2 been writing clinical notes? Or do you --

3 MR. [REDACTED]: No. I think they --

4 MR. [REDACTED]: -- or -?

5 MR. [REDACTED]: -- did everything. Because
6 they cleared him at the time. I mean, based on
7 the SIS investigation, it was inconclusive
8 whether he committed, you know, tried to --

9 MR. [REDACTED]: Sure.

10 MR. [REDACTED]: -- attempted to commit
11 suicide, and I didn't read all the reports, but
12 if he's sitting in the report, saying, no, I
13 wasn't trying to kill myself, and I didn't do
14 it, that's their assessment of it.

15 MR. [REDACTED]: Right. No. I guess what
16 I'm saying is that, I know you're not a
17 psychologist, but if the 30th was the day that
18 they cleared him to go back to the SHU --

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: -- do you think that they
21 should have continued at least checking with
22 him, or no?

23 MR. [REDACTED]: Well, they probably did. I
24 mean, when --

25 MR. [REDACTED]: Okay.

1 MR. [REDACTED]: -- you make your SHU rounds.
2 You know, seeing him in other parts of the
3 institution. So, and you would have to ask
4 them. But there were probably encounters with
5 him.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: But that didn't require --

8 MR. HAYES: A report.

9 MR. [REDACTED]: -- a report, and a medical
10 annotation in there.

11 MR. [REDACTED]: Okay. So, this next
12 email, it talks about, it says, "Warden
13 [REDACTED]," and this is from [REDACTED] [REDACTED], and
14 again --

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: -- is he the coordinator?
17 Or, who is he?

18 MR. [REDACTED]: Oh.

19 MR. [REDACTED]: Oh, here it is. National
20 suicide prevention coordinator for the BOP.

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: It says, "Thank you for
23 supporting our scheduling of the psychological
24 reconstructive for inmate Epstein. I will be
25 joined by [REDACTED] [REDACTED], (Phonetic Sp.

1 *00:56:44) Correction Service Administration of
2 the Northeast Region. So, do you know if that
3 was ever completed? The actual suicide
4 reconstruction.

5 MR. [REDACTED]: They might have, but nobody
6 talked to me.

7 MR. [REDACTED]: Okay. They didn't talk
8 to you?

9 MR. [REDACTED]: Nah.

10 MR. [REDACTED]: Okay. Fair enough. And
11 then, behind it, it looks like, just, it looks
12 like a template is attached here.

13 "(Indiscernible *00:57:00 national suicide
14 prevention program, suicide reconstruction
15 materials."

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: Would have you been the
18 one that would have gathered these things for
19 him?

20 MR. [REDACTED]: No. You probably -.
21 Typically, when this happens, this comes from,
22 when I used to do them, I would make contact
23 with someone in the institution, to get it.
24 So, you might --

25 MR. [REDACTED]: Mm-hmm.

1 MR. ██████: -- have the executive
2 assistant --

3 MR. ██████: Yeah.

4 MR. ██████: -- get the information.

5 MR. ██████: So, it says, "I am
6 attaching a list of materials we use to
7 complete the reconstruction. We routinely take
8 these documents with us, so please ensure that
9 a copy of any documents you also need."

10 MR. ██████: Right.

11 MR. ██████: It says, "Your assistance
12 in gathering these documents, appreciate it,
13 will be helpful." So, you would just, you
14 would provide that to, like, ██████ or
15 someone?

16 MR. ██████: Yeah. We tell the exec,
17 hey, I need you to gather this information, and
18 it might not be ██████. It could be the
19 chief psychologist. Whoever is assigned to do
20 it.

21 MR. ██████: Okay. But as far as you
22 know, was that completed? Did he show up and
23 do that?

24 MR. ██████: I wasn't at the institution.

25 MR. ██████: Oh, okay.

1 MR. [REDACTED]: I --

2 MR. [REDACTED]: So, you --

3 MR. [REDACTED]: -- I was removed from the
4 institution.

5 MR. [REDACTED]: -- when were you removed
6 from the institution?

7 MR. [REDACTED]: Monday.

8 MR. [REDACTED]: Monday, August 12th?

9 MR. [REDACTED]: Yes.

10 MR. [REDACTED]: Okay. That's what I was
11 kind of asking you before. Maybe I wasn't
12 clear with my question. I was wondering if
13 something happened to you after this, that you
14 were removed and no longer --

15 MR. [REDACTED]: No. They just told me, go
16 report to the region.

17 MR. [REDACTED]: -- all right. So, as of
18 Monday, August 12th, 2019, you were no longer
19 at the MCC?

20 MR. [REDACTED]: I was no longer at the MCC.

21 MR. [REDACTED]: And did you ever go back
22 after that?

23 MR. [REDACTED]: No, I didn't.

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

1 MR. [REDACTED]: Well, I did today, to go
2 park.

3 MR. [REDACTED]: Okay. But after this
4 instance, and you were not really involved
5 after that, then?

6 MR. [REDACTED]: That was it. I didn't have
7 any -.

8 MR. HAYES: Yeah. You check in today.
9 Did you just say?

10 MR. [REDACTED]: No, I had to park a vehicle,
11 because I had to -. I had the government
12 vehicle, so parking them, I had the prop, so I
13 parked there, and took the train out,
14 (Indiscernible *00:58:46).

15 MR. [REDACTED]: I think when we started, and
16 [REDACTED] asked when you started at the regional
17 office, I think you mentioned 2020.

18 MR. [REDACTED]: So, the problem is, and he
19 was talking about job title. My job title
20 still remained the same.

21 MR. [REDACTED]: As warden?

22 MR. [REDACTED]: As the warden in New York,
23 and it wasn't removed until 2020.

24 MR. [REDACTED]: Okay. Well, now, but as of
25 August 12th, 2019, you started reporting to the

1 region?

2 MR. [REDACTED]: Yeah. DRD (Phonetic Sp.
3 *00:59:14) came. I did my - when was it? - I
4 had an interview at the U.S. Attorney's Office.
5 And then, my boss came and said, hey, I'm, you
6 know, we're signing you up to the regional
7 office. So, I went up, you know, no reason why
8 I was being removed. And I was just told to go
9 up there. So, that's what transpired.

10 MR. [REDACTED]: Was there another warden in
11 place?

12 MR. [REDACTED]: They brought another one in.

13 MR. [REDACTED]: So, there was two people with
14 the title of warden, at that point?

15 MR. [REDACTED]: Well, they had Mr. [REDACTED]
16 (Phonetic Sp. *00:59:52), and [REDACTED] [REDACTED]
17 (Phonetic Sp. *01:00:01). She is.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: All right. So, if you
20 don't mind, just initialing and dating that.

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: We'll get that out of
23 your way. So, this looks like this answers our
24 question.

25 MR. [REDACTED]: Mm-hmm.

1 MR. [REDACTED]: So, this is an email from
2 AW [REDACTED] to yourself.

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: And it just says, "FYI,
5 from Dr. [REDACTED], regarding her last interaction
6 with Epstein, prior to her departure on
7 Thursday."

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: Dr. [REDACTED] was the
10 psychologist at MCC?

11 MR. [REDACTED]: Yes.

12 MR. [REDACTED]: Correct?

13 MR. [REDACTED]: She was the chief
14 psychologist.

15 MR. [REDACTED]: Okay. Great. And it
16 says that, "I visited inmate Epstein in SHU on
17 Thursday." Thursday, meaning August 8th --

18 MR. [REDACTED]: Right.

19 MR. [REDACTED]: -- 2019. "He was getting
20 ready to meet with his attorneys for the day,
21 so I had gone to visit him, right after the SHU
22 meeting.

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: He had a cellmate at the
25 time, with whom I saw him interact with. He

1 did not report any medical, or any mental
2 health concerns, and he denied any suicidal
3 thoughts or intention. He was asking the
4 writer to go to general population and was
5 making requests for various leads he had at the
6 time. He wanted social calls without them
7 being on a speaker phone. He wanted a book he
8 had left in the suicide watch area.

9 His mood was not depressed or anxious.
10 There were no signs of stress. He had planned
11 on meeting with his attorneys to work on his
12 legal situation." So, there is that. And
13 then, there is also, I don't know if this was
14 attached. [REDACTED], I don't know how this was
15 printed, but it also looks like all the
16 contacts. It says, "15 contacts in one month.
17 Starting on July 6, 2019, when Epstein arrived.
18 And after the -". It does say that there was a
19 contact that looks like, on the 31st.

20 MR. HAYES: What does he mean by
21 "contact"?

22 MR. [REDACTED]: A psychology contact.

23 MR. HAYES: Okay.

24 MR. [REDACTED]: And then, here's one,
25 8/1/2019, Dr. [REDACTED], SRA, was --

1 MR. [REDACTED]: Yeah.

2 MR. [REDACTED]: -- being conducted. What
3 is SRA? Do you know?

4 MR. [REDACTED]: It's a seg group.
5 Segregation review.

6 MR. HAYES: Oh.

7 MR. [REDACTED]: So, it says --

8 MR. [REDACTED]: Yeah.

9 MR. [REDACTED]: -- it says, "Court sent a
10 form. Suicidal tendencies."

11 MR. [REDACTED]: No. That must be a
12 psychological thing. I thought it said SRO.
13 If it says SRA, that must be for SHU.

14 MR. [REDACTED]: Okay. And it says, "On
15 August 1st, 2019, he denied any suicidal
16 ally, friends (Indiscernible *01:02:07)
17 supportive Jewish against his religion, still
18 denied knowing what happened to him on
19 7/23/2019, when he was discovered with a string
20 loosely tied around his neck. Said his
21 incident report for self-mutilation was
22 expunged. His cellmate is talkative, but will
23 give it a chance. Noisy in SHU, he lives for
24 fighting this case and going back to his normal
25 life." And again, it say that the-8/8/ 2019

1 was with Dr. [REDACTED], what I just --

2 MR. [REDACTED]: Right.

3 MR. [REDACTED]: -- read. And on
4 8/10/2019. So, I guess they did (Indiscernible
5 *01:02:40), just not in this (Indiscernible
6 *01:02:40).

7 MR. [REDACTED]: Yeah. You don't have to
8 always.

9 MR. [REDACTED]: So, yeah, then maybe
10 those weren't required.

11 MR. [REDACTED]: No.

12 MR. [REDACTED]: Yeah, do you mind, maybe
13 the bottom on this one?

14 MR. [REDACTED]: Mm-hmm.

15 MR. [REDACTED]: That wasn't attached to the
16 email. That was just a separate document.

17 MR. [REDACTED]: Oh, that's a separate
18 document? Okay. There you go. Can you go to
19 psychology? All right. And this is the last
20 one to cover what psychology. This was an
21 email that was sent out by a [REDACTED] [REDACTED].
22 To, it says, "Suicide watch/psych observation
23 update." On 7/30/2019, at 12:30 p.m., and it
24 says, "Inmate Epstein is being taken off of
25 psych observation and needs to housed with an

1 appropriate cellmate."

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: [REDACTED], and it just
4 says everyone who is attached to this sent,
5 this was sent to.

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: Is this something that
8 they normally do, after someone comes off of
9 psych observation or suicide watch? Do they
10 send this out to everyone? Or was it a special
11 case for this?

12 MR. [REDACTED]: No. It's typical.

13 MR. [REDACTED]: That's typical?

14 MR. [REDACTED]: Typical. Because you have
15 to let the lieutenants, the shift lieutenants,
16 everyone know, you know, the person is coming
17 off. And where to house them. Some go back to
18 their units. In his case, he was going back to
19 the Special Housing Unit.

20 MR. [REDACTED]: Okay. Great. Do you
21 mind just initial and dating that? And that
22 was - is it their job to determine if a
23 cellmate has to be housed with another
24 cellmate? I mean, an inmate has to be housed
25 with another inmate.

1 MR. [REDACTED]: Well, typically, I mean,
2 it's just - if there's nothing in policy that
3 sounds, you know, you know, in the correctional
4 setting, if somebody has been on, you know,
5 attempted suicide, or attempted to self-
6 mutilation, you usually put them in with
7 someone.

8 MR. [REDACTED]: Okay. So, were you or
9 your staff involved with the decision to have
10 Epstein removed from suicide watch or
11 psychological observation?

12 MR. [REDACTED]: Psychology makes the
13 determination that the individual is, you know,
14 no longer suicidale. This is for any inmate.

15 MR. [REDACTED]: Sure.

16 MR. [REDACTED]: Is no longer suicidal. And
17 there is no reason for him to be on suicide
18 watch. So, they either get released wherever
19 they came from, whether it was the general
20 population unit, or the Special Housing Unit.

21 MR. [REDACTED]: So, on background on
22 that. So, one of the individuals in psychology
23 department --

24 MR. [REDACTED]: Mm-hmm.

25 MR. [REDACTED]: -- who would meet with

1 Mr. Epstein, she said that she discussed this,
2 one of the steps down with Dr. [REDACTED], as well
3 as AW [REDACTED].

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: And I was informed that
6 that is kind of pretty routine, that that is
7 conducted in coordination with executive staff
8 members. Is that --

9 MR. [REDACTED]: Right. That is.

10 MR. [REDACTED]: -- so, that's where I
11 want to make sure that I'm understanding --

12 MR. [REDACTED]: We do.

13 MR. [REDACTED]: -- what you are saying.

14 MR. [REDACTED]: But we also do, we have what
15 we call a - and if it is an inmate that is in
16 our Special Housing Unit, we have a weekly
17 meeting, and if there are any issues, that's
18 brought up in the meeting.

19 MR. [REDACTED]: Okay. So, is it solely,
20 though, up to psychology, if the inmate goes
21 from, say, suicide watch to psych observation,
22 and again, psych observation back to a housing
23 unit? Is that their call, or can, does the
24 executive staff, or anyone in the BOP, outside
25 of psychology, have an influence on that?

1 MR. ██████: Psychology are the subject
2 matter experts. They are the doctors. They
3 release someone off of suicide watch. I can't
4 - if an individual is on suicide watch - I
5 can't turn around and come in there, and say,
6 take him off.

7 MR. ██████: Sure.

8 MR. ██████: I'm not a trained
9 psychologist. Now, I can put somebody on
10 there. But then, you know, after hours, or if
11 it is an emergency, or he attempted suicide,
12 any staff member could put him on there.

13 MR. ██████: Okay.

14 MR. ██████: But as far as taking him
15 off, you have to have a medical reason, as far
16 as them coming off.

17 MR. ██████: So, in that interview
18 with that individual, they said the decision
19 was discussed with AW ██████ and that
20 individual concurred with that decision. If
21 they didn't concur, though, would that matter
22 to them?

23 MR. ██████: What do you mean, if the AW
24 didn't concur with it?

25 MR. ██████: Mm-hmm.

1 MR. [REDACTED]: I mean, I don't want to use
2 the word "courtesy" as a telling, but they're
3 keeping, they're keeping us informed, saying,
4 okay, we need to take him off of suicide watch.
5 Now, let's say I come in and interject and say,
6 no, I want him on there. What is my reasoning
7 for putting him on there?

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: What medical degree do I
10 have to justify keeping an individual on
11 suicide watch? Because now, it could go the
12 other way. I decide to turn around and do
13 something like that, I would be having a
14 conversation with you about something else.

15 MR. [REDACTED]: Sure.

16 MR. [REDACTED]: So.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: Yeah.

19 MR. [REDACTED]: So, is it more to keep
20 you apprise --

21 MR. [REDACTED]: To keep us apprised --

22 MR. [REDACTED]: -- if anything else?

23 MR. [REDACTED]: -- you know, and saying,
24 hey, this is the way we're removing an
25 individual, and we move forward. I mean,

1 obviously, we will have questions. You know,
2 if we had questions.

3 MR. HAYES: Guys, I want to go for a
4 second. All right?

5 MR. [REDACTED]: Okay.

6 MR. HAYES: I got to go pee.

7 MR. [REDACTED]: Do you want us to
8 continue or wait?

9 MR. HAYES: No, just stay by me. Oh,
10 don't continue. I'll be right back.

11 MR. [REDACTED]: Absolutely. I'm going to
12 pause this recording then. It is currently
13 3:00 p.m. on Wednesday, October 27th, 2021.
14 This is Special Agent [REDACTED] [REDACTED], and I
15 am pausing the recording.

16 (Whereupon, the above-entitled matter went
17 off the record and back on the record).

18 MR. [REDACTED]: All right. The recorder
19 is back on. It is 3:04 p.m. after a quick,
20 short break. Mr. [REDACTED], just reminding you
21 that you are under oath.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: All right. Sorry.
24 Address these.

25 MR. [REDACTED]: Oh.

1 MR. ██████████: All right. So, the last
2 that we discussed was that psychology said that
3 Mr. Epstein needed to have a cellmate, and this
4 is where we talked a little bit about it. It
5 sounded like the decision to have Efrain Reyes
6 placed as Epstein's cellmate was actually made
7 at a higher level than yourself?

8 MR. ██████████: Yes.

9 MR. ██████████: Okay. And who made that
10 decision?

11 MR. ██████████: I don't know. Listen. I
12 know, I sent it to my supervisor. Actually,
13 the two inmates that, that would kind of
14 figured out there might be a cellmate, we sent
15 those names to the director's office.

16 MR. ██████████: Okay.

17 MR. ██████████: And it was ██████████ ██████████ was
18 the chief of staff. And because, see, my boss
19 told me that they had to run it up to the
20 department. So, I don't know who was spoken to
21 in the department. And it got back, and my
22 boss said that, too, you know, that's a good
23 choice.

24 MR. ██████████: Okay.

25 MR. ██████████: Yeah.

1 MR. [REDACTED]: And that's Mr. [REDACTED],
2 again?

3 MR. [REDACTED]: Yes.

4 MR. [REDACTED]: Okay. Great. But it was
5 based upon a list that you provided?

6 MR. [REDACTED]: Yeah. There were some
7 names. Because I - fast forward - I got a
8 call, and we were gearing towards getting him
9 out to general population.

10 MR. [REDACTED]: Oh, so, you wanted
11 Epstein to actually be in general pop?

12 MR. [REDACTED]: I didn't want -. That's
13 what typically happens. You know --

14 MR. [REDACTED]: Sure.

15 MR. [REDACTED]: -- you don't want an inmate
16 in segregation. Most of them, we've had a lot
17 of high-profile individuals that come in the
18 institution. You know, we do our intelligence
19 gathering, to see, okay, what would be an
20 appropriate unit for them to be in? And we
21 place them. And then, we monitor them. If,
22 you know, and that is how we move them into
23 general population. I get a call saying, hold
24 up on that. He needs to stay where he's at.

25 MR. [REDACTED]: And who called you?

1 MR. HAYES: Did he qualify as a pedophile?

2 MR. [REDACTED]: I don't -. I didn't -.

3 MR. HAYES: Okay.

4 MR. [REDACTED]: Read. But that's -. We
5 didn't --

6 MR. HAYES: Yeah.

7 MR. [REDACTED]: -- you know, so that's not
8 feasible, why we were able to keep him in. So,
9 get a call, and they said hold up on that. He
10 needs to stay where he's at.

11 MR. [REDACTED]: Okay.

12 MR. [REDACTED]: So.

13 MR. [REDACTED]: And I'm sorry. Who was
14 it that called you to say stay?

15 MR. [REDACTED]: Mr. [REDACTED]. And then,
16 that's when I had to send up the names. I
17 guess he had gotten some from the department.
18 I don't know who he talked to in the
19 department.

20 MR. [REDACTED]: Oh, so, coming out of
21 psych observation, you were looking to send him
22 back to general pop.

23 MR. [REDACTED]: No.

24 MR. [REDACTED]: Or not back to. Into.

25 MR. [REDACTED]: When he first came in, the

1 whole process was --

2 MR. [REDACTED]: Oh, I see.

3 MR. [REDACTED]: -- to get him out to general
4 population.

5 MR. [REDACTED]: I gotcha. So, back, you
6 are talking about July 6th through the 8th --

7 MR. [REDACTED]: Yeah, we're talking about --

8 MR. [REDACTED]: -- that timeframe.

9 MR. [REDACTED]: -- the whole thing, and
10 then, even, you know, coming out of psych
11 observations when he got in, the plan was still
12 to get him into general population.

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: I mean, we had the attorneys
15 contacting our legal, why can't he be in
16 general population?

17 MR. [REDACTED]: Sure.

18 MR. [REDACTED]: So, and then, that is when I
19 got the call from my boss, saying - and I don't
20 know who he talked to in the department - but
21 it was, like, hold on.

22 MR. [REDACTED]: And on that note, I guess
23 this would be a good time to talk about this.
24 Being that it was ultimately decided that he go
25 into Nine South, or the Special Housing Unit,

1 was it discussed at all that he be placed on
2 Ten South, for the high, you know, the SAMs
3 inmates?

4 MR. [REDACTED]: So, here's the problems with
5 Ten South. It's the terrorist unit, and
6 there's SAMS things in there. The amount of
7 attorneys he had coming in there, we couldn't
8 have those attorneys coming up to that unit
9 every day, and, you know, breaching the
10 security of it, and then, tying up the movement
11 in there, because when an attorney comes in
12 there. Now, those guys get attorneys, but it's
13 planned, and they are in there. Epstein's
14 attorneys were coming in early in the morning,
15 and weren't leaving until late at night. And
16 it was about four or five of them. So --

17 MR. HAYES: And guess who's paying his
18 bill?

19 MR. [REDACTED]: -- right. That's not an
20 appropriate unit, and that's not what that unit
21 is for.

22 MR. [REDACTED]: Now, what about, like,
23 if, you know, an El Chapo (Phonetic Sp.
24 *01:11:55), or some of the other high levels
25 that weren't terrorists, how did they deal with

1 that, or did they have attorneys visiting them
2 or no?

3 MR. [REDACTED]: They did, but it wasn't to
4 that extent. Like, he, El Chapo would have his
5 attorneys come in, but they came in for a
6 couple hours, they left. As it got close to
7 trial, then they would - you would see them
8 more frequently. But Mr. Epstein, day one
9 | theat attorneys, they were in there from the
10 beginning to end. We even had complaints from
11 the local attorneys, that they were taking up
12 the rooms.

13 MR. [REDACTED]: Mm-hmm. So --

14 MR. [REDACTED]: So.

15 MR. [REDACTED]: -- the primary reason why
16 he was placed in Nine South was because of the
17 attorney visits?

18 MR. [REDACTED]: Well, not the attorney
19 visits, but that is the SAMS unit.

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: And he's not a SAMs inmate.
22 And then -.

23 MR. HAYES: What's a SAMs unit?

24 MR. [REDACTED]: Special Administrative
25 Measures. That means, you know, strict

1 communication. And there's a lot that goes on
2 with that unit. So, he wasn't appropriate to
3 be up there.

4 MR. [REDACTED]: Now, were some of those
5 other high-profile inmates, though, such as El
6 Chapo, and who were some of the people that
7 were in there?

8 MR. [REDACTED]: Yeah. The terrorists up
9 there.

10 MR. [REDACTED]: But the non-terrorists.
11 Meaning, the people that -. There was a few --

12 MR. [REDACTED]: Well, you had SchulteSholty
13 (Phonetic Sp. *01:13:05), but he was in for
14 espionage, and had a SAMs on him. So, he --

15 MR. [REDACTED]: Now, did El Chapo have a
16 SAMs on him?

17 MR. [REDACTED]: -- he had -. No. His
18 status was based on, and I know there was
19 (Indiscernible *01:13:18), his escape status --

20 MR. [REDACTED]: Sure.

21 MR. [REDACTED]: -- and stuff. So, he was a
22 high profile person that had escaped from
23 another prison before --

24 MR. [REDACTED]: Mm-hmm.

25 MR. [REDACTED]: -- so, that was an

1 appropriate place to place him.

2 MR. [REDACTED]: I see.

3 MR. [REDACTED]: SchulteSholty was in general
4 population, and a SAMS was placed on him by his
5 attorney --

6 MR. HAYES: What was the other name again?

7 MR. [REDACTED]: -- SchulteSholty. And he
8 was placed up there.

9 MR. HAYES: Can I ask you --

10 MR. [REDACTED]: Yeah.

11 MR. HAYES: -- a totally irrelevant
12 question?

13 MR. [REDACTED]: Mm-hmm.

14 MR. HAYES: What was El Chapo like?

15 MR. [REDACTED]: Just like any other inmate.

16 MR. HAYES: Is that right?

17 MR. [REDACTED]: Yeah. Just like any other
18 inmate.

19 MR. HAYES: Polite?

20 MR. [REDACTED]: Polite. You know, no
21 problems. But that wasn't the appropriate unit
22 to be housing inmate Epstein.

23 MR. [REDACTED]: Now, did you even have
24 the authority to place him in Ten South, if you
25 wanted to?

1 MR. [REDACTED]: I mean, I could have, but I
2 would have had to have, you know, some
3 justification as to why I'm, I'm putting him up
4 there. And there would have been push back
5 from his attorneys.

6 MR. [REDACTED]: Okay. Because some
7 people had mentioned that, saying the warden
8 doesn't even have the ability to do that. That
9 comes from a higher level.

10 MR. [REDACTED]: I mean --

11 MR. [REDACTED]: Is that --

12 MR. [REDACTED]: -- in essence --

13 MR. [REDACTED]: -- accurate, or -?

14 MR. [REDACTED]: -- in essence, it does
15 because I would have had to explain and justify
16 why, you know, certain inmates with certain
17 crimes are placed up there. Why am I placing
18 him?

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: And then, the fact that, you
21 know, he is a pre-trial individual, and needs
22 access to his attorneys, that unit is just too
23 restrictive for that.

24 MR. [REDACTED]: Now - and this is a total
25 Monday morning quarterback --

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: -- do you stand by the
3 decision that he would be in Nine South, or do
4 you think he should have been in Ten South, or
5 what are your thoughts on that?

6 MR. [REDACTED]: I think he was appropriately
7 placed.

8 MR. [REDACTED]: Okay. So, Nine South --

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: -- was the --

11 MR. [REDACTED]: That was the appropriate --

12 MR. [REDACTED]: -- appropriate place for
13 him?

14 MR. [REDACTED]: -- place for him.

15 MR. [REDACTED]: Okay.

16 MR. [REDACTED]: Quick question.

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: Do you recall if there were
19 inmates in Ten South during that time?

20 MR. [REDACTED]: Where?

21 MR. [REDACTED]: In --

22 MR. [REDACTED]: Yes, there were.

23 MR. [REDACTED]: -- yeah. Do you know who
24 those inmates were?

25 MR. [REDACTED]: El Chapo had left. I got

1 the one that ran the call with people in
2 Brooklyn. He was there.

3 MR. HAYES: What was his name?

4 MR. [REDACTED]: I forget.

5 MR. HAYES: What did he do? What was he
6 in there for?

7 MR. [REDACTED]: That's the one that killed
8 the pedestrians in lower Manhattan and ran --

9 MR. HAYES: Oh, yeah.

10 MR. [REDACTED]: -- the vehicle into them.

11 MR. HAYES: Yeah, and then the guy kicked
12 the gun out of his hand. Right? Some guy --

13 MR. [REDACTED]: Yeah.

14 MR. HAYES: -- (Indiscernible *01:15:28).

15 MR. [REDACTED]: He was there. I remember
16 SchulteShelty. There was another guy that was,
17 it had something to do with Osama Bin Laden.

18 MR. HAYES: Mm-hmm.

19 MR. [REDACTED]: Who else? We had a younger
20 terrorist that was in there. So, we had, it
21 was -. They were all terrorists in, on
22 espionage charges.

23 MR. [REDACTED]: All right. So, this is
24 along what we were just discussing. It says
25 that, this is from an [REDACTED] [REDACTED], who's just

1 a supervisory staff attorney.

2 MR. [REDACTED]: Right.

3 MR. [REDACTED]: What does this CLC stand
4 for?

5 MR. [REDACTED]: It's the Combined -. He,
6 he, hHe's the supervisory attorney for Brooklyn
7 and New York.

8 MR. [REDACTED]: Okay.

9 MR. [REDACTED]: At the time.

10 MR. [REDACTED]: So, he's kind of, like,
11 the general counsel for Brooklyn and New York?

12 MR. [REDACTED]: Yeah. He was the
13 supervisory attorney. So --

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: -- he was in charge.

16 MR. [REDACTED]: All right. So, this was
17 to you, and it was on Saturday, August 10th,
18 2019. It says, "Warden, per our conversation,
19 I spoke to two of his attorneys yesterday,
20 August 9th, 2019, primarily in relation to his
21 request for access to water in attorney
22 conference."

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: "Attorney Mariel Colon,"
25 so, M-A-R-I-E-L. Next word, C-O-L-O-N. "With

1 whom I spoke in person in the late morning, had
2 asked, as an aside, whether we would consider
3 housing him in the cadre." What is the cadre?

4 MR. [REDACTED]: Cadre is the camp.

5 MR. [REDACTED]: Is that low level?

6 MR. [REDACTED]: It's like our lower security
7 inmates. Yeah.

8 MR. [REDACTED]: So, you have an actual
9 camp at the MCC?

10 MR. [REDACTED]: It's low security inmates.
11 But remember, they are designated. So, we
12 couldn't put him in that unit because he's pre-
13 trial. We can't mix designated and pre-trial
14 inmates together.

15 MR. [REDACTED]: Okay. It says, "I
16 advised we could not," since he was a pre-trial
17 inmate.

18 MR. [REDACTED]: Right.

19 MR. [REDACTED]: "Later that day, but
20 prior to 1:00, close out meeting, I spoke to
21 attorney Michael Miller on the phone. He had
22 asked whether we could house Mr. Epstein alone
23 in the SHU, to which I replied that we could
24 not, based on his prior suicide
25 attempt/gesture."

1 MR. HAYES: It's just, I've never heard of
2 his lawyers. You would think that his lawyers
3 would be somebody that I was familiar with.

4 MR. [REDACTED]: Yeah.

5 MR. HAYES: Since they're probably
6 charging him \$2,000 an hour.

7 MR. [REDACTED]: "He acknowledged that he
8 understood. To my recollection, neither
9 attorney referenced consideration for suicide
10 watch or psychological observation during
11 yesterday's conversation. Please let me know
12 if you need any further information." Now, was
13 this just a request to any contact that he had
14 with his attorneys?

15 MR. [REDACTED]: He was just keeping me
16 informed because the attorneys were calling
17 every day, with different types of requests.

18 MR. [REDACTED]: But this was the day,
19 obviously, of when he was found. So, this
20 would --

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: -- he's talking about
23 context, just literally the previous day --

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: -- that he was looking

1 for different housing type arrangements.

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: But all right. If -.

4 MR. HAYES: That was \$1,000 a phone call.

5 MR. [REDACTED]: Excuse me?

6 MR. HAYES: That was \$1,000 a phone call.

7 (Indiscernible *01:18:25) charging.

8 MR. [REDACTED]: Oh. Now, this answers
9 our question from before. So, this actually
10 says, it's from you to Mr. [REDACTED], it says
11 attorney logs. This is that same thing that we
12 were looking at.

13 MR. [REDACTED]: Okay.

14 MR. [REDACTED]: So, it looks like July
15 30th is highlighted, and Mr. Epstein. And
16 again, all these --

17 MR. [REDACTED]: These are the attorney
18 assignment.

19 MR. [REDACTED]: -- (Indiscernible
20 *01:18:43).

21 MR. [REDACTED]: Yeah.

22 MR. [REDACTED]: Yeah. So, that does now
23 clarify what it is, because, previously, there
24 was nothing that was in the subject liner.

25 MR. [REDACTED]: Okay.

1 MR. [REDACTED]: Or the body. Okay.

2 MR. HAYES: Yeah. I'm looking at the
3 stack, and I'm sitting here, just Jesus Christ.

4 MR. [REDACTED]: We're coming to - hey -
5 we're almost halfway through.

6 MR. [REDACTED]: Mm-hmm.

7 MR. HAYES: Well, that's the way you're
8 looking at it. (Indiscernible *01:19:04). A
9 little bit different, fellas. I'm thinking
10 about, I'm going to miss today's workout and
11 tomorrow's.

12 MR. [REDACTED]: Well.

13 MR. [REDACTED]: Now, you've already
14 answered this, but did you work at the MCC on
15 August 9th?

16 MR. [REDACTED]: For that --

17 MR. [REDACTED]: 2019.

18 MR. [REDACTED]: -- was Friday. Friday, I
19 was off.

20 MR. [REDACTED]: What about on August
21 10th, 2019?

22 MR. [REDACTED]: 10th was a Saturday --

23 MR. [REDACTED]: Correct.

24 MR. [REDACTED]: -- I was, I worked on
25 Saturday.

1 MR. [REDACTED]: All right. But did you
2 work in response to this?

3 MR. [REDACTED]: No. I had to respond, if
4 the day of the suicide was August 10th --

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: -- yeah, I had to respond if
7 I came in.

8 MR. [REDACTED]: Okay. So, but you
9 weren't scheduled to work?

10 MR. [REDACTED]: No. I wasn't scheduled to
11 work.

12 MR. [REDACTED]: All right. This is just
13 for - and this is going to be put in here, in
14 case you need to reference it - these are
15 emails that were from you to Mr. [REDACTED], with
16 the staff roster.

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: And the reason I'm using
19 these is because these were literally sent on
20 Sunday, August 11th. So, I know that we can
21 rely on these --

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: -- based upon being so
24 close. So, this one is for Friday, August 9th.
25 It's showing who was working that day. And

1 this one is from Saturday, August 10th. Again,
2 showing who was --

3 MR. [REDACTED]: This is a correctional
4 roster.

5 MR. [REDACTED]: -- correct.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: Correct. This is a
8 correctional roster. Right.

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: So, who was, basically I
11 think, involved with Epstein during that date?
12 So, yes. How many rosters would there be,
13 aside from correctional?

14 MR. [REDACTED]: Well, the correctional
15 officers are the only ones that keep a daily
16 roster.

17 MR. [REDACTED]: Like, R&D wouldn't do
18 anything like that?

19 MR. [REDACTED]: No. Because their staff are
20 already assigned to where they are working at.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: Yeah. And they have rosters
23 that show where everyone is working at. But
24 not, like, the correctional officer roster.

25 MR. [REDACTED]: Okay. So, I'm going to

1 have you just initial and date. I'm going to
2 place this, again, here, just in case we need
3 to reference it, and again, it's just if we
4 need to look at who was working, and what
5 position --

6 MR. [REDACTED]: There's two on there.

7 MR. [REDACTED]: -- and what. Yes,
8 please. So, this one would be for the August
9 9th, that one is for August 10th. This
10 actually was not - the August 10th one - was
11 not attached to your email. Right?

12 MR. [REDACTED]: Yeah. You are right.

13 MR. [REDACTED]: So, the August 9th one
14 was attached, but the August 10th wasn't.

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: Yeah. So, we had to pull
17 that from --

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: -- just for full
20 disclosure, but just so that we have both. The
21 August 9th one was something that you had sent.
22 All right. Since Epstein was required to have
23 a cellmate, who was ultimately responsible to
24 make sure that all the SHU staff were aware of
25 this requirement?

1 MR. [REDACTED]: That they were notified?

2 MR. [REDACTED]: So, how -. So, Dr. [REDACTED]
3 or Mrs. [REDACTED] sent out that email, saying --

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: -- Epstein is required to
6 have a cellmate. The one that we reviewed.

7 MR. [REDACTED]: Right.

8 MR. [REDACTED]: Who was required to make
9 sure that staff that is working in the SHU is
10 aware of that requirement?

11 MR. [REDACTED]: Well, the captain passes it
12 on to the lieutenants, and the officers are
13 then made aware that he, you know, any inmate,
14 if they are required a cellmate --

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: -- that, you know, that he -
17 they are to require cellmate, if somebody
18 leaves or goes out.

19 MR. [REDACTED]: Now, someone such as an
20 Epstein, who was just coming off of suicide
21 watch, you know, a week, a week and a half
22 prior, should all staff know that that person
23 is supposed to be housed with a cellmate?

24 MR. [REDACTED]: In the Special Housing Unit,
25 anybody working in there would know that he was

1 supposed to have a cellmate.

2 MR. [REDACTED]: Do you believe that there
3 was ~~any~~ anybody - especially anybody that's got
4 a quarterly bit of post there --

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: -- but anybody that's
7 working in the SHU on August 9th or 10th, do
8 you believe that there could be a reason why
9 they would say, we didn't know he was supposed
10 to have a cellmate? Do you think that would be
11 an acceptable excuse?

12 MR. [REDACTED]: Because you had the staff
13 that usually work up there, were up there. It
14 should be, it should have been annotated on his
15 - what do you call it? - it's called a 292.

16 MR. [REDACTED]: The hot list, you are
17 referring to, or --

18 MR. [REDACTED]: No. Not the hot list.

19 MR. [REDACTED]: -- or what? Oh, you
20 mean, oh, the 292. You're talking about the
21 SHU --

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: -- file.

24 MR. [REDACTED]: The SHU file. It should be
25 annotated on the SHU file because, when you

1 come in, you have to annotate on there his
2 meals, did he eat, the medical rounds. So, it
3 would have been on there, it would have been on
4 there, too. So.

5 MR. [REDACTED]: Would it have also been
6 on the hot list, though?

7 MR. HAYES: Guys. I need an interpreter.

8 MR. [REDACTED]: Yeah.

9 MR. HAYES: What does the hot list mean?

10 MR. [REDACTED]: It's just --

11 MR. [REDACTED]: That's --

12 MR. [REDACTED]: -- sorry.

13 MR. [REDACTED]: -- yeah. I guess the high
14 risk suicide inmates. Yeah. So.

15 MR. HAYES: Whether it's suicide, or high
16 risk for some other kind of problem?

17 MR. [REDACTED]: It could be -. It's mainly
18 for, like, suicide, just to --

19 MR. HAYES: Medical.

20 MR. [REDACTED]: -- to watch out for. Yeah.
21 Medical. Okay.

22 MR. HAYES: Seizures. You know, stuff
23 like that?

24 MR. [REDACTED]: Yeah. So.

25 MR. [REDACTED]: So, point being is, do

1 you think that, if any staff that is working in
2 that, you know, as we know, Mr. Reyes left - -

3 MR. [REDACTED]: Right.

4 MR. [REDACTED]: -- in the morning of
5 August 9th, Mr. Epstein was found the --

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: -- the morning of August
8 10th.

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: SHU staff that is working
11 in there at that time, he's 24 hours basically
12 gone, you know, with no, without a cellmate.
13 Do you think that this is a reasonable excuse
14 for them to say that we didn't know he was
15 required to have a cellmate?

16 MR. [REDACTED]: No, because they did know,
17 because I - from what I understand - someone
18 wrote a memorandum, and had it that day, that
19 they knew.

20 MR. [REDACTED]: Okay. Well, yeah, we can
21 get into that. Now then, so these are -.

22 MR. HAYES: One other question. I want to
23 open a box.

24 MR. [REDACTED]: Absolutely.

25 MR. HAYES: That means I'm going to have

1 to bring a sharp object in here. Is that going
2 to bother anybody?

3 MR. [REDACTED]: No. No.

4 MR. [REDACTED]: No. No.

5 MR. [REDACTED]: No, no, no, no.

6 MR. HAYES: Okay.

7 MR. [REDACTED]: I'm sorry, I thought you
8 were talking about, like, this hypothetical
9 situation of if we were in the MCC or
10 something.

11 MR. [REDACTED]: Yeah.

12 MR. HAYES: Oh, no. No. This is just a -

13 -

14 MR. [REDACTED]: You're just wanting to
15 know if you can use scissors. Yeah. That's
16 fine.

17 MR. HAYES: Yeah.

18 MR. [REDACTED]: I guess we should wait
19 until he gets --

20 MR. [REDACTED]: Mm-hmm.

21 MR. [REDACTED]: -- back again. If we
22 speak loudly, will you be able to hear our
23 questions?

24 MR. HAYES: Yeah.

25 MR. [REDACTED]: All right. We're going

1 to continue, then. The answer was yes.

2 MR. [REDACTED]: I don't know if that was
3 somebody.

4 MR. [REDACTED]: There might be clients in the
5 office.

6 MR. [REDACTED]: Oh.

7 MR. [REDACTED]: Huh?

8 MR. [REDACTED]: Okay.

9 MR. [REDACTED]: That's why.

10 MR. [REDACTED]: Then we will wait.

11 MR. [REDACTED]: He wasn't kidding about the
12 knife.

13 MR. [REDACTED]: Oh.

14 MR. HAYES: You know why I got this? This
15 movie called Gangs of New York.

16 MR. [REDACTED]: That's a great movie.

17 MR. HAYES: And he - and a good movie -
18 and the lead actress was a woman named Cameron
19 Diaz.

20 MR. [REDACTED]: Sure.

21 MR. HAYES: And I had a wild eyed crush on
22 Cameron Diaz, and this is the shiv, the knife -
23 seriously - I found the guy who made the knife
24 that she carried in the show, and I said, I
25 want you to make me an exact duplicate. How

1 sick is that? Of that knife. And so, this is
2 it.

3 MR. [REDACTED]: That's super cool.

4 MR. HAYES: So.

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: Sorry. I'll ask a few
7 more questions before we get into these
8 documents. Were any plans made on how to
9 address this situation for if Reyes was removed
10 as Epstein's cellmate? Like, if he -. Because
11 I know at MCC, inmates certainly leave.
12 (Indiscernible *01:26:13).

13 MR. [REDACTED]: No. I mean, the plan would
14 have been, you know, we would have assessed it,
15 because usually, you get ahead of time, we
16 would have just said, okay, when is -? When
17 Reyes leaves, or you know, when he was leaving,
18 then before he was placed back in that cell, an
19 assessment would have been made.

20 MR. [REDACTED]: Okay. Now, what is your
21 understanding of what happened with inmate
22 Reyes on August 9th, 2019?

23 MR. [REDACTED]: When I got back after the
24 fact, I guess the Marshals came and removed him
25 from the institution.

1 MR. [REDACTED]: Okay. So, there is a lot
2 of people we've talked to thought he went to
3 court, and that at court, it was determined he
4 wasn't coming back. Had you heard that?

5 MR. [REDACTED]: That's what I heard, too. I
6 had heard he was going to court. And then, I
7 guess word got back that he wasn't coming back.
8 That's what I heard. So, I never got
9 (Indiscernible *01:27:00).

10 MR. HAYES: It's either a good day in
11 court, or a bad day in court.

12 MR. [REDACTED]: Yeah. I never got the
13 actual story because I was, I was removed. So.

14 MR. [REDACTED]: Okay. And again, what
15 does WAB mean?

16 MR. [REDACTED]: It means With All
17 Belongings.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: But I don't know, and I
20 don't know if people will say that he left, and
21 then they went and got him from the office.
22 So, I am not sure.

23 MR. [REDACTED]: Okay. So, this is --

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: -- one of those documents

1 that says --

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: -- from [REDACTED] [REDACTED] to
4 you.

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: With inmate Epstein as
7 the subject.

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: And it says, "So far,
10 this is the documentation I have in my
11 possession."

12 MR. HAYES: Wow.

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: And if you see, you know,
15 here, it talks about all the documentation
16 pertaining to him. These look like all the BOP
17 database --

18 MR. [REDACTED]: Right.

19 MR. [REDACTED]: -- things. Then down
20 here, it says, "Documentation re: Reyes, Efrain
21 --

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: -- reg number 85993-054.
24 Cellmate."

25 MR. HAYES: Right.

1 MR. [REDACTED]: Right.

2 MR. [REDACTED]: It says, "Court
3 documentation regarding WAB 8/09 --

4 MR. [REDACTED]: '19.

5 MR. [REDACTED]: -- '19.

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: And then, also SHU file.
8 So, "Showing court documentation regarding WAB
9 8/09/19." What documentation is she referring
10 to there?

11 MR. [REDACTED]: I guess whatever came
12 through R&D.

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: Our Receiving and Discharge.
15 They might have gotten -. They must have
16 gotten information to release him, and that he
17 was being transferred.

18 MR. [REDACTED]: So, would it be at all- I
19 know R&D creates something called, like, a
20 court production list, or --

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: -- would that be what
23 she's talking about, the court production list,
24 or would she be, do you think --

25 MR. [REDACTED]: So --

1 MR. [REDACTED]: -- or, like, a PP-38, or
2 something, or whatever -?

3 MR. [REDACTED]: I think, and I'm speculating
4 now, it was probably the court list, and it
5 probably said, we're sending him off to court.
6 And it was a possibility that he might be
7 getting released.

8 MR. [REDACTED]: Because the document that
9 has been ~~ea~~cluding me --

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: -- is that court
12 production list. Do you know if that was ever
13 obtained? Do you know, the thing that, that
14 R&D creates this list, they provide it to the -
15 -

16 MR. [REDACTED]: Oh, the court --

17 MR. [REDACTED]: -- different housing
18 units.

19 MR. [REDACTED]: -- list. I don't. I don't
20 know what they do with it.

21 MR. [REDACTED]: They just, they all say
22 they --

23 MR. [REDACTED]: Now --

24 MR. [REDACTED]: -- destroy it after that
25 time.

1 MR. [REDACTED]: Yeah, they do, but --

2 MR. [REDACTED]: But --

3 MR. [REDACTED]: -- with him --

4 MR. [REDACTED]: -- but that's what would
5 have been used by the SHU staff, in order to
6 produce Reyes to the R&D.

7 MR. [REDACTED]: No. Not necessarily. What
8 typically happens is, the R&D staff will call
9 up to SHU, and say, hey, I need Reyes down. He
10 has court. Or he's being released. So, there
11 wouldn't have been a document sent up.

12 MR. [REDACTED]: So, everyone that we
13 talked to said R&D said, yes, we created this
14 document.

15 MR. [REDACTED]: Right.

16 MR. [REDACTED]: And the SHU staff,
17 including the OIC, said, yes, we had
18 documentation showing that he was WAB. So
19 then, and they all said it was because it was
20 this court production list that you sent out
21 emails to -.

22 MR. [REDACTED]: Unless it's sent in the
23 early morning.

24 MR. [REDACTED]: And it's not something
25 that's sent electronically. It's something

1 they said that they generate, print out --

2 MR. [REDACTED]: Right.

3 MR. [REDACTED]: -- and hand to
4 different, the ops lieutenant has one, every
5 housing unit has one. Internal goes around and
6 collects people, based upon it or something. I
7 think. And then --

8 MR. [REDACTED]: So --

9 MR. [REDACTED]: -- then they basically
10 destroy it at the end of the day, and nothing
11 is maintained in the system. They just use a
12 template, and create a new one for every day.

13 MR. [REDACTED]: So, that must have been the
14 early court movement. So, I was under the
15 impression that he was, he left in the
16 afternoon. So, when typically in the
17 afternoon, they will just call up and say, hey,
18 we got one that's leaving. So, I assumed he
19 had left that afternoon.

20 MR. [REDACTED]: Okay. So, is it, then,
21 are you not - then to answer that question -
22 are you not sure exactly what she's referring
23 to when she says "court documentation regarding
24 WAB"?

25 MR. [REDACTED]: Like, the way you explained

1 it, then that means they were talking about
2 morning courts.

3 MR. ██████████: Well, that's what they
4 were --

5 MR. ██████████: Yeah.

6 MR. ██████████: -- I'm just talking about
7 --

8 MR. ██████████: Yeah.

9 MR. ██████████: -- specifically, what
10 she's talking about in this email to you. Do
11 you --?

12 MR. ██████████: But when you say WAB, With
13 All Belongings, it depends on the time of day
14 they left.

15 MR. ██████████: Mm-hmm.

16 MR. ██████████: You know? You could have
17 afternoon court, and you don't have that list
18 generated, and they say --

19 MR. ██████████: But if --

20 MR. ██████████: -- we need all his
21 belongings.

22 MR. ██████████: -- this might help --

23 MR. ██████████: Yeah.

24 MR. ██████████: -- and then, we will keep
25 this in front of you --

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: -- this might help
3 explain this. So, this is an email that was
4 sent from the U.S. Marshal Service, someone
5 named [REDACTED] [REDACTED] (Phonetic Sp. *01:30:50).

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: On Thursday, August 8th,
8 2019, at 10:33 a.m. It says, "Transfer of
9 prisoners from NYM --

10 MR. [REDACTED]: To GEO.

11 MR. [REDACTED]: -- to GEO.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: The following prisoners
14 are to be transferred." The second person
15 listed out of the two is, "Reyes, Efrain."

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: "85993-054."

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: "Please schedule the
20 transfer for Friday, 8/09/2019. Please include
21 seven days medication with the medical summary.
22 Thank you."

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: So, this obviously was
25 sent to R&D. Correct?

1 MR. [REDACTED]: Right.

2 MR. HAYES: Do we know what kind of
3 medication he was taking?

4 MR. [REDACTED]: Well, that's Efrain
5 Reyes. We're not talking about -.

6 MR. [REDACTED]: That's Reyes.

7 MR. [REDACTED]: We're not -.

8 MR. HAYES: I know. I just am curious.

9 MR. [REDACTED]: It's not --

10 MR. HAYES: We don't know?

11 MR. [REDACTED]: Yeah.

12 MR. HAYES: -- relevant.

13 MR. [REDACTED]: Yeah.

14 MR. HAYES: Okay.

15 MR. [REDACTED]: I don't think it's
16 relevant. Here is another email that the U.S.
17 Marshal Service sent. This time, it was at

18 [REDACTED]. [REDACTED] --

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: -- [REDACTED]. [REDACTED]. [REDACTED]
21 [REDACTED]. It says, "Prisoner production." It
22 looks like it was sent to custody.

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: On Thursday, August 8th,
25 2019, at 3:36 p.m. And ~~then,~~ this, this

1 document, prisoner schedule report is attached.

2 And --

3 MR. [REDACTED]: You're looking at the second
4 one.

5 MR. [REDACTED]: -- so, for the MCC --

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: -- it shows right here,
8 the second person listed as Efrain Reyes.

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: And it just says, "TF,
11 transfer within. MCC New York." And right
12 here, it says, Judge MCC Tot, T-O-T. GEO.

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: What I was told, that
15 means that he's transferring from the MCC to
16 GEO. Is that --

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: -- your understanding?

19 MR. [REDACTED]: Yes.

20 MR. [REDACTED]: And then, on this one,
21 this is the PP-38. On the third - for
22 8/09/2019 - on the third page, it shows Reyes,
23 from ZO6-22. And that means the SHU. Correct?

24 MR. [REDACTED]: Yes. SHU.

25 MR. [REDACTED]: To pre-remove.

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: At 8:38 a.m.

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: So, this was 8:38 a.m.

5 He's keyed out of our system. We got these two
6 emails from the U.S. Marshal Service, saying
7 he's being transferred.

8 MR. HAYES: So, wait. Let me get this
9 clear. He's being transferred to what place to
10 what place?

11 MR. [REDACTED]: From the MCC to GEO.

12 MR. HAYES: And what is GEO?

13 MR. [REDACTED]: A contract facility.

14 MR. HAYES: And what is a contract
15 facility?

16 MR. [REDACTED]: A private prison.

17 MR. HAYES: Okay. And you had nothing to
18 do with -? In other words, somebody else
19 decides to go from one place to another --

20 MR. [REDACTED]: Yes.

21 MR. HAYES: -- you (Indiscernible
22 *01:33:11). Okay.

23 MR. [REDACTED]: The Marshals -.

24 MR. HAYES: And would that be the judge or
25 the Marshals?

1 MR. [REDACTED]: The Marshals, I guess. The
2 judge. I don't know how the Marshals work, but
3 they --

4 MR. [REDACTED]: Prosecutors. Marshals.

5 MR. [REDACTED]: Yeah.

6 MR. [REDACTED]: Judge.

7 MR. HAYES: Okay.

8 MR. [REDACTED]: All in coordination, make
9 those determinations. But, and then, here is
10 an email from you to Mr. [REDACTED].

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: With what you are talking
13 about, that memo.

14 MR. [REDACTED]: Right.

15 MR. [REDACTED]: It says, "On Friday,
16 August 9th, 2019," but before we even get into
17 that, now that you have seen this, you have
18 seen these two emails.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: From the Marshal Service
21 on August 8th. On August 9th, at 8:38, R&D
22 actually keys him out.

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: All of them say pre-
25 removed or transferred.

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: Does that now tell you
3 anything about this, court documentation
4 regarding WAB?

5 MR. [REDACTED]: Yeah. Now, it explains that
6 they had gotten a court order to have him go
7 out.

8 MR. [REDACTED]: So, what do you think is
9 referred to that court documentation?

10 MR. [REDACTED]: I guess it must be all of
11 these documents right here.

12 MR. [REDACTED]: This?

13 MR. [REDACTED]: Yes.

14 MR. [REDACTED]: So, what we're actually
15 looking at, you think she's referring to?

16 MR. [REDACTED]: That's, I think, that's what
17 she was referring to.

18 MR. [REDACTED]: All right.

19 MR. [REDACTED]: Yeah.

20 MR. [REDACTED]: So, court documentation
21 meaning, documentation from the Marshal
22 Service, saying that he was going to be
23 transferred?

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: All right. Now, based

1 upon what you are looking at here, specifically
2 from the Marshal Service --

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: -- and the fact that
5 Efrain Reyes, whom -. Is it -? I've been told
6 that everyone at the MCC knew who Reyes was
7 because they knew he was Epstein's cellmate.

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: But at the very least,
10 everyone in the SHU should have known who
11 Efrain Reyes was.

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: Because he was Epstein's
14 cellmate. What should have happened once, on
15 August 8th, as early as 10:33 a.m., and as late
16 as 3:33 p.m., the day before Reyes is
17 transferred, what should have happened?

18 MR. [REDACTED]: As far as Epstein getting a
19 cellmate?

20 MR. [REDACTED]: Correct.

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: The notification is being
23 made that this person is being transferred,
24 everyone gathers him up. And so, what this,
25 I'm going to read this just to give you more

1 information --

2 MR. [REDACTED]: Right.

3 MR. [REDACTED]: -- on his backtrack.

4 This is a memorandum, dated August the 12th,
5 2019, to the warden - yourself.

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: From [REDACTED], who, my
8 understanding is he was the OIC of the SHU at
9 the time.

10 MR. [REDACTED]: Right.

11 MR. [REDACTED]: It says, "Subject passed
12 information from Special Housing Unit." So,
13 "On a Friday, August 9th, 2019, at
14 approximately 1:50 p.m., I, SOS [REDACTED],
15 passed onto oncoming staff member, Officer
16 [REDACTED], and present shift staff, SOS [REDACTED] and
17 Officer [REDACTED], that inmate Reyes was going
18 WAB, and possibly may not return.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: Also, that inmate Epstein
21 will be needing a cellmate upon arrival from
22 his attorney visit." Now, what this doesn't
23 state is that Officer [REDACTED], or SOS
24 [REDACTED], walked, I mean, both Epstein --

25 MR. HAYES: I'll go get that.

1 MR. [REDACTED]: -- as well as Reyes, down
2 to R&D --

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: -- with all belongings.

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: Spoke with both Epstein
7 and Mr. Reyes, and stated to Mr. - I think
8 Reyes stated to [REDACTED] - make sure you get
9 him a cellmate.

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: I'm not coming back. And
12 [REDACTED], responding to Mr. Epstein, saying,
13 "Don't worry. We're going to get you a new
14 cellmate."

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: Now, with all that
17 information, being that he is the OIC, he's
18 working in the SHU, he knows that he's WAB.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: We've got all this stuff
21 going on.

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: This is the real big
24 reason why I want to talk to you --

25 MR. [REDACTED]: Mm-hmm.

1 MR. [REDACTED]: -- as the warden.

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: This is kind of our
4 primary purpose --

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: -- for us being here.
7 So, I apologize if you're going into that, but
8 I want you to have all the information --

9 MR. [REDACTED]: Right.

10 MR. [REDACTED]: -- before I answer. What
11 should have happened here? So, R&D is
12 contacted the day before, or two days before
13 Epstein, or Epstein is found. One day before
14 Reyes is, you know, gone. They contacted both
15 custody, as well as R&D.

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: R&D pre-removes him at
18 8:38 on 8/09.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: The SHU OIC walks him
21 down, to R&D --

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: -- and actually has this
24 conversation with Epstein and Reyes, saying, I
25 know you are WAB, we're going to get you a new

1 staff, we're going to get you a new cellmate.

2 MR. HAYES: Which means - WAB means what?

3 MR. [REDACTED]: With All Belongings,
4 means they're not coming back.

5 MR. HAYES: But Epstein is not coming
6 back?

7 MR. [REDACTED]: No.

8 MR. [REDACTED]: His cellmate.

9 MR. [REDACTED]: Reyes.

10 MR. HAYES: Reyes.

11 MR. [REDACTED]: His cellmate.

12 MR. HAYES: So, the theory is, if you are
13 investigating, somebody says that you're not
14 going to have a cellmate anymore, and in that
15 conversation, or present during that
16 conversation, is Epstein?

17 MR. [REDACTED]: Epstein is present. Yes.

18 MR. HAYES: Okay. So, Epstein knows that
19 he's not going to have a cellmate for the
20 immediate future?

21 MR. [REDACTED]: No. Epstein is going to
22 attorney conference. So, he's going to be --

23 MR. HAYES: No, no, but I'm saying --

24 MR. [REDACTED]: -- in attorney conference
25 until about 7:00 p.m..

1 MR. HAYES: -- that Epstein knows that,
2 over the next, say, 24 hours, he's not going to
3 have a cellie.

4 MR. [REDACTED]: No. [REDACTED], the OIC,
5 tells Epstein, as well as Reyes, that they are
6 going to get him a cellmate. Before he comes
7 back from attorney/client, his attorney visit.

8 MR. HAYES: Okay. So, Epstein would know
9 that he hasn't - going to have a cellmate.

10 MR. [REDACTED]: Yeah, yeah. So, this
11 isn't part of the theory. What my question to
12 your client is, what should have happened based
13 upon the knowledge that he was WAB? The
14 contact with the Marshal Service, telling him
15 that he's being transferred. The fact that
16 R&D, you know, the OIC walked him down to R&D,
17 and R&D actually logged him out of our system.
18 What should have happened?

19 MR. [REDACTED]: So, what should have
20 happened was, this information should have been
21 passed up to the supervisors.

22 MR. [REDACTED]: At what point?

23 MR. [REDACTED]: See, with the, this
24 information coming in, as far as, you know,
25 when R&D --

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: -- typically, it would come
3 up to the Special Housing Unit. Once it got up
4 to that, to the Special Housing Unit, the
5 lieutenants should have been notified.

6 MR. [REDACTED]: Okay. And which
7 lieutenant?

8 MR. [REDACTED]: Whoever was the SHU
9 lieutenant, whoever was the operations
10 lieutenant.

11 MR. [REDACTED]: Now, on this case --

12 MR. [REDACTED]: If the --

13 MR. [REDACTED]: -- the SHU lieutenant is
14 also on leave.

15 MR. [REDACTED]: Right.

16 MR. [REDACTED]: So, we've got the chief
17 psychologist on leave, the warden on leave, the
18 SHU lieutenant on leave. But we do have an ops
19 lieutenant, we do have an activities
20 lieutenant. And we do have a captain.

21 MR. [REDACTED]: So, you should have let the
22 operations lieutenant know, if you didn't have
23 a SHU lieutenant. They, in turn, would let the
24 captain know, and the captain would push it up
25 to the execs then. Then, we would have to come

1 to a determination on who we were going to
2 house with Epstein.

3 MR. [REDACTED]: Now, if the operations
4 lieutenant, his name is [REDACTED].

5 MR. [REDACTED]: Right.

6 MR. [REDACTED]: [REDACTED] --

7 MR. [REDACTED]: Right.

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

9 MR. [REDACTED]: Right.

10 MR. [REDACTED]: If he says, yes, I know
11 Epstein was gone, but I believe that he was at
12 court --

13 MR. [REDACTED]: No. You mean --

14 MR. [REDACTED]: -- and he might be
15 returning back.

16 MR. [REDACTED]: -- Reyes is gone.

17 MR. [REDACTED]: Yes.

18 MR. [REDACTED]: So, [REDACTED] [REDACTED] knows
19 that -. Sorry, did I say Epstein?

20 MR. [REDACTED]: Yeah. You said Epstein.

21 MR. [REDACTED]: Yes. [REDACTED] [REDACTED] knows
22 that Reyes is gone.

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: But I think he's at
25 court, and then, he might not be coming back.

1 I didn't pass this information onto my relief,
2 who was [REDACTED] (Phonetic Sp. *01:39:59).

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: However, as our
5 investigation has revealed, the ops lieutenant
6 also has one of these court production lists,
7 that lists Reyes --

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: -- as WAB.

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: With that knowledge, is
12 that a reason that he thinks that he went to
13 court, and might be coming back?

14 MR. [REDACTED]: I can't interpret what his
15 thought process was, but if it said, you know,
16 he was leaving, and I don't know what he was
17 reading at the time.

18 MR. [REDACTED]: Right.

19 MR. [REDACTED]: He could have been reading,
20 because sometimes the inmates do go out to
21 court and come back. So, I don't know. I
22 can't speak to what he read. Or why he made
23 that determination.

24 MR. HAYES: So, listen, wouldn't have most
25 inmates, when they go to court, come back?

1 MR. [REDACTED]: The point being here --

2 MR. [REDACTED]: What I'm saying --

3 MR. [REDACTED]: -- he didn't go to court.

4 MR. [REDACTED]: Yeah.

5 MR. [REDACTED]: He was transferred.

6 MR. [REDACTED]: He was transferred.

7 MR. [REDACTED]: And I know you might have

8 covered this, in your understanding, in your

9 experience at the MCC, if an inmate is listed

10 as WAB --

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: -- With All Belongings --

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: -- what is your

15 understanding? Are they coming back or are

16 they gone?

17 MR. [REDACTED]: That means he's

18 transferring.

19 MR. [REDACTED]: Has there been situations

20 where they come back?

21 MR. [REDACTED]: There have been --

22 MR. [REDACTED]: After WAB?

23 MR. [REDACTED]: -- situations that, you

24 know, they go out and they have to have them

25 sending them back, if there was an issue.

1 MR. ██████: Is that a unique situation,
2 or it happens quite often?

3 MR. ██████: No. I wouldn't say. I
4 would say that it's probably unique. But
5 usually, WAB, they're gone.

6 MR. ██████: So, as the operations
7 lieutenant, if you see somebody listed as WAB,
8 should he have understood that that person is
9 gone, and not coming back?

10 MR. ██████: Should have. But then,
11 you're talking off the document. I don't know
12 what document they read. So, I don't want to
13 speculate what, you know, was it, you know,
14 send them to R&D, whether he saw that. I don't
15 know what document. But I'm saying, if it is
16 this document, that clearly stated WAB.

17 MR. ██████: Okay. But as far as your
18 concern, it doesn't sound like what you were
19 saying is, ██████, who was the OIC at the
20 time, should have he notified the ops
21 lieutenant?

22 MR. ██████: Yes. Whoever is - yeah - in
23 there should have notified the operations
24 lieutenant, hey, Reyes left, and --

25 MR. HAYES: He needs a cellmate.

1 MR. [REDACTED]: -- he needs a cellmate,

2 MR. [REDACTED]: Okay. So, would it fall
3 solely on the shoulders of [REDACTED]?

4 MR. [REDACTED]: No. I mean, okay, so,
5 here's the other checks and balance. So, what
6 about the other people on the other shift?

7 MR. [REDACTED]: That's my question.

8 MR. [REDACTED]: Yeah.

9 MR. [REDACTED]: So, or --

10 MR. [REDACTED]: I mean --

11 MR. [REDACTED]: -- or the people that are
12 working on his same shift.

13 MR. [REDACTED]: -- yeah. On his own same,
14 shift --

15 MR. [REDACTED]: So, who --

16 MR. [REDACTED]: -- if it was the
17 notification should have been made to the
18 operations lieutenant. Or the captain. And
19 said, hey, cellmate left. He needs a cellmate.

20 MR. [REDACTED]: Okay.

21 MR. HAYES: And that cellmate would now,
22 at some point, he goes back to the cell, but
23 that's at the end of the day.

24 MR. [REDACTED]: At the end of the day.

25 MR. HAYES: Okay. So, nobody is in a

1 position to say, hey, he's in a cell by
2 himself. Until the end of the day.

3 MR. [REDACTED]: Right. But the information
4 is passed onto each other. You know, when you
5 --

6 MR. [REDACTED]: And they are supposed to
7 be doing 30-minute rounds, where they would
8 notice that one cell had zero inmates in it.

9 MR. [REDACTED]: Had zero inmates in it.

10 MR. HAYES: Yeah.

11 MR. [REDACTED]: So, I mean --

12 MR. HAYES: And that's what brings us all
13 to --

14 MR. [REDACTED]: Right.

15 MR. HAYES: -- here today.

16 MR. [REDACTED]: So --

17 MR. [REDACTED]: Uh-huh.

18 MR. [REDACTED]: -- I mean, that's how it
19 would have made, and when that got pushed up,
20 we would have said, okay, we would have to
21 formulate, okay, who can we get a cellmate for,
22 for Epstein?

23 MR. [REDACTED]: And I apologize to ask
24 this because, but, like, so, on each shift
25 would be the OIC, that would be responsible for

1 that. So, for instance, would [REDACTED] be on
2 the day watch shift up until 2:00 p.m., he
3 would be the one to responsible to provide the
4 ops lieutenant, but then, the following shift,
5 would it be --

6 MR. [REDACTED]: Whoever is the --

7 MR. [REDACTED]: -- the next OIC --

8 MR. [REDACTED]: -- right.

9 MR. [REDACTED]: -- or would also the
10 people that are working in that unit, the other
11 SHU staff, would they be responsible? Or is
12 that a chain of command thing? Like, no, the
13 OIC is really the person making that
14 notification.

15 MR. [REDACTED]: Everybody has a
16 responsibility for their safety. Everybody. I
17 mean --

18 MR. [REDACTED]: Sure.

19 MR. [REDACTED]: -- I might be the OIC, but I
20 have some responsibilities. If I know, okay,
21 you know what? They might need a cellmate,
22 because I, in essence, I can have an individual
23 assigned to that post, and they're just filling
24 in for somebody that, the regular person that's
25 up there. And then, I have the regular people

1 working up there, who are familiar with what's
2 going on. So, it's kind of everyone's
3 responsibility. You know?

4 MR. [REDACTED]: So, is everyone kind of
5 equally responsible, then, for this? That was
6 working there and didn't pass the information
7 on.

8 MR. HAYES: Can you say? Don't guess.

9 MR. [REDACTED]: You know what?

10 MR. [REDACTED]: No, as the warden, he
11 would be able to say.

12 MR. [REDACTED]: I mean, it should have been,
13 it should have been passed on. So, I don't
14 know the dynamics to, as far as what was going
15 on that day, who was working up there. What
16 rounds were being made --

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: -- up there. You know, was
19 the lieutenant coming around? Was the captain?
20 How busy they were.

21 MR. [REDACTED]: So, the lieutenant was
22 not on - the lieutenant of the SHU - was not
23 on. However, we do have records that the
24 activities lieutenant at least visited --

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: -- the SHU --

2 MR. [REDACTED]: You have --

3 MR. [REDACTED]: -- at that point.

4 MR. [REDACTED]: -- you have two other
5 lieutenants. Now, I don't know if you are
6 familiar with the Special Housing Unit, but it
7 is a very busy unit.

8 MR. [REDACTED]: Yeah.

9 MR. [REDACTED]: You know, you're giving out
10 showers. You're giving out recreation. You're
11 doing a whole lot of stuff. You, you know,
12 running around all day, and, you know,
13 sometimes things happen.

14 MR. [REDACTED]: Understood. But in this
15 case, wasn't Epstein at your most high-profile
16 inmate? At that time.

17 MR. [REDACTED]: I mean, besides my terrorist
18 inmates that I had up there on Ten South.

19 MR. [REDACTED]: Well, I guess, at least
20 the Nine South.

21 MR. [REDACTED]: I would say he was a high-
22 profile. Yeah. He was a high-profile inmate.

23 MR. [REDACTED]: Is it, I mean, on that
24 note, don't you think that they would have, you
25 know, found it pretty important to notify?

1 Especially they - and I don't know that we
2 brought this today - but there was even signs
3 up that they created, saying, "Mandatory 30-
4 minute rounds on Epstein, signed by God." Or
5 something, you know, along the lines. Not, you
6 know, meaning, like, do this. You know? Like
7 --

8 MR. ██████████: No, that was me.

9 MR. HAYES: Is that right?

10 MR. ██████████: That was me. No. I mean, I
11 mean, but it was emphasized to them. I mean,
12 so, no one could say that they didn't know.

13 MR. ██████████: So, point being, there
14 was, like, signs specific to even Epstein,
15 check on this guy every 30 minutes.

16 MR. ██████████: Right.

17 MR. ██████████: You know, orange signs
18 that are posted up there.

19 MR. ██████████: Right.

20 MR. ██████████: So, point being, with
21 this --

22 MR. ██████████: It should have been passed
23 up.

24 MR. ██████████: -- and that is where -.
25 So, for us, I guess --

1 MR. [REDACTED]: Right.

2 MR. [REDACTED]: -- again, and I know that
3 you are probably trying to, you know, hesitate
4 on maybe saying, like, this person did
5 something wrong, but really, who dropped the
6 ball here? Knowing, though, that you could
7 take a look, the day before, all these people
8 are the ones who received the email --

9 MR. [REDACTED]: Right.

10 MR. [REDACTED]: -- in custody. And so, I
11 know we see Lieutenant [REDACTED]. I'm sure - I'm
12 assuming [REDACTED] would be on there.

13 MR. [REDACTED]: I think [REDACTED] is on there.

14 MR. [REDACTED]: Who?

15 MR. [REDACTED]: Is [REDACTED] on there?

16 MR. [REDACTED]: It's just --

17 MR. [REDACTED]: I didn't see [REDACTED].

18 MR. [REDACTED]: -- maybe.

19 MR. [REDACTED]: But again, this one, that
20 one is not even as clear. This one
21 specifically spells out --

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: -- this one, you would
24 actually have to go in and look at this
25 prisoner's schedule report.

1 MR. HAYES: Okay. Let me just take a
2 look, just so I have, my mind is clear. There
3 is a prisoner's schedule. The prisoner's
4 schedule literally means prisoner's schedule.

5 MR. [REDACTED]: Well, yeah. So, the
6 prisoner's schedule report is something like
7 this, but it will tell you that they are either
8 going to, like, transfer, or they are going to
9 go to court. Whereas this other document that
10 was sent to R&D was just specifically about the
11 transfer.

12 MR. HAYES: Okay. But there is nothing
13 that says recreation, personnel care. It's
14 mostly going to and from court, or leaving the
15 institution.

16 MR. [REDACTED]: Yeah. Because it's a
17 prisoner's schedule.

18 MR. HAYES: Okay.

19 MR. [REDACTED]: Report.

20 MR. HAYES: Okay.

21 MR. [REDACTED]: So, it's, like, what they
22 are scheduled to do. Sorry. Yeah. No. It's
23 not, like, what their daily schedule is. Like,
24 in the institution.

25 MR. HAYES: Right.

1 MR. ██████████: It's a U.S. Marshal
2 Service report that ~~isthey just~~ provided to the
3 BOP, so that they know which inmates --

4 MR. HAYES: Right.

5 MR. ██████████: -- they need to produce,
6 and for what reason.

7 MR. HAYES: Okay. Got it.

8 MR. ██████████: Now, is that correct?

9 MR. ██████████: Yes.

10 MR. ██████████: So, yeah. Based upon
11 what you are looking at here, on the 8th, and
12 then again, what we know about ██████████ at the
13 very least producing, at 8:00, knowing he was
14 WAB, and R&D knowing he was WAB.

15 MR. ██████████: Mm-hmm.

16 MR. ██████████: What should have happened
17 there? Like, who, in your opinion here,
18 dropped the ball?

19 MR. ██████████: I think at all levels, it
20 was the checks and balance. If it went to the
21 lieutenant's office, somebody should have
22 picked it up. Working in the unit. It should
23 have been passed up to the lieutenant's office.
24 So, there were a couple of safety nets that
25 could have caught it.

1 MR. [REDACTED]: So, pretty much everybody
2 dropped the ball?

3 MR. [REDACTED]: I mean, if we're looking at
4 it like this, if you're saying going by an
5 email being sent around.

6 MR. [REDACTED]: Well, not only the email,
7 but I mean, the email, I can understand if
8 people are busy and they don't always, you
9 know, this one --

10 MR. [REDACTED]: Right.

11 MR. [REDACTED]: -- it would be hard to -
12 that one would be hard to --

13 MR. [REDACTED]: Right.

14 MR. [REDACTED]: -- you know, say that you
15 didn't know. This one, I could see maybe, you
16 know, the prisoner's schedule --

17 MR. [REDACTED]: Well, this one, I don't --

18 MR. [REDACTED]: -- (Indiscernible
19 *01:48:52).

20 MR. [REDACTED]: -- I mean, I don't know what
21 gets sent out. I know, if this whole thing, I
22 don't know if it gets sent out to the staff. I
23 think more --

24 MR. [REDACTED]: Well, this is --

25 MR. [REDACTED]: -- of a condensed version.

1 MR. [REDACTED]: -- this is with this.

2 MR. [REDACTED]: Right.

3 MR. [REDACTED]: So, this was what was
4 sent with this. This was sent specifically,
5 just that. It's not a document. That's the
6 body.

7 MR. [REDACTED]: Right. That was sent.

8 MR. [REDACTED]: But that is, again, R&D.

9 MR. [REDACTED]: Right.

10 MR. [REDACTED]: But, which again, R&D -
11 we didn't cover this - R&D is outside of
12 custody. Correct?

13 MR. [REDACTED]: Right.

14 MR. [REDACTED]: But speaking with R&D,
15 they said they would have produced this list,
16 which SHU would have had, as well as ops
17 lieutenant --

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: -- the lieutenant's
20 office, all the housing units, which ~~it~~ listed
21 Reyes as WAB.

22 MR. [REDACTED]: Right.

23 MR. [REDACTED]: Do you know if they are
24 actually looking - like, the lieutenant's
25 office, people in the lieutenant's office, or

1 the ops lieutenant, activities lieutenant - are
2 they actually look at that list and saying, or
3 that's just based upon the busyness of their
4 day?

5 MR. [REDACTED]: Yeah. I wouldn't speculate.
6 I mean, I don't know. I can't say what --

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: -- lieutenant is looking at
9 stuff. I mean, it's, like, the documents.

10 MR. [REDACTED]: No. I mean, but should
11 have they, I guess is the question?

12 MR. [REDACTED]: As far as what? Emails that
13 are coming through, on who's leaving?

14 MR. [REDACTED]: No, no, no. This would
15 be a physical paper that they were provided.

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: Internal would go around
18 and provide everybody with this physical paper
19 that they create, and then, they apparently
20 destroy it at the end of the day.

21 MR. [REDACTED]: Right. So, I don't know if
22 the, you know, when internal gets the forms to
23 go, they are dropping it off at different
24 units. So, I don't know if one was passed off
25 to the lieutenant. The lieutenant would - I

1 guess this probably be the only document --

2 MR. ██████████: No, no, no.

3 MR. ██████████: -- they tear up.

4 MR. ██████████: We are being told, by the
5 lieutenants, as well as --

6 MR. ██████████: Right.

7 MR. ██████████: -- by R&D, they all have
8 it, and they all, and it would all - and it
9 would have said WAB. Unfortunately, I haven't
10 found that document to show you this is what
11 I'm referring to. But it's a document they
12 apparently create, which they call the court
13 production list. Are you --

14 MR. ██████████: The court list.

15 MR. ██████████: -- yeah.

16 MR. ██████████: I've heard of the court
17 list.

18 MR. ██████████: But it's like a --

19 MR. ██████████: And it -.

20 MR. ██████████: -- from my understanding,
21 it is an informal document that they are just
22 providing so that, you know, these are the
23 people that we need to produce today.

24 MR. ██████████: For internal, yeah. The
25 internal officer goes around and drops them off

1 at every, you know, every unit, like hey, I
2 need this guy, I need that guy. It's a court
3 list.

4 MR. [REDACTED]: Yeah.

5 MR. [REDACTED]: In the morning.

6 MR. [REDACTED]: Exactly.

7 MR. [REDACTED]: So, yeah, that's not
8 anything that's kept on record.

9 MR. [REDACTED]: Right. So, I guess the
10 question, though, being that they had these
11 court lists, is another one of these checks and
12 balances? Or is that really just for the
13 Special Housing Unit?

14 MR. [REDACTED]: I think they -. You mean as
15 far as the court list, I don't understand your
16 question, but --

17 MR. [REDACTED]: Yeah. It's just getting
18 back to the point of, like, Reyes left. We
19 were notified on the 8th. He left on the
20 morning of the 9th.

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: Epstein was found on the
23 10th. Didn't have a cellmate for 24 hours, and
24 we knew for almost 48 hours. What should have
25 happened, and who didn't do their job? Is

1 really the question.

2 MR. [REDACTED]: And like I said before, when
3 the notification, whoever was on the unit, knew
4 that he was leaving, it should have been passed
5 up to his supervisor.

6 MR. [REDACTED]: All right.

7 MR. [REDACTED]: This guy is leaving. But
8 then, okay, let's say the supe, or whoever is
9 working in there, doesn't do it, and somebody
10 should have stepped up and said, hey, this guy
11 needs a cellmate. And notified the lieutenant
12 that he needs a cellmate.

13 MR. [REDACTED]: And that goes back to my,
14 anyone that was working in the SHU, should have
15 made that notification.

16 MR. [REDACTED]: Should have said it. It
17 doesn't just -. Just because you are not OIC,
18 doesn't mean all the responsibilities falls on
19 you. It's everybody's job up there to say,
20 hey, okay, we need to, you know, this is what
21 we need to do.

22 MR. [REDACTED]: And would that be the
23 case for, when he left during the day shift --

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: -- the next shift is the

1 night shift, when he would have - I believe
2 during the night shift - he would have come
3 back --

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: -- and again, if they
6 were doing rounds, they would have noticed that
7 Reyes wasn't there in the first place. But
8 also, certainly, when they brought --

9 MR. [REDACTED]: Epstein back.

10 MR. [REDACTED]: -- Epstein back to his
11 cell. There would have been no cellmate in
12 there.

13 MR. [REDACTED]: You should have known he was
14 a cellmate.

15 MR. [REDACTED]: And would it be the same
16 thing for the morning shift? That they would
17 know that Epstein was in there alone?

18 MR. [REDACTED]: Because if the morning shift
19 is doing their 30-minute checks, you would have
20 realized he was in there by himself.

21 MR. [REDACTED]: So, should have every
22 single shift reported it to the ops lieutenant,
23 that there is no one -?

24 MR. [REDACTED]: Whoever caught it should
25 have, you know, let's say one shift missed it,

1 the next shift should have picked up and said,
2 you know, called and said, lieutenant, we got a
3 - this guy needs a --

4 MR. HAYES: A cellmate.

5 MR. [REDACTED]: -- a cellmate.

6 MR. [REDACTED]: And again, I know we're
7 Monday morning quarterback because of the
8 result here, but what is your - as the warden
9 of the institution, on these dateys - how do
10 you interpret this? Is this a really
11 significant failure on their part, the not have
12 caught this and passed that information up?

13 MR. [REDACTED]: It's not following the
14 directive. I mean, and then, look at result.

15 MR. [REDACTED]: Right.

16 MR. [REDACTED]: So, I mean, the result is
17 what, you know, caused it to be a serious
18 matter.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: Yeah.

21 MR. [REDACTED]: Now, as far as going back
22 to this memo, do you know why Mr. [REDACTED]
23 wrote this memo. +

24 MR. [REDACTED]: I forgot. I might have
25 called -. I might have called Lieutenant

1 ██████████, and said - and I don't know if he was
2 working - said, what happened up there?

3 MR. ██████████: Now, when you say ██████████,
4 because he was the ops lieutenant, or are you
5 talking about ██████████, who was the SHU lieutenant?

6 MR. ██████████: ██████████, who was the
7 operations -. Because first, I know when I got
8 back, somebody told me ██████████ wasn't at work,
9 because that was my first question. Who was
10 the SHU lieutenant? Where they are at. And
11 then, I think I did reach out to ██████████, and
12 said, what happened up there?

13 MR. ██████████: Okay.

14 MR. ██████████: And that's when I found that
15 out.

16 MR. ██████████: And did you ever speak
17 with either ██████████ or ██████████ about this?

18 MR. ██████████: No.

19 MR. ██████████: Okay.

20 MR. ██████████: Because by the time I had
21 gotten it, was the day -. That, I got that the
22 day of, when I had to go up to, I think the
23 U.S. Attorney's Office.

24 MR. ██████████: Okay. To speak with them
25 about this?

1 MR. [REDACTED]: When I speak up to them, and
2 them the agent had the memorandum.

3 MR. [REDACTED]: He already had it on him?

4 MR. [REDACTED]: He had it on him. Because
5 he was during the interrogation, he presented
6 it to the U.S. Attorney that was there.

7 MR. [REDACTED]: And was that the first
8 time you had seen it?

9 MR. [REDACTED]: No. I think I -. I don't
10 recall when I first saw it, but I know I had
11 gotten it. And I don't know if I had gotten
12 it, and then sent it up to my boss. And then,
13 given it to the IG. I forgot. I forget his
14 name, and who was handling the case.

15 MR. [REDACTED]: For the IG?

16 MR. [REDACTED]: Yeah.

17 MR. [REDACTED]: [REDACTED].

18 MR. [REDACTED]: If you weren't giving it
19 to (Indiscernible *01:55:18), it would have
20 been [REDACTED].

21 MR. [REDACTED]: Because he sat in there with
22 us.

23 MR. [REDACTED]: [REDACTED].

24 MR. [REDACTED]: So, he - I remember - he had
25 a copy of it.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: Because we had told him that
3 they knew that they were supposed to -.

4 MR. [REDACTED]: So, not including when
5 you were speaking with the OIG and the FBI, did
6 you discuss this at all with anyone from the
7 BOP, such as [REDACTED] or [REDACTED]?

8 MR. [REDACTED]: No. I just got the
9 memorandum, and that was it. Because I was,
10 like, wanting to know, like, what happened.
11 The, you know, the directives were given. What
12 happened?

13 MR. [REDACTED]: And when you asked what
14 happened, was there a verbal response?

15 MR. [REDACTED]: It was a verbal response.

16 MR. [REDACTED]: And what did you -? What
17 were you told?

18 MR. [REDACTED]: That they knew he was
19 supposed to -. That [REDACTED] had passed it on
20 to other individuals about it.

21 MR. [REDACTED]: Now, do you think that
22 that -. What is your thought process of
23 [REDACTED], who is the one who actually presented
24 - excuse me - Reyes to R&D and WAB, what is
25 your thought of him now saying, you know, prior

1 to the end of my shift at 2:00 p.m., I passed
2 it on to the next guy, saying that you guys got
3 to do it.

4 MR. [REDACTED]: Now --

5 MR. [REDACTED]: Do you think he should
6 have done it, passed the ~~informa~~infor~~rae~~ma~~tion~~ation on
7 during his shift?

8 MR. [REDACTED]: Yeah. Absolutely. It
9 should have been letting the lieutenant know.

10 MR. [REDACTED]: Uh-huh.

11 MR. [REDACTED]: That, hey, this is - we got
12 a guy that needs to be --

13 MR. HAYES: A cellmate.

14 MR. [REDACTED]: -- that needs a cellmate.

15 MR. [REDACTED]: I should clarify that.

16 MR. [REDACTED]: What?

17 MR. [REDACTED]: I think on the elevator it
18 was [REDACTED].

19 MR. [REDACTED]: Right.

20 MR. [REDACTED]: [REDACTED] was escorting Reyes
21 down to R&D. And [REDACTED] was escorting
22 Epstein over to attorney conference. They just
23 happened to cross paths, I think --

24 MR. [REDACTED]: Yeah, they were together,
25 though. Right?

1 MR. ██████: -- yeah, but I think ██████ is
2 the one that brought him down to the - Reyes -
3 down to R&D.

4 MR. ██████: Then that would make sense.
5 Because if ██████ is internal, internal takes
6 him to court.

7 MR. ██████: Okay.

8 MR. ██████: And then, if somebody is
9 going to R&D, I mean, to attorney visit, then
10 it would be SHU staff taking him.

11 MR. ██████: All right. So, if ██████
12 is the one who is actually providing him to
13 R&D, did he have a responsibility, that if he
14 was WAB, to make any notifications?

15 MR. ██████: I don't know if internal -.
16 You know, ██████ was internal, and I don't know
17 if he knew, you know, the situation.

18 MR. ██████: And typically, would it
19 be internal's job - if they come and collect
20 somebody as WAB - would it be their job to tell
21 control, or the ops lieutenant, to say this guy
22 is off our books, or anything, or -?

23 MR. ██████: No. Because we have a lot
24 of inmates that move in and out.

25 MR. ██████: Sure.

1 MR. [REDACTED]: So, he wouldn't be able to
2 keep track of every particular inmate that is
3 going and coming.

4 MR. [REDACTED]: Okay. Basically,
5 everyone had a share of responsibility?

6 MR. [REDACTED]: (Indiscernible *01:57:54).

7 MR. [REDACTED]: All right. Before we
8 belabor this thing anymore, we want to just
9 initial and date these both documents. We can
10 get them out of your way and move on.

11 MR. [REDACTED]: All of them?

12 MR. [REDACTED]: Oh, yeah. Top of this,
13 top of this.

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: This guy. You know, this
16 one. All right.

17 MR. [REDACTED]: Let me take this.

18 MR. [REDACTED]: Thank you, sir. Now,
19 prior to this meeting, did you know that Reyes
20 was actually transferred at MCC, and didn't go
21 to court?

22 MR. [REDACTED]: Wait, prior to when?

23 MR. [REDACTED]: This meeting.

24 MR. [REDACTED]: Oh, no. I knew he -. I
25 heard that. You know? After his death, that

1 he was --

2 MR. [REDACTED]: Transferred.

3 MR. [REDACTED]: -- removed. That he was
4 transferred.

5 MR. [REDACTED]: Okay.

6 MR. [REDACTED]: When I came in on Saturday.

7 MR. [REDACTED]: Were you required - or I
8 mean - were you aware that the Marshal Service
9 had sent those emails on August 8th, 2019?

10 MR. [REDACTED]: I was not aware.

11 MR. [REDACTED]: No? Well, did anyone
12 ever, prior to August 10th, did anyone ever
13 make you aware that Reyes was transferred from
14 the institution?

15 MR. [REDACTED]: Prior to October 10th?

16 MR. [REDACTED]: August 10th. 2019.

17 MR. [REDACTED]: I found out when I came in
18 that morning, because I --

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: -- was, like, where is his
21 cellmate?

22 MR. [REDACTED]: Okay. So, you didn't
23 know that he didn't have a cellmate on August
24 9th?

25 MR. [REDACTED]: No, I did not.

1 MR. [REDACTED]: Now, who was ultimately
2 responsible to make sure that Epstein has a
3 cellmate?

4 MR. [REDACTED]: I mean, if it's the
5 directive that is given out, I mean, whoever is
6 working decide - passes it up, and then, that
7 ensures, you know, to make sure he has a
8 cellmate. So -.

9 MR. [REDACTED]: So, SHU staff.

10 MR. [REDACTED]: Whoever was working up
11 there.

12 MR. [REDACTED]: Okay. When you say
13 working up there, does that include, like,
14 lieutenants doing lieutenant rounds and things
15 like that? Or -?

16 MR. [REDACTED]: Well, yeah, from what
17 transpired, it is obvious the lieutenants
18 didn't know. I mean, they knew he was, based
19 on the email that, you know, they knew he was
20 leaving, but as far as when the finality of it
21 was, when you realize, okay, Reyes is gone.
22 You take Epstein, you bring him back up in his
23 cell, and he doesn't have a cellmate. I mean,
24 something should have went off on somebody to
25 make some notifications.

1 MR. [REDACTED]: Okay. I know we're going
2 to talk about counts.

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: Mm-hmm.

5 MR. HAYES: Wait, wait. The notification.
6 Would that go up as high as you? If someone
7 would say?

8 MR. [REDACTED]: They would send it up to the
9 lieutenants, then they would tell the captain.
10 And the captain would let the associate warden
11 know, and then it would get up to me.

12 MR. [REDACTED]: Especially an instance
13 since you have a say in who --

14 MR. [REDACTED]: Right.

15 MR. [REDACTED]: -- gotcha.

16 MR. [REDACTED]: We would have to sit down
17 and say, okay, of all the available individuals
18 that are on the unit now, who can we house
19 Epstein with?

20 MR. [REDACTED]: Now, what about in ~~the~~
21 this case, where as you actually weren't
22 working that day, would that --

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: -- should have they
25 called you --

1 MR. [REDACTED]: Yeah. Whoever is --

2 MR. [REDACTED]: -- on the -?

3 MR. [REDACTED]: -- whoever was the acting
4 warden.

5 MR. [REDACTED]: That would make the
6 determination?

7 MR. [REDACTED]: She would have made the
8 determination to.

9 MR. [REDACTED]: Who was the acting warden
10 that day, do you know?

11 MR. [REDACTED]: I don't know if I left
12 [REDACTED] or [REDACTED] in --

13 MR. [REDACTED]: Okay.

14 MR. [REDACTED]: -- as the acting.

15 MR. [REDACTED]: One of those two.

16 MR. [REDACTED]: It would be one of those
17 two.

18 MR. [REDACTED]: And it wouldn't be the
19 [REDACTED] [REDACTED]?

20 MR. [REDACTED]: No. He's the executive
21 assistanttee.

22 MR. [REDACTED]: Now, what is the
23 difference between, like, an executive
24 assistance and an AW?

25 MR. [REDACTED]: The associate warden is a

1 GS-14, and the executive assistant is a 13.

2 MR. [REDACTED]: Okay. So, they are not -

3 -

4 MR. [REDACTED]: No.

5 MR. [REDACTED]: -- but what, is that
6 executive assistant just mainly to assist you
7 in your functions?

8 MR. [REDACTED]: He assists in the functions.
9 I had also given him some other departments to
10 monitor.

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: So, they manage, also, those
13 other departments.

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: I just got a question. I
16 don't know if you may be asked him about the
17 backup list. Was there a backup list of names?

18 MR. [REDACTED]: For?

19 MR. [REDACTED]: I think, I think we did
20 talk about it, but if Reyes - we did --

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: -- but --

23 MR. [REDACTED]: Sorry.

24 MR. [REDACTED]: -- when we talked about
25 if Reyes was removed because the institution

1 always has people coming and going --

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: -- so frequently, was
4 there, like, a list that was set in place, that
5 we would now consider these people, or would it
6 be just the whole new -?

7 MR. [REDACTED]: No. Because we would have
8 to base it on who was there.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: Because of the turnover in
11 the unit.

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: All right. Now, we're
14 going to get into counts.

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: So, this is an email sent
17 from you to Mr. [REDACTED]. It's the count slips
18 for --

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: -- it was sent on
21 Saturday, August 10th, 2019, at 5:11 p.m.

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: This shows, ZA is the
24 SHU. Correct?

25 MR. [REDACTED]: Right.

1 MR. [REDACTED]: So, this says, at 8:10,
2 it shows that the count for ZA was 73. Signed
3 by M. Thomas and Ms. Noel.

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: And it says, that count
6 was done, it looks like, at --

7 MR. [REDACTED]: 12:01 a.m.

8 MR. [REDACTED]: -- 12:01 a.m. And then,
9 we get the next one is at 3:00 a.m.

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: It goes down to 72.

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: At 5:00 a.m., there is
14 72. And here is the count, the institutional
15 count, it shows 72 at - what time? - 12:00 a.m.
16 Or no. This one is 3:00 a.m.

17 MR. [REDACTED]: 3:00 a.m.

18 MR. [REDACTED]: I don't know why this is
19 all out of order. 5:00 a.m. So, at 12:00
20 a.m., this says 72. 72.

21 MR. [REDACTED]: I think that was just an --

22 MR. [REDACTED]: 72.

23 MR. [REDACTED]: -- attachment to that email
24 that you sent.

25 MR. [REDACTED]: So, but as you know, as

1 you notice, one of them said -. So, the count
2 slip said 73 for 12:00 a.m., over the
3 institutional count. And as you see here, for
4 12:00 a.m., it said 72.

5 MR. HAYES: By the institution, you mean
6 the SHU?

7 MR. [REDACTED]: No. The institution.

8 MR. [REDACTED]: It means the whole.

9 MR. [REDACTED]: MCC does a count --

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: -- and --

12 MR. HAYES: Right.

13 MR. [REDACTED]: -- it's^l what the
14 official --

15 MR. HAYES: The count.

16 MR. [REDACTED]: -- number show --

17 MR. HAYES: Yeah. Okay.

18 MR. [REDACTED]: -- the SHU, these count
19 slips are supposed to be the -. Actually, let
20 you, you can answer my question. What is
21 supposed to be the difference between what
22 happens with the count slip, and what happens
23 with the institutional count? So, I'm not
24 answering your question.

25 MR. [REDACTED]: So, what happens is, on the

1 shift, you call the count, and the different
2 units call in the count to control center.

3 MR. [REDACTED]: And how do they get that
4 count number?

5 MR. [REDACTED]: From counting. They have to
6 go around and count.

7 MR. [REDACTED]: Physically counting an
8 inmate?

9 MR. [REDACTED]: You have to --

10 MR. [REDACTED]: Correct?

11 MR. [REDACTED]: -- physically count the
12 bodies.

13 MR. [REDACTED]: And then, they take that
14 total amount of inmates, and they call that
15 into the control center?

16 MR. [REDACTED]: They call that into the
17 control.

18 MR. [REDACTED]: And where does the
19 control center get their numbers from?

20 MR. [REDACTED]: This is what is called an
21 E1. Which is a print out of the number of
22 inmates in each unit.

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: So, if an instance, for
25 example, we look at BA unit. So, there is

1 supposed to be 26 in there. If somebody calls
2 it in there, they say, it says 25, they tell me
3 it's a bad count.

4 MR. ██████████: Mm-hmm.

5 MR. ██████████: So, they have to go back and
6 count again.

7 MR. ██████████: So, the E1 is created
8 based upon what inmates are listed within your
9 system.

10 MR. ██████████: Right.

11 MR. ██████████: The count slips are based
12 upon how many inmates they actually count.

13 MR. ██████████: What they count.

14 MR. ██████████: And the purpose of that
15 is what? Why are the inmates counting inmates,
16 and why are they providing that number to
17 control?

18 MR. ██████████: So, we make sure every
19 inmate is in the institution.

20 MR. ██████████: The accountability of the
21 inmates. Correct?

22 MR. ██████████: Yes.

23 MR. ██████████: Great. So, the - so,
24 does that answer your question?

25 MR. ██████████: Mm-hmm.

1 MR. [REDACTED]: So, the next email is
2 sent about one hour later, at 6:13 p.m., on
3 August 10th. It says, "Why did the count
4 change from 73 to 72 between 12:00 a.m. and
5 3:00 a.m.?"

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: Do you remember what your
8 response was to that?

9 MR. [REDACTED]: I don't.

10 MR. [REDACTED]: And then, this one is
11 another one from [REDACTED] to yourself.

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: It says, "The 12:00 a.m.
14 count slip reads 73, and the 12:00 a.m. --

15 MR. [REDACTED]: E1.

16 MR. [REDACTED]: -- E1 says 72."

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: So, those kind of go
19 together. Do you remember what your findings
20 were there?

21 MR. [REDACTED]: I don't remember. Because
22 typically what happens on the count, you are
23 supposed to - the lieutenant is supposed to
24 take one count at night, and then review
25 documentation. So, I don't know what happened

1 with the discrepancy.

2 MR. HAYES: I mean, this isn't really that
3 relevant, because we noted Epstein was there.

4 MR. [REDACTED]: No. It's relevant for
5 our investigation.

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: All right. So, if you
8 don't mind, just initialing and dating that,
9 and then, we can explain to you why that is
10 relevant. So, you don't, though, recall? You
11 didn't find out what actually happened?

12 MR. [REDACTED]: I don't recall what the
13 response is I gave.

14 MR. [REDACTED]: No? And do you remember
15 looking into it at all?

16 MR. [REDACTED]: When was that sent?

17 MR. [REDACTED]: That was the day --

18 MR. [REDACTED]: When did he send it?

19 MR. [REDACTED]: -- that was the day of.

20 MR. [REDACTED]: The day of.

21 MR. [REDACTED]: The day Epstein was
22 found.

23 MR. [REDACTED]: I don't because it was just
24 so much going on.

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: That I can't really remember
2 what, how I responded to them on that day.

3 MR. [REDACTED]: Do you remember learning
4 anything about the accuracy or inaccuracy of
5 the counts, on the 9th and 10th?

6 MR. [REDACTED]: What do you mean the
7 accuracy and inaccuracy?

8 MR. [REDACTED]: Like, if the counts were
9 actually accurate or not.

10 MR. [REDACTED]: I don't recall that.

11 MR. [REDACTED]: You don't recall --

12 MR. [REDACTED]: No. I can't think of that.

13 MR. [REDACTED]: -- finding out about
14 that?

15 MR. [REDACTED]: No.

16 MR. [REDACTED]: Did you recall, did you
17 find out if the SHU counts and rounds were not
18 conducted by the SHU on August 9th or 10th,
19 2019? By the SHU staff.

20 MR. [REDACTED]: If they did rounds or not?

21 MR. [REDACTED]: Correct. Did you find
22 out if the SHU staff had conducted both 30-
23 minutes rounds, as well as the institution
24 counts on August 9th and 10th?

25 MR. [REDACTED]: I don't know if it was after

1 the fact that I was told that the Officer did
2 make their rounds. And I don't recall if it
3 was, they put it in the logbook, that they made
4 rounds, but that in all actuality, it wasn't
5 done.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: So, that might have been
8 something that came up afterwards.

9 MR. [REDACTED]: But you are not super -.
10 You know, this, you don't really know what
11 happened or didn't happen?

12 MR. [REDACTED]: That day. Because I mean,
13 it happened that weekend, everything was
14 moving, and then, by Monday --

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

16 MR. [REDACTED]: -- everything else just
17 changed. So --

18 MR. [REDACTED]: -- but on the 10th or
19 11th, you didn't hear --

20 MR. [REDACTED]: -- I didn't --

21 MR. [REDACTED]: -- find out?

22 MR. [REDACTED]: -- hear anything about,
23 recall anything about that.

24 MR. [REDACTED]: But had you heard that
25 they didn't at least conduct some of their

1 rounds and counts?

2 MR. [REDACTED]: That they didn't?

3 MR. [REDACTED]: That they did not.

4 MR. [REDACTED]: It was - and I don't want to
5 use the word that it was just, you know, an
6 assumption, you know, like, because one of
7 them, I had asked to come up and speak with,
8 but it was Thomas, and he wouldn't come up.

9 MR. [REDACTED]: And this was on the 10th
10 in the morning?

11 MR. [REDACTED]: This was on the 10th, when
12 we got him up, because I wanted to speak with
13 him because people were telling me he was
14 distraught.

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: So, I wanted to make sure he
17 was all right. You know? And he just, he
18 didn't want to come up and talk.

19 MR. [REDACTED]: What are your thoughts of
20 Thomas as an employee?

21 MR. [REDACTED]: I've known Thomas a couple
22 years. I never had any issues with him. You
23 know, it was any, you know, like any other
24 employee, you do something, I correct you on
25 the spot, and that's it. But I have never

1 encountered him to do anything, known him not
2 to count, do his job, you know?

3 MR. [REDACTED]: What about Ms. Tova Noel?

4 MR. [REDACTED]: She was new. So, she had
5 just gotten there. You know, she got the same
6 spiel from me that everybody else does. You
7 know? You are new. You can't do the things
8 that somebody at 20, that has 20 years in it.
9 They're not doing their job, you shouldn't be
10 following it.

11 MR. [REDACTED]: And did you --

12 MR. [REDACTED]: So -.

13 MR. [REDACTED]: -- actually speak with
14 her about that?

15 MR. [REDACTED]: Oh, I do that in my
16 (Indiscernible *02:09:22) class, when they
17 first come in.

18 MR. [REDACTED]: Okay. So, that is
19 something --

20 MR. [REDACTED]: And I had -.

21 MR. [REDACTED]: -- you would have said to
22 everyone?

23 MR. [REDACTED]: Oh, I said it clear as day.
24 And same thing I would say in my ART class.
25 Annual Refresher Training.

1 MR. [REDACTED]: Because this is --

2 MR. [REDACTED]: (Indiscernible *02:09:34).

3 MR. [REDACTED]: -- one of her excuses,
4 saying that 20 year guys, I'm following them,
5 they are not doing it, so I'm not doing it. Is
6 that something you clearly entrust --

7 MR. [REDACTED]: So, here's my speech --

8 MR. [REDACTED]: -- to her?

9 MR. [REDACTED]: -- my spiel I used to tell
10 people. I said, go ahead and follow that 20
11 year guy, and you are on probation, guess what
12 happens? He might get some time in the street.
13 You're getting fired.

14 MR. [REDACTED]: And are you confident
15 that Ms. Noel would have heard that speech from
16 you?

17 MR. [REDACTED]: She heard the speech from
18 me.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: Yeah. I'm confident.
21 That's the speech I gave everybody. Same thing
22 in the ART.

23 MR. [REDACTED]: Okay.

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: Good enough.

1 MR. [REDACTED]: So.

2 MR. [REDACTED]: All right. So, this is
3 going to go back. This is just my little list
4 that I wrote of exactly what happened, and then
5 I'll read to you, but --

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: -- I just want just for
8 our purposes, I'm going to just show you, and
9 you can refer to them. On this one, at first,
10 going to be the count on the 9th, that was
11 conducted at --

12 MR. [REDACTED]: 4:00 p.m.

13 MR. [REDACTED]: -- is this 4:00 p.m. Is
14 this the 4:00 p.m. or the 5:00 p.m. here?

15 MR. [REDACTED]: No. This?

16 MR. [REDACTED]: 4:00 p.m.

17 MR. [REDACTED]: 4:00 p.m. count. There's
18 just signed off --

19 MR. [REDACTED]: No. There's no 4:00 p.m.
20 count.

21 MR. [REDACTED]: -- yeah, it's the 5:00.

22 MR. [REDACTED]: 5:00. Sorry.

23 MR. [REDACTED]: Yeah. It's --

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: -- 12:00. 12:00. 3:00.

1 And 5:00.

2 MR. [REDACTED]: No, no. This is afternoon.

3 MR. [REDACTED]: Yeah. So, this is
4 Friday.

5 MR. HAYES: I'd say (Indiscernible
6 *02:10:40)--

7 MR. [REDACTED]: All right. Friday. Is
8 that a --

9 MR. HAYES: -- (Indiscernible *02:10:41)

10 MR. [REDACTED]: -- 4:00 p.m. --

11 MR. [REDACTED]: You told him about overnight.

12 MR. [REDACTED]: -- count?

13 MR. [REDACTED]: Oh, it's a 4:00 p.m. count.

14 MR. [REDACTED]: It's a 4:00 p.m.

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: Okay.

17 MR. [REDACTED]: Then 4:00 p.m. Then
18 there is the 8:00 p.m.

19 MR. [REDACTED]: No, no. 4:00 p.m. 10:00.

20 MR. [REDACTED]: 4:00 p.m. 10:00 p.m.

21 Sorry.

22 MR. [REDACTED]: And midnight.

23 MR. [REDACTED]: 4:00 p.m. 10:00 p.m.

24 Midnight.

25 MR. [REDACTED]: 3:00 and 5:00.

1 MR. [REDACTED]: 3:00. And 5:00. So,
2 these are basically the time period in
3 question. Everywhere from 4:00 p.m. through
4 the 5:00 a.m. count the next day, on August 9th
5 and 10th.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: Here are the lieutenant
8 logs. And these are the emails that, again,
9 I'm going, just going over these just because,
10 so I'm not ~~pulling~~~~blowing~~ things out of thin
11 air. These are the --

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: -- yeah, emails that we
14 were able to obtain. So, this was from a
15 [REDACTED] [REDACTED]. Who was the ops
16 lieutenant at that time.

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: Fairly regularly.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: And during the morning
21 watch. So, this one was sent, from her, on
22 Saturday, August 10th, 2019, at 9:26 a.m. It
23 says, these are the August 10th, 2019. Daily
24 activity report. And then, we got the daily
25 lieutenant's log here.

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: So, where would this -?

3 This is just out of order. This should have
4 been first. So, Friday, August 9th, 2019, she
5 sends one at -. So, first, I want to ask this
6 question. So, on Friday, August 9th, 2019, she
7 sends one at 5:11 a.m.

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: And Saturday, she sends
10 it at August 10th, 2019, at 9:26 a.m.

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: And on Sunday, August
13 11th, 2019, she sends it at 6:15 a.m.

14 MR. [REDACTED]: Mm-hmm.

15 MR. [REDACTED]: Now, reviewing all of the
16 lieutenant logs that came out prior to that
17 time, they are all sent out pretty much between
18 5:00 a.m. and 6:00 a.m. --

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: -- by all the various --

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: -- ops lieutenants. Do
23 you find it odd that she didn't send this one
24 out until 9:26 a.m., being that, I know Epstein
25 was found at 6:33 a.m., but typically, they

1 were sent out much earlier than that.

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: Is that -? I know she
4 sent it out after the incident, and after, you
5 know, everything happened, but do you think it
6 was weird that she sent that one out at 9:26
7 a.m. versus prior to that 6:33 a.m., when her
8 shift ends at 6:00 a.m.?

9 MR. [REDACTED]: I mean -.

10 MR. [REDACTED]: She was relieved at 5:30 a.m.
11 by Lieutenant [REDACTED].

12 MR. [REDACTED]: That's what I'm saying. She
13 wasn't at the -. When I got there, Lieutenant
14 [REDACTED] was the lieutenant --

15 MR. [REDACTED]: Correct.

16 MR. [REDACTED]: -- who contacted me
17 regarding -.

18 MR. [REDACTED]: She was supposed to be
19 gone by 5:30 a.m.

20 MR. [REDACTED]: So, yeah. I don't know. If
21 she left at 5:30 or whatever, and I don't know
22 how they (Indiscernible *02:13:07).

23 MR. [REDACTED]: Well, that's when she was
24 relieved. She didn't leave until after this
25 was sent out at 9:26 a.m.

1 MR. [REDACTED]: I don't recall her being in
2 the institution around then.

3 MR. [REDACTED]: She - after Epstein was
4 found - she actually went into the SHU. She
5 helped with feeding. And then, she went back,
6 and she did some things on the computer.

7 MR. [REDACTED]: I thought --

8 MR. [REDACTED]: And she sent it.

9 MR. [REDACTED]: -- I thought [REDACTED] relieved
10 her, and she left.

11 MR. [REDACTED]: At 5:30 a.m., she was
12 relieved. She stuck around because she said
13 she had work to do. After Epstein was found,
14 she came to the SHU, and assisted [REDACTED]
15 [REDACTED], who also wasn't working in the SHU, but
16 was there because he was the Comtech guy. And,
17 at the time, Thomas was gone. Noel was there.
18 But at some point, Noel left.

19 MR. [REDACTED]: And I'm looking at this, but
20 I was under the impression, when [REDACTED] had told
21 me he had relieved her, and she left.

22 MR. [REDACTED]: So, do you find that odd,
23 then, that she was still there until --

24 MR. [REDACTED]: Until 9:30.

25 MR. [REDACTED]: -- at least 9:30 a.m.?

1 MR. [REDACTED]: Yeah. I didn't, I didn't -.
2 Yeah.

3 MR. [REDACTED]: This is the first you're
4 hearing of this?

5 MR. [REDACTED]: Yeah. Because when I was
6 told she was gone. So, unless --

7 MR. [REDACTED]: Because you wanted to
8 talk with her?

9 MR. [REDACTED]: -- no. I mean, he relieved
10 her. So, I guess, technically, when you
11 relieve somebody, then, then it becomes your
12 issue. So, I was talking to Lieutenant [REDACTED].
13 But I didn't want, you know, I, I assumed she
14 was the one that -. But I heard she had left.
15 I didn't know she had come back.

16 MR. [REDACTED]: She allegedly did not
17 come back. She allegedly was there --

18 MR. [REDACTED]: There.

19 MR. [REDACTED]: -- the entire time.

20 MR. [REDACTED]: So then, that is kind of
21 odd, because usually, your log is completed
22 before you leave.

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: On your log, you will write
25 on there, I'm relieved by such and such.

1 MR. [REDACTED]: So, is that suspicious to
2 you at all?

3 MR. [REDACTED]: Kind of. Yeah. But I'm
4 curious as to why you didn't log it down
5 something.

6 MR. [REDACTED]: Now, why -? What kind of
7 employee is [REDACTED] [REDACTED]?

8 MR. [REDACTED]: Had some issues with her. I
9 mean, I don't want to -. You know, everything
10 that is going on is an allegation. So, I don't
11 want to go speaking on allegations that I have
12 sent up.

13 MR. [REDACTED]: Was she a problem
14 employee, then?

15 MR. [REDACTED]: I had some issues. Yeah.

16 MR. [REDACTED]: Any reason why she
17 believed that she might be involved with
18 Epstein and his death?

19 MR. [REDACTED]: Oh, no. I wouldn't put it
20 as far as that. I mean, but it is just, I
21 wouldn't. And I don't know --

22 MR. HAYES: She's (Indiscernible
23 *02:15:29) to tell. I mean --

24 MR. [REDACTED]: -- I mean --

25 MR. HAYES: -- (Indiscernible *02:15:29).

1 MR. [REDACTED]: -- that's why I went over -.
2 Can you rephrase your question, like, what are
3 we saying?

4 MR. [REDACTED]: Yeah. I mean, I'm going
5 all the way to -. I just ramped it up to 100
6 miles an hour. I'm just saying all the way to
7 --

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

9 MR. [REDACTED]: -- to probably, could you
10 -. Was there any reason to believe that she
11 could be potentially involved with this?

12 MR. [REDACTED]: As far as doing harm to him?

13 MR. [REDACTED]: Keeping his cell door
14 open. And letting another cell door open for
15 someone else. You know --

16 MR. [REDACTED]: I wouldn't --

17 MR. [REDACTED]: -- anything like that.

18 MR. [REDACTED]: -- I wouldn't see that.

19 MR. [REDACTED]: No?

20 MR. [REDACTED]: I couldn't see that. No.

21 MR. [REDACTED]: No reason to believe it
22 would go that far, just maybe insubordination
23 is the highest that she goes?

24 MR. [REDACTED]: Yeah. I would, you know, I

25 --

1 MR. [REDACTED]: She --

2 MR. [REDACTED]: -- she has the allegations
3 up. I know you guys were seeing the
4 allegations. So, I, yeah, but I wouldn't go
5 that far. But I can't -.

6 MR. HAYES: Well, is she in a position to
7 do something like that?

8 MR. [REDACTED]: What?

9 MR. HAYES: To leave the door open, or
10 something that's egregious?

11 MR. [REDACTED]: She does lieutenant
12 rounds.

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: She's the ops lieutenant.

15 MR. HAYES: She is in position to do that.

16 MR. [REDACTED]: But remember, when you are
17 going down range and the range door keys, you
18 can't have both. Somebody would have to let
19 her down there.

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: And those keys. Those keys
22 go down.

23 MR. [REDACTED]: Do you know if she was
24 particularly friendly with either Noel or
25 Thomas?

1 MR. [REDACTED]: I don't know what their
2 relationship was. She was the shift
3 lieutenant. So, I don't know what
4 relationships. Who she's had (Indiscernible
5 *02:16:48).

6 MR. [REDACTED]: For the 8th, I just realized
7 we might not have the daily log for it.

8 MR. [REDACTED]: Fortunately, I brought
9 backups of different things. So, I think I got
10 --

11 MR. HAYES: Jesus Christ.

12 MR. [REDACTED]: The 9th and the 10th is in
13 there.

14 MR. HAYES: I keep looking at this pile.
15 I think those eff'ing sons a bitches are
16 working hard.

17 MR. [REDACTED]: I don't think the 9th is
18 in there.

19 MR. [REDACTED]: Yeah.

20 MR. [REDACTED]: Just the 10th.

21 MR. HAYES: Yeah.

22 MR. [REDACTED]: No, no. It's the second set.

23 MR. [REDACTED]: No, that's the 10th.

24 MR. [REDACTED]: No, the dates are --

25 MR. [REDACTED]: Can I say -?

1 MR. [REDACTED]: -- the following dates.

2 Sorry.

3 MR. [REDACTED]: Can I see the time
4 (Indiscernible *02:17:14)?

5 MR. [REDACTED]: Just, I just want to confirm
6 with that.

7 MR. [REDACTED]: Of course. Yeah, yeah.
8 Okay. That's the August 9th.

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: Okay. Great.

11 MR. [REDACTED]: So, those two.

12 MR. [REDACTED]: Yeah.

13 MR. [REDACTED]: That's the previous date we
14 don't have.

15 MR. [REDACTED]: All right.

16 (Indiscernible *02:17:25) right now. All
17 right. So, what did you want to see?

18 MR. [REDACTED]: I wanted to see that 9:26
19 one.

20 MR. [REDACTED]: Yeah. So, that is --

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: -- and this is what we
23 were going to show you, is the count numbers,
24 that's what we are getting at next.

25 MR. [REDACTED]: Wait. Which is the one -?

1 MR. [REDACTED]: So, this is from Friday,
2 August 9th.

3 MR. [REDACTED]: Okay. This is at what time?

4 MR. [REDACTED]: This just, that says morning
5 watch.

6 MR. [REDACTED]: Ish.

7 MR. [REDACTED]: Yeah, but why is it saying
8 the 10th?

9 MR. [REDACTED]: So, it was, the email was
10 sent out on the 10th morning. Right? But when
11 --

12 MR. [REDACTED]: So, she was -. Her --

13 MR. [REDACTED]: -- she included everything -

14 -

15 MR. [REDACTED]: -- shift --

16 MR. [REDACTED]: -- everything from the
17 previous day.

18 MR. [REDACTED]: Yeah, but this is August
19 9th.

20 MR. [REDACTED]: They sent it out the day
21 after.

22 MR. [REDACTED]: Epstein is back.

23 MR. [REDACTED]: So, see this one? This
24 one is sent out on Sunday, August 11th, for the
25 day prior, starting --

1 MR. [REDACTED]: Right. So --

2 MR. [REDACTED]: -- Saturday, August 10th.

3 MR. [REDACTED]: -- no, I get that. So, she
4 started. Her shift was morning watch on
5 Friday. Okay? So, she goes to 12:00. So, she
6 is relieved by Lieutenant [REDACTED].

7 MR. [REDACTED]: So, no, no.

8 MR. [REDACTED]: No, this is -. This should
9 be Thursday into Friday.

10 MR. [REDACTED]: Yes.

11 MR. [REDACTED]: Okay. No. I --

12 MR. [REDACTED]: So then, it goes --

13 MR. [REDACTED]: -- yeah. See. I thought
14 this was --

15 MR. [REDACTED]: -- into day watch.

16 MR. [REDACTED]: -- the day of. Then you go
17 to day watch, and it goes to evening watch.
18 Now, what is the -? Which log is it for the
19 day of?

20 MR. [REDACTED]: So, this is the day of.

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: And this is, we are going
24 to get into. So, this one is the day before,
25 August 9th, when Reyes left, and we can look to

1 see on here, as well, where it says -. So, if
2 we go to this 8:38 on the lieutenant's log, it
3 says that Reyes is pre-removed. Right here.
4 "Reyes to pre-remove at 8:38 a.m."

5 MR. [REDACTED]: Okay. So --

6 MR. [REDACTED]: That is August 9th, 2019.
7 So, we're going to go all the way down to -.
8 The one thing, I guess --

9 MR. [REDACTED]: So, the count --

10 MR. [REDACTED]: -- we want to look at is,
11 here, we got this individual, Iam Fernandez
12 (Phonetic Sp. *02:19:31). Who is on dry cell
13 with staff in R&D watch.

14 MR. [REDACTED]: Right.

15 MR. [REDACTED]: From the SHU. So, if you
16 look at the count -. Where the heck is the -?

17 MR. [REDACTED]: Okay. So, I just want to go
18 back to clarify something with --

19 MR. [REDACTED]: Yup.

20 MR. [REDACTED]: -- with Lieutenant [REDACTED].
21 So, we are saying this is at 9:23, she did it.
22 Right?

23 MR. [REDACTED]: 9:26.

24 MR. [REDACTED]: So - 9:26 --

25 MR. [REDACTED]: She did it.

1 MR. [REDACTED]: -- this was on --

2 MR. [REDACTED]: The 10th morning. Saturday
3 morning.

4 MR. [REDACTED]: -- this is when she sent it
5 out.

6 MR. [REDACTED]: Correct. Like, three
7 hours after Epstein was found.

8 MR. [REDACTED]: And this is --

9 MR. [REDACTED]: (Indiscernible
10 *02:20:03).

11 MR. [REDACTED]: -- Friday's log.

12 MR. [REDACTED]: Correct.

13 MR. [REDACTED]: That that's -.

14 MR. [REDACTED]: But they - the same
15 thing, though - they all seem to sending it out
16 the day before.

17 MR. [REDACTED]: The day before. And then,
18 she sent the day before logs out on Saturday.
19 Yeah.

20 MR. [REDACTED]: She combined it. If you look
21 through it, it has everything combined.

22 MR. [REDACTED]: Right.

23 MR. [REDACTED]: It goes from morning watch,
24 day watch, evening watch, into --

25 MR. [REDACTED]: Right. But I'm just -.

1 That should have been done the day before.

2 Okay.

3 MR. [REDACTED]: I don't think you're
4 right, bud. I think she's just doing the 9th.
5 The next day does the 10th.

6 MR. [REDACTED]: Yeah. That's right.

7 MR. [REDACTED]: Yeah. Okay.

8 MR. [REDACTED]: (Indiscernible *02:20:41)
9 combined.

10 MR. [REDACTED]: Yeah. That's what --

11 MR. [REDACTED]: Okay.

12 MR. [REDACTED]: -- that's why I'm a little
13 confused about.

14 MR. [REDACTED]: Yeah. No. She's not --

15 MR. [REDACTED]: Because when she came --

16 MR. [REDACTED]: -- she does the day
17 before.

18 MR. [REDACTED]: -- she came on shift at 10:00
19 p.m.

20 MR. [REDACTED]: She started her shift at
21 10:00 --

22 MR. [REDACTED]: 10:00 p.m.

23 MR. [REDACTED]: -- p.m.

24 MR. [REDACTED]: Of the 9th --

25 MR. [REDACTED]: And worked until --

1 MR. [REDACTED]: -- evening.

2 MR. [REDACTED]: -- 6:00 a.m., but got
3 relieved at 5:30. So --

4 MR. [REDACTED]: That's right.

5 MR. [REDACTED]: -- yeah.

6 MR. [REDACTED]: The lieutenants were working
7 from 10:00. 10:00 to 6:00.

8 MR. [REDACTED]: Correct. Because the, we
9 were told because of traffic issues --

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: -- or something else.

12 MR. [REDACTED]: And short -. Yeah.

13 MR. [REDACTED]: So, what we want to, and
14 I want to kind of reference here is, I am
15 Fernandez on dry cell, with SHU staff and R&D.

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: And the end of this shows
18 72.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: So, on August 9th, 2019,
21 at 11:59 a.m. - or August 10th, 2019, at 12:00
22 a.m. - there is supposed to be 72 inmates,
23 according to this log that [REDACTED] sent
24 out.

25 MR. [REDACTED]: Right.

1 MR. [REDACTED]: There is supposed to only
2 be 72 inmates there.

3 MR. [REDACTED]: Right.

4 MR. [REDACTED]: Now, look at the shift
5 for August 10th, when this person started their
6 shift, there was 73.

7 MR. [REDACTED]: So --

8 MR. [REDACTED]: And the institutional
9 logs --

10 MR. [REDACTED]: -- right.

11 MR. [REDACTED]: -- show at 12:00 a.m.,
12 there were - or so, that looks like - so, there
13 is -. Let's go. So, for ZA, there shows 75 at
14 the 4:00 p.m. count. The 10:00 p.m. count,
15 there shows 73. And then, at the midnight
16 count, there it says 72. However, the count
17 slips, if you recall --

18 MR. [REDACTED]: 73.

19 MR. [REDACTED]: -- where are the count
20 slips? So, it is --

21 MR. [REDACTED]: The counts.

22 MR. [REDACTED]: -- it says the SHU
23 submitted a count slip for 73 at 12:00 a.m.
24 Here you go. So, that is not the count. Oh,
25 yeah. There. So, see? 12:00 a.m., they

1 submit it. Thomas/Noel submitted 73.
2 Although, the institutional count says 72.
3 Now, not [REDACTED], but the next one
4 shows that, the next ops lieutenant shows that
5 73 is what is written in this. She went back
6 and changed 72, the day before, with the 9:30,
7 because it was determined --

8 MR. [REDACTED]: That he was on the outcount,
9 and on --

10 MR. [REDACTED]: -- oh, yeah.

11 MR. [REDACTED]: -- (Indiscernible
12 *02:22:57).

13 MR. [REDACTED]: And so, Fernandez was
14 never removed -. So, look at -. It shows it
15 on this. "One SHU correction. Fernandez dry
16 cell." So, at 12:35 a.m., and we do have
17 Fernandez right here.

18 MR. [REDACTED]: Looking back.

19 MR. [REDACTED]: Okay. So, this just
20 says, this is what happened with him. He was
21 found to have contraband, that he was providing
22 to a visitor in the SHU, at approximately,
23 like, I think 1:00 p.m. on August 9th. He was
24 moved from the SHU to dry cell. And he was
25 never --

1 MR. [REDACTED]: Keyed in.

2 MR. [REDACTED]: -- keyed out.

3 MR. [REDACTED]: What - yeah - what they
4 should --

5 MR. [REDACTED]: Keyed out of the SHU.

6 So, the institutional counts were reflecting --

7 MR. [REDACTED]: 73.

8 MR. [REDACTED]: -- 73. That is what the
9 SHU continued reporting. 73. Because that is
10 what - that's what, according to the system,
11 was supposed to be in there. But if they had
12 physically --

13 MR. [REDACTED]: Counted.

14 MR. [REDACTED]: -- counted --

15 MR. [REDACTED]: They would have known --

16 MR. [REDACTED]: -- it would have --

17 MR. [REDACTED]: -- he wasn't there.

18 MR. [REDACTED]: -- been 72. Correct?

19 MR. [REDACTED]: Right.

20 MR. [REDACTED]: So, with this
21 information, and I guess as the warden, would
22 that suggest to you that they were not actually
23 conducting their counts?

24 MR. [REDACTED]: They weren't counting. And
25 then, there is no count slip here for the

1 inmate that was on dry cell in R&D.

2 MR. [REDACTED]: Right.

3 MR. [REDACTED]: There should have been a
4 count slip for him over there. So, what should
5 have happened was, the inmate - him - he should
6 have been outcounted in R&D. And then, the
7 R&D, you would have seen one. So, there was a
8 count slip. Whoever is sitting and watching
9 him should have did a count slip on him. And
10 then, whoever his back up was should have done
11 a count slip.

12 MR. [REDACTED]: And this is, from my
13 review of everything --

14 MR. [REDACTED]: Mm-hmm.

15 MR. [REDACTED]: -- this is what I found.
16 I don't want to put my words into [REDACTED]
17 mouth, but let me know if this makes sense to
18 you. It says, "Count discrepancy on the August
19 9th, 2019. Per the daily activity report dated
20 August 10th, 2019, and the attachment
21 lieutenant log from August 9th, 2019." So,
22 that's what we are looking at here.

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: "The day began with 77
25 inmates assigned to ZA." Or the SHU. "The

1 5:00 a.m. E1 institution count, respective ZA
2 SHU count slips, eyes on count shows 77. At
3 8:38 a.m., inmate Reyes is pre-removed from ZA
4 for count, and taken off the lieutenant log.
5 The accurate ZA SHU count moves down to 76.
6 Reyes was removed from the institution and does
7 not - and should not - appear on any counts at
8 this time.

9 At 3:15 p.m., inmate Fernandez was placed
10 on RA dry cell from ZA, which moves the
11 accurate ZA count down to 75 on the lieutenant
12 log. The 4:00 p.m. E1 shows a total of 76
13 inmates assigned to ZA." With one in attorney
14 conference, which was Epstein. "This indicates
15 that Fernandez was not keyed out of the SHU,
16 and keyed into RA. The ZA eyes on count slip
17 shows 75. Inaccurate.

18 It should have reflected 74 because,
19 although there were 75 inmates assigned to the
20 SHU, Epstein was in attorney conference. There
21 were no inmates assigned to RA on the E1
22 institutional count, and there was no count
23 slip for RA, eyes on count." This is where the
24 problem begins.

25 MR. [REDACTED]: Mm-hmm.

1 MR. [REDACTED]: "At 6:34 p.m., inmate
2 Hemingway is moved to ZA, and brings it down to
3 74. 6:47 p.m., inmate [REDACTED] (Phonetic Sp.
4 *02:26:10) is moved from ZA to ES, bringing it
5 down to 73. At 8:21 p.m., Felix (Phonetic Sp.
6 *02:26:15) and William ~~is~~ moved to ZA, to
7 suicide watch, bringing the accurate count down
8 to 71. At 8:28 p.m., inmate Garcia Pina
9 (Phonetic Sp. *02:26:23) is moved from K into
10 ZA, bringing the accurate count up to 72.

11 The 10:00 p.m. E1 shows a total of 73
12 inmates assigned to the ZA, but zero inmates
13 assigned to RA. The ZA eyes on count slip
14 shows 73." Oh, this is another one. I don't
15 think we brought this. "One of the counts
16 actually shows 73 plus one." Do we have that
17 in there?

18 MR. [REDACTED]: The 10:00 p.m.

19 MR. [REDACTED]: Okay.

20 MR. HAYES: I admire your guys'
21 (Indiscernible *02:26:48).

22 MR. [REDACTED]: Yeah. You would also -.
23 This is all probably --

24 MR. [REDACTED]: 73 (Indiscernible *02:26:52).

25 MR. [REDACTED]: -- all Chinese to you.

1 MR. [REDACTED]: That's how our count slips -

2 -

3 MR. [REDACTED]: -- now, I did foreign
4 language --

5 MR. HAYES: I don't understand --

6 MR. [REDACTED]: -- should be done.

7 MR. HAYES: -- the fuck are you talking
8 about.

9 MR. [REDACTED]: Yeah, yeah, yeah.

10 MR. [REDACTED]: Huh.

11 MR. [REDACTED]: This is --

12 MR. HAYES: All these initials, and this,
13 and that.

14 MR. [REDACTED]: -- but the count --

15 MR. [REDACTED]: So, which is interesting
16 is all of these are, as you notice, crossed
17 off.

18 MR. [REDACTED]: -- right.

19 MR. [REDACTED]: These two are not crossed
20 off. This one says $9S + 1$. This one says $73 +$
21 1 . The question had been, when did this
22 happen?

23 MR. [REDACTED]: Yeah.

24 MR. [REDACTED]: When did they put these
25 plus ones, or why weren't they crossed out?

1 MR. [REDACTED]: But you can't do a -. This
2 is an inaccurate count slip. Because you are
3 supposed to have the accurate count. You can't
4 do -. If this is $73 + 1$, then you should have
5 74 on there.

6 MR. [REDACTED]: Or, in this case, it
7 should be 73 minus one because the accurate
8 count was actually 72.

9 MR. [REDACTED]: No, but you wouldn't write
10 minus one on there. You would write the actual
11 count on there.

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: So --

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: -- either it was 72 or 74.

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: But there is no --

18 MR. HAYES: All right. Guys, I'm going to
19 --

20 MR. [REDACTED]: -- such thing as --

21 MR. HAYES: -- splash water on my face
22 again.

23 MR. [REDACTED]: -- okay. There is no such
24 thing --

25 MR. HAYES: You guys are getting ready to

1 kill me.

2 MR. [REDACTED]: -- there is no such thing as
3 plus one on the --

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: -- on that.

6 MR. [REDACTED]: You're not allowed to
7 ghost count. Correct?

8 MR. [REDACTED]: No. No. There should have
9 been an outcount done. So, and this should
10 have been caught, whoever the shift lieutenant
11 was, because they have to, you know, on each
12 shift, conduct a count, and review the count
13 slips.

14 MR. [REDACTED]: Does this tell you
15 anything, though, that these were crossed off,
16 and these weren't?

17 MR. [REDACTED]: Yeah. Unless, I don't know
18 why --

19 MR. [REDACTED]: Do you think that they
20 were replaced at a later date, or -?

21 MR. [REDACTED]: I mean, it gives the
22 appearance. Because at first, I would want to
23 know, why you cross out. Why these --

24 MR. [REDACTED]: They cross out because,
25 as things come in --

1 MR. [REDACTED]: No.

2 MR. [REDACTED]: -- you check it off.

3 MR. [REDACTED]: So, that's what I want to
4 know. Like, whose habit is this? Like, okay,
5 I'm looking at -.

6 MR. [REDACTED]: So, basically, I think it's
7 standard practice, as a control officer?

8 MR. [REDACTED]: No. I mean, I've worked
9 control, and what I would do is, I would do the
10 check off, if I'm doing this. I've never -.
11 And that's people's style.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: That might be their style.
14 So, I just want to know -.

15 MR. [REDACTED]: This one is [REDACTED]
16 (Phonetic Sp. *02:28:46), I believe.

17 MR. [REDACTED]: Huh?

18 MR. [REDACTED]: [REDACTED].

19 MR. [REDACTED]: So then --

20 MR. [REDACTED]: This one.

21 MR. [REDACTED]: -- then that's how [REDACTED] does
22 it. So, my question is then, why isn't this
23 done --

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: -- like that. I mean,

1 this, if [REDACTED] does it like that, then that's
2 his consistent way of checking it out. But if
3 this is all on that shift -.

4 MR. [REDACTED]: But point being, you will
5 agree, this indicates that, from 4:00 p.m. on,
6 the counts were not conducted. Correct?

7 MR. [REDACTED]: No. They weren't done
8 right.

9 MR. [REDACTED]: The SHU counts?

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: Okay. Then we don't need
12 to really go into too much --

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: -- detail with that. Is
15 this the first that you are seeing this?

16 MR. [REDACTED]: Yeah. I haven't seen that
17 before.

18 MR. [REDACTED]: Okay.

19 MR. HAYES: This was still on the counts?

20 MR. [REDACTED]: No.

21 MR. [REDACTED]: Now, we're going to move
22 on because the warden agrees that there is not
23 really reason to really dig further, because he
24 agrees this clearly shows that the counts were
25 not conducted in the SHU, from a certain time

1 on.

2 MR. [REDACTED]: Do you want to ask about the
3 Fernandez key?

4 MR. [REDACTED]: What about it?

5 MR. [REDACTED]: Who's responsible?

6 MR. [REDACTED]: So, Fernandez -. Oh, can
7 you just - sorry - would you mind signing,
8 initialing and just dating? If Fernandez was
9 actually removed from the SHU --

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: -- and placed onto R, you
12 know, RA dry cell, or R&D dry cell, oh, RA and
13 R&D are interchangeable. Correct?

14 MR. [REDACTED]: RA --

15 MR. [REDACTED]: Because RA for - RA, I
16 believe, is what it shows in the count slip,
17 but it stands for the R&D --

18 MR. [REDACTED]: That's the R&D --

19 MR. [REDACTED]: -- right?

20 MR. [REDACTED]: -- area. I believe. Yeah.

21 MR. [REDACTED]: So, if he's actually
22 moved there around the 3:00 p.m., on August
23 9th, 2019, who would have been responsible for
24 keying him out of the SHU, and placing him into
25 the RA, so that the count would be accurately

1 reflected?

2 MR. [REDACTED]: SHU would have notified
3 control center, that we are moving one over to
4 R&D.

5 MR. [REDACTED]: And by that notification,
6 do they also say, can you please key him out,
7 and into? Or is that just automatically done
8 by control?

9 MR. [REDACTED]: Well, the notification is
10 made to control that inmate such and such is
11 being placed on dry cell in R&D. And then, you
12 key the inmate to that area.

13 MR. [REDACTED]: Sure.

14 MR. [REDACTED]: So, I'll give you a quick
15 background. It looks like [REDACTED] --

16 MR. HAYES: Who is that?

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: -- witnessed this.

19 MR. [REDACTED]: (Indiscernible
20 *02:31:02).

21 MR. [REDACTED]: Uh-huh.

22 MR. [REDACTED]: And he wrote up the shot.

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: And he called the lieutenant.
25 He requested the lieutenant.

1 MR. [REDACTED]: Right.

2 MR. [REDACTED]: And it looks like he
3 requested the lieutenant, but he never notified
4 control --

5 MR. [REDACTED]: Okay.

6 MR. [REDACTED]: -- that an inmate was being
7 moved. Right? If - and I'm (Indiscernible
8 *02:31:20).

9 MR. [REDACTED]: Well, no, no, no, no. I
10 wouldn't (Indiscernible *02:31:21) --

11 MR. [REDACTED]: He doesn't recall --

12 MR. [REDACTED]: -- I wouldn't --.

13 MR. [REDACTED]: But then, while the counts
14 are going on, there is somebody in R&D. So,
15 whoever is sitting in R&D should know that I
16 need to do a count slip because I have an
17 inmate down there.

18 MR. HAYES: Is this where somebody
19 disappears, that we're looking for?

20 MR. [REDACTED]: Right.

21 MR. [REDACTED]: Again, I told you, this
22 was more of an administrative thing. Just to
23 say what does the warden, you know, and the
24 boss of this place, what is his take on these
25 matters? Because as you have gathered, a lot

1 of things went wrong this day. So, we need to
2 figure out why these things went wrong. So,
3 this is -. Let me just make sure, before we
4 move on, that I got everything. All right?
5 So, first, before we get into rounds, when a
6 lieutenant conducts a round in the SHU --

7 MR. [REDACTED]: Mm-hmm.

8 MR. [REDACTED]: -- are they required to
9 conduct a round of the inmates going up and
10 down the different tiers, or does the round
11 consist of just checking in with the officers
12 to make sure everything is okay?

13 MR. [REDACTED]: Well, you check the officer
14 to make sure they are all right, and you check
15 the documentation. So, you check, you know,
16 you edit, you would have to review the post
17 orders also. To state what their duties are.
18 I mean, all of us had different, you know, I
19 was a lieutenant, so it was different things
20 you did, but I always checked the 292s, to make
21 sure, you know, the officers checked off, you
22 know, if the person ate or not. Any medical.
23 I would check to see if medical came up. So,
24 it would factor and depend on what shift you
25 went on. You know, the day shift, the inmates

1 are up, so you're going, you know, you can go
2 around. Evening shift, you can see what's
3 going on. The midnight shift, they're
4 sleeping. But you are definitely checking a
5 30-minute log, to see if the inmates are doing
6 their 30-minute checks. And, you know, just
7 documentation.

8 MR. [REDACTED]: Now, as the warden, did
9 you expect your lieutenants, though, to go down
10 range when they were doing their lieutenant
11 visits in the SHU? Their rounds. And this is
12 specifically when they are, like, signing off
13 on the different, like, on, as you can see,
14 this is what I'm going to be showing you.
15 These are round sheets that --

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: -- you sent to Mr.
18 [REDACTED], where it shows the different
19 lieutenants signed on/off that they did their
20 round.

21 MR. [REDACTED]: But what does --

22 MR. [REDACTED]: So, what does that -?

23 MR. [REDACTED]: -- what the lieutenants are
24 checking for is accuracy of the officer's
25 rounds.

1 MR. [REDACTED]: Okay. This is -.

2 MR. [REDACTED]: So, what they are checking
3 is, okay, were the 30-minute infrequent checks
4 done? Now, if there is an easy, that they are
5 not being done, you know, so, you know, then it
6 needs to be annotated and said, okay, this is
7 what the issue was. But if they are signing
8 it, they are kind of acknowledging that, you
9 know, that the time that the round will put
10 down, that they were down.

11 MR. [REDACTED]: Now, what would be -?
12 This is the round, it looks like for 8/8. Can
13 you think of a reason why these wouldn't be
14 done? But they would be signed off on right
15 here?

16 MR. [REDACTED]: Let me see. So, if a
17 lieutenant made rounds and saw this thing was
18 empty like this, then it is a problem.

19 MR. [REDACTED]: Because you have this
20 8/8. And then, there is zero rounds showing
21 that they were conducted, but this lieutenant
22 signed it.

23 MR. [REDACTED]: That's a problem.

24 MR. [REDACTED]: The same thing. We go,
25 this whole thing. So, this whole shift looks

1 like they didn't even sign it until here. On
2 8/8.

3 MR. [REDACTED]: Wait. Did you print these
4 off the logbook, or -?

5 MR. [REDACTED]: This is what you sent to
6 Mr. [REDACTED].

7 MR. [REDACTED]: Right.

8 MR. [REDACTED]: On Saturday, August 10th,
9 at 6:21 p.m.

10 MR. [REDACTED]: Now, the only other thing I
11 can think of, and when I had gathered
12 something, I might have said, because the
13 checks are done at, like -. No, these are 30-
14 minute checks, so they --

15 MR. [REDACTED]: This is also --

16 MR. [REDACTED]: -- you know, these are --

17 MR. [REDACTED]: -- this is the day, this
18 is two days before Epstein was found.

19 MR. [REDACTED]: -- no, this is -. No. I
20 was thinking of the log. The log did it
21 electronic. But this, no. This --

22 MR. [REDACTED]: We have the electronic
23 version.

24 MR. [REDACTED]: -- yeah. This is --

25 MR. [REDACTED]: Which one?

1 MR. [REDACTED]: -- no, this is -. That
2 means --

3 MR. [REDACTED]: So, this is just wrong?

4 MR. [REDACTED]: -- yeah. This is wrong.

5 MR. [REDACTED]: Should have this
6 lieutenant signed that?

7 MR. [REDACTED]: No. He should have signed
8 it. They should have put something --

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: -- listed as some
11 discrepancy, why the checks weren't done.

12 MR. [REDACTED]: And on these, whereas it
13 looks like, this lieutenant is signing, it
14 looks like probably because these are done. Do
15 you think that is the reason why this
16 individual hadn't signed these? Because these
17 weren't correct?

18 MR. [REDACTED]: Probably. I can't speculate
19 on that.

20 MR. [REDACTED]: Because it says --

21 MR. [REDACTED]: I can't.

22 MR. [REDACTED]: -- reviewed by morning
23 watch lieutenant. Where they do that, well,
24 that lieutenant does start signing it here,
25 where they are now filled out.

1 MR. [REDACTED]: Right.

2 MR. [REDACTED]: For the same date.

3 MR. [REDACTED]: So, this looks - hey, I
4 don't know who it was - but this looks
5 (Indiscernible *02:36:10) worked it.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: Let me see how those 30-
8 minute. That's the same one. I don't know who
9 it was. Who it was.

10 MR. [REDACTED]: Okay. So, that was
11 (Indiscernible *02:36:19). Certainly go look,
12 but whomever it was during those shift. And
13 then, we get into, it looks like,
14 (Indiscernible *02:36:30) still. And these.
15 Here is the 8/9. Where --

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: -- it's signed off,
18 signed off, until 2:00 p.m.

19 MR. [REDACTED]: That's a problem.

20 MR. [REDACTED]: After that, no sign off.
21 Same thing.

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: That's just when I think
24 [REDACTED] left his shift, or somewhere around
25 that time. So -.

1 MR. HAYES: The point of this, if I may
2 ask, is we got a miscount, right?

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: We're not --

5 MR. HAYES: This is --

6 MR. [REDACTED]: -- we've moved on from
7 counts. Now we're on rounds.

8 MR. HAYES: Okay. Now, counts. The
9 significance of the counts is, at some point,
10 Reyes disappears?

11 MR. [REDACTED]: No. The significance of
12 the counts is that, if inmates - or if the
13 staff members aren't conducting counts and -
14 counts are to the accountability of the
15 inmates, to make sure everybody is there.

16 MR. HAYES: Right.

17 MR. [REDACTED]: Rounds --

18 MR. HAYES: Mm-hmm.

19 MR. [REDACTED]: -- are basically to make
20 sure everyone is alive and breathing. Is that
21 correct, sir?

22 MR. [REDACTED]: You are right. Counts are
23 accountability, and then, the 30-minute checks
24 are basically safety checks.

25 MR. [REDACTED]: So, the point of these

1 questioning is, it looks like at - what we just
2 finished was counts - we have shown that the
3 staff members were not conducting their counts.

4 MR. ██████████: Right.

5 MR. HAYES: Right. Because that is why
6 you have 72 when it should be --

7 MR. ██████████: Now we are doing rounds.

8 MR. HAYES: -- (Indiscernible *02:37:41).

9 MR. ██████████: To find out were the
10 staff members conducting their rounds.

11 MR. HAYES: Got it.

12 MR. ██████████: And again, we have, in
13 this case, a very high-profile inmate that was
14 deceased. Became deceased at some point.

15 MR. HAYES: And they think --

16 MR. ██████████: And --

17 MR. HAYES: -- plus it's whether they --

18 MR. ██████████: -- yeah, it --

19 MR. HAYES: -- noticed on their rounds
20 that the guy was deceased.

21 MR. ██████████: -- if they were
22 conducting --

23 MR. HAYES: Or -.

24 MR. ██████████: -- rounds at all. And if
25 they were conducting rounds, would that be -

1 and this is a question to you, like, we'll ask
2 you now, since I'm making that explanation - if
3 they were conducting their rounds, would that
4 be a way to at least try to help ensure that
5 inmates such as Epstein were alive and well? I
6 know it's not going to prevent it in every
7 case, but is that part of the reason, to make
8 sure that, if they are conducting a round, you
9 are checking to see if they are alive, and they
10 are breathing.

11 MR. [REDACTED]: It is true, but I mean, and
12 because I mean, an inmate can, you know, you
13 can do your 30-minute rounds, and if they want
14 to do their harm to themselves, they are going
15 to do it.

16 MR. [REDACTED]: Right. And that goes
17 into play with why --

18 MR. HAYES: They just --

19 MR. [REDACTED]: Right.

20 MR. HAYES: -- they just look, they do
21 rounds by looking in their cell.

22 MR. [REDACTED]: Right.

23 MR. HAYES: So, if you want to --

24 MR. [REDACTED]: To check.

25 MR. HAYES: -- do harm, you just wait

1 until they go passed your cell.

2 MR. [REDACTED]: Right. And then, you kind
3 of figure out the timing of the route. But the
4 fact remains, if you are not showing on the
5 form that you did your rounds, then that's,
6 that's a problem.

7 MR. [REDACTED]: So, when you are looking
8 at these rounds that you sent Mr. [REDACTED], are
9 you finding problems because they are not
10 completed correctly? You know, what we just
11 looked through. In fact, you know, these are
12 August 10th. (Indiscernible *02:39:09),
13 they're not signed off. There's blocks that
14 are not filled in.

15 MR. [REDACTED]: Yeah. Looking at them now?

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: What is the question?

18 MR. [REDACTED]: Well, does it show you
19 that, at least this paperwork doesn't appear to
20 be filled out correctly?

21 MR. [REDACTED]: Yes.

22 MR. [REDACTED]: And that is for the 8th,
23 as well?

24 MR. [REDACTED]: Right.

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

1 MR. HAYES: And that is something, it was
2 your job to pass that on to [REDACTED]?

3 MR. [REDACTED]: No. He requested --

4 MR. [REDACTED]: No, no, no, no.

5 MR. [REDACTED]: -- the information.

6 MR. [REDACTED]: This is just to show that
7 --

8 MR. [REDACTED]: Yeah.

9 MR. [REDACTED]: -- what the round sheets
10 that the warden sent to the regional director
11 were these rounds. So, it's just a matter of,
12 hey, do you know if these rounds were -? It
13 has nothing to do with his, you know, if he did
14 it right or not. It's, what his staff members
15 --

16 MR. HAYES: Right.

17 MR. [REDACTED]: -- doing it right.

18 MR. HAYES: Right.

19 MR. [REDACTED]: And who was responsible
20 to make sure the round sheets are done
21 correctly?

22 MR. [REDACTED]: Well, the staff working up
23 there are responsible. And then, the
24 supervisor is supposed to ensure that they are
25 doing it.

1 MR. [REDACTED]: And what is this? This
2 was also attached. What is that right there,
3 that we are looking at?

4 MR. [REDACTED]: Hmm.

5 MR. [REDACTED]: TruScope logs?

6 MR. [REDACTED]: Yeah. This looks like
7 TruScope. This looks like the log. And so,
8 like, if they are doing what areas they search.

9 MR. [REDACTED]: And these are searches?

10 MR. [REDACTED]: Yeah. These looks like
11 searches.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: Let me see that. Search.
14 Did the areas. Visiting. Strip room.
15 Recreation area. Yeah. These are --

16 MR. [REDACTED]: Okay.

17 MR. [REDACTED]: -- these are search areas.

18 MR. [REDACTED]: Does it show anywhere in
19 there that there was any cells that were
20 searched, or are they just all, like, common
21 areas?

22 MR. [REDACTED]: No. They searched it. Look
23 how -. What is this? Nine South. SHU.
24 Completed all. These are, these looks like
25 everything they have done in there. The fire

1 and safety checks. This is - it looks like the
2 log.

3 MR. [REDACTED]: Okay. So, this goes with
4 you.

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: So, all to this. This is
7 something else that we asked for the BOP to
8 print out for us, and this one specifically one
9 we asked. When you send us the cell searches
10 that were conducted on 8/9/2019 --

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: -- we got back one. By
13 Mr. [REDACTED].

14 MR. [REDACTED]: Mm-hmm.

15 MR. [REDACTED]: It say that it was
16 conducted at 12:36 p.m.

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: On 8/9/2019.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: Is that a problem? That
21 only one cell search was conducted in the SHU?
22 According to, at least according to TruScope.

23 MR. [REDACTED]: Because I believe the post
24 orders state it is supposed to be - and don't
25 quote me on it --

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: -- you have to look at the
3 post orders - but they state, I think five a
4 shift. A minimum of five.

5 MR. [REDACTED]: It's five, I believe --

6 MR. [REDACTED]: Yeah.

7 MR. [REDACTED]: -- for the night watch.
8 The day watch, I believe, is more. And the
9 morning --

10 MR. HAYES: They're supposed to do five --

11 MR. [REDACTED]: -- watch is just
12 (Indiscernible *02:41:59).

13 MR. HAYES: -- cell searches?

14 MR. [REDACTED]: No, no. Each shift is a
15 minimum of five.

16 MR. [REDACTED]: I don't think --

17 MR. [REDACTED]: And then --

18 MR. [REDACTED]: -- that includes that
19 morning watch, though --

20 MR. [REDACTED]: -- the morning watch is --

21 MR. [REDACTED]: -- because there's --

22 MR. [REDACTED]: -- area.

23 MR. [REDACTED]: -- right.

24 MR. [REDACTED]: Yeah. You are --

25 MR. [REDACTED]: Common areas.

1 MR. [REDACTED]: -- picking the common area.

2 MR. HAYES: So, let me get this clear.

3 MR. [REDACTED]: Yeah.

4 MR. HAYES: You are supposed to do five
5 cell shifts, five cell searches per shift?

6 MR. [REDACTED]: Yes. That is -.

7 MR. HAYES: All right. And in this case,
8 there is only an indication that they did one?

9 MR. [REDACTED]: One. Right?

10 MR. [REDACTED]: One the whole day.

11 MR. [REDACTED]: One the day whole.

12 MR. [REDACTED]: Not per shift. The whole
13 day.

14 MR. HAYES: Okay. Now, whose job is it --

15 MR. [REDACTED]: No.

16 MR. HAYES: -- to say why aren't you doing
17 those? I was going to use the F word. Why
18 aren't you doing all the cell shifts?

19 MR. [REDACTED]: Well, this is, this is my
20 question to the warden is, is that a problem,
21 that there was only one logged into TruScope?

22 MR. [REDACTED]: Mm-hmm. It is a problem.

23 MR. [REDACTED]: Does that indicate that
24 the cells were not being searched, to you? Or
25 that they just weren't logging them in?

1 MR. [REDACTED]: And again, whoever was
2 working that day, you're going to have to ask
3 them. I mean --

4 MR. [REDACTED]: And we have.

5 MR. [REDACTED]: -- looking at --

6 MR. [REDACTED]: And it was just --

7 MR. [REDACTED]: -- looking on paper, I mean,
8 it shows you didn't, you didn't conduct your
9 searches.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: I mean, now, there might
12 have been a reason where the person said, okay,
13 the computers were down or whatever, but it is
14 highly unlikely for --

15 MR. HAYES: So, but you are literally
16 going into a cell and search it? Does that
17 mean --

18 MR. [REDACTED]: Yeah, yeah.

19 MR. HAYES: -- you throw over the
20 mattresses, the whole thing?

21 MR. [REDACTED]: No. You pull them out. You
22 look at --

23 MR. HAYES: Okay.

24 MR. [REDACTED]: -- look and check the
25 lockers. You check under their stuff. You

1 know, and you typically do it, like on certain
2 days when the guys are going out to take a
3 shower, you might go out and do that.

4 MR. [REDACTED]: So, with your suggestion
5 that computers could be down and things like
6 that, as you can see from the email attachment
7 that you said, there are certainly plenty of
8 searches that were entered in there --

9 MR. [REDACTED]: Oh.

10 MR. [REDACTED]: -- but there is only one
11 cell search.

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: And so, I would assume,
14 would that indicate that the computers are
15 actually up and running?

16 MR. [REDACTED]: Yes. So, this one, this is
17 the same day?

18 MR. [REDACTED]: What are you looking --

19 MR. [REDACTED]: That could be (Indiscernible
20 *02:43:42).

21 MR. [REDACTED]: -- yeah, this should be
22 8/10, and 8/9 and 8/10.

23 MR. [REDACTED]: 8/9 --

24 MR. [REDACTED]: I would think.

25 MR. [REDACTED]: -- reg number. Reg number.

1 MR. ██████████: It shows the dates here.
2 I just can't see them.

3 MR. ██████████: Yeah. Change base. Yeah.
4 This is a search one. This is the log.

5 MR. ██████████: Okay. So, problematic,
6 in your opinion?

7 MR. ██████████: Yes. It is.

8 MR. ██████████: All right. So, not only
9 searching them, but is it equally as important
10 to actually log it in, as well, so that we know
11 whether things are being searched?

12 MR. ██████████: Yes. You should log it.

13 MR. ██████████: All right. Now, this,
14 this comes to the kind of question on this.
15 When Epstein was found, are you aware that he
16 was in a cell that didn't coincide with what
17 his inmate history quarters, and what the BOP
18 database said, where he should have been? He
19 was in the wrong cell.

20 MR. ██████████: I did hear, afterwards, that
21 there were some issues with Sentry and the way
22 they keyed into the cells.

23 MR. ██████████: All right. And what did
24 you hear?

25 MR. ██████████: I think, just that the cell,

1 the way the inmates were being keyed in was
2 off, it didn't match this cell.

3 MR. [REDACTED]: Right.

4 MR. [REDACTED]: That.

5 MR. [REDACTED]: So, yeah, his assigned
6 cell within the BOP database was not where he
7 was located --

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: -- in person. At least
10 when he was found on August 10th, 2019.

11 MR. [REDACTED]: Right.

12 MR. HAYES: Now, is that something that is
13 - I should shut up, right?

14 MR. [REDACTED]: No, no. I'm good.

15 MR. [REDACTED]: Go ahead.

16 MR. HAYES: Now, is that something that
17 goes on up to you? Is that your responsibility
18 to see where guys are being celled?

19 MR. [REDACTED]: No. But I mean --

20 MR. [REDACTED]: Yeah. Most of my
21 questions to him isn't that --

22 MR. [REDACTED]: Right.

23 MR. [REDACTED]: -- it's his
24 responsibility, it's whose responsibility was
25 it?

1 MR. HAYES: Okay. Got it.

2 MR. [REDACTED]: And then -.

3 MR. [REDACTED]: So, who should have made
4 sure that Epstein's cell, in the BOP database,
5 matched where he was physically located?
6 Because obviously, people get a hold of the
7 information that he wasn't in his assigned
8 cell. You know, that is just more reason to
9 people not trusting the government. So, we are
10 just trying to figure out -.

11 MR. [REDACTED]: Well, and this is not a
12 problem limited to one person. It is a problem
13 - and I think it is a Bureau-wide problem, as
14 far as specific keying in cells. I don't think
15 this was done in a malicious -.

16 MR. [REDACTED]: So, what happened here,
17 our investigation shows is that when he came
18 back from --

19 MR. [REDACTED]: Right.

20 MR. [REDACTED]: -- from suicide, or
21 psychological observation, he was placed into
22 the cell that it shows on July 30th, on this
23 form. However, because his - is it CPAP
24 (Phonetic Sp. *02:46:24)?

25 MR. [REDACTED]: CPAP.

1 MR. [REDACTED]: His CPAP machine, the
2 cord didn't reach the plug.

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: So, they had to move him
5 to a different cell.

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: So, from July 30th to
8 August 10th, he was in the incorrectly assigned
9 cell. No one ever caught that. No one ever,
10 you know, and my thought being is, well, if
11 they are doing their cell searches --

12 MR. [REDACTED]: Oh, I thought you meant --

13 MR. [REDACTED]: -- wouldn't --.

14 MR. [REDACTED]: -- the cell didn't match up
15 with --

16 MR. [REDACTED]: No, no, they --

17 MR. [REDACTED]: -- (Indiscernible
18 *02:46:52).

19 MR. [REDACTED]: -- they logged him into
20 the cell that he was placed in, coming out of
21 psychological observation.

22 MR. [REDACTED]: Right.

23 MR. [REDACTED]: On the 30th. Then, they
24 physically moved him to a different cell.

25 MR. [REDACTED]: Right.

1 MR. [REDACTED]: On the 30th. Because his
2 CPAP machine wasn't, the cord didn't reach.

3 MR. HAYES: What is a CPAP machine?

4 MR. [REDACTED]: It's the snore -. It's
5 to help you breathe when you are sleeping.

6 MR. [REDACTED]: Mm-hmm.

7 MR. HAYES: And he needed a CPAP machine?

8 MR. [REDACTED]: Yes, sir.

9 MR. [REDACTED]: For the snoring.

10 MR. [REDACTED]: So --

11 MR. HAYES: Don't call me sir. Please.
12 I'm old. All right? You're reminding me.

13 MR. [REDACTED]: And so, no one ever went
14 back into the system from, all the way from the
15 30th up to August 10th, and made that
16 correction.

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: Who was responsible for
19 that?

20 MR. [REDACTED]: So, whoever made the cell
21 change should have contacted control center.

22 MR. [REDACTED]: And is the control center
23 that actually made the change, not the
24 individuals in SHU, or the SHU lieutenant?

25 MR. [REDACTED]: No. The --

1 MR. [REDACTED]: Because my understanding
2 it would have been the SHU lieutenant or the
3 OIC.

4 MR. [REDACTED]: Bed changes?

5 MR. [REDACTED]: To verify their cellmates
6 where were the -. Wherever the BOP databases
7 said they are.

8 MR. [REDACTED]: So, you have to, you would
9 have to call control center to make that
10 change.

11 MR. [REDACTED]: Okay. So, who should
12 have called the control center?

13 MR. [REDACTED]: Whoever made the change in
14 Sentry. Because I - and then, don't quote me
15 if I'm wrong - because I don't believe SHU
16 staff have control over keying where an inmate
17 is in.

18 MR. [REDACTED]: Yeah. No. I thought the
19 OIC might, or the that the SHU --

20 MR. [REDACTED]: No, because --

21 MR. [REDACTED]: -- lieutenant would.

22 MR. [REDACTED]: -- in that case, beds would
23 be really messed up.

24 MR. [REDACTED]: Right, right, right.

25 MR. [REDACTED]: So, the control center is a

1 centralized area.

2 MR. [REDACTED]: Okay.

3 MR. [REDACTED]: So, a call should have been
4 made down to control, saying, hey, this is
5 where he's being keyed to, and this is what -.

6 MR. [REDACTED]: And who should have made
7 that call?

8 MR. [REDACTED]: Whoever made the change.
9 Whoever switched him.

10 MR. [REDACTED]: And my understanding is
11 that the OIC and the SHU lieutenant were
12 supposed to review cell assignments, to make
13 sure inmates were in their assigned cells, at
14 least on a periodical basis. Is that correct?

15 MR. [REDACTED]: Yeah. You do a, what we
16 call a bed book check, to make sure. Because
17 your board, you know, when you are in the unit,
18 you have a board up there, and you just match
19 where everyone is at.

20 MR. [REDACTED]: And how often should that
21 happen?

22 MR. [REDACTED]: There is no set policy, but
23 as a good practice, you know, you kind of want
24 to check what your open cells are, where, you
25 know, where individuals are. And should it

1 also be checked if they were doing cell
2 searches? Would that be caught, if they were
3 doing searches?

4 MR. [REDACTED]: Well, if you are doing a
5 cell search, all you are going to do is put
6 down the cell number, and the individual in it.
7 It wouldn't -. You wouldn't necessarily be
8 able to find out if it is the correct room.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: And the correct bed in
11 Sentry.

12 MR. [REDACTED]: All right.

13 MR. [REDACTED]: But, you know -.

14 MR. [REDACTED]: So, in this instance,
15 then, and I'll shut up so I can actually let
16 you answer, who --

17 MR. HAYES: I have the same problem.

18 MR. [REDACTED]: -- who is it that should
19 have notified control center to make this
20 change? It sounds like you said whoever
21 physically moved him, at the time?

22 MR. [REDACTED]: So, what happens is, whoever
23 physically moved him should have said, okay,
24 this is where, you know, you are, this is where
25 we are moving him. And then, you let the -

1 typically - the OIC know, and then, they will
2 call down to control center.

3 MR. [REDACTED]: And if that didn't -.

4 MR. HAYES: Can I speak to my client for a
5 second?

6 MR. [REDACTED]: Yeah.

7 MR. [REDACTED]: Sure.

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: Do you want me --

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: -- do you want me to push
12 pause?

13 MR. [REDACTED]: No.

14 MR. HAYES: Yeah, no. I'll take him to
15 the other -.

16 MR. [REDACTED]: Okay.

17 MR. [REDACTED]: Sure. Okay. It's 4:46
18 p.m., and this is Senior Special Agent [REDACTED]
19 [REDACTED], and I'm pushing pause.

20 (Whereupon, the above-entitled matter went
21 off the record and back on the record).

22 MR. [REDACTED]: The recorder is back on.
23 It is 4:53 p.m., after a short break. And I
24 remind you, sir, you are still under oath.

25 MR. [REDACTED]: Mm-hmm.

1 MR. [REDACTED]: All right. So, we
2 stopped with the, we were talking about who was
3 responsible for making sure Mr. Epstein was
4 logged into the correct cell within the --

5 MR. [REDACTED]: Question.

6 MR. [REDACTED]: -- BOP database system.

7 MR. [REDACTED]: Were there other cells that
8 were wrong?

9 MR. [REDACTED]: Do you know that, [REDACTED]?

10 MR. [REDACTED]: Not -. We don't know if -.
11 This, we know only because we checked this.

12 MR. [REDACTED]: Okay. So, I mean,
13 everything else could have been right, and that
14 could have been a --

15 MR. [REDACTED]: No. Well, we found out,
16 this is the reason was because, again, he was
17 placed into that cell, and then moved because
18 of the CPAP machine.

19 MR. [REDACTED]: No. I was --

20 MR. [REDACTED]: Well, our question was --

21 MR. [REDACTED]: -- you know, wondering if it
22 is a systematic, or an individual problem.

23 MR. [REDACTED]: Correct.

24 MR. [REDACTED]: That's why I was just
25 curious.

1 MR. [REDACTED]: Yeah. And that's
2 something that we should probably -.

3 MR. HAYES: Well, and my question is, does
4 that have any effect on count? I mean, they
5 still should be able to look in the cells if
6 there was a (Indiscernible *02:51:28).

7 MR. [REDACTED]: Well, when --

8 MR. [REDACTED]: Well, the problem comes
9 in, again, I think is the credibility of, hey,
10 now we have Epstein, who was found in a cell,
11 and it's not his assigned cell. So, that just,
12 you know --

13 MR. HAYES: But I'm saying --

14 MR. [REDACTED]: -- the media says all of
15 these things that went wrong.

16 MR. HAYES: -- yeah.

17 MR. [REDACTED]: One being --

18 MR. HAYES: I've had that.

19 MR. [REDACTED]: -- wait, he's not even in
20 the right cell. Well, how did that happen, and
21 who was responsible?

22 MR. HAYES: Okay. Now, so, my question
23 is, does it make any difference? I mean, if
24 they are supposed to do the count, the count is
25 you look in the cell, and see --

1 MR. [REDACTED]: Right.

2 MR. HAYES: -- whether there's a guy in
3 there. Well, whatever number he's in, or he's
4 not in, he's still in his cell.

5 MR. [REDACTED]: No. Correct.

6 MR. HAYES: You know?

7 MR. [REDACTED]: But because we are doing
8 this deep dive review --

9 MR. HAYES: Okay. I gotcha.

10 MR. [REDACTED]: -- it's showing these
11 different, you know --

12 MR. HAYES: Got it. Okay.

13 MR. [REDACTED]: -- and again, this is,
14 this is one of those things --

15 MR. HAYES: You're just being extra
16 careful. Yeah. It's (Indiscernible
17 *02:52:14).

18 MR. [REDACTED]: -- and not like
19 (Indiscernible *02:52:15). Yeah. We just have
20 to, we have to address the fact that --

21 MR. HAYES: He wasn't in the right cell.

22 MR. [REDACTED]: -- Mr. Epstein wasn't in
23 the cell that he was assigned to.

24 MR. HAYES: Okay. I mean, it's not just
25 that. Someone (Indiscernible *02:52:22) that

1 he said, oh, he doesn't have a roommate, and,
2 you know, by the way, we also counted the wrong
3 number of prisoners.

4 MR. [REDACTED]: Right.

5 MR. HAYES: That's a lot of mistakes.

6 MR. [REDACTED]: Right. And we haven't
7 even gotten involved.

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: As I'm sure you know.
10 But --

11 MR. HAYES: Right.

12 MR. [REDACTED]: -- so, after the person
13 who moved him didn't contact and have this
14 changed, how would have, then, how would we,
15 then, how would have anyone found out that he
16 was in the wrong cell? What processes are in
17 place to ensure that where they are matches up
18 with the actual database?

19 MR. [REDACTED]: Well, I guess if they were
20 doing --

21 MR. [REDACTED]: You said bed book counts?

22 MR. [REDACTED]: -- yeah. Usually, you could
23 do, you do your bed book counts, to ensure, you
24 know, that every inmate is in the cell that
25 they are supposed to be. When you are updating

1 your accountability board, you would look and
2 see, okay, you got him here, where is he at?
3 And then, match it up with, you know, with
4 Sentry.

5 MR. [REDACTED]: And who would be doing
6 those things?

7 MR. [REDACTED]: The staff working up there
8 in SHU.

9 MR. [REDACTED]: Is the lieutenant, the
10 SHU lieutenant, at all involved, as far as you
11 know, in making sure that this is all accurate?

12 MR. [REDACTED]: Well, he was spearheading it
13 to make sure everything was --

14 MR. HAYES: He was the supervisor.

15 MR. [REDACTED]: -- was right. Yeah. He was
16 the supervisor. But going in and saying, okay,
17 let's, did this happen? Have we done this?
18 And have we done that?

19 MR. [REDACTED]: Okay.

20 MR. HAYES: And -. Okay. Just to make me
21 clear, somebody dropped the ball as to whether
22 or not he should have a, he had a roommate.

23 MR. [REDACTED]: Right.

24 MR. HAYES: Okay. And somebody dropped
25 the ball as to whether he was in the right

1 cell.

2 MR. [REDACTED]: Right.

3 MR. HAYES: Okay. And then, somebody
4 would have dropped the ball as to either,
5 dropped the ball or they maliciously didn't
6 find out that he wasn't on the count. They had
7 said we did a count, but they didn't notice
8 that, or didn't - that he wasn't breathing, you
9 know what I mean?

10 MR. [REDACTED]: Right.

11 MR. HAYES: Okay. That starts to be a
12 problem.

13 MR. [REDACTED]: So, [REDACTED] just pointed
14 out to me. On the after-action review --

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: -- they did review this.

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: And it says that,
19 according to their review --

20 MR. [REDACTED]: Right.

21 MR. [REDACTED]: -- this is not my review.

22 MR. [REDACTED]: Right.

23 MR. [REDACTED]: Or [REDACTED] review.

24 "Significant discrepancies exist within Sentry
25 regarding cell quarters assignments." QRT.

1 QTR. "Although it is well documented, inmate
2 Epstein was housed with two other inmates
3 during his assignment in the SHU. Sentry does
4 not reflect this information accurately.
5 Inmate Epstein was found within cell 220, that
6 Sentry never reflects him being housed within
7 that cell at any time." But to answer your
8 question, the first sentence says that there is
9 significant --

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: -- discrepancies.

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: The way that I read that
14 is, overall, whether they are referring to
15 specifically Epstein --

16 MR. [REDACTED]: Epstein.

17 MR. [REDACTED]: -- that, I am not able to
18 determine --

19 MR. [REDACTED]: Right.

20 MR. [REDACTED]: -- based upon that
21 sentence, but it does sound like, overall, that
22 they had some discrepancies. So, Lieutenant
23 [REDACTED] would have supervised it, but it's really
24 the staff that would be responsible for doing
25 these bed book counts, and making sure

1 assignments are --

2 MR. [REDACTED]: Yeah. He did it right there

3 --

4 MR. [REDACTED]: -- the inmates are in
5 their assigned -?

6 MR. [REDACTED]: -- and then, whoever is
7 moving an inmate from a cell to a cell, you
8 make the notification.

9 MR. [REDACTED]: And is it surprising to
10 you that almost two weeks later, that wasn't
11 caught?

12 MR. [REDACTED]: At two weeks later from
13 where?

14 MR. [REDACTED]: From -. He was placed
15 into the cell on July 30th, 2019. He's found
16 August 10th, 2019. That entire time, it was
17 never caught that he was not --

18 MR. [REDACTED]: In the right cell.

19 MR. [REDACTED]: -- locked in the right
20 cell.

21 MR. [REDACTED]: Yeah.

22 MR. [REDACTED]: Is that a significant
23 amount of time that went by without catching
24 that?

25 MR. [REDACTED]: Without catching it. It is.

1 MR. [REDACTED]: Now, is that, you know,
2 all staff that was in there, or is it, like,
3 really -?

4 MR. [REDACTED]: And again, and you probably
5 have to speak to the captain who was
6 responsible for doing the checks, and doing the
7 count.

8 MR. [REDACTED]: So, would the captain
9 have some responsibility on this, too?

10 MR. [REDACTED]: Well, did the captain is in
11 charge of correctional services. So, that is
12 the unit he is over.

13 MR. [REDACTED]: Okay.

14 MR. [REDACTED]: So, he has overall
15 responsibility to make sure, you know, in
16 conjunction with the lieutenant, that the unit
17 is running the way it is supposed to run.

18 MR. [REDACTED]: And what should have the
19 captain done in order to make sure that that
20 was accurate?

21 MR. [REDACTED]: Well, now, there is
22 different ways of finding out if stuff is
23 accurate. Like, you have the perpetual audit
24 system. Where they are responsible - the
25 lieutenants - are responsible to conduct

1 perpetual audits. So, you can find out through
2 those, when you do it. And they are usually
3 quarterly. But if there is discrepancies and
4 things are going on in that department of
5 correctional services, we have what we call
6 perpetual audits, which he maintained the
7 records of, and that is another checks and
8 balance where you would find out if something
9 is wrong.

10 MR. [REDACTED]: And how often are those
11 done?

12 MR. [REDACTED]: Those are done quarterly.

13 MR. [REDACTED]: Quarterly?

14 MR. [REDACTED]: Yeah.

15 MR. [REDACTED]: All right. So, the fact
16 that this is, we are talking about, like, ten
17 or 11 days, there is a good chance that they
18 weren't done during that time period? Or do
19 you know when they would be done? Are they
20 done, like, on a certain date?

21 MR. [REDACTED]: What, the quarterly?

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: It's - and I don't know when
24 the dates of the quarter starts - but that is
25 to your checks and balance. You know --

1 MR. [REDACTED]: Right.

2 MR. [REDACTED]: -- you do your perpetual
3 audits, and then you catch it, and say, oh,
4 wow. We did an audit. And this is wrong. And
5 then, you come up with the corrective action to
6 fix it.

7 MR. [REDACTED]: So, that's how the
8 captain could have determined, I guess --

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: -- but how, in those --

11 MR. [REDACTED]: The captain would find out.

12 MR. [REDACTED]: -- ten or 11 days, how
13 would have that been caught?

14 MR. [REDACTED]: Again, you would have to see
15 your, your inmate accountability board.

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: You know, are you matching
18 Sentry, if you are pulling off Sentry and
19 matching it with what is on the board.

20 MR. [REDACTED]: But - and I apologize
21 that I'm beating --

22 MR. [REDACTED]: Right.

23 MR. [REDACTED]: -- a dead horse here,
24 but, like, who does that?

25 MR. [REDACTED]: Again, I don't know who, you

1 know, who the lieutenant assigned it to, who
2 the OIC. You know, everybody has different
3 duties, and --

4 MR. [REDACTED]: So, it is not like --

5 MR. [REDACTED]: -- different ways that work.

6 MR. [REDACTED]: -- not like morning watch
7 does this, or it's just based upon what passed
8 down from lieutenant to the OIC --

9 MR. [REDACTED]: Right. Like, what --

10 MR. [REDACTED]: -- to whoever.

11 MR. [REDACTED]: -- no, but basically, when
12 you decide to do it. You know, I mean, I can't
13 see, on the midnight shift, you are doing an
14 accountability check like that, because the
15 guys are sleeping, and, you know, you are
16 looking for a living, breathing body, but you
17 can't physically see them.

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: You know, so, what shift was
20 picked to check and say, okay, let's make sure
21 our cell, the accountability in the cell. So,
22 I can't --

23 MR. [REDACTED]: You can't really answer
24 the question.

25 MR. [REDACTED]: -- I can't really speak --.

1 MR. [REDACTED]: Sure. That's fine.

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: All right. Let's get
4 this stuff out of your way. If you don't mind,
5 this --

6 MR. HAYES: Am I right that we are getting
7 close to the bottom of the pile?

8 MR. [REDACTED]: We are. We are getting
9 close.

10 MR. HAYES: Because Jesus Christ, I can't
11 take this. L-O-L. (Indiscernible *02:58:29).

12 MR. [REDACTED]: We are -. (Indiscernible
13 *02:58:31) with this.

14 MR. HAYES: Yeah.

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: So, this is the email
17 with all the rounds, and the SHU assignment.
18 And these were separate.

19 MR. HAYES: Now, let me ask the question
20 (Indiscernible *02:58:48) the supervisors.
21 Your job is the prison. It's your job to look
22 down into the prison, as far as these counts
23 and, you know, accountability boards, and so
24 forth.

25 MR. [REDACTED]: No. I mean, that is what

1 you have a captain for and a lieutenant for.
2 (Indiscernible *02:59:06). You know?

3 MR. HAYES: Okay.

4 MR. ██████████: And then, we touched on
5 this before, but this is an email that the
6 captain sent to you.

7 MR. ██████████: Right.

8 MR. ██████████: Regarding the lieutenant
9 rounds on 8/9 to 8/10. He sent them, he sent
10 this email on August 11th, 2019. He said,
11 "Warden, Warden, here are the lieutenant rounds
12 for 8/9 to 8/10. Below are the workstations
13 logged on to complete rounds."

14 MR. ██████████: Mm-hmm.

15 MR. ██████████: But again, for you, a
16 lieutenant round, and I don't know if we ever
17 came to that conclusion, or that we may have
18 got off topic on that. But a lieutenant round
19 is used primarily to check in, and it's not
20 necessarily to go down the different ranges?

21 MR. ██████████: On the midnight shift. So,
22 they typically not, you know, unless they have
23 an issue, but like you said, you as a
24 lieutenant can walk - should walk - around and
25 see. Now, the midnight shift is hard, but the

1 other shifts, you, you know, walk around, see
2 what's going on.

3 MR. HAYES: Mm-hmm.

4 MR. [REDACTED]: All right. So, should
5 they, though, be walking down the ranges on
6 both the morning, or the day watch and the
7 night watch? Evening watch.

8 MR. [REDACTED]: This is what I will say.
9 You probably got to look at the post orders and
10 see --

11 MR. [REDACTED]: Yeah. The post orders --

12 MR. [REDACTED]: -- the post orders.

13 MR. [REDACTED]: -- aren't clear with
14 that.

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: We haven't --

17 MR. [REDACTED]: So, it's not --

18 MR. [REDACTED]: -- we haven't been able
19 to --

20 MR. [REDACTED]: It's not --

21 MR. [REDACTED]: -- specifically
22 determine.

23 MR. [REDACTED]: -- that's what I mean, it's
24 not a requirement.

25 MR. [REDACTED]: Okay.

1 MR. [REDACTED]: You know, for the
2 (Indiscernible *03:00:26), they are in there,
3 making rounds, checking the books, to see if
4 you got a problem on the range. You would call
5 that. But most lieutenants do, you know, just
6 walk the ranges. Just to see what is going on.

7 MR. [REDACTED]: Because most lieutenants
8 that we talked to --

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: -- said that they were
11 absolutely required to do --

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: -- a round, just like a
14 SHU staff member --

15 MR. [REDACTED]: Right.

16 MR. [REDACTED]: -- was to do a round.

17 Some lieutenants --

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: -- specifically,
20 lieutenants that worked that day --

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: -- said, nope, there's no
23 requirement to do that.

24 MR. [REDACTED]: But --

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

1 the warden --

2 MR. [REDACTED]: Well --

3 MR. [REDACTED]: -- who is right?

4 MR. [REDACTED]: No. The expectation is,
5 like you hit any unit, you make your rounds
6 within the unit. The SHU unit is no different.
7 That you say, hey, I'm going to go in there,
8 make sure everything is, you know, check on the
9 inmates. And make sure they are fine. But if
10 we are talking about the post orders, were they
11 required to? The post, you know, the post
12 orders, I don't believe had the requirement
13 that they have to, you know --

14 MR. [REDACTED]: Okay.

15 MR. [REDACTED]: -- physically go in the
16 (Indiscernible *03:01:24).

17 MR. [REDACTED]: So, does that - if I
18 understand you correctly - the expectation was
19 that they conduct a round, just like a SHU
20 staff member, but there is no requirement to do
21 so?

22 MR. [REDACTED]: Yeah. You should be walking
23 around.

24 MR. [REDACTED]: All right.

25 MR. [REDACTED]: To see if everything -.

1 MR. ██████████: But it's not like you
2 told them, you gave them a directive, make sure
3 you are doing this.

4 MR. ██████████: No.

5 MR. ██████████: So, there is no --

6 MR. ██████████: No.

7 MR. ██████████: -- so, if someone wasn't
8 doing it, it's not like something they would be
9 disciplined for?

10 MR. ██████████: See, that's hard. I mean,
11 to say you would discipline. There is a
12 difference between what is written down, and
13 what you need to be doing. I mean, if you are
14 coming in, and I enter there as a supervisor, I
15 want to see what's going around the unit. I
16 might ask the officer, all right, do we have
17 any problems. The inmates, when you come on,
18 hey, they know the lieutenants on, hey,
19 lieutenant, I need to talk to you. So, you are
20 going down the ranges. You know, so, when you
21 are going down the range, you are seeing
22 something. You get to another range. The
23 inmate said, hey, I need to talk to you. So,
24 it is something you should be doing as part of
25 your rounds, and going up into SHU. Just

1 walking around, to make sure everything is -.

2 MR. [REDACTED]: But if you were still the
3 warden of the MCC, and found out that your
4 lieutenants, when they were signing off on
5 doing rounds --

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: -- and you found out that
8 they were only checking in with the staff
9 members, and they were not actually walking
10 down the ranges, is that something that you
11 would find problematic?

12 MR. [REDACTED]: I would correct it.

13 MR. [REDACTED]: And when you say correct
14 it, what do you mean by that?

15 MR. [REDACTED]: I would tell, you know, get
16 with the captain, and I would tell the captain
17 they need to be, you know, in inmate grounds,
18 they need to walk the ranges.

19 MR. [REDACTED]: So, they should be
20 walking the ranges, then?

21 MR. [REDACTED]: Off of the post orders, it's
22 not in there, you know --

23 MR. [REDACTED]: I know. I --

24 MR. [REDACTED]: -- any place saying that you
25 have to do it. But as a supervisor, that like

1 any unit you walk on, you want to see what is
2 going on in the unit. So, do I want to use the
3 word "sound correctional judgement"? You know,
4 just to see, as a supervisor, what is going on.
5 I mean, you have some people that go above and
6 beyond. And then, do their job, and you have
7 some people that want to do the bareear
8 minimum. But that is something --

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: -- from a rounds point of
11 view, I would say you need to make those
12 rounds.

13 MR. HAYES: Okay. Let me ask you a
14 question.

15 MR. [REDACTED]: Mm-hmm.

16 MR. HAYES: You do the rounds. Does that
17 mean literally walk up and down this, what we,
18 what I would call the cell block?

19 MR. [REDACTED]: Yeah. You walk around the
20 unit. You know, you are interacting with
21 inmates. You are talking to inmates. Same
22 thing with the inmates in SHU. You know, you
23 are walking around. Hey, what's going on?

24 MR. [REDACTED]: So, what you are not
25 familiar with is the way the SHU is set up.

1 MR. [REDACTED]: Right.

2 MR. [REDACTED]: There is different
3 levels, and there is different --

4 MR. HAYES: Yeah, I've been to the SHU.

5 MR. [REDACTED]: -- hallways.

6 MR. HAYES: Know what I remember about the
7 SHU? Iit's fucking cold.

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: Yeah. So, like, if you
10 are just, you can simply go in and go to the
11 officer's station, and check in with the staff
12 and say --

13 MR. [REDACTED]: Right.

14 MR. [REDACTED]: -- everything good? You
15 got all your paperwork in order? All your
16 paperwork is actually right here on the desk.
17 Did you find it problematic that they are
18 keeping all of their round sheets on the desk
19 versus on the ranges themselves?

20 MR. [REDACTED]: Different places do it
21 different ways.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: Some --

24 MR. [REDACTED]: So --.

25 MR. [REDACTED]: -- some places have it, they

1 keep it at the end of the range, and you sign
2 it. Some have it right there, the log, you
3 know, take the logbook and they just sign it.
4 So -.

5 MR. [REDACTED]: So, the individuals, the
6 ops lieutenants and activities lieutenant that
7 we spoke to, that worked on August 9th and
8 August 10th --

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: -- a majority of them
11 said, if not all of them, no, no, no, all I
12 needed to do was go to that officer's station,
13 check in with my officers, make sure their
14 paperwork is done, and then I left. Every
15 other lieutenant that we talked to said, no.

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: When you sign that paper,
18 you are signing it just like you conducted a
19 round, as if the SHU staff conducted a round.

20 MR. [REDACTED]: Mm-hmm.

21 MR. [REDACTED]: You had to go down every
22 range --

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: -- make sure everything
25 was good to go. You are not just checking on.

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: So, what we are trying to
3 say is, which one is right?

4 MR. [REDACTED]: Well, now, for the ones that
5 are saying that I don't have to go down and
6 check every range, they are going off the post
7 office.

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: The ones that are doing
10 their job, they are going around and checking
11 every time.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: Making sure the wellbeing of
14 the inmates, and you are checking on the
15 wellbeing of your staff.

16 MR. [REDACTED]: All right. So, it kind
17 of sounds like nobody is right, and nobody is
18 wrong? They need to change the post orders?

19 MR. [REDACTED]: Well, they would, they would
20 have - should put in --

21 MR. HAYES: Yeah.

22 MR. [REDACTED]: -- their post orders, but
23 they should be going around, and --

24 MR. HAYES: So, they should have a rule --

25 MR. [REDACTED]: -- the wellness check.

1 MR. HAYES: -- that says, you got to go
2 around?

3 MR. [REDACTED]: Yeah.

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED]: So.

6 MR. [REDACTED]: So, no one technically
7 did anything wrong. They should just really do
8 it?

9 MR. [REDACTED]: They should. They should
10 just do it.

11 MR. [REDACTED]: Okay. Fair enough.

12 MR. [REDACTED]: The term used was "sound
13 correctional judgment."

14 MR. [REDACTED]: Yes.

15 MR. [REDACTED]: All right. So, that -
16 again - was that email from [REDACTED] to you, with
17 the lieutenant rounds.

18 MR. HAYES: Damn. That pile is a lot
19 lower.

20 MR. [REDACTED]: Unless you want to go right
21 back on it.

22 MR. [REDACTED]: Now, this says --

23 MR. HAYES: Wait a minute. Wait a minute.
24 I'm fucking out of here. If you bring that
25 pile back, I'm out of here. Now, I'm going to

1 give you some of that money back, but I can't
2 take this shit no more.

3 MR. [REDACTED]: So, this one says it's
4 from [REDACTED] [REDACTED].

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: To you.

7 MR. [REDACTED]: Mm-hmm.

8 MR. [REDACTED]: Who is [REDACTED] [REDACTED]?

9 MR. [REDACTED]: He awa a unit manager there
10 for the PCU Unit (Phonetic Sp. *03:06:23).

11 MR. [REDACTED]: Okay. At the MCC?

12 MR. [REDACTED]: Yeah.

13 MR. [REDACTED]: It says, subject, "Weekly
14 rounds --

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: -- as requested."

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: So, these are weekly
19 rounds from August 4th, 10, 2019. What is that
20 for?

21 MR. [REDACTED]: That was for our witWood sec
22 unit (Phonetic Sp. *03:06:34).

23 MR. [REDACTED]: Oh, okay.

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: So, you actually had your

1 own separate witwood sec unit?

2 MR. ██████████: Yeah.

3 MR. ██████████: So, that is not in SHU?

4 Or is it?

5 MR. ██████████: Huh? No. That's not in
6 SHU. That is a separate unit all together.

7 MR. ██████████: So, why was this
8 provided? For any reason?

9 MR. ██████████: Because I like to -. I used
10 to like to track who was making their rounds
11 and not making their rounds.

12 MR. ██████████: All right.

13 MR. ██████████: So, they had to send it to
14 me every week.

15 MR. ██████████: So, was this just
16 coincidental? Nothing to do with Epstein?

17 MR. ██████████: Yeah. This had nothing to
18 do with him.

19 MR. ██████████: Mm-hmm.

20 MR. ██████████: This was probably what he
21 had to send up that week.

22 MR. ██████████: Okay.

23 MR. ██████████: It was the end of the week.

24 MR. ██████████: Okay.

25 MR. ██████████: So, that's what he sent.

1 So, that had nothing to do with him.

2 MR. [REDACTED]: So, this has nothing to
3 do with Epstein.

4 MR. [REDACTED]: No.

5 MR. [REDACTED]: All right. I'm not even
6 going to --

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: -- you can keep that over
9 here, so we don't get that confused.

10 MR. [REDACTED]: Yeah.

11 MR. [REDACTED]: All-right. So, this one.

12 As far as this one, it says, from you to Mr.

13 [REDACTED]. It says SHU rounds.

14 MR. [REDACTED]: Mm-hmm.

15 MR. [REDACTED]: What SHU rounds are we
16 looking at here? This is a new document here.

17 MR. [REDACTED]: Okay. This is on -. This
18 is eight, for the --

19 MR. [REDACTED]: This is for executive
20 staff --

21 MR. [REDACTED]: -- the week starting at
22 eight --

23 MR. [REDACTED]: -- or-?

24 MR. [REDACTED]: -- this is starting for 8/4
25 rounds. So, this is, these are my rounds that

1 I'm doing.

2 MR. [REDACTED]: Now, is there some kind
3 of a requirement that you conduct rounds?

4 MR. [REDACTED]: Yeah. The warden is
5 supposed to go up and go -.

6 MR. [REDACTED]: So, you are supposed to
7 conduct rounds in the SHU?

8 MR. [REDACTED]: Yeah. About once --

9 MR. [REDACTED]: Or is this --

10 MR. [REDACTED]: -- a week. Like, you can go
11 up as many times, but, you know, the warden is
12 supposed to be going.

13 MR. [REDACTED]: All right.

14 MR. HAYES: Now, that means you are
15 supposed to conduct rounds in the SHU?

16 MR. [REDACTED]: Yeah. I go in the SHU. I
17 walk around and do rounds in every area of the
18 institution. So.

19 MR. [REDACTED]: And is everyone on here
20 supposed to do a round weekly? Because I have
21 never seen this round sheet until reviewing
22 your emails.

23 MR. [REDACTED]: No. This is every Bureau
24 institution has this. This is where you sign
25 into the Special Housing Unit. This is the

1 log. And this is showing that they made their
2 rounds. So, these are the lieutenants right
3 here, showing that they made their rounds. So,
4 at the end of the week, when they send me the
5 round sheet, and let's say it looked like this,
6 my question would be, okay, did they make
7 rounds, or did they forget to make rounds?

8 MR. [REDACTED]: Is this and this the same
9 thing?

10 MR. [REDACTED]: For the lieutenants, it
11 would be.

12 MR. [REDACTED]: Just the lieutenants?
13 And no one else?

14 MR. [REDACTED]: Yeah. No one else. This is
15 computer services. The duty officer has to go
16 up there.

17 MR. [REDACTED]: Now, so --

18 MR. [REDACTED]: Right there.

19 MR. [REDACTED]: -- this shows that you
20 did two rounds.

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: And you are only required
23 to do one. Correct?

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: AW programs.

1 MR. [REDACTED]: That, she did it on Friday.

2 MR. [REDACTED]: So, the fact that AW
3 operations has nothing in there, is that
4 problematic?

5 MR. [REDACTED]: And here is the other thing
6 could have happened. A lot of times, they make
7 the rounds, sometimes they forget to initial
8 and sign it.

9 MR. [REDACTED]: All right.

10 MR. [REDACTED]: So, what I would do is, I
11 would look at it and say, okay, when I got at
12 the end of the week, what happened? How come
13 you didn't make rounds?

14 MR. [REDACTED]: So, all of these blank
15 spaces, were these people supposed to be doing
16 rounds in SHU?

17 MR. [REDACTED]: Not everybody is required.
18 They should have been up there, but they are
19 not required. Like, the finance facility --

20 MR. HAYES: The correctional judgment --

21 MR. [REDACTED]: -- food services.

22 MR. HAYES: -- would be they could go up
23 to that.

24 MR. [REDACTED]: But health services has to
25 make rounds.

1 MR. [REDACTED]: You're getting it.

2 MR. [REDACTED]: The PA's.

3 MR. HAYES: By the end of the day, man,
4 I'll be ready to go to MCC myself. I hated
5 going to prison.

6 MR. [REDACTED]: Psychology. You know?

7 MR. [REDACTED]: So, which ones on here
8 that are actually required to conduct rounds?

9 MR. [REDACTED]: You have the unit team
10 that's supposed to go up. The lieutenants.

11 MR. [REDACTED]: Well, SIS, it doesn't
12 appear that they did any rounds.

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

14 MR. [REDACTED]: But I'm assuming they
15 certainly should have. Correct?

16 MR. [REDACTED]: SIS should have been up
17 there, to go around. So, and again, I would
18 look at it and see who was on leave. Somebody
19 might have been on leave, not on leave.

20 MR. [REDACTED]: And what are - so, when
21 these type of individuals, it looks like more
22 high level such as, I mean, obviously, you are
23 the highest level, what is a warden round look
24 like? Do you all have to walk down the range,
25 or --

1 MR. [REDACTED]: So, what I --

2 MR. [REDACTED]: -- is that what you do?

3 MR. [REDACTED]: -- what I do is, I walk
4 around and I go to every cell, and I talk to
5 the guy, got any issues, any problems?
6 They're, like, no, I'm good. You might have
7 some that say, hey, I'm up here for an
8 investigation. Why am I here? Why am I up
9 here? So, I take my little notes. Okay.
10 Fine. Some of it I can address right there,
11 some of it I can't. But I would typically walk
12 around what we call is the SHU roster. Which,
13 that is the reason why you are up there. Why
14 am I up here? And, you know, a lot of times,
15 you go by it, it says --

16 MR. HAYES: It's because you are a fucking
17 mass murderer, that's why you're up here.

18 MR. [REDACTED]: -- and, like, you know why
19 you are locked up. And then, they would say,
20 well, how come the investigation is taking so
21 long? And it would depend. If the FBI had it,
22 if it was an OIG investigation. It would
23 depend. So, you know, I would usually tell
24 them, like, you know, it's an outside agency
25 handling. We are in contact with them. And

1 somebody will come see you.

2 MR. ██████████: Okay.

3 MR. ██████████: Some could be up for
4 administrative, like an incident report.

5 MR. ██████████: So, you went through and
6 talked to everybody, but were you required to
7 do that, or is it just because you just were a
8 good employee?

9 MR. ██████████: I mean, that's what you
10 should be doing.

11 MR. ██████████: That's what you should
12 do. But I mean, like you talked about before,
13 well, the post orders don't say that.

14 MR. ██████████: Well, I don't have post
15 orders.

16 MR. ██████████: Right.

17 MR. ██████████: Yeah. So, I mean --

18 MR. ██████████: But you are -. But
19 something does say that you are required to do
20 it once a week?

21 MR. ██████████: There's nothing in writing
22 to tell me you have to do it. But just like I
23 visit every area, I have to, I visit every area
24 of the institution. You know, make sure I see
25 every employee going there on the off shifts.

1 I would go on the off shifts, you know, to see
2 the staff, but it's --

3 MR. HAYES: It's a surprise. In other
4 words, you are not telling them you are coming,
5 you are just going.

6 MR. [REDACTED]: Yeah. I'm coming up. I'm
7 making my rounds. I'm sitting, talking to
8 staff. What's your issues? I mean, it's more
9 the issue of them just work. I mean -.

10 MR. [REDACTED]: So, when you say there's
11 nothing in writing, saying that you should do
12 it, or is there something in writing saying
13 these people that didn't do it, that they
14 should have done it?

15 MR. [REDACTED]: No. And there could be
16 reasons. Now, they - and this is what I would
17 get the report and look into - like, there are
18 people that make the rounds, they come up to
19 SHU but they forget to sign in.

20 MR. [REDACTED]: Right.

21 MR. [REDACTED]: So, when I get the report, I
22 would, you know, talk to the captain, that this
23 the entrance log, and say, hey, why didn't such
24 and such make a round? Now, that AW might have
25 been out that week, and I had this one covering

1 both. So, they came up with the AW.

2 MR. [REDACTED]: Now, is there any way to
3 determine, like, these people that, for
4 instance, visited on Friday, what time they
5 visited? Because this is the day that Reyes
6 was gone. So, it says the captain was in there
7 on Friday.

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: Should have he noticed
10 that Reyes wasn't there?

11 MR. [REDACTED]: Not necessarily. If he
12 didn't go down range. And he could have come
13 up, and remember, we have Ten South that's
14 connected. So, I don't know if he came up
15 there, you know, for an issue for Ten South.

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: So, I don't know. And then,
18 him making his rounds, even if he's making his
19 rounds, you are going to have empty cells on
20 the range.

21 MR. [REDACTED]: Oh, you will?

22 MR. [REDACTED]: Yeah. Well, somebody --

23 MR. [REDACTED]: Even if -

24 MR. [REDACTED]: -- somebody could be at
25 medical. Somebody could be on an attorney

1 visit.

2 MR. [REDACTED]: So, it wouldn't --

3 MR. [REDACTED]: So --

4 MR. [REDACTED]: -- it wouldn't caused a
5 red flag, you don't think, if he saw, like,
6 Epstein's cell empty?

7 MR. [REDACTED]: Well, if empty cell is
8 empty, the first thing you're saying, he's down
9 on attorney visit. Because the rounds are made
10 during the daytime.

11 MR. [REDACTED]: And in that note, would
12 they say, though, because it says [REDACTED]
13 [REDACTED], and it looks like was there, too --

14 MR. [REDACTED]: Right.

15 MR. [REDACTED]: -- should have those two
16 people, if they actually did a round, say
17 Epstein is down there, but where is Reyes?

18 MR. [REDACTED]: I mean, they could have. I
19 mean, but Reyes could have been in the shower.

20 MR. [REDACTED]: Mm-hmm.

21 MR. [REDACTED]: You know? I mean --

22 MR. [REDACTED]: But it wouldn't be
23 something that would be normally asked?

24 MR. [REDACTED]: No.

25 MR. [REDACTED]: It was, like, oh --

1 MR. [REDACTED]: Hmm-mm.

2 MR. [REDACTED]: -- Epstein, high-profile
3 guy, where is his cellmate? That wouldn't be -
4 ?

5 MR. [REDACTED]: No. I mean --

6 MR. [REDACTED]: No.

7 MR. [REDACTED]: -- you're just saying, okay,
8 Epstein is downstairs, his, you know, or maybe
9 his cellmate was in, in, in attorney visit, it
10 could have been on a shower day. He could have
11 been in rec.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: I mean -.

14 MR. [REDACTED]: So, you are more
15 concerned about the people that are there, as
16 opposed to who weren't there, it sounds like
17 that? To check in with them.

18 MR. [REDACTED]: That, I mean, you want to
19 see, making sure you are around, making rounds,
20 talking to everyone. So, I don't know what,
21 you know, what the thought process is, or, you
22 know, if somebody was in the shower or not.

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: So.

25 MR. [REDACTED]: Sure. No. And I'm not

1 trying --

2 MR. ██████: Mm-hmm.

3 MR. ██████: -- to get you to say
4 that.

5 MR. HAYES: How many days a week can you
6 take a shower when you're in -?

7 MR. ██████: The entire of three times.
8 Monday. Typically, it's Monday, Wednesday, and
9 Friday.

10 MR. ██████: And what about this one?
11 This one is from ██████ ██████ to you. Weekly
12 rounds on August 12th, 2019. Is this --

13 MR. ██████: The PCU.

14 MR. ██████: -- is this -? So, this
15 is the same thing?

16 MR. ██████: That's the PCU unit.

17 WitWøød sec unit.

18 MR. ██████: The witeød sec unit.

19 MR. ██████: Mm-hmm.

20 MR. ██████: All right. So, this
21 might be the exact same thing as -. Oh, this
22 is what I did (Indiscernible *03:14:50).
23 Sorry. All right. That sounds good. Do you
24 mind just initialing and dating that?

25 MR. HAYES: Now, we are getting close to

1 the end.

2 MR. [REDACTED]: Hmm.

3 MR. [REDACTED]: [REDACTED], you had two
4 follow up questions before we move on. Why
5 don't you ask those?

6 MR. [REDACTED]: If , if the counts and the
7 rounds were done --

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: -- as they were supposed to
10 be done, let's say in the afternoon, by the SHU
11 C.O.s, would they have caught the fact that
12 Epstein's cell was empty, and inmate Reyes was
13 actually not where he was supposed to be? In
14 terms of that, if he was assigned, if Epstein
15 was required to have a cellmate, and Reyes was
16 transferred, would they have caught onto the
17 fact that Epstein needed a cellmate?

18 MR. [REDACTED]: I don't understand what -.

19 MR. [REDACTED]: Let's say Reyes was
20 transferred, right?

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: If the counts and the rounds
23 were done, in the afternoon, the 4:00 p.m.
24 count, the rounds in between, if they were
25 done, would the SHU C.O.s have caught on to the

1 fact that Reyes was missing from the cell?

2 MR. [REDACTED]: But they already knew that.

3 MR. [REDACTED]: If the word of mouth -.

4 MR. [REDACTED]: So, the claim is --

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: -- [REDACTED] made up that
7 stuff in the memo. And [REDACTED] says [REDACTED]
8 never told me that.

9 MR. [REDACTED]: Right.

10 MR. [REDACTED]: That they say that's
11 bullshit, and he's lying.

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: The people that he said
14 were present say the same thing.

15 MR. [REDACTED]: Right.

16 MR. [REDACTED]: He didn't say that.

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: So, point being is, well,
19 if [REDACTED] didn't pass that information on, if
20 they were actually conducting their rounds,
21 should they have noticed that he wasn't there?

22 MR. [REDACTED]: Yeah. If they knew that he
23 didn't -. If they knew, they knew that -
24 what's his name? - Epstein wasn't supposed to
25 have a cellmate. So, if you see his cell on

1 there, that I guess, and on the outside of the
2 cell, they would have his name and the other
3 person. Then you should be saying, okay, where
4 is the cellmate? We know he's not in the
5 attorney room.

6 MR. HAYES: Okay.

7 MR. [REDACTED]: So.

8 MR. HAYES: I got it.

9 MR. [REDACTED]: So, you know he's down in
10 the attorney room. So, you would have said,
11 okay, somebody's got to be in that cell.

12 MR. HAYES: Hmm. Ace bastard. That's a
13 way to fuck with the other guys.

14 MR. [REDACTED]: Meaning, if they actually did
15 the rounds and the counts like they were
16 supposed to, there was more than enough time
17 for them to turn around and assign another
18 cellmate, if needed.

19 MR. [REDACTED]: Or to say, of course, to
20 your point, where they are saying that nobody
21 ever told them, if you were making your rounds,
22 you would have saw that there was nobody in
23 that cell, and then ask you a question, where
24 he's at.

25 MR. HAYES: And the person whose job it is

1 to make sure they are doing their rounds is the
2 lieutenant or the captain?

3 MR. [REDACTED]: On the shift, it is the
4 lieutenant would check. But now, in fairness
5 to the lieutenant, if you are going off of a
6 sheet, and the sheet says, hey, you made your
7 rounds, and then, something like this happens,
8 then you find out people didn't make their
9 rounds.

10 MR. [REDACTED]: And I think what [REDACTED]
11 question to you was, does this suggest to you
12 that they were not actually conducting their
13 rounds? The fact that Reyes was gone for 24
14 hours, and the notifications weren't made?

15 MR. [REDACTED]: It would appear, yeah, -that
16 that is the appearance.

17 MR. HAYES: (Indiscernible *03:18:07).

18 MR. [REDACTED]: Yeah. I mean.

19 MR. [REDACTED]: I just have one other
20 question.

21 MR. HAYES: When I do cross examinations,
22 and it says, it would appear that, yeah,
23 that's, yeah, somebody found.

24 MR. [REDACTED]: Have you ever heard of C.O.s
25 pre-filling round sheets?

1 MR. [REDACTED]: When he says pre-filling,
2 what he is saying is that, the beginning of
3 their shift, they are going in and they are
4 just writing, they are initialing and putting
5 in the time. At the very beginning, for the
6 rest of their shift.

7 MR. [REDACTED]: So, let me put it to you
8 this way. If I --

9 MR. [REDACTED]: I saw you smile --

10 MR. [REDACTED]: -- no, no.

11 MR. [REDACTED]: -- when he asked that.

12 MR. [REDACTED]: Because if I become aware
13 and know that somebody is doing something like
14 that, that is reportable misconduct. I'm going
15 to report that. So, if somebody came to me and
16 said, well, this person is pre-filling out
17 count slips, that would be something that I
18 would say, okay, you know, I have to do a
19 referral, or if I don't have enough evidence
20 for it, I would have a supervisor, you know,
21 put it out, said, hey, you cannot do pre-count
22 slips.

23 MR. [REDACTED]: So, if we have people
24 confessing, admitting that they are not only
25 pre-filling out their count slips, but also

1 doing it with their round sheets --

2 MR. ██████████: Right.

3 MR. ██████████: -- what is your response
4 to that? How bad of a -? How bad is that?

5 MR. ██████████: Well, that is a referral. I
6 would have to do a referral for you guys to
7 look into it.

8 MR. ██████████: And then, if they are
9 actually pre-filling those out, does that also
10 suggest to you that they didn't do their counts
11 or their rounds?

12 MR. ██████████: Well, I mean, if they're
13 telling you that we pre-filled it out, it's
14 obvious that they did not, they are not
15 counting.

16 MR. ██████████: Right.

17 MR. ██████████: Because if somebody is pre-
18 filling out a sheet, that means --

19 MR. HAYES: They're not counting.

20 MR. ██████████: -- they have no intention of
21 counting.

22 MR. ██████████: And does that indicate to
23 you, as the warden, that they are falsely
24 certifying rounds and counts that they did not
25 conduct?

1 MR. [REDACTED]: If they come to you, and
2 they say, hey, we didn't fill out, we haven't
3 done our count slip, that is an admission of
4 misconduct.

5 MR. [REDACTED]: Right. But a false
6 certification, as well. Correct?

7 MR. [REDACTED]: Yeah. That is falsifying the
8 document. I mean, but they have admitted that
9 to you. But as far as --

10 MR. [REDACTED]: Now, what if you --

11 MR. [REDACTED]: -- me --.

12 MR. [REDACTED]: -- what if they are
13 saying - they are a newer employer - and they
14 are saying, well, we are doing it because we
15 watched a 20-year-old guy, 20-year guy do it.
16 That's how I learned. He didn't tell me to do
17 it. But I watched him do it.

18 MR. [REDACTED]: So --

19 MR. [REDACTED]: So, I did that.

20 MR. [REDACTED]: -- I would -. So, I would
21 say to you, when did that person come in?
22 Because anybody that came in under me, you get
23 the spiel that, hey, I was new, I was an
24 officer. I know what it is to be new. But I
25 always, always tell people, you got to know

1 what's near and dear to you.

2 MR. [REDACTED]: And that is why I asked
3 you specifically --

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: -- with Tova Noel. Are
6 you confident that you gave her that spiel?

7 MR. [REDACTED]: Talk to whoever was in her
8 class, and you talk to any, any new class that
9 came through, and they will tell you my spiel.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: Okay? You can go into our
12 annual training, when we have it, talk to
13 people, and they will tell you about my spiel.

14 MR. [REDACTED]: Do you say that always at
15 annual training?

16 MR. [REDACTED]: I cover everything. Because
17 I have --

18 MR. HAYES: Yeah, but do you always say
19 is, you have to do what you have to do. Don't
20 do it just because the 20-year-old guy did
21 that.

22 MR. [REDACTED]: I do. I tell people about
23 doing their job. The same thing when it comes
24 to use of force. I tell staff all the time.
25 Use enough force necessary to control the

1 situation.

2 MR. [REDACTED]: But specifically about
3 not watching the 20-year guy. What is it that
4 you tell them?

5 MR. [REDACTED]: So, what I tell them is, I
6 come in --

7 MR. [REDACTED]: Because it sounds like it
8 is the same thing you tell them every time.

9 MR. [REDACTED]: -- right. So, what I
10 basically tell them, I said, you got some good
11 people that work in the institution. And then,
12 I had, you got some people with time, that just
13 want to do what they want to do. And I tell
14 them, don't follow them around. I said, you've
15 got one. If you are on probation coming in,
16 you need to be doing your job. I said, if
17 someone comes in, and they're not doing their
18 job, or they're telling you not to do
19 something, you make sure you let your
20 supervisor know. I said, I make rounds, you
21 can, you can talk to me.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: You know? So, the
24 expectation was clear. But with any other
25 agency - and I'm not just saying our agency -

1 there are people that come in and they become
2 followers.

3 MR. ██████████: Now, we're going to move
4 on.

5 MR. ██████████: Mm-hmm.

6 MR. ██████████: We talked about the phone
7 call.

8 MR. ██████████: Right.

9 MR. ██████████: On August 9th. What is
10 your understanding of what transpired with
11 Epstein being provided a phone call on the
12 night of August 9th, 2019?

13 MR. ██████████: So, from what I understand,
14 when you come in, you have to be able to do,
15 for the monitored calls, the voice analysis and
16 all that. So, from what I understand
17 afterwards, Epstein was never available for
18 that to be done. Because he went down to the
19 attorney room, and he would come up at night.
20 So, from what I understand, he was given an
21 unmonitored call.

22 MR. ██████████: And what do you mean by
23 an "unmonitored call"?

24 MR. ██████████: An unmonitored call is a
25 call that is not recorded with the inmate phone

1 system.

2 MR. [REDACTED]: Is it your --

3 MR. HAYES: In other words, they don't
4 listen to what you say?

5 MR. [REDACTED]: Right. They don't.

6 MR. [REDACTED]: -- is it your
7 understanding that anyone physically monitored
8 the call, or did you -?

9 MR. [REDACTED]: From what I understand, the
10 individual was standing right there when he
11 made the call.

12 MR. [REDACTED]: All right. So, it is our
13 understanding that, "On August 9th, 2019,
14 Epstein made a request to MCC unit manager,
15 [REDACTED] [REDACTED], to provide him with a phone
16 call, so that he - Epstein - could call his
17 mother.

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: [REDACTED] checked Epstein's
20 pack and PIN, and found out it was not yet set
21 up.

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: Therefore, [REDACTED] took
24 Epstein to a shower area in the SHU, and
25 plugged a phone into a legal line. [REDACTED]

1 dialed the number. A man answered. He handed
2 the phone to Epstein. And then, ██████ left
3 for the day. ██████ stayed -". Oh, sorry.

4 MR. ██████: Mm-hmm.

5 MR. ██████: "Then we found out that
6 the SHU C.O.s were around.

7 MR. ██████: Mm-hmm.

8 MR. ██████: And ██████ did not
9 specifically instruct any one of them to
10 monitor their phone call. Instead, he called
11 the SHU after he departed from the MCC, to make
12 sure that the phone was taken away from Epstein
13 after his allotted time." Had you heard that
14 before?

15 MR. ██████: I have -. What I heard was
16 he was there and did the monitoring.

17 MR. ██████: So, your understanding
18 was that, ██████ was there the entire time of
19 his call?

20 MR. ██████: That, at the entire time of
21 his call.

22 MR. ██████: So, a number of questions
23 off of that. The fact that ██████ dialed the
24 number that he gave him, and a man called. A
25 man answered. Who, he said he was calling his

1 mother. A man answered and he gave him the
2 phone. Is that problematic to you?

3 MR. [REDACTED]: I didn't hear that it was a
4 -. Who did I -? They said it was his -.

5 MR. [REDACTED]: So, that information might
6 have come out after.

7 MR. [REDACTED]: It came out after. I didn't
8 - I heard that after the fact - so, I didn't
9 hear any specifics, but I heard it was -. I
10 forgot who they said it was that called, but
11 then afterwards, they said, whoever they said
12 it was, was deceased. That he didn't have that
13 talk.

14 MR. [REDACTED]: I think it was his
15 mother.

16 MR. [REDACTED]: Yeah. I think it might -.
17 So, and that, that is what I heard.

18 MR. HAYES: His --

19 MR. [REDACTED]: Yeah.

20 MR. HAYES: -- his mother died during the
21 time of this investigation.

22 MR. [REDACTED]: Hmm.

23 MR. [REDACTED]: She was previously deceased.

24 MR. [REDACTED]: Deceased.

25 MR. HAYES: So, wait, wait, wait, wait,

1 wait.

2 MR. ████████: Yeah.

3 MR. HAYES: So, he calls, looking for his
4 mother.

5 MR. ████████: He said he wanted to talk
6 to his mother.

7 MR. HAYES: But his mother was already
8 dead.

9 MR. ████████: Right.

10 MR. ████████: And the person who
11 answered the phone was a male. But he still
12 gave the phone to Mr. Epstein. Is that
13 problematic? That he says he wants to talk to
14 his mother. A man answers. And then gives the
15 phone to Mr. Epstein.

16 MR. ████████: Well, remember, I am hearing
17 this, that it was a call that all along said
18 I'm calling the mother. I don't know anything
19 about a man answering the phone.

20 MR. ████████: No, no, no, no, no. I'm
21 providing this information as in, like, you are
22 the warden, what is your take on this? Did he
23 do something wrong there?

24 MR. ████████: Well, as far as, you know,
25 you are saying you want to talk to your mother,

1 and the --

2 MR. [REDACTED]: And a man answers the
3 phone.

4 MR. [REDACTED]: -- and then, a man answers
5 the phone. Yeah. It might have been some
6 questions he should have been asking.

7 MR. [REDACTED]: Should have he verified
8 who it was he was providing -? If he is giving
9 him an unmonitored call, on an unmonitored
10 line, should have he verified who it was that
11 was on that other line?

12 MR. [REDACTED]: Right. If a male picked up
13 the phone.

14 MR. HAYES: Why do you know it's an
15 unmonitored line?

16 MR. [REDACTED]: Because the legal line
17 isn't recorded?

18 MR. [REDACTED]: Right.

19 MR. HAYES: So, that means unmonitored,
20 that it's --

21 MR. [REDACTED]: Yeah. That you can't --

22 MR. HAYES: -- it's not recorded.

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: Correct.

25 MR. HAYES: Okay.

1 MR. [REDACTED]: On that note, were there
2 any lines that Mr. [REDACTED] could have plugged
3 the phone into, that were monitored, versus if
4 they didn't have a pack and PIN?

5 MR. [REDACTED]: Not on the ranges, I
6 believe. I'm not sure.

7 MR. [REDACTED]: No?

8 MR. [REDACTED]: I don't think there was
9 anything on there.

10 MR. [REDACTED]: Because, yeah, we had
11 been told by someone that many, if not most,
12 BOP facilities have the ability, if a pack and
13 PIN such as that wasn't set up. There are
14 lines that you could plug it into, that are
15 monitored, but at MCC, that wasn't the case --

16 MR. [REDACTED]: No.

17 MR. [REDACTED]: -- in SHU?

18 MR. [REDACTED]: Not on the ranges.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: No.

21 MR. [REDACTED]: You said not on the ranges?

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: Where would it be?

24 MR. [REDACTED]: I'm not sure. I think
25 religious services might have a line. The

1 Chaplin.

2 MR. [REDACTED]: But not in the SHU?

3 MR. [REDACTED]: Not in the SHU.

4 MR. [REDACTED]: Okay. So, not only did
5 he do that, but he then left the SHU for the
6 day. Obviously, he was supposed to sit there
7 and listen to the call. Correct?

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: Should have he put it on
10 speaker phone?

11 MR. [REDACTED]: Either listen to the call,
12 or if he had somebody else take over the call.

13 MR. [REDACTED]: Okay.

14 MR. [REDACTED]: You know, so, somebody
15 should have been monitoring the call.

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: Just to stand there and
18 listen.

19 MR. [REDACTED]: All right. Now, the fact
20 that, you know, obviously, [REDACTED] dropped the
21 ball there. He gave him a call, he just wanted
22 to talk to his mom, his mom is deceased, and a
23 male answered.

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: Second, he didn't stay to

1 listen to the call. Third, he didn't tell
2 anybody else to listen to the call. Now, the
3 fact that the other - he leaves the unit - the
4 fact that the other people are in the unit,
5 should have they then, at some point, also
6 said, like, hey, this guy is on a phone call,
7 let's go monitor it, or should have that been
8 something that [REDACTED] --

9 MR. [REDACTED]: Yeah, you couldn't --

10 MR. [REDACTED]: -- would have directed?

11 MR. [REDACTED]: -- you couldn't -. But
12 that's what I'm saying. I don't know the
13 conversation that took place between them. If
14 the call was made, and somebody was told to go
15 monitor it. Did they go over it? Did they not
16 go over it?

17 MR. [REDACTED]: No.

18 MR. [REDACTED]: So, I don't -.

19 MR. [REDACTED]: So, Mr. [REDACTED] told the
20 people --

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: -- he's on a phone call.
23 Get it back after - whenever it was - 15
24 minutes.

25 MR. [REDACTED]: Mm-hmm.

1 MR. [REDACTED]: They were giving him an
2 unmonitored call.

3 MR. HAYES: The significance of this is
4 that, if somebody had monitored the phone call,
5 they might have found out that he was very
6 depressed, or he was -?

7 MR. [REDACTED]: Well, there is -. Can
8 you tell us, why is it important for us to know
9 that what inmates are talking about on their
10 phone calls?

11 MR. [REDACTED]: I mean, just for the safety
12 and the security of the institution.

13 MR. [REDACTED]: Is it true that they
14 could potentially operate their businesses,
15 their illegal businesses, from there?

16 MR. [REDACTED]: You could.

17 MR. [REDACTED]: Or they call a hit on
18 someone. Or they could, they could do a lot of
19 different illegal activities, if we are not
20 monitoring those calls --

21 MR. [REDACTED]: Right. That's --

22 MR. [REDACTED]: -- that we wouldn't know
23 --

24 MR. [REDACTED]: -- why we monitor them.

25 MR. HAYES: All right. I have one more

1 story.

2 MR. [REDACTED]: Yeah. Right.

3 MR. HAYES: I'm a young lawyer. And I
4 know it's hard to believe I was ever young.
5 But I go - I'm supposed to interview a prison -
6 and I go to the interview, and he says, this
7 person is the main rat against, and I said, no,
8 he's not. I said, that person has got no -
9 fucking nothing to do with it. He don't say
10 nothing about you. Guy looks at me and says,
11 oh, man, I better make a phone call.

12 MR. [REDACTED]: So, is it standard
13 practice to allow inmates to make personal
14 calls, as [REDACTED] had done?

15 MR. [REDACTED]: You do I, sometimes if they
16 come in, they don't have a pack number. Like,
17 you could have a family member that has passed
18 away, and, you know, you allow them to make a
19 call under that circumstance. You know, I have
20 a pack number set up. You know, so, sometimes,
21 but you should be monitoring that. Sometimes,
22 you make a call to another agency. And the
23 inmates, you know, you verify, hey, this is
24 such and such. But you stay and you listen to
25 the conversation.

1 MR. [REDACTED]: Was there ever an
2 instance that you wouldn't listen to the
3 conversation?

4 MR. [REDACTED]: On an unmonitored line?

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: No. Somebody should be
7 standing there.

8 MR. [REDACTED]: All right. And what are
9 your thoughts on this specific matter from what
10 we just, from what I just told you?

11 MR. [REDACTED]: Like I said, if it's
12 problematic, if you said, if it's the way you
13 said it, yeah.

14 MR. [REDACTED]: And is it a serious
15 concern and safety violation?

16 MR. [REDACTED]: Well, yeah. I mean, it's a
17 breach.

18 MR. [REDACTED]: And why?

19 MR. [REDACTED]: Because we don't know what
20 the conversation was.

21 MR. [REDACTED]: Okay. You said -. Okay.
22 You answered that. These are just on this
23 note, there is just a couple of these. There
24 is a phone call. This one says it's from an
25 [REDACTED] [REDACTED]. Do you know who that is?

1 MR. ██████: Yeah. He's the supervisory
2 attorney.

3 MR. ██████: So, he is an attorney?
4 Oh, okay. That's the same guy.

5 MR. ██████: Mm-hmm.

6 MR. ██████: Supervisory staff
7 attorney. It says, "For client Jeffrey
8 Epstein. Good afternoon. Below, please find
9 complaints from Epstein's attorneys. Can you
10 check to see if he has toilet paper, and that
11 his CPAP is plugged in? I am less concerned
12 regarding his complaint of having had two
13 calls, but they were on unmonitored lines. So,
14 there is no recording of them. His phone
15 account is set up, so we could get a call on
16 the ITS, when 30 days has --

17 MR. ██████: Mm-hmm.

18 MR. ██████: -- elapsed."

19 MR. ██████: Mm-hmm.

20 MR. ██████: So, it looks like this
21 was actually discussed, and this again, was on
22 August 6, 2019. Do you know if this was -? It
23 looks like this was the whole, to the whole
24 executive staff --

25 MR. ██████: Right.

1 MR. [REDACTED]: -- team. Was this talked
2 about at all?

3 MR. [REDACTED]: It was sent out, and that's
4 when, and I don't recall the timeline, I said
5 he needs to get his stuff set up. Anything --

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: -- that he needs, needs to
8 get it set up. So, I believe that was the day
9 when I sent everybody up there, in the attorney
10 room area, and said, get his stuff set up.

11 MR. [REDACTED]: Now, did you - the
12 captain, I believe, informed [REDACTED] that he
13 would give him this call, just make sure it's
14 monitored.

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: Prior to that, did the
17 captain talk to you about this at all?

18 MR. [REDACTED]: About what?

19 MR. [REDACTED]: Well, affording this un,
20 you know, this call on an unmonitored line, but
21 just making sure it was monitored?

22 MR. [REDACTED]: No.

23 MR. [REDACTED]: No?

24 MR. [REDACTED]: Hmm-mm.

25 MR. [REDACTED]: But what you had said,

1 make sure his pack and PIN is set up?

2 MR. [REDACTED]: Yeah. I had to. Because
3 there was some other things to get set up, and
4 I said, hey, we got to make sure that we can
5 get his stuff going. If that's the date, if I
6 remember, where everyone went up and talked to
7 him at the, where he was in the attorney room.

8 MR. [REDACTED]: Okay. Now, this is one
9 that's going to be -. Now, did you -. Were
10 you able to print out that attachment?

11 MR. [REDACTED]: No. That's just our screen.
12 It's not what they would see.

13 MR. [REDACTED]: I was just hoping -.
14 Okay. So, this is one we got. It's something
15 from [REDACTED] [REDACTED].

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: And who is that?

18 MR. [REDACTED]: That's the communication
19 guy.

20 MR. [REDACTED]: Correct. And he is in
21 charge of, like, the phones --

22 MR. [REDACTED]: The phones.

23 MR. [REDACTED]: -- the cameras.

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: Correct?

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: And he's to you, and it
3 says, "Phone record 104."

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: Sent on Saturday, August
6 10th, 2019, at 3:04 p.m. Now, it has an
7 attachment here, titled 8.19.19.cap.

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: That we are unable to
10 open. Do you know what that would have been?
11 It appears that it is related to the phone call
12 that Mr. Epstein made. Do you remember if you
13 ever received a recording of that phone call?

14 MR. [REDACTED]: No. I didn't get any
15 recordings.

16 MR. [REDACTED]: Would it have --

17 MR. [REDACTED]: Nuh-uh.

18 MR. [REDACTED]: -- been, maybe, then, the
19 number that he dialed?

20 MR. [REDACTED]: I think it might -. And it
21 might have been the number. I'm not sure. I
22 can't -. I don't recall.

23 MR. [REDACTED]: Okay.

24 MR. [REDACTED]: What that is.

25 MR. [REDACTED]: Do you remember asking

1 Mr. [REDACTED] to provide you with any specific
2 information with regards to the call?

3 MR. [REDACTED]: We might have called him
4 about the line, and what was the number that
5 was called.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: And could they have pulled
8 it up. So, we might have asked him that.

9 MR. [REDACTED]: But it definitely wasn't
10 an actual recording on the phone?

11 MR. [REDACTED]: No. It was --

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: -- I think it might have
14 been the number that, you know, I think wanting
15 to pass on to the FBI.

16 MR. [REDACTED]: Great.

17 MR. [REDACTED]: Uh-huh.

18 MR. [REDACTED]: Do you mind just
19 initialing --

20 MR. [REDACTED]: Mm-hmm.

21 MR. [REDACTED]: -- and dating that?

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: I just didn't know what
24 that .cap was.

25 MR. [REDACTED]: Right.

1 MR. [REDACTED]: So, we didn't know, oh my
2 gosh, do we have a recording of this thing?

3 MR. [REDACTED]: The second one, too.

4 MR. [REDACTED]: Okay.

5 MR. [REDACTED]: All right. Now, we are
6 going to get into the actual incident.

7 MR. HAYES: Oh my God. Now,
8 (Indiscernible *03:34:06) getting ready to get
9 into.

10 MR. [REDACTED]: We don't have much more.
11 I promise. I mean, we are way passed the --

12 MR. HAYES: Yeah.

13 MR. [REDACTED]: -- yeah. What is your
14 understanding of what occurred in Epstein's
15 cell on August 10th, 2019?

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

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

18 MR. [REDACTED]: I didn't go up there.

19 MR. [REDACTED]: Do you -.

20 MR. [REDACTED]: I never saw the cell.

21 MR. [REDACTED]: Do you believe if -. Do
22 you know if Epstein took his own life?

23 MR. [REDACTED]: That's what I've been told.

24 MR. [REDACTED]: Is that your
25 understanding of what happened?

1 MR. [REDACTED]: That was what was conveyed
2 to me.

3 MR. [REDACTED]: Do you have any
4 information, with regard to anyone else taking
5 Epstein's life?

6 MR. [REDACTED]: No.

7 MR. [REDACTED]: No. Have you heard that
8 Epstein's cell door was left opened on the
9 night of August 9th, 2019, and/or the morning
10 of August 10th, 2019?

11 MR. [REDACTED]: I didn't hear that.

12 MR. [REDACTED]: You have never heard
13 that?

14 MR. [REDACTED]: No.

15 MR. [REDACTED]: Have you heard that any
16 cellmate's in the SHU - any cells within the
17 SHU, any of their doors were left opened on the
18 night of August 9th, 2019 in the morning?

19 MR. [REDACTED]: I did not hear that.

20 MR. [REDACTED]: On August 9th. No?

21 MR. [REDACTED]: Hmm-mm.

22 MR. [REDACTED]: Do you know if anyone
23 harmed Epstein?

24 MR. [REDACTED]: No. I would have reported
25 it.

1 MR. ██████████: All right. So, these are
2 the - let's see - this is the Bureau of Prisons
3 Health Services Clinical Encounter.

4 MR. ██████████: Right.

5 MR. ██████████: Did you get to review
6 this one at all?

7 MR. ██████████: No.

8 MR. ██████████: It talks about responding
9 to a body alarm at 6:35 for medical emergency.

10 MR. ██████████: I think I might have saw the
11 memorandums, but I don't -. I don't recall
12 seeing this.

13 MR. ██████████: All right. So, let me
14 just read this, for the record --

15 MR. ██████████: Mm-hmm.

16 MR. ██████████: -- because it is a very
17 quick one. It says, "Responded to a body alarm
18 at 6:35 for a medical emergency on Nine South.
19 Upon arrival, inmate was received on the floor
20 of his cell, unresponsive, with CPR in progress
21 by correctional officers. The inmate was cold
22 with circumferential bruising around the neck
23 and posterior mottling. Pupils fixed and
24 dilated. No palpus (Phonetic Sp. *03:35:59)
25 pulses, call place for EMS, CPR continued.

1 ED placed. No shock advised. CPR
2 continued. Inmate transported to HSU treatment
3 room, with CPR in progress. 18G, heplock
4 (Phonetic Sp. *03:36:12)." No. I'm not going
5 to read the rest of this. It just talks about
6 continued CPR in progress. Are you aware,
7 after Epstein was found on August 10th, 2019,
8 at approximately 6:33 a.m., did he ever show
9 any signs of life?

10 MR. [REDACTED]: I never -. I wasn't up
11 there.

12 MR. [REDACTED]: Yeah. I just didn't know
13 if you had heard --

14 MR. [REDACTED]: No. When I --

15 MR. [REDACTED]: -- (Indiscernible
16 *03:36:34).

17 MR. [REDACTED]: -- when I got there, he was
18 already out.

19 MR. [REDACTED]: Because they said that,
20 you know, he was declared deceased at the
21 hospital. So, my question is, it sounds like,
22 from this person's report --

23 MR. HAYES: Yeah.

24 MR. [REDACTED]: -- he was --

25 MR. HAYES: Right.

1 MR. [REDACTED]: -- there was no signs of
2 life.

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

4 MR. [REDACTED]: And I was just wondering,
5 had you heard anything from staff? Was there
6 ever any signs of life, that you are aware of,
7 while after - from the point he was found, on.

8 MR. [REDACTED]: Well, the impression that I
9 was given was, he was alive when he left the
10 institution.

11 MR. [REDACTED]: So, you believed he was
12 actually alive?

13 MR. [REDACTED]: That's what was conveyed.

14 MR. [REDACTED]: It was conveyed to you
15 that -?

16 MR. [REDACTED]: I think he was still alive,
17 if I remember right. I think he was -. They
18 did the CPR. And then, they got him out.

19 MR. [REDACTED]: And who -. So, according
20 to this, again, this person arrived at 6:35 --

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: -- they're saying the
23 inmate was cold. You know, "Pupils fixed and
24 dilated. No palpus pulses." Meaning, I'm
25 assuming, that means no pulse. You know?

1 MR. [REDACTED]: So, you would probably have
2 to look at the response, the staff responding
3 memorandums on what -.

4 MR. [REDACTED]: So, up until this date,
5 did you think that he was alive when he had
6 left the institution?

7 MR. [REDACTED]: That's what I believed.
8 That was the impression I had.

9 MR. HAYES: Can I ask a question? Right.
10 If he was dead when they came, and somebody
11 found him, or even if he was close to death,
12 how long would it have been that he tried to
13 kill himself, and the time that they found him?
14 In other words, does that mean he tried to kill
15 himself 45 minutes before? Does that mean he
16 tried to kill himself 30 minutes before? You
17 understand the question I'm asking?

18 MR. [REDACTED]: Sure. I mean, that is
19 something that the medical examiner, you know,
20 makes that determination.

21 MR. HAYES: Because obviously, if he was,
22 had done whatever he did, during the time that
23 there was supposed to be a round, and somebody
24 fucked up, you know what I mean? If you are
25 there, with a towel around your throat, that's

1 a hint that you are not exactly in the best of
2 moods.

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: But the other thing is, you
5 know, I don't know, like you just said, the
6 medical examiner determines, you know, if he's
7 alive or -.

8 MR. [REDACTED]: Well, and that was going
9 to become my follow up. First of all, who -
10 this person. It says provider, [REDACTED] [REDACTED],
11 RN. Is that someone who worked at -?

12 MR. [REDACTED]: He was one of the nurses
13 that worked.

14 MR. HAYES: Mm-hmm.

15 MR. [REDACTED]: All right. And is it
16 your understanding, by saying provider, this is
17 the person who wrote this report?

18 MR. [REDACTED]: Yeah. Typically, who has
19 the encounter fills it, writes it in the
20 system.

21 MR. [REDACTED]: Okay. So, up until me
22 reading these out, you actually were under the
23 assumption that he was alive?

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: When he left.

1 MR. [REDACTED]: I thought he was alive.

2 Yeah. That was my assumption.

3 MR. [REDACTED]: Okay. Does that have
4 anything to do with the fact that the medical
5 examiner is the only one who can declare him
6 dead?

7 MR. [REDACTED]: It does, too.

8 MR. [REDACTED]: All right. And also --

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: -- I have heard that
11 inmates don't die at prisons.

12 MR. [REDACTED]: Well, I mean, people say
13 that, but again, in reality, we - no one in the
14 prison can declare an inmate dead.

15 MR. [REDACTED]: Right, right, right.

16 MR. [REDACTED]: Even if -.

17 MR. [REDACTED]: But is that what you mean
18 by that statement, though? Did you -. I mean,
19 had you heard that he showed signs from life?

20 MR. [REDACTED]: From what --

21 MR. [REDACTED]: Because we have heard
22 this --

23 MR. [REDACTED]: -- from --

24 MR. [REDACTED]: -- type of thing --

25 MR. [REDACTED]: -- yeah, from what I --

1 MR. [REDACTED]: -- before.

2 MR. [REDACTED]: -- hear, they were still
3 performing life-saving measures on him, even
4 when, from - what do you call it? - EMS coming
5 in there. So, when you say to me that we are
6 performing life-saving measures, I'm assuming
7 that he is still alive.

8 MR. [REDACTED]: Right. Like, there is --

9 MR. [REDACTED]: so -.

10 MR. [REDACTED]: -- always a chance you
11 could bring him back.

12 MR. [REDACTED]: That, you know --

13 MR. [REDACTED]: Or you are hoping that
14 you are going to resuscitate him. But do you
15 know of any indication of --

16 MR. HAYES: That he was successful --

17 MR. [REDACTED]: -- signs of life?

18 MR. HAYES: -- yeah.

19 MR. [REDACTED]: I didn't. Again, I'm going
20 off of, assuming that he was still alive
21 because they were still working on him.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: So, and if somebody start,
24 now, I've been in situations where the
25 paramedics come in, and, you know, they work on

1 them, and they say, you know what? There is
2 nothing else we can do. He still hasn't been
3 declared dead.

4 MR. [REDACTED]: Sure.

5 MR. [REDACTED]: But they still -.

6 MR. HAYES: Right.

7 MR. [REDACTED]: But from what I gather, they
8 were still working on them.

9 MR. HAYES: When you say nobody dies in
10 prison, you are being facetious?

11 MR. [REDACTED]: It's just one of those
12 things that --

13 MR. HAYES: Yeah. It doesn't -.

14 MR. [REDACTED]: -- it happens at the --

15 MR. HAYES: Yeah.

16 MR. [REDACTED]: -- at the hospital.

17 MR. HAYES: Yeah.

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: That's where they are
20 declared dead.

21 MR. HAYES: Yeah.

22 MR. [REDACTED]: Mm-hmm.

23 MR. HAYES: Right. Okay.

24 MR. [REDACTED]: And that's not, you know,
25 necessarily true. I mean, it's where you are -

1 like, sometimes --

2 MR. HAYES: It's sort of a joke.

3 MR. ████████: -- yeah.

4 MR. HAYES: To (Indiscernible *03:40:46).

5 MR. ████████: It's a joke. Because
6 sometimes, the bodies are still there, and --

7 MR. ████████: Right.

8 MR. ████████: -- and we know he is
9 deceased. But then, the doctor and the medical
10 examiner --

11 MR. HAYES: Yeah.

12 MR. ████████: -- declares --

13 MR. HAYES: At the hospital --

14 MR. ████████: -- (Indiscernible
15 *03:40:57).

16 MR. HAYES: -- (Indiscernible *03:40:57)

17 MR. ████████: Right.

18 MR. HAYES: The guy's got a big
19 (Indiscernible *03:41:00), you know --

20 MR. ████████: Uh-huh.

21 MR. HAYES: -- whatever they call them,
22 knives in his chest.

23 MR. ████████: Mm-hmm.

24 MR. HAYES: You know, you can tell he's
25 not coming back, but I mean, you know what I'm

1 saying, they don't say he's dead on the scene.

2 (Indiscernible *03:41:04).

3 MR. [REDACTED]: Uh-huh.

4 MR. [REDACTED]: But just, I just want to
5 be clear, because with that statement, without
6 me getting a little more clarification, people
7 are going to read, wait a second, the warden
8 said that he was still, he thought he was still
9 alive. Now, I want to make sure I'm clear.
10 Are you saying that there was a chance for them
11 to bring him back, or based upon the
12 conversation with someone - and my follow would
13 be that, who? - did you believe that he was
14 still alive?

15 MR. [REDACTED]: My assumption, from when I
16 was called, was they were working on him, and
17 he was - they were being taken to the hospital.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: That's --

20 MR. HAYES: That was --

21 MR. [REDACTED]: -- that's the term.

22 MR. HAYES: -- that -. Wait. You were
23 called at a certain time.

24 MR. [REDACTED]: Yeah. When the lieutenant
25 called.

1 MR. HAYES: Okay. Now, the lieutenant
2 says -.

3 MR. [REDACTED]: So, when you came back
4 and found out, did you ever find out that he
5 wasn't showing signs of life, when you came in
6 and talked to people?

7 MR. [REDACTED]: No. Because I - first of
8 all, when it happened, I wasn't going around
9 questioning people about --

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: -- okay, what's going on
12 with this, because then, I knew that it was a
13 criminal case. But not criminal, but there was
14 going to be an investigation into it. And so,
15 I didn't want to give the appearance of
16 anything, that I was interfering with any
17 investigation. But when I did call, they said
18 they were working on him, and that, you know,
19 he was being transported to the outside
20 hospital.

21 MR. [REDACTED]: And who was it that
22 provided you with that information?

23 MR. [REDACTED]: The lieutenant. Lieutenant
24 [REDACTED].

25 MR. HAYES: So, you drew the inference

1 that that --

2 MR. ██████: Uh-huh.

3 MR. HAYES: -- meant he was still alive?

4 MR. ██████: Right. I assumed that, you
5 know, they were still working on him, and he
6 was still alive.

7 MR. ██████: And after that
8 conversation, though, and speaking with other
9 people, you never gathered that, oh, he was,
10 they were working on him, attempting to bring
11 him back, but he was not alive?

12 MR. ██████: I didn't -.

13 MR. ██████: From -.

14 MR. ██████: The assumption, my
15 assumption, was that he was deceased at the
16 hospital.

17 MR. ██████: Okay.

18 MR. ██████: Yeah. So.

19 MR. ██████: All right. Do you want
20 to follow up on that at all, anymore?

21 MR. ██████: No.

22 MR. ██████: Mm-hmm.

23 MR. ██████: Okay.

24 MR. ██████: That kind of covers it.

25 MR. HAYES: Are we through now?

1 MR. [REDACTED]: No.

2 MR. [REDACTED]: No.

3 MR. HAYES: Oh, god.

4 MR. [REDACTED]: We only have, really,
5 very brief conversations left. All right. So,
6 this was an email sent from you, to [REDACTED] [REDACTED].
7 It just says, subject, "Names."

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: It says Michael Thomas.

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: Tova Noel, and [REDACTED]
12 [REDACTED].

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: Who were -? Why were
15 those people listed?

16 MR. [REDACTED]: Because he wanted to know
17 who was working up there that night.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: Who was the staff working
20 there that night.

21 MR. [REDACTED]: So, why did you write
22 [REDACTED] versus, like, [REDACTED], or who else was
23 up there? Was [REDACTED] (Phonetic Sp. *03:43:25)
24 still there?

25 MR. [REDACTED]: No.

1 MR. [REDACTED]: At least [REDACTED] and
2 [REDACTED]. Was [REDACTED] left off for any reason?
3 Because I think [REDACTED] worked --

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

5 MR. [REDACTED]: -- until midnight, and
6 [REDACTED] only worked until 10:00.

7 MR. [REDACTED]: No. For - and I don't -
8 correct me if I'm wrong - I don't know if he
9 wanted to know who was on the midnight shift.
10 And then, I included who was on Ten South. I'm
11 not sure.

12 MR. [REDACTED]: I think [REDACTED] [REDACTED] was
13 the OIC of the shift previous. And then, just
14 Tova, [REDACTED] --

15 MR. [REDACTED]: Tova would have --

16 MR. [REDACTED]: -- and Tova were the ones
17 from --

18 MR. [REDACTED]: -- been two up there.

19 MR. [REDACTED]: -- midnight afterwards.

20 MR. [REDACTED]: Yeah.

21 MR. [REDACTED]: And then -.

22 MR. [REDACTED]: I think that Ten South was
23 [REDACTED] Adams.

24 MR. [REDACTED]: Yeah. So, I don't know,
25 remember it. But I know it had to do with the

1 question about who was working.

2 MR. [REDACTED]: Okay.

3 MR. [REDACTED]: So, I don't know the
4 specifics and why it listed those three.

5 MR. [REDACTED]: And you don't know if,
6 like, because these were, who we considered the
7 subjects.

8 MR. [REDACTED]: No. I mean, these two would
9 have been obvious because they were working up
10 there on the midnight shift. But I don't know
11 why [REDACTED] got thrown in there.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: Mind just initial and
15 dating that? Okay. And this one is an email
16 from Captain [REDACTED] to you, dated Sunday,
17 August 11, 2019. And it says, subject, "A
18 memorandum, Epstein."

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: And it says that this was
21 dated August 10th, 2019.

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: It's from Captain [REDACTED].
24 It says, subject is, "Security expectations
25 involving inmate Epstein, Jeffrey."

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: Are you familiar with
3 this? Did you ever see this, that he sent?

4 MR. [REDACTED]: I did.

5 MR. [REDACTED]: Do you know what the
6 purpose of this was?

7 MR. [REDACTED]: Let me read it again.
8 "(Indiscernible *03:44:56), and while this
9 could be conducted, I did, I informed staff
10 (Indiscernible *03:44:59) be dealing with
11 inmate Epstein, and others were notified. I
12 explained that lieutenants were to conduct
13 (Indiscernible *03:45:08), and at that point,
14 (Indiscernible *03:45:09). I explained I
15 could, and they would not (Indiscernible
16 *03:45:15)." Oh, no. I just was asking him
17 when the thing happened, what is the guidance
18 he provided?

19 MR. [REDACTED]: So, what did he provide
20 to, like, the SHU staff and the lieutenant?
21 Because --

22 MR. [REDACTED]: Yeah.

23 MR. [REDACTED]: -- at least the last
24 little point on this first page --

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: -- so, it says, "In
2 detailed conversations with the SHU lieutenant,
3 he was informed of my expectations regarding
4 the supervision of inmate Epstein,
5 specifically, he was reminded on several
6 occasions that inmate Epstein was to be housed
7 with a cellmate."

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: So, is this all, like,
10 the expectations surrounding --

11 MR. [REDACTED]: The expectations.

12 MR. [REDACTED]: -- Epstein?

13 MR. [REDACTED]: Right. Mm-hmm.

14 MR. [REDACTED]: And when he says, "During
15 the week of July 31st, 2019, in order to
16 address management concerns with inmate
17 Epstein," do you know what he is talking about
18 there? With management concerns.

19 MR. [REDACTED]: The housing of them. And in
20 the Special Housing Unit.

21 MR. [REDACTED]: Okay. And do you know
22 if, according to this, it looks like he is
23 saying that he did perform ~~an~~-informal training
24 sessions with staff. Do you know if he, in
25 fact, did that, or is it just based upon --

1 MR. [REDACTED]: Just based upon --

2 MR. [REDACTED]: -- what he wrote here?

3 MR. [REDACTED]: -- on what he sent out.

4 MR. [REDACTED]: Okay. So, there is no
5 other information, aside from what he's telling
6 you?

7 MR. [REDACTED]: Right. Yeah. He told me
8 that.

9 MR. [REDACTED]: So, this one is - I want
10 to get your take on this matter - so, this is
11 back to [REDACTED] [REDACTED], who was relieved
12 at 5:30, but she stayed at the institution at
13 least until 9:30, and sent out that email,
14 detailing, you know, what day, and the
15 lieutenant's log, and the daily activity log.
16 So, Captain [REDACTED] sent her an email on
17 8/12/2019, stating, "Lieutenant [REDACTED], I am
18 reminding you to submit your supervisory
19 memorandum for the inmate Epstein incident that
20 occurred on 8/10/2019.

21 Please have it complete and ready for
22 submission on 8/13/2019." She responded with
23 no, addressing nothing, just saying, just
24 responded simply, "In your email, you state,
25 quote, 'I am reminding you.' End quote. I

1 haven't spoken to you or anyone else regarding
2 the incident involving inmate Epstein or
3 anything else pertaining to August 10th, 2019.
4 So, how is it possible for you to be reminding
5 me? Second, I had~~ve~~ been properly relieved,
6 prior to the incident involving inmate
7 Epstein." What is your take on that email?

8 MR. [REDACTED]: First of all, any major
9 incident that takes place in the institution,
10 we have to do what is called a report of
11 incident.

12 MR. [REDACTED]: Sure.

13 MR. [REDACTED]: He is well within the scope
14 of his employment, asking, okay, where is your,
15 where is -. And I don't know if he was asking
16 her the overall memorandum. Like, you are the
17 shift lieutenant. You know, when this incident
18 took place. So, technically, you should have
19 been doing the packet. So, he is probably
20 contacting her for that.

21 MR. [REDACTED]: Well, she was relieved at
22 5:30 a.m., but she was still there, and the
23 incident happened at 6:30. And again, she
24 ~~was~~ there at least until 9:30. And she did
25 respond to the SHU afterwards, helping with the

1 feeding. Should have she written a memorandum?

2 MR. [REDACTED]: Yes.

3 MR. [REDACTED]: Yes?

4 MR. [REDACTED]: I mean, she said she
5 responded to the incident?

6 MR. [REDACTED]: She didn't respond to the
7 incident. She responded after the incident, to
8 help in the SHU with feeding and dealing with
9 the inmates.

10 MR. [REDACTED]: So, she -. Well -.

11 MR. HAYES: So, somebody told her that the
12 fucking guy hung himself, should she have -.
13 Right?

14 MR. [REDACTED]: Again, from what I gather, I
15 am under the impression, when the lieutenant
16 relieved her, she was gone. Because, and, you
17 know, and I can't speculate on what was there.
18 So, if we -.

19 MR. [REDACTED]: She said she stuck
20 around, working on matters that she needed to
21 catch up on.

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

23 MR. [REDACTED]: But it sounds like
24 manipulating those numbers on the counts and
25 stuff.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: Right?

3 MR. [REDACTED]: So, let me ask you this
4 question. I have, I have a medical emergency.
5 A suicide, right? That is an emergency
6 everyone in the institution has to respond to.
7 Why didn't you respond to it?

8 MR. [REDACTED]: So, you think that she
9 maybe came back after?

10 MR. [REDACTED]: It doesn't make sense to say
11 --

12 MR. [REDACTED]: Well, she never sent out
13 her required logs, though.

14 MR. [REDACTED]: Right. So, that, but --

15 MR. [REDACTED]: So, you reviewed her
16 emails. And I would think that she would have
17 sent that out, if she had left, I would think
18 she would have sent that out before she left.
19 Right? As required.

20 MR. [REDACTED]: Right. So, did you leave
21 and come back? I mean, because if you are
22 saying that you were there, you would have been
23 one of the first responders up to the unit.

24 MR. [REDACTED]: Yeah,

25 MR. [REDACTED]: For the emergency.

1 MR. [REDACTED]: That's a really good
2 point.

3 MR. [REDACTED]: You know?

4 MR. HAYES: In other words --

5 MR. [REDACTED]: I wish we had --

6 MR. HAYES: -- they're saying it sounds
7 fishy.

8 MR. [REDACTED]: -- I wish we had thought
9 of that.

10 MR. [REDACTED]: I mean, so, and then, if you
11 --

12 MR. [REDACTED]: And if she didn't, why?

13 MR. [REDACTED]: -- and if you didn't
14 respond, why didn't you respond?

15 MR. [REDACTED]: If she -. Is it a claim
16 at all, I had been relieved, I wasn't
17 technically working?

18 MR. [REDACTED]: If you are in the building,
19 you have to respond.

20 MR. [REDACTED]: Is that right?

21 MR. [REDACTED]: It's an emergency.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: I mean, as a lieutenant --

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: -- I would want to respond,

1 and say --

2 MR. [REDACTED]: And so, the fact that she
3 states that she was there, and she was working
4 on her administrative responsibilities --

5 MR. [REDACTED]: Right.

6 MR. [REDACTED]: -- so, is that a problem,
7 then, as the warden? What do you mean you are
8 working on the administrative? You should have
9 responded to that emergency.

10 MR. [REDACTED]: No. But - and I don't want
11 to speculate on when you are there - but I
12 just, there is just some questions --

13 MR. HAYES: Wait, and I think --

14 MR. [REDACTED]: -- they just don't --

15 MR. HAYES: -- that is a yes or a no --

16 MR. [REDACTED]: Right.

17 MR. HAYES: -- you know, question.

18 MR. [REDACTED]: Yeah. I mean, it's a
19 problem. If you are saying I am working on it,
20 okay. Now, at what point did you say, okay, I
21 need to, because once they had said, hey, I
22 have a suicide or something going on, which is
23 probably over, you know, a real medical
24 emergency, and you hear the transmission on the
25 radio, you are going to go up there. So then,

1 you say, oh, I went up there later, to help
2 with the feeding. Either way, you were in the
3 building. The captain is asking you, it
4 happened on your shift, you are responsible for
5 conducting the report of incident.

6 MR. [REDACTED]: So, that answer is yes,
7 she should have written a memorandum?

8 MR. [REDACTED]: She should have written one.
9 I don't understand why she didn't, you know?

10 MR. [REDACTED]: And is that at all -
11 reading how she responded - is that
12 insubordination at all, to you?

13 MR. [REDACTED]: Listen. I will put it this
14 way. I can't speak on other supervisors or how
15 they tolerate, but if you had given me a
16 memorandum like this, we would be having a
17 conversation. You know?

18 MR. [REDACTED]: Is that, at the very
19 least, inappropriate --

20 MR. [REDACTED]: I think --

21 MR. [REDACTED]: -- I think it's
22 inappropriate. I mean, that's the way --

23 MR. [REDACTED]: I mean, I read it. I
24 thought it was inappropriate.

25 MR. [REDACTED]: -- yeah.

1 MR. [REDACTED]: I just didn't know how --

2 MR. [REDACTED]: I would have gone to have a
3 conversation, like, you know, first, are you
4 all right? And then, secondly, what is this?
5 But yeah.

6 MR. [REDACTED]: Fair enough.

7 MR. HAYES: Okay, listen, one last
8 question.

9 MR. [REDACTED]: Sure.

10 MR. HAYES: Does that give the implication
11 that she is covering up for somebody, or she
12 just didn't do her job?

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

14 MR. [REDACTED]: We don't know. That's -.
15 Had you heard anything about her covering up
16 for someone? Because -.

17 MR. [REDACTED]: I haven't heard anything,
18 but, you know --

19 MR. [REDACTED]: Did you hear about
20 inmates saying that she was making statements
21 that she was going to cover for other people?

22 MR. [REDACTED]: Again, I don't want to make
23 any statements --

24 MR. [REDACTED]: No, no, I'm asking you --

25 MR. [REDACTED]: -- that are not factual.

1 MR. HAYES: (Indiscernible *03:51:56).

2 MR. [REDACTED]: -- did you ever hear -?

3 MR. [REDACTED]: No, I didn't hear anything.

4 MR. HAYES: I would hate to --

5 MR. [REDACTED]: You never heard it.

6 MR. [REDACTED]: Right.

7 MR. HAYES: -- I would hate to give my own
8 client a hard time.

9 MR. [REDACTED]: Right.

10 MR. HAYES: But, but it sounds to me like
11 she's got three hours where she knows this guy
12 is dead.

13 MR. [REDACTED]: Right.

14 MR. HAYES: You know? And she don't say
15 much. I mean, you know, if I was him, I would
16 be drawing an inference, saying, what the fuck
17 is going on? Excuse my language, by the way.
18 I have a filthy mouth.

19 MR. [REDACTED]: No. I mean, I understand
20 what you are saying, but you know, I'm just, my
21 point of view is - and my concern - is --

22 MR. HAYES: Yup.

23 MR. [REDACTED]: -- if you were there --

24 MR. HAYES: Your concern is, you would
25 have asked, unlike myself, you would have asked

1 her a question first --

2 MR. [REDACTED]: Right.

3 MR. HAYES: -- rather than jumping into,
4 which is --

5 MR. [REDACTED]: Because I was --

6 MR. HAYES: -- which is what I did.

7 MR. [REDACTED]: -- under the impression,
8 because when Lieutenant [REDACTED] called me, he was
9 the operations lieutenant, and he had relieved
10 her.

11 MR. [REDACTED]: Right.

12 MR. [REDACTED]: She had gone home already.

13 MR. [REDACTED]: Well, he had certainly
14 relieved her, but --

15 MR. [REDACTED]: Yeah.

16 MR. [REDACTED]: -- according to her, she
17 hadn't gone home.

18 MR. [REDACTED]: Yeah.

19 MR. [REDACTED]: Do you mind just
20 initialing and dating that?

21 MR. [REDACTED]: Yeah.

22 MR. [REDACTED]: Maybe you asked this
23 question. And I just want to clarify. Being
24 that she started this shift 10:00 p.m. the
25 night before, right?

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: Let's say this incident did
3 happen. We're not saying she did. We don't
4 know. If she went in and she altered the
5 lieutenant logs, for the previous shift, did
6 she do something wrong?

7 MR. [REDACTED]: Well, and again, we are
8 knowing, though, that she started at 10:00 p.m.
9 So, that is still her shift.

10 MR. [REDACTED]: Yeah. But --

11 MR. [REDACTED]: We've had this
12 conversation --

13 MR. [REDACTED]: -- no, no, but --

14 MR. [REDACTED]: -- before.

15 MR. [REDACTED]: -- let's just say, you know,
16 the fact that the inmate wasn't moved until
17 midnight, and then the clarification, and the
18 count, the count numbers being changed in
19 there. Now, so, the lieutenant log count
20 numbers are accurate, except the count, the
21 actual count slips, were completely off. So,
22 somewhere along the way, someone altered those
23 numbers to --

24 MR. [REDACTED]: Well --

25 MR. [REDACTED]: -- correct it.

1 MR. [REDACTED]: -- the lieutenant is
2 required to take a count on each shift. So --

3 MR. HAYES: So, see, wait.

4 MR. [REDACTED]: -- you got the --

5 MR. HAYES: -- the lieutenant is supposed
6 to take in a count. Right?

7 MR. [REDACTED]: Right. Just to take one
8 count --

9 MR. HAYES: He's supposed to --

10 MR. [REDACTED]: -- on shift.

11 MR. [REDACTED]: An institutional count.

12 MR. [REDACTED]: Institutional count.

13 MR. HAYES: Okay.

14 MR. [REDACTED]: Not a physical, in the
15 SHU count.

16 MR. HAYES: Okay. So, now --

17 MR. [REDACTED]: But now, if you
18 (Indiscernible *03:53:53).

19 MR. HAYES: -- I got to shut up.

20 MR. [REDACTED]: Yeah. Go ahead.

21 MR. HAYES: He's supposed to take a count.

22 MR. [REDACTED]: Right.

23 MR. HAYES: Right? And he's supposed to
24 enter the count.

25 MR. [REDACTED]: Right.

1 MR. HAYES: Right? Okay. And there was a
2 count entered, right? And there is no question
3 that, at some point, the count was altered?

4 MR. [REDACTED]: The count was wrong.

5 MR. [REDACTED]: The count was wrong.

6 MR. HAYES: Okay. Okay.

7 MR. [REDACTED]: Well, no --

8 MR. HAYES: Yeah. (Indiscernible

9 *03:54:14) --

10 MR. [REDACTED]: -- what he's saying is it
11 was altered.

12 MR. HAYES: -- (Indiscernible *03:54:15).

13 MR. [REDACTED]: I'm talking about the numbers

14 --

15 MR. [REDACTED]: So, if you recall --

16 MR. [REDACTED]: -- on the paperwork.

17 MR. [REDACTED]: -- on August 9th, 2019,
18 the lieutenant's log says, at midnight, there
19 was 72 in the SHU. The count slip says 73.

20 MR. [REDACTED]: Mm-hmm.

21 MR. [REDACTED]: And the lieutenant's log
22 for the next day at midnight says there was 73.

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: So, what Agent [REDACTED] is
25 asking is, well, that obviously goes to show

1 that she went back and changed those numbers to
2 72, because --

3 MR. HAYES: But what is her motive --

4 MR. ██████████: -- that midnight --

5 MR. HAYES: -- to do that?

6 MR. ██████████: -- she says she was just
7 trying to make things accurate.

8 MR. HAYES: But what would be an ulterior
9 motive that would create the idea that she was
10 doing something wrong?

11 MR. ██████████: It goes back to when you
12 asked --

13 MR. ██████████: Mm-hmm.

14 MR. ██████████: -- is there something to
15 do with a cover up?

16 MR. ██████████: So, if - and granted,
17 mistakes are made in the log - but you also
18 annotate that in the log. Like, you will put,
19 okay, late entry. Because typically, if you
20 say the log is done already, when you go back
21 and make changes, you make changes for this
22 reason alone. An investigator comes in, looks
23 at it, and says, well, wait a minute, it looks
24 like you've been playing, you went back and
25 just changed the numbers. So, you can put in

1 there, and you say, okay, late entry, explain
2 what your change was, and what the mistake was.

3 MR. HAYES: So, really, with this --

4 MR. ████████: You know?

5 MR. HAYES: -- to show a malicious intent
6 in her part, there's got to be something that
7 influences her to protect one of the people
8 that were - no question - were fucking around.
9 Right? The two guys that were fucking around
10 ended up getting pinched. Right? So, if one
11 of them is her friend, then she's got a
12 malicious motive to go try and cover for that
13 guy. Like, did \$8,000 (Indiscernible
14 *03:55:58) police officer, he says, well, I
15 thought he drew a gun on me.

16 MR. ████████: Right.

17 MR. HAYES: And I shot him.

18 MR. ████████: Yeah.

19 MR. HAYES: Oh, okay. Nobody else saw
20 that.

21 MR. ████████: Yeah.

22 MR. ████████: But you are not aware of
23 her involvement at all, you said, or --

24 MR. ████████: As far as what?

25 MR. ████████: -- covering up for them,

1 or involvement in Epstein's death?

2 MR. [REDACTED]: No. She wouldn't have had
3 that conversation with them.

4 MR. [REDACTED]: And you weren't - until
5 now, it sounds like - even aware that she was
6 at the institution after 5:30 a.m.?

7 MR. [REDACTED]: I was told she left.

8 MR. [REDACTED]: Okay.

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: And again, who told you
11 that?

12 MR. [REDACTED]: The operations lieutenant.
13 Because he called me and he says, hey, I
14 relieved --

15 MR. [REDACTED]: So, [REDACTED]?

16 MR. [REDACTED]: -- [REDACTED].

17 MR. [REDACTED]: Sorry.

18 MR. [REDACTED]: Yeah.

19 MR. [REDACTED]: Okay. And did you have -
20 before we move on to the next subject - do you
21 have any more on that?

22 MR. [REDACTED]: No.

23 MR. [REDACTED]: So now, we are going to
24 talk about the cameras.

25 MR. [REDACTED]: Mm-hmm.

1 MR. [REDACTED]: Were the SHU cameras
2 recording on August 9th and 10th of 2019?

3 MR. [REDACTED]: I didn't physically go check
4 to see if they were, were recording or not.

5 MR. [REDACTED]: Did you learn that they
6 were not recording?

7 MR. [REDACTED]: Yeah. We found out
8 afterwards, that they weren't recording.

9 MR. HAYES: Wait. Wait. We had this
10 conversation.

11 MR. [REDACTED]: Right.

12 MR. HAYES: The cameras don't work in a
13 lot of these institutions. Right?

14 MR. HAYES: Yeah. Yeah.

15 MR. HAYES: All right. And that's because
16 they didn't spend the fucking money to make
17 sure the cameras work.

18 MR. [REDACTED]: Well, it's --

19 MR. HAYES: And I got to stop saying
20 "fuck."

21 MR. [REDACTED]: -- that's the issue, too,
22 funding, and, you know, so, since that
23 incident, I guess there was some audits done by
24 the agency, and they realized that it was kind
25 of a system (Indiscernible *03:57:15).

1 MR. HAYES: But you see, the issue is,
2 should you have checked why weren't the cameras
3 working?

4 MR. [REDACTED]: Well, that's my question
5 is, do you know why they were not working?

6 MR. [REDACTED]: I don't know the specific
7 language that was used, and what was wrong with
8 it, because I guess, after I left, they kind of
9 made a determination on what was why -. What
10 was the reason. I know we were going through
11 the process of auditing and fixing some
12 cameras. But those specific SHU cameras, I
13 wasn't aware of the extent.

14 MR. [REDACTED]: Okay. Let's just really
15 quickly review --

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: -- the SHU camera
18 documentation. Were you ever provided any
19 documents of a camera that actually was working
20 in the SHU?

21 MR. [REDACTED]: You mean, the day of the
22 Epstein thing?

23 MR. [REDACTED]: Right, right. At any
24 time.

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

1 MR. [REDACTED]: So, were you provided
2 with this? This is right outside of --

3 MR. [REDACTED]: This was a --

4 MR. [REDACTED]: -- Ten South.

5 MR. [REDACTED]: -- that says camera angle
6 out of Ten South.

7 MR. [REDACTED]: Right. Were you ever
8 provided with that, as far as --

9 MR. [REDACTED]: It looks --

10 MR. [REDACTED]: -- I think from --

11 MR. [REDACTED]: -- it looks familiar, but I
12 don't --

13 MR. [REDACTED]: -- from [REDACTED] [REDACTED].

14 MR. [REDACTED]: -- he might have.

15 MR. [REDACTED]: Okay. But you don't
16 remember specifically?

17 MR. [REDACTED]: Yeah. I don't specific.

18 MR. [REDACTED]: Okay. And then, just
19 while we are here, I guess, what are these
20 doors right to the right of this picture?

21 MR. [REDACTED]: This, this door goes into
22 Ten South.

23 MR. [REDACTED]: Okay.

24 MR. [REDACTED]: And then, this one, I think
25 is a utility room door. I'm not sure.

1 MR. [REDACTED]: Okay. So, the door that
2 says "46" goes into Ten South?

3 MR. [REDACTED]: That looks like the Ten
4 South door. Oh, wait, wait. Yeah. The phone
5 is -. Yeah. That is Ten South. It looks like
6 Ten South.

7 MR. [REDACTED]: And what are we looking
8 at down here?

9 MR. [REDACTED]: So, this is the, right here
10 is the officer's station area.

11 MR. [REDACTED]: And do you - based upon
12 that - do you know what tier that would be
13 right there?

14 MR. [REDACTED]: Oh, man. You got
15 (Indiscernible *03:59:02) stopped. Let me see.
16 Is that G and H tier, I think, if I remember.

17 MR. [REDACTED]: And what would be right
18 to the right of the officer's station?

19 MR. [REDACTED]: Oh. Wait. G. H. I. J.
20 A. I don't remember if that was I and J. That
21 --

22 MR. [REDACTED]: Would this be L tier up
23 here?

24 MR. [REDACTED]: Yeah. L and M tier. That's
25 what -.

1 MR. [REDACTED]: So, right up, right to
2 the right of the officer's station, looking at
3 this picture --

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: -- would be L. And is
6 that where Epstein was housed?

7 MR. [REDACTED]: I believe he was on the L
8 tier.

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

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: So, here is a map that we
13 were previously provided. Does this look like,
14 then -? So, this is where we were that this
15 camera angle is focusing down here on the
16 officer's station. This is L tier.

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: On the second level.

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: And this is where Epstein
21 would have been housed.

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: Does that look right?

24 MR. [REDACTED]: That looks right.

25 MR. [REDACTED]: Okay. Is this L tier

1 here?

2 MR. [REDACTED]: That's L tier.

3 MR. [REDACTED]: Does this look like what
4 would have been Epstein's door? I know you
5 can't really see because of the police
6 crossings --

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: -- on it.

9 MR. [REDACTED]: I noticed it. The crime
10 scene tape.

11 MR. [REDACTED]: Okay. Do you have any
12 reason to believe that that wouldn't be
13 Epstein's door?

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

15 MR. [REDACTED]: As far as, I know we
16 can't see the number --

17 MR. [REDACTED]: Yeah. I don't know the
18 number, but I'm taking your word for it, that
19 that is.

20 MR. [REDACTED]: Okay. Now, if you see,
21 this is L tier range. And at the very end, you
22 see this camera.

23 MR. [REDACTED]: Mm-hmm.

24 MR. [REDACTED]: Should that camera have
25 been recording?

1 MR. [REDACTED]: Yes.

2 MR. [REDACTED]: Okay. And is that a
3 camera that I'm actually looking at right
4 there?

5 MR. [REDACTED]: That is a camera.

6 MR. HAYES: Was that camera recording?

7 MR. [REDACTED]: Sir, do you know if the
8 camera was recording?

9 MR. [REDACTED]: I didn't see. After I left,
10 I guess they said there were camera issues, but
11 I don't know what, I wasn't provided
12 information on what specific cameras were
13 working or not.

14 MR. [REDACTED]: So, they didn't tell you
15 if they were working or not?

16 MR. [REDACTED]: Well, remember, I was
17 removed.

18 MR. [REDACTED]: I just didn't know if you
19 found out on the 10th or 11th.

20 MR. [REDACTED]: No. I was removed on the,
21 you know, they said there were some camera
22 issues, and then, what they were doing, they
23 had the FBI come in, and took hard drives, and
24 I guess they were working to see what was
25 working and what wasn't working?

1 MR. [REDACTED]: Can you initial and date
2 that?

3 MR. [REDACTED]: I'm not going to get into
4 this since he wasn't aware that they weren't
5 recording.

6 MR. [REDACTED]: Mm-hmm.

7 MR. HAYES: Boy, I'm impressed by your
8 thoroughness, I'll tell you that much.

9 MR. [REDACTED]: That's why they put me on
10 it. I'm --

11 MR. [REDACTED]: Yeah.

12 MR. HAYES: You're very thorough?

13 MR. [REDACTED]: -- yes.

14 MR. HAYES: You know, if you, if you are a
15 good trial lawyer, you know, allegedly a good
16 trial lawyer, a lot of times, you are not
17 supposed to be thorough. You are supposed to
18 put an idea in the jury's head, right? Where
19 you can see they're invulnerable, stay on that
20 fucking idea, because if you are going to be
21 thorough, you have to bring out something that
22 you don't want to bring out. You know, so you
23 to speak to the things, but you know you got
24 them.

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: So, this is an email that
2 was received. Who's [REDACTED] [REDACTED]?

3 MR. [REDACTED]: He's the facilities manager.

4 MR. [REDACTED]: Okay. So, is this what I
5 wanted to show you? Hold on. Now, did you
6 print out the one that I sent you this morning?

7 MR. [REDACTED]: Is that -. That should be
8 the last thing on the -.

9 MR. [REDACTED]: Okay. I'm not going to
10 get into those. So, you weren't aware that the
11 cameras were not - or you are not aware if the
12 cameras were or were not recording --

13 MR. [REDACTED]: We had camera --

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

15 MR. [REDACTED]: -- no. We had camera issues
16 throughout the institution.

17 MR. [REDACTED]: Okay.

18 MR. [REDACTED]: So, I don't know which
19 specific one, because we had Mr. [REDACTED] working
20 on a project, to get some money for it.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: But when it came to that
23 specific night, I didn't know if they were
24 working or not.

25 MR. [REDACTED]: Were you ever told that,

1 either on August 8th or August 9th, that the
2 cameras were not recording in the SHU?

3 MR. ██████████: I heard - yes - I was told
4 that there were some issues with the cameras --

5 MR. ██████████: On either the 8th or the
6 9th, prior to Epstein?

7 MR. ██████████: -- no. I'm talking about
8 afterwards --

9 MR. ██████████: Yeah, yeah, no --

10 MR. ██████████: -- when it happened.

11 MR. ██████████: -- I'm saying -. So --

12 MR. ██████████: Yeah.

13 MR. ██████████: -- August 10th is the day
14 he is found.

15 MR. ██████████: Right.

16 MR. ██████████: On August 9th or August
17 8th, even, leading up to Epstein being found,
18 were you ever informed that cameras were not
19 recording?

20 MR. ██████████: No. I wasn't told about
21 cameras.

22 MR. ██████████: All right. So, based on
23 our investigation, we learned that MCC, SIS
24 Lieutenant ██████████ --

25 MR. ██████████: Mm-hmm.

1 MR. [REDACTED]: -- and that AW [REDACTED] --

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: -- became aware on August
4 8th, 2019, that at least some of the MCC
5 cameras were not recording. They contacted
6 comtech [REDACTED] [REDACTED], and may have also
7 notified Captain [REDACTED] [REDACTED]. Did you ever
8 hear anything about that?

9 MR. [REDACTED]: I knew prior that there was
10 some cameras in the institution that needed to
11 be fixed, but not specifically the SHU, no.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: And would have that been
15 based upon what they found? The AW [REDACTED] and
16 SIS Lieutenant [REDACTED]?

17 MR. [REDACTED]: No. Because we had had some
18 issues with cameras, and we were trying to seek
19 funding. So, and we were trying to see, okay,
20 what was working and what to get fixed. But
21 specifically, in SHU, no.

22 MR. [REDACTED]: All right. So, only
23 because, you said that you were trying to get
24 fundinged. Did you know that there were
25 already cameras at the institution, and that's

1 what they were able to replace when the FBI
2 took the cameras on the 10th, they were able to
3 immediately replace them with the cameras that
4 were onsite?

5 MR. ████████: So, cameras all -.
6 Institutions always have, like, backup cameras
7 to fix what is there. But I was talking about
8 funding to replace the whole system.

9 MR. ████████: So, this was from fiscal
10 year 2018 --

11 MR. ████████: Right.

12 MR. ████████: -- back in September.

13 MR. ████████: Mm-hmm.

14 MR. ████████: This is a memorandum for
15 you, from a █████ █████, acting facilities
16 manager.

17 MR. ████████: Right.

18 MR. ████████: And these are all the
19 different documents that go with it, regarding
20 a new camera system that was purchased.

21 MR. ████████: Right.

22 MR. ████████: It was, it looks like
23 there was \$800,000.

24 MR. ████████: Mm-hmm.

25 MR. ████████: For this total. These

1 are all the documents that - here you go - this
2 is an approval of your September 11th, 2018
3 request. So, this is a memorandum for --

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: -- [REDACTED] [REDACTED] from, it
6 looks like a [REDACTED] [REDACTED] (Phonetic Sp.
7 *04:05:31).

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: The assistant director
10 for administration.

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: It says, request to
13 exceed the spending limit of \$50,000 on a work
14 request number 8158, replace camera system at
15 MCC New York. This work request is to replace
16 the current degraded camera system. The total
17 cost of this work is not to exceed \$800,000."

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: Then, at the bottom, it
20 says, "If you have any questions, please call
21 me or have your staff contact," and how do you
22 say that name? Do you know? [REDACTED]
23 (Phonetic Sp. *04:05:57)?

24 MR. [REDACTED]: [REDACTED].

25 MR. [REDACTED]: [REDACTED] the [REDACTED]

1 (Phonetic Sp. *04:06:00). Chief facility
2 manager branch."

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: And it says, "At the
5 phone number." And then, here are the, you
6 know, the work orders for that. So, we have
7 spoken with SigNet, who was the camera provider
8 --

9 MR. [REDACTED]: Mm-hmm.

10 MR. [REDACTED]: -- they said that on or
11 around October or November of 2018, they were
12 delivered.

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: And then, talking with
15 [REDACTED] [REDACTED], the (Indiscernible
16 *04:06:22) --

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: -- city manager, he said
19 that they started working on the infrastructure
20 of the camera project on or around March 2019.

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: To get everything ready
23 for the new camera system that was onsite to be
24 installed, and said that -.

25 MR. [REDACTED]: They had to run wires. But

1 the old system was there. So, they had to run
2 wires. And they had to get a contract done.

3 MR. [REDACTED]: Uh-huh.

4 MR. [REDACTED]: In order, because you needed
5 the comtechs, and I forget the wording that
6 they used, is to run the cables, to get the new
7 camera system in. So.

8 MR. [REDACTED]: And do you know how long
9 that typically takes to run the new wires and
10 all that?

11 MR. [REDACTED]: You would have to have the
12 staff (Indiscernible *04:06:58). We didn't
13 have the staffing.

14 MR. [REDACTED]: So, were there two people
15 TDY'd, though, in order to do that?

16 MR. [REDACTED]: They started TDY'ing people
17 in, to come in.

18 MR. HAYES: Wait a minute. Can the staff
19 run the new wires, or you have to get an
20 electrician to run the wires?

21 MR. [REDACTED]: No. We have staff that are
22 qualified to do it, but then, some of them were
23 new and really didn't know how to do it. So --

24 MR. HAYES: Okay.

25 MR. [REDACTED]: -- you know, it was -.

1 MR. [REDACTED]: So, according to Mr.
2 [REDACTED], it says, "The camera system was
3 scheduled to start March 17th, 2019, and it
4 started on schedule. When I arrived TDY
5 February 2019, we only had one communication
6 technician --

7 MR. [REDACTED]: Mm-hmm.

8 MR. [REDACTED]: -- therefore, after
9 talking to the regional office, they started a
10 project to assist in funding and labor. So, we
11 were able to start the week of March 17th, 2019
12 for the camera system, and all other
13 infrastructure throughout the institution.

14 MR. HAYES: St. Patrick's Day.

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: Below is the email sent
17 to all the institution from [REDACTED] [REDACTED]
18 (Phonetic Sp. *04:07:49), the northeast
19 regional --

20 MR. [REDACTED]: Right.

21 MR. [REDACTED]: -- facilities
22 administrator." But point being, it looks like
23 that project had started. Correct?

24 MR. [REDACTED]: It has started, but --

25 MR. [REDACTED]: And I only say that

1 because I wanted to make sure you weren't
2 confused, because you were saying we were
3 looking for funding.

4 MR. ██████████: No. No. I misspoke. What
5 I'm saying is, I meant that the project
6 started, but the cameras hadn't been replaced.
7 Because they were still running wires for the,
8 to get the new system started.

9 MR. ██████████: Okay.

10 MR. ██████████: So, that unit still had the
11 old cameras.

12 MR. ██████████: Right. But then, the
13 camera system was actually onsite, and they
14 were working on it?

15 MR. ██████████: Well, yeah, but they weren't
16 - you didn't have enough staff to install, to,
17 you know, to rewire the whole place, because we
18 had, we wanted to put one, some on the ranges
19 that never had cameras.

20 MR. ██████████: Mm-hmm.

21 MR. ██████████: So, it was a tedious
22 project.

23 MR. ██████████: I see.

24 MR. ██████████: That required us to TDY
25 staff from other institutions. And then, you

1 know -.

2 MR. [REDACTED]: Yeah. And were you kept
3 apprise of where they were on that? On the
4 camera project.

5 MR. [REDACTED]: I would acquire about it,
6 like, where we were with it. But we were to
7 the point where we were bringing people in from
8 other institutions. To get it done.

9 MR. [REDACTED]: Okay. And do you know
10 when the camera system was scheduled to
11 actually be installed, or was it ever
12 scheduled?

13 MR. [REDACTED]: From - and if I remember
14 right - it was a matter of before you even
15 installed it, you had to run the wiring for it.

16 MR. [REDACTED]: Right. And that's what -
17 -

18 MR. [REDACTED]: (Indiscernible *04:09:13).

19 MR. [REDACTED]: -- I think was --

20 MR. [REDACTED]: Right.

21 MR. [REDACTED]: -- what they were saying
22 in March of 2019.

23 MR. [REDACTED]: But that had --

24 MR. [REDACTED]: That -.

25 MR. [REDACTED]: -- been completed. Because

1 you had to TDY people there. And to get it
2 done.

3 MR. [REDACTED]: And they never provided
4 you with an update as far as, like, when it
5 would actually be completed?

6 MR. [REDACTED]: It was still ongoing.

7 MR. [REDACTED]: Okay.

8 MR. [REDACTED]: Now --

9 MR. HAYES: (Indiscernible *04:09:27).

10 MR. [REDACTED]: -- but after I left, they
11 got people in there and completed it.

12 MR. [REDACTED]: Yeah. Yeah. Because I
13 think, I think that whole week, they were able
14 to complete the whole thing. Correct?

15 MR. [REDACTED]: I don't know when.

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

17 MR. [REDACTED]: You know, because they had
18 people come in from different institutions.

19 MR. [REDACTED]: Now, is that, did they
20 ever, did the facilities manager, Captain
21 Whomever, ever explain to you how bad the
22 system was, and that it kept on shutting down,
23 and stopping, you know, cameras weren't
24 recording?

25 MR. [REDACTED]: I mean, we would have

1 incidents where, you know, something would
2 happen, and we tried to go back and find the
3 tape, and we couldn't. So, and it would break
4 down, they would fix it. So, I mean, we did
5 have issues like that before. But it was the
6 age of the cameras. The --

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: -- you know, we had
9 infrastructure issues. So.

10 MR. [REDACTED]: Because, yeah, the
11 comtech claims that, you know, like, he had
12 been, I mean, he's a very soft-spoken person,
13 but like, basically, screaming at the top of
14 his lungs as much as a very soft-spoken person
15 can, we need to fix these things, this is a
16 continual problem.

17 MR. [REDACTED]: So, here is what it is. We
18 don't have money readily available at an
19 institution to fix it. That money comes from
20 what we call buildings and funds.

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: Which is funded by Congress.
23 So, you would have to talk to somebody in the
24 region about what the regional budget is, but
25 other institutions have issues going on.

1 MR. [REDACTED]: But being that --

2 MR. [REDACTED]: Yeah.

3 MR. [REDACTED]: -- we have all these
4 cameras already onsite, and they had already
5 done the wiring for, you know, at least six
6 months prior to this --

7 MR. [REDACTED]: Well, not all the wiring --

8 MR. [REDACTED]: -- they -.

9 MR. [REDACTED]: -- was done.

10 MR. HAYES: Yeah. He just, he didn't say
11 the wiring was done.

12 MR. [REDACTED]: Yeah.

13 MR. [REDACTED]: No, no, no. I'm just
14 saying, like, is that, I'm just trying to get a
15 feel for what was the plan here, and who was
16 responsible.

17 MR. [REDACTED]: Well, the plan was to get
18 the manpower to get it installed, but at the
19 time, we only had one person. Which was
20 [REDACTED].

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: So, one person can't --

23 MR. [REDACTED]: Well, and the TDY staff.

24 MR. [REDACTED]: -- right, but even the TDY
25 staff came, they did help. You know, but then,

1 we also had other TDY staff that were coming in
2 for, because of our staffing issues.

3 MR. [REDACTED]: Mm-hmm.

4 MR. [REDACTED]: But -.

5 MR. [REDACTED]: Well, that's what [REDACTED]
6 told us. That the TDY staff that was assigned
7 for him sometimes were getting put on the
8 custody posts. Do you know if that is accurate
9 or not?

10 MR. [REDACTED]: We might have had to do it a
11 time or two because we wanted to staff.

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: Yeah. Yeah.

14 MR. [REDACTED]: And whose responsibility
15 were the cameras? To make sure that those
16 things were going to be operational and working
17 properly.

18 MR. [REDACTED]: Well, it's not a matter of
19 who was responsible. It's, like, working on
20 getting it installed.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: So, there was no deadline as
23 far as, you know, okay, when they had to be up.
24 You know, they just had to be installed.

25 MR. [REDACTED]: Okay. Because we were

1 told the cameras are the captain's baby. Is
2 that accurate?

3 MR. [REDACTED]: No. No. It's not.

4 MR. HAYES: Yeah. That --

5 MR. [REDACTED]: It's not.

6 MR. HAYES: -- that can't be true.

7 Captains don't know how to install it.

8 MR. [REDACTED]: Yeah. He doesn't --

9 MR. HAYES: (Indiscernible *04:12:11).

10 MR. [REDACTED]: No, no, no. Not to
11 install them. But to make sure that they are
12 operational, and get the right people to
13 actually get it done.

14 MR. [REDACTED]: Well, I --

15 MR. HAYES: That can't be right, either.

16 MR. [REDACTED]: -- well, I --

17 MR. HAYES: Because how the fuck would you
18 know what --

19 MR. [REDACTED]: -- right. I --

20 MR. [REDACTED]: Well, because --

21 MR. HAYES: -- who the right people is.

22 MR. [REDACTED]: -- because what we were
23 told is that this was constantly happening,
24 whereas the cameras would stop working. And
25 then, nothing would be recorded.

1 MR. [REDACTED]: So -.

2 MR. [REDACTED]: The only way you find out
3 that that is happening is to physically check
4 the DVR recording to see if there has a light
5 on it, or if you try to attempt to rewind, and
6 you are unable to.

7 MR. [REDACTED]: Mm-hmm.

8 MR. [REDACTED]: Because everything is
9 still live monitored feed, showing, so you
10 can't tell just by looking at the cameras.
11 It's only when you try to rewind them, that you
12 can say, oh my gosh, they are not recording.

13 MR. [REDACTED]: Right. But that, it wasn't
14 just as simple as that. I mean, there were
15 technical aspects of it that you had to check
16 to see if the cameras are working or not.

17 MR. [REDACTED]: Oh. Absolutely.

18 MR. [REDACTED]: Right. And the captain
19 basically looking to see if, okay, is the
20 screen up? And then, is it recording? But
21 there was some instances where the hard drives
22 weren't working, and you don't know that until
23 you get deep into it, into the system. So, I
24 wouldn't, you know --

25 MR. [REDACTED]: That's --

1 MR. [REDACTED]: -- put that --.

2 MR. [REDACTED]: -- that's what he just
3 stated.

4 MR. [REDACTED]: Yeah.

5 MR. [REDACTED]: Like, the fact that the only
6 way we would know if the hard drives were not
7 working is by going in --

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: -- to check the video. And
10 the video, there is no videos that they can
11 pull back.

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: That's when they know the
14 hard drives stopped recording.

15 MR. [REDACTED]: Stopped recording. And
16 then, and look at them. But then, this is, you
17 know, there was other technical aspects of it
18 that, you know --

19 MR. HAYES: I can't imagine that --

20 MR. [REDACTED]: -- yeah --

21 MR. HAYES: -- the captain would know. I
22 sure as hell wouldn't.

23 MR. [REDACTED]: -- right.

24 MR. [REDACTED]: So, I guess, knowing,
25 though, that this was, like, a reoccurring

1 problem, and the fact that, well, what we
2 didn't say is, it seems, it appears that the
3 cameras actually stopped recording all the back
4 in July, and for half of the institution.

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: Who should have made sure
7 that that camera system was replaced, and that
8 we had an operational camera system in there?

9 MR. [REDACTED]: Well, the centralized area,
10 and I don't know where the break down was. So,
11 if it's a centralized area, then it would be,
12 you know, within our facility department has
13 access to --

14 MR. [REDACTED]: Well, the camera --

15 MR. [REDACTED]: -- the comm --

16 MR. [REDACTED]: -- you are asking where
17 the cameras are?

18 MR. [REDACTED]: -- no, the comm room.

19 MR. [REDACTED]: Yeah. The comm room.

20 Where these recorders were, were all in the SIS
21 secured area.

22 MR. [REDACTED]: Right. The actual cameras.
23 But where - if you go out - where -? And I
24 don't know the word, what's the word? Where
25 your centralized main area is for the whole

1 system. Yeah. That SIS areas has the cameras.
2 But that's fine.

3 MR. [REDACTED]: Not the control room.
4 But it's back around where, it's a locked door
5 within the SIS locked room, where the actual
6 DVR recording and rack is, and everything.

7 MR. [REDACTED]: Right.

8 MR. [REDACTED]: Yeah, yeah, yeah. That's
9 --

10 MR. [REDACTED]: But --

11 MR. [REDACTED]: -- is that what you are
12 talking about?

13 MR. [REDACTED]: -- that, but there is also
14 another, should be another area in the
15 institution, just for the communications.
16 Where everything comes into. So, I don't know
17 if it was back there or whatever, but our
18 facilities department, you know, their
19 communication guys check that, too, if there is
20 something intricate with it.

21 MR. [REDACTED]: Now, so, was either Mr.
22 [REDACTED], or [REDACTED], how do you pronounce his
23 name?

24 MR. [REDACTED]: [REDACTED].

25 MR. [REDACTED]: Was [REDACTED], or Captain

1 ██████████, were either of them expressing the need
2 to you at all, to, hey, we need to get these
3 things fixed?

4 MR. ██████████: I mean, the request had been
5 sent up.

6 MR. ██████████: Yeah, yeah. No.

7 MR. ██████████: So, yeah.

8 MR. ██████████: And these were all
9 onsite.

10 MR. ██████████: Right. So, yeah. I mean,
11 we were going through --

12 MR. ██████████: And again --

13 MR. ██████████: -- the process of getting
14 the system up and running.

15 MR. ██████████: But there was no set
16 schedule for when it was actually going to be
17 completed?

18 MR. ██████████: No. Because we had to TDY
19 people. Sometimes we got them in, sometimes we
20 couldn't get them. And then, towards the end,
21 you know, boil down to money, with getting
22 people in to come fix them.

23 MR. ██████████: And when people are TDY,
24 do you - when you say boil down to money - does
25 that come out of --

1 MR. [REDACTED]: It comes out of our --

2 MR. [REDACTED]: -- MCC's pocket?

3 MR. [REDACTED]: -- it comes out of our
4 budget. It comes out of budget. It comes out
5 of the region sometimes gives it. Plus, on top
6 of that, we were for TDY to come to our
7 correctional post, because we were so short.

8 MR. [REDACTED]: All right. So, what
9 would you say is the main reason, then, that
10 the cameras were onsite, but not installed?
11 Lack of manpower and funding?

12 MR. [REDACTED]: Well, manpower to get it in.
13 And then, it kind of boiled down to funding.
14 You know, to keep TDY people, to get it done.

15 MR. HAYES: But do you have money, you can
16 really keep the TDY people. You don't have
17 money --

18 MR. [REDACTED]: Yeah.

19 MR. HAYES: -- you can't keep them. You
20 know?

21 MR. [REDACTED]: But again, there is no,
22 there was no actual set schedule of it will be
23 operational by the end of this calendar year --

24 MR. [REDACTED]: No.

25 MR. [REDACTED]: -- or anything like that?

1 MR. [REDACTED]: No.

2 MR. [REDACTED]: That wasn't discussed?

3 MR. [REDACTED]: That wasn't discussed. We
4 were trying, you know, doing the best we can
5 with the hand we were dealt.

6 MR. [REDACTED]: Okay. And Monday morning
7 quarterbacking that. Should it have been
8 discussed, or planned ahead, that these cameras
9 be installed?

10 MR. [REDACTED]: Would -? I don't understand
11 the question.

12 MR. [REDACTED]: Well, being that there
13 is, it seems that there was potentially around
14 two weeks of no cameras, and in the SHU, no
15 cameras. Aside from that one outside of Ten
16 South.

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: That were recording.

19 MR. [REDACTED]: But that wasn't known --

20 MR. [REDACTED]: But it was, according to
21 the, you know, according to the facilities, as
22 well as the comtech, they said it was very well
23 known that this continually happened, and that
24 the comtech guy continually had to rebuild hard
25 drives because they kept on crapping out and

1 not recording.

2 MR. [REDACTED]: I mean, it is an antiquated
3 system.

4 MR. [REDACTED]: Right, right, right.

5 MR. [REDACTED]: So, when you go down, yeah,
6 obviously, you go fix it. But nobody knew
7 until after the fact that you, you know, that
8 you had a system that was out for two weeks.
9 You know, I mean, you go to any other, any
10 institution, the cameras go down.

11 MR. [REDACTED]: Sure, sure.

12 MR. [REDACTED]: And when the system breaks,
13 somebody discovers it, and they fix it. But as
14 far as getting the new system up, we were
15 working on it.

16 MR. [REDACTED]: Okay. You want to follow
17 up with any of that?

18 MR. [REDACTED]: You mentioned no one knew.
19 But the problem was, according to the comtech,
20 the system failed, the motherboard had to be
21 replaced on the 29th --

22 MR. [REDACTED]: Mm-hmm.

23 MR. [REDACTED]: -- they had a failure.

24 MR. [REDACTED]: Right.

25 MR. [REDACTED]: And then, of course, no one

1 checked it until the 8th.

2 MR. [REDACTED]: Mm-hmm.

3 MR. [REDACTED]: August 8th. When the AW and
4 the Lieutenant [REDACTED] went in and they tried to
5 --

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: -- review video. Now, being
8 that they identified the system wasn't working
9 that day --

10 MR. [REDACTED]: Mm-hmm.

11 MR. [REDACTED]: -- how soon should it have
12 been fixed?

13 MR. [REDACTED]: What do you mean? When they
14 -?

15 MR. [REDACTED]: On the 8th.

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: This is two days before the,
18 that, that Epstein was found. If they
19 identified on the 8th that, hey, listen, the
20 camera is not working. It's technically not
21 recording. How much of a priority is it to
22 make sure that those cameras are up and running
23 immediately?

24 MR. [REDACTED]: It's a priority. So, what
25 happens is, and we have run into this before,

1 the parts. Sometimes the parts weren't readily
2 available. So, you have to go somewhere and
3 call for the parts, and depending on where it
4 is at, it could be in California, or whatever.
5 So, you got to see how long it takes to get
6 that part.

7 MR. HAYES: Yeah.

8 MR. [REDACTED]: Over to repair.

9 MR. HAYES: And the key part for my
10 heating system --

11 MR. [REDACTED]: Yeah.

12 MR. HAYES: -- is in fucking Belarus.

13 MR. [REDACTED]: Right.

14 MR. [REDACTED]: My understanding is they, it
15 was the hard drive that they needed. Right?
16 And the hard drive was sitting with the
17 computer services.

18 MR. [REDACTED]: Yeah. On the 8th. They
19 weren't able to get it.

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

21 MR. [REDACTED]: Yeah.

22 MR. [REDACTED]: And on the 9th, they got
23 it. But then, he claims that he wasn't able to
24 gain access to the room because it was an SIS
25 shop, and he needed to go until later in the

1 day, and they were gone.

2 MR. [REDACTED]: I mean --

3 MR. [REDACTED]: And on the 10th -.

4 MR. [REDACTED]: -- we have an emergency keys
5 to get into any area of the institution. So,
6 if he is saying he couldn't get in to the SIS
7 office --

8 MR. [REDACTED]: Mm-hmm.

9 MR. [REDACTED]: -- you got the captain, you
10 know, we got the techs that work in there.
11 We've got their glass is behind - what we call
12 in control center - behind a box. You know, we
13 can get that box open.

14 MR. [REDACTED]: So, he said that the only
15 way to be able to get into it is if he broke
16 the glass --

17 MR. [REDACTED]: He can break the glass.

18 MR. [REDACTED]: -- mm-hmm. It's okay
19 that he would have done that? And then, should
20 have he?

21 MR. [REDACTED]: Yeah. If you couldn't
22 reach, you could just -. Well, he should have
23 gone to the captain or somebody and said, hey,
24 captain, I need to get into your SIS office.

25 MR. [REDACTED]: Do you think it's at all

1 acceptable, if knew on August 8th that these
2 cameras were down, and he didn't actually start
3 working on it, or at least, I guess he was
4 working on getting the parts, but then got the
5 parts again on the, some time on the 9th,
6 claims he didn't work on it because he couldn't
7 get into it, into the SIS office. So, he was
8 going to work on it on the 10th, on that
9 Saturday.

10 MR. [REDACTED]: So, the question --

11 MR. [REDACTED]: -- and what is your --?

12 MR. [REDACTED]: -- the question I would pose
13 to you is, did he notify anybody that he
14 couldn't get in there? Did he make any attempt
15 to contact the captain, or anybody to say, hey,
16 I need to get into that office to get a part to
17 do it, because if he had told the captain that,
18 the captain would have got that office open for
19 him.

20 MR. [REDACTED]: Yeah. I agree with you.
21 It's a he says that the MCC was a different --.
22 So, at any other BOP institution, in the
23 country, that would have happened with, his
24 experience taught him that, at the MCC,
25 basically it could wait until tomorrow.

1 MR. HAYES: They wait until tomorrow.

2 MR. [REDACTED]: So, so that's his opinion.

3 But again, I'm going to pose a question. Who
4 did he bring up the issue to? Because my thing
5 is, if you know it's an emergency, and it's a
6 situation to say this is the MCC, is a cop-out.

7 MR. [REDACTED]: And is it, would that be
8 classified as an emergency?

9 MR. [REDACTED]: If the cameras are down,
10 yeah.

11 MR. [REDACTED]: That is an emergency. So

12 --

13 MR. [REDACTED]: Let's get them back.

14 MR. [REDACTED]: -- he should have
15 absolutely gotten into that room --

16 MR. [REDACTED]: He should have gotten --

17 MR. [REDACTED]: -- one way or another?

18 MR. [REDACTED]: -- in there, and he knows he
19 could have gotten into the room, because you
20 can, we can break - if he said that stuff was
21 sitting in there, whatever room he said it in
22 there, guess what? You can break glass. You
23 can break glass after hours, if you need to,
24 and it's an emergency to get in, into an area.

25 MR. [REDACTED]: So, his claim is that, he

1 has rebuilt these things so many times. And
2 every knew that these cameras needed to be
3 reinstalled, and he had been saying that they
4 needed to be reinstalled. And now he's being
5 looked at as the fall guy.

6 MR. HAYES: You know, it sounds like he
7 could, you know -.

8 MR. ██████████: I don't -. This is not an
9 issue of being the fall guy.

10 MR. ██████████: Right.

11 MR. ██████████: So, let's take every issue
12 we just talked about. We talked about the
13 camera project that we were working on.

14 MR. ██████████: Mm-hmm.

15 MR. ██████████: We were getting the people
16 in there to working. So now, let's talk about
17 the specific issue that you were talking about.
18 He did not notify anybody to get into that
19 room, to get to that part. That part was to
20 fix the current system. It had nothing to do
21 with the new system coming in. This is, he is
22 saying that this was a part that we needed to
23 fix, get put in, to deal with the current
24 system-.

25 MR. ██████████: Now, what about the fact

1 that Lieutenant [REDACTED] is saying both she and
2 the AW knew that the cameras were down on
3 August 8th. They told [REDACTED] to fix them. And
4 they also notified Lieutenant [REDACTED], so that
5 she not only notified the captain, but wrote a
6 memo and provided it to him about the cameras
7 being down on the 8th.

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: So, at that point, what
10 are the responsibility of the captain and the
11 AW?

12 MR. [REDACTED]: So, what the captain does is
13 he notifies facilities where [REDACTED] works for,
14 and says, hey, the cameras are broken, you need
15 to fix them.

16 MR. [REDACTED]: So, should the captain
17 have, on the 9th, ensured that those things
18 were fixed?

19 MR. [REDACTED]: Well, I don't know what
20 conversation he had with facilities to say we
21 are getting, you know, was it being fixed or
22 not.

23 MR. HAYES: Well, do you know
24 (Indiscernible *04:23:25). If he knows to tell
25 somebody on the 9th, is it possible to fix it

1 on the 9th?

2 MR. [REDACTED]: Well, the 9th is a
3 Friday. So, the 8th is when we are told that
4 he was told, informed, learned.

5 MR. [REDACTED]: Right.

6 MR. [REDACTED]: So, we have all Friday on
7 the 9th to make sure it's done.

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: On the 10th,
10 unfortunately, is when --

11 MR. [REDACTED]: But --

12 MR. [REDACTED]: -- we know the severity
13 of the issue.

14 MR. [REDACTED]: -- but that's my point. You
15 knew that, okay, you were made aware that the
16 cameras needed to be fixed. Okay. So, your
17 answers, what you are saying is, I couldn't get
18 into a certain area, so --

19 MR. [REDACTED]: Well, that's what [REDACTED]
20 is saying. Yeah.

21 MR. [REDACTED]: -- but that, okay, but --

22 MR. [REDACTED]: But my question is,
23 should the AW or the captain have followed up
24 with that, to make sure that it was actually
25 being done.

1 MR. ██████: And to them, I don't, you
2 know, I don't want to make the assumption
3 because I don't know. There could have been
4 some follow up. I don't want to speak on it,
5 but you know, if he had told him something on
6 the 8th, you know, I don't know the
7 conversations that were taking place between
8 them. Like, where is that, and what is he
9 saying? Right now, I'm responding to what he
10 is saying, and it makes no sense.

11 MR. ██████: Yeah. No. I would just
12 think that, you know, being a captain or an AW
13 would be --

14 MR. ██████: Right.

15 MR. ██████: -- whoa. The cameras are
16 down in the institution?

17 MR. ██████: Right.

18 MR. ██████: Well, let's make sure
19 that those things are back up --

20 MR. ██████: So, and --

21 MR. ██████: -- so they would at least
22 check back in on the 9th, and say --

23 MR. ██████: -- and then --

24 MR. ██████: -- where are we at on
25 this thing?

1 MR. [REDACTED]: -- but then, I don't know,
2 you know, what that conversation was. I don't
3 know if, on the 9th, [REDACTED] even came to work.

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: I don't know. He could have
6 said --

7 MR. [REDACTED]: Well, we do --

8 MR. [REDACTED]: -- oh, well, I'm not going -
9 -

10 MR. [REDACTED]: -- we know. But yeah.

11 MR. [REDACTED]: -- huh?

12 MR. [REDACTED]: And we know.

13 MR. [REDACTED]: Right.

14 MR. [REDACTED]: Yeah.

15 MR. [REDACTED]: So, I don't know. I don't
16 want to speculate on that part.

17 MR. [REDACTED]: Yeah, yeah, no. That's
18 what we are trying to tell you. Is, like --

19 MR. [REDACTED]: Right.

20 MR. [REDACTED]: -- we know he was there.

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: On the 8th, he couldn't
23 get the parts. On the 9th, he got the parts.
24 But then, he said, he tried to get into the SIS
25 office. He was told by the - it wasn't an SIS

1 tech, because there were only two people there.

2 It was somebody that --

3 MR. [REDACTED]: Monitored.

4 MR. [REDACTED]: -- monitored the
5 telephones. I think he's now retired. Tay?

6 MR. [REDACTED]: Tay. Yeah.

7 MR. [REDACTED]: Was there. And he said,
8 I'm getting ready to leave, and he can't come
9 in here without me. And then, he said, I
10 didn't have access to the room after that. So,
11 my plan was to come in on the 10th, the
12 Saturday, because I was coming in anyway. And
13 that's what I was going to work on.

14 MR. [REDACTED]: He's the com shop. He can
15 go anywhere, where there are computers.

16 MR. [REDACTED]: So, that is not an
17 acceptable answer that he provided?

18 MR. [REDACTED]: I don't understand that
19 answer.

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: It's because that room is
22 not in where the SIS shop is. That's the phone
23 monitor room. That's the camera room.

24 MR. [REDACTED]: And the key for the camera
25 room is how, I think it's only the SIS

1 lieutenant, and the SIA that has the keys for
2 it.

3 MR. [REDACTED]: That's what the SIS
4 office said --

5 MR. [REDACTED]: So, the --

6 MR. [REDACTED]: -- they said that --.

7 MR. [REDACTED]: -- the phone monitor is,
8 he's in the SIS, but he draws keys to get into
9 that room. So, that room is all --. And you
10 can draw keys to get into that room.

11 MR. [REDACTED]: Yeah.

12 MR. [REDACTED]: When you saw draw keys, what
13 do you mean?

14 MR. [REDACTED]: Well, you get them from
15 control center.

16 MR. [REDACTED]: Okay.

17 MR. [REDACTED]: Yeah.

18 MR. [REDACTED]: You know?

19 MR. [REDACTED]: Well, we were told by
20 Lieutenant [REDACTED], the only way he could have
21 gotten them is to break the glass, which he
22 could have done. But --.

23 MR. [REDACTED]: You could have broken the
24 glass. And that time of time it was 8:00. The
25 captain is there. The security officer who

1 controls all the keys in the institution is
2 there.

3 MR. [REDACTED]: Right.

4 MR. [REDACTED]: You can go to them and say,
5 hey, I need --

6 MR. HAYES: The key.

7 MR. [REDACTED]: Now --

8 MR. [REDACTED]: -- I need the key.

9 MR. [REDACTED]: -- now, did either the
10 captain or the AW inform you of this issue?

11 MR. [REDACTED]: No. I don't --

12 MR. [REDACTED]: So, you didn't know --

13 MR. [REDACTED]: -- I don't --

14 MR. [REDACTED]: -- anything about this?

15 MR. [REDACTED]: -- recall anything about
16 that issue.

17 MR. [REDACTED]: Should have they?

18 MR. [REDACTED]: So, if --

19 MR. [REDACTED]: If it was a Thursday,
20 they found out, and it was all -. You weren't
21 there for that.

22 MR. [REDACTED]: I weren't there on Friday.

23 MR. [REDACTED]: Okay.

24 MR. [REDACTED]: I wasn't there on Friday.

25 MR. [REDACTED]: You weren't even --

1 MR. [REDACTED]: Yeah.

2 MR. [REDACTED]: -- there on Friday.

3 MR. [REDACTED]: So, you know --.

4 MR. [REDACTED]: And who -- I'm sorry -- can
5 you remind me, who was acting in your stead on
6 Friday?

7 MR. [REDACTED]: I believe it was [REDACTED]
8 [REDACTED], I think.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: So.

11 MR. [REDACTED]: Now --

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: Yeah.

14 MR. [REDACTED]: So, you weren't even
15 there.

16 MR. [REDACTED]: Yeah.

17 MR. [REDACTED]: Our understanding is, I think
18 Captain [REDACTED] was in the institution, too,
19 about 8:00 p.m.

20 MR. [REDACTED]: Mm-hmm.

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

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

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: So --

25 MR. [REDACTED]: On Friday.

1 MR. [REDACTED]: -- could [REDACTED] have been to
2 any time during that period?

3 MR. [REDACTED]: He could have seen him. I
4 mean, just, you can't -. If it's an emergency
5 to get something for, I don't understand. That
6 is not -.

7 MR. [REDACTED]: No. That's great to
8 know.

9 MR. [REDACTED]: Yeah.

10 MR. [REDACTED]: About this. So, you say
11 that's not acceptable.

12 MR. [REDACTED]: No. You can, you can get in
13 there. So, I don't know -.

14 MR. HAYES: Well, one of the things is, is
15 in prison, you need a camera. Yeah.

16 MR. [REDACTED]: Right. Especially in the
17 SHU.

18 MR. HAYES: Right. Especially in the SHU.

19 MR. [REDACTED]: Now, who was responsible
20 to have the new camera system installed?

21 MR. [REDACTED]: What do you mean as far as
22 responsible?

23 MR. [REDACTED]: Like, who had overall
24 oversight on that?

25 MR. [REDACTED]: The facilities manager.

1 MR. [REDACTED]: Mr. [REDACTED].

2 MR. [REDACTED]: Mr. [REDACTED]. Yeah. So, he -

3 -

4 MR. [REDACTED]: All right.

5 MR. [REDACTED]: -- gets the people in there,
6 but we're allocating things. But again, I want
7 to say, that was, you know, with manpower.

8 MR. [REDACTED]: Okay. Now, you've pretty
9 much answered this, and you can say it's the
10 same answer, but I just want to read you the
11 question. What are your thoughts on the fact
12 that the new camera system was there since
13 October 2018, but it wasn't installed after the
14 Epstein incident that occurred on August 10th,
15 2019?

16 MR. [REDACTED]: It's the manpower.

17 MR. [REDACTED]: Manpower.

18 MR. [REDACTED]: Yeah. You know, getting
19 people, qualified people in there to do it. I
20 mean, one person couldn't do that. It was, and
21 we were putting in new cameras in new areas.
22 So, he needed more people. One person couldn't
23 do it.

24 MR. [REDACTED]: Okay. Do you mind just
25 initialing? And don't have to go through this,

1 just the top is fine. Anything more on the
2 camera issue?

3 MR. HAYES: Oh, Christ. You got more
4 issues?

5 MR. [REDACTED]: No. I think the -. We
6 have one more issue, and then just a couple of
7 questions based upon the BOP's findings. It
8 does say that there's leaks information. Where
9 are those emails?

10 MR. [REDACTED]: It was in -. Did we mix that
11 up?

12 MR. [REDACTED]: Here it is. So, here is
13 two emails that were sent both from [REDACTED].
14 One to you, and one to [REDACTED] [REDACTED] (Phonetic
15 Sp. *04:29:13).

16 MR. [REDACTED]: Yeah. He was the acting
17 director at the time.

18 MR. [REDACTED]: Director of the BOP?

19 MR. [REDACTED]: Yeah.

20 MR. [REDACTED]: Okay. So, the first one
21 was on August 10th, 2019, at 6:14 p.m. to you.
22 And the subject is, "Urgent request. Potential
23 leak in hospital regarding Epstein's death."

24 MR. [REDACTED]: Mm-hmm.

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

1 MR. HAYES: You mean --

2 MR. [REDACTED]: -- where is the --

3 MR. HAYES: -- media leak?

4 MR. [REDACTED]: -- yeah. It says,

5 "Please ensure this information is given to the
6 OIG FBI. Thanks."

7 MR. [REDACTED]: Mm-hmm.

8 MR. [REDACTED]: And then, this next one,
9 like you said, is from [REDACTED] to the director.
10 Subject, "Prison guards skip mandatory checks
11 before Epstein's death." This, the body says,
12 "Couldn't see the entire article on my phone,
13 but I wouldn't be surprised there are staff
14 that are paid contacts for local media outlets.
15 This has also been discussed at the department
16 level, all the way to the White House. And who
17 knows who may have overheard those
18 discussions."

19 MR. [REDACTED]: Mm-hmm.

20 MR. [REDACTED]: Do you know anything
21 about leaks in the media from the MCC?

22 MR. [REDACTED]: So, what happened was, when
23 [REDACTED] (Phonetic Sp. *04:30:17) came to see
24 me, the issue we had was - and I told him about
25 it - was there was a article in the Post that

1 took a picture of our staff, and our staff rode
2 with Epstein on it. So, I told ██████████ about
3 it, and I guess they said one of the paramedics
4 had leaked the information.

5 MR. ██████████: Like, took a picture of
6 them, like --

7 MR. ██████████: Took a picture --

8 MR. ██████████: -- posing with him?

9 MR. ██████████: -- took a picture of them
10 coming in the room, when they got to the
11 emergency room. Took a picture of Epstein
12 being rolled in. And our - what do you call
13 it? - and our staff. So, I talked to ██████████
14 about that, and then, I had also told him that,
15 you know, there might be some staff, you know,
16 because, and I didn't know where it was coming
17 from, because the information was just coming
18 out, you know, so quickly, and it was, like,
19 where is this, you know, coming from? So, I
20 called and made him aware, you know, told him
21 about it when he came on Sunday. But the main
22 one was because of the picture in the Post.

23 MR. ██████████: Now, who is it that you
24 suspect would have been leaking information to
25 him?

1 MR. ██████: I couldn't, I couldn't even
2 tell. But I just was, you know, with this
3 whole thing. You know, stuff would leak, had
4 been leaked out to the media, and you are,
5 like, where is this coming from?

6 MR. ██████: Do you have any
7 suspicions, though?

8 MR. ██████: I can't speculate. I mean -
9 -

10 MR. HAYES: That's my boy. I mean, I
11 don't know nothing.

12 MR. ██████: (Indiscernible *04:31:48).

13 MR. ██████: You're talking like an
14 attorney.

15 MR. ██████: No, I mean --

16 MR. HAYES: But like that, I don't know
17 nothing, but what I do know, I don't know.

18 MR. ██████: I mean, I can't speculate.
19 I mean, the half of it was towards me. I mean,
20 so -.

21 MR. ██████: Did you leak the
22 information, you mean?

23 MR. ██████: No. I said it was towards
24 me.

25 MR. ██████: Oh, you mean the

1 information --

2 MR. [REDACTED]: Like, the negative press --

3 MR. [REDACTED]: -- and the negative to
4 you?

5 MR. [REDACTED]: -- yeah. It reverted back
6 to me.

7 MR. [REDACTED]: Uh-huh.

8 MR. [REDACTED]: So, I mean, that's, you
9 know, and it was just, it was fast and furious.

10 MR. [REDACTED]: So, like, negative things
11 to people, you believe someone in the BOP was
12 leaking negative information about you?

13 MR. [REDACTED]: I don't -. I mean, I, you
14 know --

15 MR. [REDACTED]: Can you give me, like, an
16 example of what was leaked about you?

17 MR. [REDACTED]: Well, I mean, you know,
18 stuff that happened, you know --

19 MR. HAYES: Listen, the --

20 MR. [REDACTED]: -- and I'm not saying --

21 MR. HAYES: -- (Indiscernible *04:32:26)
22 investigation was going on.

23 MR. [REDACTED]: -- specifically --

24 MR. HAYES: I mean, you know --

25 MR. [REDACTED]: -- specifically --

1 MR. HAYES: -- whose fault is it?

2 MR. [REDACTED]: -- right. Towards me. But
3 it was just automatically the blame was, you
4 know, put on me.

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: And then, you know, the
7 other part of it was, I don't know if it came
8 from the department. I don't know if it came
9 from the institution.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: Because all that information
12 was going, you know --

13 MR. [REDACTED]: But did anybody --

14 MR. [REDACTED]: -- up on different levels.

15 MR. [REDACTED]: -- did anyone tell you
16 that they believed that a certain person was
17 leaking information?

18 MR. [REDACTED]: No. I didn't hear if it was
19 a certain person. I didn't, you know?

20 MR. [REDACTED]: Okay. And did you leak
21 any information to the media?

22 MR. [REDACTED]: Absolutely not.

23 MR. [REDACTED]: Okay. Do you mind just
24 initialing and dating that? Do you believe,
25 though, somebody in the BOP was leaking

1 information?

2 MR. [REDACTED]: And I'm not --

3 MR. [REDACTED]: And I don't mean that
4 personally. I just mean --

5 MR. [REDACTED]: -- no. But --

6 MR. [REDACTED]: -- you know, you could
7 always get --

8 MR. [REDACTED]: - I don't --

9 MR. [REDACTED]: -- the second one under
10 there.

11 MR. [REDACTED]: -- it could have been up to
12 the department, because the information was
13 going up to them. I mean --

14 MR. [REDACTED]: But I just mean, like,
15 based upon what information was being leaked,
16 do you believe that someone in the BOP - not
17 necessarily the MCC, I just mean BOP - was
18 leaking the information?

19 MR. [REDACTED]: I will put it this way. The
20 Department of Justice might --

21 MR. [REDACTED]: Yeah.

22 MR. [REDACTED]: -- because all the
23 information --

24 MR. [REDACTED]: Because it could be --

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

1 MR. [REDACTED]: -- OIG. FBI.

2 MR. [REDACTED]: Initial.

3 MR. [REDACTED]: Anybody.

4 MR. [REDACTED]: It could have been anybody.

5 So, I don't want to --

6 MR. [REDACTED]: Gotcha.

7 MR. [REDACTED]: -- kind of put it --

8 MR. [REDACTED]: Sure.

9 MR. [REDACTED]: -- on one person.

10 MR. [REDACTED]: All right. The last
11 actual topic, before we ask a couple about the,
12 a couple about the findings. Epstein's will.

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: Do you know anything
15 about Epstein changing his will just prior to
16 his death?

17 MR. [REDACTED]: Mo.

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

19 MR. [REDACTED]: After the fact.

20 MR. [REDACTED]: Right. And when you say
21 after the fact, how did you learn about it
22 after the fact?

23 MR. [REDACTED]: I don't know. Reading it.
24 Or hearing it on the news.

25 MR. [REDACTED]: Did you ever hear about

1 it in an official capacity?

2 MR. ████████: No.

3 MR. ████████: All right. Do you know
4 if it's true?

5 MR. ████████: Don't know.

6 MR. ████████: Okay.

7 MR. HAYES: He left this all to his
8 brother. Right?

9 MR. ████████: I --

10 MR. HAYES: Is that true?

11 MR. ████████: -- I can't comment on
12 that kind of stuff. But what actions should
13 have been taken, or you don't know if it was.
14 If it was learned that Epstein's will had been
15 changed just prior to his death, do you believe
16 any specific actions should have been taken?

17 MR. ████████: I don't know anything. I
18 mean, I can't comment on that.

19 MR. ████████: Okay. So, that's the
20 last of the topics. Now, we have -
21 (Indiscernible *04:34:38) refer to it - I don't
22 think we have to refer to anything other than
23 the - where is that?

24 MR. ████████: The after action?

25 MR. ████████: Yeah. Do you have it?

1 And I don't know what we actually need to cite
2 (Indiscernible *04:34:53) initial them. This
3 is the after action report. Is that -? That
4 the BOP created in response. So, just a few
5 quick questions on it. It says, "On August
6 1st, 2019, at 8:30 a.m., psychology documented
7 they were notified by correctional systems of a
8 form received from the United States Marshal
9 Service, the previous day, stating inmate
10 Epstein had reported suicidal tendencies."

11 MR. [REDACTED]: Mm-hmm.

12 MR. [REDACTED]: Do you know anything
13 about that, and what transpired?

14 MR. [REDACTED]: Wait. Read that again.

15 MR. [REDACTED]: So, "On August." So,
16 just to refresh your memory of a time,
17 timeline. On July 30th, he comes off of
18 psychological --

19 MR. [REDACTED]: Psychological observation.

20 MR. [REDACTED]: -- observation.

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: And goes to the SHU.
23 "Two days later" - so, there's July 31st and
24 August 1st - "8:30 a.m., psychology documented
25 they were notified by correctional systems of a

1 form received from the United States Marshal
2 Service, the previous day." So, I guess on
3 July 30th.

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: The 31st, I mean.

6 "Stating inmate Epstein had reported suicidal
7 tendencies." This was the BOP's finding. Do
8 you know anything about that?

9 MR. [REDACTED]: I don't know anything about
10 that. And that's before, when he first came in
11 the system, or -?

12 MR. [REDACTED]: No. That was after he
13 came off of psychological observation. So,
14 after his actual first attempt at suicide.

15 MR. [REDACTED]: Right.

16 MR. [REDACTED]: Or potential harm from
17 Tartaglione.

18 MR. [REDACTED]: No. I didn't.

19 MR. [REDACTED]: You don't know anything
20 about that?

21 MR. [REDACTED]: Nuh-uh.

22 MR. [REDACTED]: Okay. And do you know
23 anything about the suicidal tendencies that he
24 was showing?

25 MR. [REDACTED]: No.

1 MR. [REDACTED]: No. All right. And
2 then, on the same date, August 1st, 2019,
3 again, this is after the Tartaglione incident.

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: And after coming off of
6 psychological observation. "1:00 p.m.
7 Psychology conducts a suicide risk assessment
8 noting watch is not indicated, with a
9 recommendation for follow up in one week. The
10 delay in conducting this assessment is not
11 justified in the report." Did you learn
12 anything about that?

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

14 MR. [REDACTED]: Yeah, yeah.

15 MR. [REDACTED]: I --

16 MR. [REDACTED]: And again --

17 MR. [REDACTED]: -- it's psychological.

18 MR. [REDACTED]: -- this is just some of
19 the --

20 MR. HAYES: Yeah.

21 MR. [REDACTED]: -- the negative findings.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: We just want to know your
24 take on it. I don't expect you to know any,
25 all of this, or anything.

1 MR. [REDACTED]: Right.

2 MR. [REDACTED]: It's just asking because
3 there's some negative findings. Okay. The
4 next one. It says, "Significant --

5 MR. HAYES: Don't bring this guy in on
6 another case. All right? If the next time
7 this comes up, and he says, I'm going to bring
8 this guy, don't fucking do it.

9 MR. [REDACTED]: It says, "Significant
10 discrepancies exist within Sentry, regarding
11 admission/release status, ARS."

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: Sentry does not reflect
14 inmate Epstein being escorted from the
15 institution by the U.S. Marshal Service on July
16 31st, 2019. Although a signed prisoner remand
17 form is on file, documenting --

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: -- having received him
20 from the U.S. Marshal Service. Additional
21 review revealed inmate Epstein departed the
22 institution for a total of four court
23 appearances, and only one of these occasions
24 was an ARS change made within Sentry. It
25 appears there is a culture of foregoing this

1 vital function, due to the likelihood of the
2 inmate returning from court. This lapse in
3 procedure is a severe inmate accountability
4 deficiency."

5 MR. [REDACTED]: Well, that statement is
6 incorrect. I know the regional office looked
7 into it and said that a pre-trial institution
8 can outcount an inmate to go into court. So,
9 he doesn't have to be keyed out on the ARS.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: So, the way they were doing
12 it, they looked at it after the fact, and said
13 there was nothing wrong with that.

14 MR. [REDACTED]: So, they did re-review
15 this matter, and --

16 MR. [REDACTED]: Yes.

17 MR. [REDACTED]: -- said that there was --

18 MR. [REDACTED]: They were fine --

19 MR. [REDACTED]: -- they were doing it --

20 MR. [REDACTED]: -- with it.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: Yeah. Because they kept
23 thinking, when they were looking out, same
24 thing like you said, he was going out to court,
25 but they can outcount him in that area.

1 MR. [REDACTED]: All right. And what are
2 they talking about, like, pre-removing him or
3 something like that, when he goes to court?

4 MR. [REDACTED]: No. Going to court.

5 MR. [REDACTED]: Yeah, yeah.

6 MR. [REDACTED]: And if anyone is going to
7 court, because you have so much court movement
8 that you can outcount them. And then, when the
9 Marshals say, hey, he's not going out, then you
10 release him out of --

11 MR. [REDACTED]: So, this is --

12 MR. [REDACTED]: Okay.

13 MR. [REDACTED]: -- this means, on the E1, he
14 would be listed on the outcount?

15 MR. [REDACTED]: As court.

16 MR. [REDACTED]: As court.

17 MR. [REDACTED]: Yeah.

18 MR. [REDACTED]: Okay.

19 MR. [REDACTED]: And that's what they were
20 actually doing?

21 MR. [REDACTED]: That's what they were doing.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: They had him on the E1.

24 MR. [REDACTED]: So --

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: -- so, this is no longer

2 --

3 MR. [REDACTED]: That's not --

4 MR. [REDACTED]: -- an issue.

5 MR. [REDACTED]: -- an issue.

6 MR. [REDACTED]: All right. The next one,
7 it says, "No notations concerning a requirement
8 for a cellmate were entered into the SHU
9 program, and subsequently available for SHU
10 officers to reference." Who would have been
11 responsible for noting that in the SHU program?

12 MR. [REDACTED]: So -.

13 MR. [REDACTED]: First of all, what is the
14 SHU program?

15 MR. [REDACTED]: The SHU program is --

16 MR. [REDACTED]: Is that the 292?

17 MR. [REDACTED]: -- with the 292s. So, I
18 don't know, from what I understand, and was
19 told after the fact, that they couldn't find
20 the information on Epstein in the SHU program.
21 So, I don't know how you came to that
22 conclusion.

23 MR. HAYES: By the way, let the record
24 indicate that he is not sweating under his
25 armpits. A good sign.

1 MR. ██████████: We didn't. BOP came to
2 these conclusions.

3 MR. ██████████: Right. So, I don't know
4 where that conclusion came from because from
5 what I gather, they couldn't get - they
6 couldn't find the -. Because usually --

7 MR. ██████████: Well, they found the
8 292s, but they were just very limited.

9 MR. ██████████: Right. The 292s usually had
10 to have everything indicated on it. So -.

11 MR. ██████████: And on that note, we were
12 told the 292, his file, was extremely small,
13 and it should have been larger. Had you heard
14 anything about people removing documents from
15 files?

16 MR. ██████████: From what I understand, and
17 was told, that there was no file. They
18 couldn't -. They had every other inmate's
19 file, but not his.

20 MR. ██████████: They couldn't even find
21 it. You didn't think they could find his file
22 at all?

23 MR. ██████████: No. That's what was told to
24 me.

25 MR. ██████████: And who told you that?

1 MR. ██████: I think I heard that after
2 the fact. I don't know if the regional
3 director told me after they came in and did the
4 check, that they couldn't find it. So, I don't
5 know.

6 MR. HAYES: That's after they found out
7 the Hilary Clinton --

8 MR. ██████: Yeah.

9 MR. HAYES: -- came down and had them
10 (Indiscernible *04:40:44) a certain
11 (Indiscernible *04:40:45).

12 MR. ██████: Right.

13 MR. ██████: But back to the original
14 question, whether it was there or not.

15 MR. ██████: Right.

16 MR. ██████: If it, the cellmate
17 requirement was not entered in the SHU program,
18 who should have made sure that it was?

19 MR. ██████: On the, in the 292? And I
20 don't know who was doing it. It should have
21 been the lieutenant, to ensuring that it's all
22 in there.

23 MR. ██████: So, the SHU lieutenant?

24 MR. ██████: When they - yeah - when they
25 deny it, or the OIC. So, if the captain

1 conveyed the information to him, that should
2 have been put on the 292.

3 MR. [REDACTED]: So, either --

4 MR. [REDACTED]: By the lieutenant.

5 MR. [REDACTED]: -- the SHU lieutenant or
6 the OIC.

7 MR. [REDACTED]: Yeah.

8 MR. [REDACTED]: Now, when you say the
9 OIC, does one OIC of one shift take more
10 responsibility than another?

11 MR. [REDACTED]: No. They are all on the
12 same shift. So, it would depend on --

13 MR. [REDACTED]: So, like, for instance,
14 [REDACTED] was the OIC on the day watch, but --

15 MR. [REDACTED]: Mm-hmm.

16 MR. [REDACTED]: -- I think [REDACTED] was the
17 OIC on the night watch.

18 MR. [REDACTED]: Right.

19 MR. [REDACTED]: So, would one of them had
20 more of a responsibility to do this than
21 another?

22 MR. [REDACTED]: No. But that should have
23 been done on the initial, when the directive
24 was put out.

25 MR. [REDACTED]: So, from Doctor, or Ms.

1 ██████ saying that here's coming off of
2 psychological observation, he needs to be
3 housed with a cellmate --

4 MR. ██████: Right. That would have been
5 --

6 MR. ██████: -- on July 30th.

7 MR. ██████: -- put out, and then, when -
8 -

9 MR. ██████: So, who, at that time,
10 should have noted that in his file?

11 MR. ██████: Well, you would probably
12 have to find out from the captain who he
13 directed to --

14 MR. ██████: Well, the captain --

15 MR. ██████: -- to doing that.

16 MR. ██████: -- according to his, you
17 know, his memo that he sent to you --

18 MR. ██████: Mm-hmm.

19 MR. ██████: -- it says that he
20 specifically had these conversations on
21 multiple occasions, with --

22 MR. ██████: The SHU --

23 MR. ██████: -- Lieutenant ██████.

24 MR. ██████: -- right. So, it would have
25 been the SHU lieutenant. Whichever one he had.

1 If [REDACTED] was the one, then [REDACTED] would have been
2 the one. But --

3 MR. [REDACTED]: Okay. "August 9th, 2019.
4 8:00 a.m. Inmate Reyes, the cellmate, departs
5 for court."

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: Again, this claims court,
8 but if they are seeing WAB. Actually, you know
9 what? I heard WAB was specific to MCC. Is
10 that correct?

11 MR. [REDACTED]: Other institutions will tell
12 you pack up your inmates with all belongings.
13 That's, you know --

14 MR. [REDACTED]: Because even --

15 MR. [REDACTED]: -- what it is.

16 MR. [REDACTED]: -- on their findings,
17 they are showing that he departed for court.

18 MR. [REDACTED]: Yeah.

19 MR. [REDACTED]: Although, all the
20 documentation we showed says WAB.

21 MR. [REDACTED]: WAB.

22 MR. [REDACTED]: And transferred.

23 MR. [REDACTED]: Yeah. And it says --

24 MR. [REDACTED]: So, even on here, they
25 are getting this wrong?

1 MR. [REDACTED]: And that's what the whole
2 confusion is, is the assumption that he was
3 going to court --

4 MR. [REDACTED]: Because then it says --

5 MR. [REDACTED]: -- when you look at the
6 document --

7 MR. [REDACTED]: -- so --

8 MR. [REDACTED]: -- go ahead.

9 MR. [REDACTED]: -- yeah, and then, it
10 says, "Inmate Reyes does not return to the
11 institution."

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: So, and this was when a
14 lot of things, when we were first starting this
15 investigation, we heard was court, court,
16 didn't return from court.

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: And then, when we
19 actually looked through the record, we were,
20 like --

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: -- court. It's --

23 MR. [REDACTED]: I think people thought,
24 without looking at the documentation, that he
25 went to court and got released from court.

1 MR. [REDACTED]: Okay.

2 MR. [REDACTED]: So.

3 MR. [REDACTED]: So then, I'm just going
4 to read the question. If the documents list
5 Reyes as being WAB, and if they had the
6 transfer list, why did they say he went to
7 court and did not return?

8 MR. [REDACTED]: I can't answer that.

9 MR. [REDACTED]: Okay. "7:00 p.m.
10 Epstein was provided a social call by the
11 institutional duty officer." Does that mean
12 [REDACTED]?

13 MR. [REDACTED]: Yeah. He was the duty
14 officer at that time, I believe.

15 MR. [REDACTED]: And what does the
16 institutional duty officer mean?

17 MR. [REDACTED]: So, what the duty officer
18 is, is after hours, they walk around and, you
19 know, report emergencies, you know -.

20 MR. [REDACTED]: Is that, like, the
21 highest ranking official there?

22 MR. [REDACTED]: That comes on at night. You
23 know, there with the lieutenants. But they
24 just make sure that if we had any issues, you
25 know, addressing inmate issues, stuff like

1 that.

2 MR. [REDACTED]: So, they are kind of,
3 like, the, basically the OIC for the
4 institution?

5 MR. [REDACTED]: Kind of. I wouldn't say the
6 OIC, but you know, senior staff around.

7 MR. [REDACTED]: Okay. "This call was
8 done on an unmonitored line. It is extremely
9 concerning why this call would have been
10 placed, and why it would be done on an
11 unmonitored line. Without further interviews,
12 it is not possible to determine the reason for
13 this call." Just, why does it say, "extremely
14 concerning"?

15 MR. [REDACTED]: I don't know. Both are
16 report --

17 MR. [REDACTED]: But I mean, do you also
18 find it extremely concerning? Would you
19 classify it as extremely concerning?

20 MR. [REDACTED]: I mean, it would be -. I
21 mean, that the choice of words that they use.
22 So, I wouldn't, you know, necessarily say, use
23 the word extremely concerning. But I would
24 think, I would --

25 MR. [REDACTED]: It's certainly wrong.

1 MR. [REDACTED]: -- it would be --

2 MR. [REDACTED]: But -.

3 MR. [REDACTED]: -- it was an issue. But
4 extremely concerning.

5 MR. [REDACTED]: Okay. "On August 9th,
6 2019, during a shift change in SHU, the SHU
7 number three, 6:00 a.m. to 2:00 p.m., officer
8 briefed his 2:00 p.m. to 10:00 relief, and the
9 other two, 8:00 a.m. to 4:00 p.m. officers,
10 with the likelihood inmate Reyes would not be
11 returning, and inmate Epstein would require a
12 cellmate upon return from an attorney visit.
13 Inmate Epstein was not placed with a cellmate
14 upon his return to SHU." My question to you
15 is, just, how did they know this information?
16 How would they have obtained that information?
17 Do you know?

18 MR. [REDACTED]: I don't know. Like I said,
19 I don't know who they spoke to during this
20 after action.

21 MR. [REDACTED]: Were they doing
22 interviews, though?

23 MR. [REDACTED]: I wasn't there.

24 MR. [REDACTED]: Okay.

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: Were they authorized,
2 though, if OIG and FBI are doing an
3 investigation, is the after action team
4 authorized to come in and interview people?

5 MR. [REDACTED]: So, I've done after actions.
6 And there is a point where you come to it,
7 where you, if it's an OIG or FBI investigation,
8 that I can't. I mean, I can't question certain
9 people because it might impede an
10 investigation. Like, if you are going to look
11 at video and all that stuff, or look at it, you
12 can't because most of the time, it's been
13 taken. So, I don't know -.

14 MR. [REDACTED]: So, possibly from that
15 memo, though, that was created? If they are
16 not really supposed to be doing. I mean, I'm
17 assuming they are not really supposed to be
18 doing interviews.

19 MR. [REDACTED]: I mean, I don't know who
20 authorized them to come in and do the
21 investigation. I don't know. It was, you
22 know, who set the parameters on it. I can't
23 speak on that.

24 MR. [REDACTED]: And is it a normal for
25 them to do something like this, when there is

1 an actual FBI and OIG investigation?

2 MR. [REDACTED]: We do after actions. So, I
3 don't know -.

4 MR. [REDACTED]: But I mean, do they do
5 after actions typically, when there is an open,
6 criminal investigation, though?

7 MR. [REDACTED]: Not typically.

8 MR. [REDACTED]: No?

9 MR. [REDACTED]: So, I don't know. And
10 again, I don't want to speculate. I don't know
11 who authorized it. I don't know if they got
12 permission from the department to come down and
13 do it. I don't want to -.

14 MR. [REDACTED]: Sure. "August 10th,
15 2019." So, this is the day of.

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: "6:33 a.m. A body alarm
18 is activated in the Special Housing Unit. SHU
19 staff report inmate Epstein was unresponsive in
20 cell Z06-220LAD. Sentry does not reflect this
21 accurately. Staff entered the cell and
22 attempted to wake Epstein. Control center
23 announced a medical emergency, and
24 cardiopulmonary resuscitation," or CPR, "was
25 initiated." So, the question here is, I guess

1 I'll start with. Well, the information that we
2 have is Michael Thomas and Noel were there.
3 Michael Thomas immediately went into the cell.

4 MR. [REDACTED]: Mm-hmm.

5 MR. [REDACTED]: Upon finding Epstein.

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: Was it appropriate for
8 him to immediately go into the cell? Or should
9 have he waited for staff to arrive on site?

10 MR. [REDACTED]: You should be --

11 MR. HAYES: What?

12 MR. [REDACTED]: -- you're trained --

13 MR. HAYES: To go into the cell, I would
14 think.

15 MR. [REDACTED]: -- no, you wait for enough
16 staff to get there, and a lieutenant, before
17 you open that door.

18 MR. HAYES: Is that right?

19 MR. [REDACTED]: Mm-hmm.

20 MR. HAYES: In other words, suppose the
21 fucking guy is in seizure.

22 MR. [REDACTED]: Well, the flip side of it
23 is, he could be trying --

24 MR. [REDACTED]: Remember --

25 MR. [REDACTED]: -- he could be feigning it.

1 MR. [REDACTED]: -- we're in a prison.

2 MR. [REDACTED]: Yeah. He could be feigning
3 the suicide, and then come on and attack you.
4 And guess what? You're the only person there.
5 Now, he has the keys for every range door on
6 that door.

7 MR. HAYES: Okay.

8 MR. [REDACTED]: And you can lose --

9 MR. HAYES: Mm-hmm.

10 MR. [REDACTED]: -- you can lose the unit.

11 MR. HAYES: Okay. Okay.

12 MR. [REDACTED]: So --

13 MR. HAYES: Yeah. Okay. I made a
14 mistake.

15 MR. [REDACTED]: -- that wasn't --

16 MR. HAYES: That's the first time --

17 MR. [REDACTED]: So, he did not.

18 MR. HAYES: -- you make a notation,
19 (Indiscernible *04:48:23).

20 MR. [REDACTED]: So, he didn't
21 appropriately (Indiscernible *04:48:25)?

22 MR. [REDACTED]: Yeah. He didn't
23 appropriately.

24 MR. [REDACTED]: And should have he known
25 that from his training experience?

1 MR. [REDACTED]: Yeah. Yeah.

2 MR. [REDACTED]: "7:36 a.m., inmate
3 Epstein pronounced dead by the emergency room
4 physician. And we've already addressed this.
5 My question was, was Epstein alive, or did he
6 show signs of -? But we dug into that plenty.

7 MR. [REDACTED]: Mm-hmm.

8 MR. [REDACTED]: "On August 10th, 2019,
9 the two assigned morning watch SHU officers
10 failed to make their designated rounds, or
11 count the SHU inmates for two counts. At 6:33
12 a.m., upon finding inmate Epstein unresponsive
13 in his cell, with a torn bedsheet around his
14 neck, staff utilized the body alarm to initiate
15 a call for assistance. The medical response to
16 the incident was timely, efficient, and
17 exhaustive. Staff utilized an AED, as well as
18 a continuous CPR unit care was assumed by EMS
19 personnel." Are you aware of how - what
20 information they obtained to say that the SHU
21 officers failed to make their designated rounds
22 or counts?

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

24 MR. [REDACTED]: No? And I just say this
25 because I know, in reviewing the emails, a lot

1 of this information was provided from you to
2 [REDACTED], and [REDACTED] was providing it to whomever, that
3 were --

4 MR. [REDACTED]: Right.

5 MR. [REDACTED]: -- was doing this,
6 though.

7 MR. [REDACTED]: Right.

8 MR. [REDACTED]: So, I was assuming, in
9 drafting these questions, that a lot of this
10 information came from you.

11 MR. [REDACTED]: But I wasn't here when this
12 was.

13 MR. [REDACTED]: Yeah, yeah, yeah. I
14 think a lot of this stuff, though, was
15 provided, you know --

16 MR. [REDACTED]: Right.

17 MR. [REDACTED]: -- during the email
18 review, those first couple of days.

19 MR. [REDACTED]: Okay.

20 MR. [REDACTED]: So, that's why I'm asking
21 these questions, is, like, do you know where
22 this information came from?

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

24 MR. [REDACTED]: No?

25 MR. [REDACTED]: Hmm-mm.

1 MR. [REDACTED]: Okay. "Institution duty
2 officers do not routinely visit SHU each day,
3 as required by the institution supplement.
4 Additionally, the IDO reports consistently
5 document the condition of SHU as satisfactory,
6 when observations have shown the SHU to be less
7 than satisfactory." Do you have any comment on
8 that? Do you agree with that assessment?

9 MR. [REDACTED]: Oh, I don't know what day
10 they went in there. Again, when these
11 observations were done, I wasn't the warden in
12 the institution.

13 MR. [REDACTED]: Okay. But prior to, when
14 you were the warden, do you know about the
15 institution duty officers not routinely
16 visiting the SHU each day as required?

17 MR. [REDACTED]: No. I didn't know about
18 that.

19 MR. [REDACTED]: You didn't know about
20 that.

21 MR. [REDACTED]: I didn't. I ensured
22 sanitation. You know? I made sure they made,
23 made sure the areas were clean. So.

24 MR. [REDACTED]: Okay. And what was their
25 ultimate responsibility when they would visit

1 the SHU?

2 MR. [REDACTED]: I guess same thing, to make
3 rounds in the unit. Check on the inmates.
4 Make sure there are no issues.

5 MR. [REDACTED]: And is that, like you
6 said, the idea was the guy that's on at night?

7 MR. [REDACTED]: That's the duty officer.
8 The institution duty officer.

9 MR. [REDACTED]: Always at night, though?

10 MR. [REDACTED]: They use - they typically
11 work from, like, 1:00 to 9:00, 12:00 to 9:00.
12 They cover the evening shift.

13 MR. [REDACTED]: Because I thought it was
14 explained to me, it was kind of, like, the
15 person in charge when you are not here.

16 MR. [REDACTED]: Well, yeah. But then, the
17 other flip side of it go to the other shifts,
18 you know, the operations lieutenant is the CEO
19 in the absence of a warden. So --

20 MR. [REDACTED]: Okay.

21 MR. [REDACTED]: -- the duty officer is just
22 the bridge to the executive staff.

23 MR. [REDACTED]: But they were actually
24 supposed to be conducting those SHU rounds
25 every day?

1 MR. [REDACTED]: And then, again, I don't
2 know if they were or were not. I don't know
3 what they were, you know, what he was looking
4 at.

5 MR. [REDACTED]: Now, why would, was
6 [REDACTED] a reoccurring --

7 MR. [REDACTED]: What?

8 MR. [REDACTED]: -- [REDACTED] [REDACTED].
9 Was he a reoccurring -?

10 MR. [REDACTED]: No. The duty officers.
11 Like, sometimes, you can get it twice a year.

12 MR. [REDACTED]: Oh, okay.

13 MR. [REDACTED]: So, I don't -.

14 MR. [REDACTED]: But is it, like, a
15 quarterly --

16 MR. [REDACTED]: Well, remember --

17 MR. [REDACTED]: -- submitted post type of
18 thing?

19 MR. [REDACTED]: -- remember, he is also, he
20 is the duty officer, but he is also his unit
21 manager.

22 MR. [REDACTED]: But was he --

23 MR. [REDACTED]: So -.

24 MR. [REDACTED]: -- the consistent duty
25 officer?

1 MR. [REDACTED]: No, no, no, no. They
2 rotate.

3 MR. [REDACTED]: Every day?

4 MR. [REDACTED]: No. Every week.

5 MR. [REDACTED]: Every week.

6 MR. [REDACTED]: Yeah. You have other ones,
7 every week. So -.

8 MR. [REDACTED]: So, it goes between other
9 unit managers?

10 MR. [REDACTED]: Other unit managers. Other
11 department heads. So, it kind of goes, you
12 know?

13 MR. [REDACTED]: What is the grade --

14 MR. [REDACTED]: And do they -.

15 MR. [REDACTED]: -- level requirement?

16 MR. [REDACTED]: The department heads. It's
17 usually 12 or higher.

18 MR. [REDACTED]: 12 or higher.

19 MR. [REDACTED]: And some, like, maybe some
20 GS-11s. Our trust fund supervisors.

21 MR. HAYES: What grade level are you?

22 MR. [REDACTED]: Huh?

23 MR. HAYES: What level are you?

24 MR. [REDACTED]: SES.

25 MR. HAYES: Which means?

1 MR. [REDACTED]: It's like a general.

2 MR. [REDACTED]: No. A staff.

3 MR. [REDACTED]: No. It's what it's
4 equivalent to.

5 MR. [REDACTED]: Mm-hmm.

6 MR. [REDACTED]: Right.

7 MR. [REDACTED]: So, if you're looking at
8 the military equivalent --

9 MR. [REDACTED]: Mm-hmm.

10 MR. HAYES: Hey, man.

11 MR. [REDACTED]: -- it would be --

12 MR. HAYES: I can't be too --

13 MR. [REDACTED]: -- the general.

14 MR. HAYES: -- cheap.

15 MR. [REDACTED]: No. No. No. I can't
16 afford that. I got kids.

17 MR. HAYES: Well, fuck. Why didn't --

18 MR. [REDACTED]: Yeah.

19 MR. HAYES: -- why didn't somebody tell me
20 that before?

21 MR. [REDACTED]: No, no, no. I got --

22 MR. HAYES: (Indiscernible *04:52:52).

23 MR. [REDACTED]: -- yeah.

24 MR. HAYES: Yeah.

25 MR. [REDACTED]: So, the highest level you

1 can go to in the GS level is 15. And that is
2 basically a full (Indiscernible *04:53:00)
3 colonel in the military. SES is the general
4 level. So, don't -. He's being modest.

5 MR. [REDACTED]: No. Yeah.

6 MR. HAYES: I always liked him anyway.

7 MR. [REDACTED]: I did not know. I
8 thought, I assumed you were 15 since your AWs
9 are 14s, though.

10 MR. [REDACTED]: No. But certain
11 institutions, you are SESs.

12 MR. [REDACTED]: And MCC was one of those
13 institutions?

14 MR. [REDACTED]: MCC is one. Your pre-trials
15 are 15s. Your penitentiaries. Your big lows.
16 Like, Fort Dix. Certain mediums.

17 MR. [REDACTED]: And have you maintained?
18 Are you still an SES now?

19 MR. [REDACTED]: Yes.

20 MR. [REDACTED]: Okay. Since this time,
21 have you ever been demoted or anything like
22 that?

23 MR. [REDACTED]: No.

24 MR. [REDACTED]: No.

25 MR. HAYES: You know, man, I really --

1 MR. [REDACTED]: No. Just got --

2 MR. HAYES: -- I really got (Indiscernible
3 *04:53:45) for this guy.

4 MR. [REDACTED]: -- no.

5 MR. HAYES: (Indiscernible *04:53:45).

6 You know how, I always give law enforcement
7 guys a big, you know, a discount. But I
8 didn't, he's fuck - he's a fucking
9 (Indiscernible *04:53:52) --

10 MR. [REDACTED]: I'm (Indiscernible
11 *04:53:52) a discount.

12 MR. HAYES: -- (Indiscernible *04:53:54)
13 couldn't afford him to pay.

14 MR. [REDACTED]: Remember, I'm a federal
15 employee.

16 MR. [REDACTED]: Federal boys. It doesn't
17 matter if you're a general or not.

18 MR. [REDACTED]: We don't make any money.

19 MR. [REDACTED]: You're not making a lot
20 of money.

21 MR. HAYES: Yeah.

22 MR. [REDACTED]: But -.

23 MR. [REDACTED]: Remember, I think the
24 president makes, what?

25 MR. [REDACTED]: Yeah.

1 MR. [REDACTED]: 250, and he's the --

2 MR. [REDACTED]: 400.

3 MR. [REDACTED]: -- 400.

4 MR. [REDACTED]: Yeah.

5 MR. [REDACTED]: Is it 400 now?

6 MR. [REDACTED]: And the Vice President makes
7 two something.

8 MR. [REDACTED]: Yeah, yeah. No. That's
9 --.

10 MR. [REDACTED]: And never disciplined. When
11 I was moved, never given a reason why I was
12 moved. I was just moved.

13 MR. [REDACTED]: Okay. So, is the report
14 also says that, "Psychology intake screening of
15 Epstein contained errors in identifying
16 details, including that Epstein was referred to
17 as a black inmate, and by different inmate
18 names."

19 MR. HAYES: Oh, no. You're kidding me.
20 They said he was black? Hell, that was a
21 mistake.

22 MR. [REDACTED]: Do you know anything
23 about that?

24 MR. [REDACTED]: I don't know anything about
25 that.

1 MR. ██████████: Would that be a
2 psychology issue?

3 MR. ██████████: That is a psychology,
4 whoever was doing that review.

5 MR. ██████████: All right. "SHU has
6 multiple cells equipped with video recording
7 capability. Inmate Epstein was not housed in
8 one of these cells. And there appears to be no
9 set guidance on when to utilize these cells."
10 So, you already said you didn't believe, like,
11 he should have been.

12 MR. ██████████: So --

13 MR. ██████████: Is that correct?

14 MR. ██████████: -- let me correct that.

15 None of the cells, none of the cells that we
16 had in SHU were, had cameras in the cells that
17 were being, working and being used. The only
18 ones up in SHU that had cameras in the cell is
19 Ten South.

20 MR. ██████████: Okay. So, no --

21 MR. ██████████: So, they --

22 MR. ██████████: -- where else in the
23 institution --

24 MR. ██████████: -- nowhere else in there had
25 cameras in the cell.

1 MR. HAYES: Hmm.

2 MR. [REDACTED]: Ten South, we have it in the
3 cells where you can see --

4 MR. [REDACTED]: That --

5 MR. [REDACTED]: How about, like, Nine
6 South lower, or something like that? Would
7 they? Isn't that, like, the mini Ten South?

8 MR. [REDACTED]: That's the - yeah - that's
9 the --

10 MR. [REDACTED]: Or G tier.

11 MR. [REDACTED]: -- G tier.

12 MR. [REDACTED]: That's not --

13 MR. [REDACTED]: Right.

14 MR. [REDACTED]: -- what this is.

15 MR. [REDACTED]: So, that --

16 MR. [REDACTED]: Did they have cameras?

17 MR. [REDACTED]: -- that did have recording
18 cameras in --

19 MR. [REDACTED]: Just live cameras?

20 MR. [REDACTED]: -- in South, yeah. Just -.
21 Nope. But then, we had no cameras on there
22 that had live cameras in the South.

23 MR. [REDACTED]: Okay. So, only --

24 MR. [REDACTED]: Ten South.

25 MR. [REDACTED]: -- Ten South.

1 MR. [REDACTED]: Only Ten South.

2 MR. [REDACTED]: So --

3 MR. [REDACTED]: So -.

4 MR. [REDACTED]: -- this statement might
5 actually associate Ten South as part of the
6 SHU.

7 MR. [REDACTED]: Right. Because a lot of
8 people that come in, when they first come in,
9 Ten South is part of there, actually part of
10 Nine South. We call it -. It's part of an
11 annex. So, when most people come in, and they
12 have never been there, they don't
13 differentiate.

14 MR. [REDACTED]: So, being that these are
15 BOP individuals that did this report, what is
16 your response to them saying that there appears
17 to be set guidance on when to utilize these
18 cells? If they are referring to Ten South.
19 Was there guidance on that?

20 MR. [REDACTED]: Yeah. Ten South, like I
21 said, was specifically for the SAMs inmates.

22 MR. [REDACTED]: So, do you --

23 MR. [REDACTED]: Yeah.

24 MR. [REDACTED]: -- also believe that that
25 is an incorrect statement, then?

1 MR. [REDACTED]: If that's what they are
2 referring to, I do believe it is.

3 MR. [REDACTED]: And you believe there was
4 no other working cameras, outside of Ten South?

5 MR. [REDACTED]: Ten South is --

6 MR. [REDACTED]: For a single cell.

7 MR. [REDACTED]: -- is the one where we had
8 our cameras.

9 MR. [REDACTED]: Okay.

10 MR. [REDACTED]: Okay.

11 MR. [REDACTED]: Because we had also been
12 informed that there were cells outside of Ten
13 South that had cameras in them, specifically I
14 think G tier. That's inaccurate?

15 MR. [REDACTED]: G tier. There is no
16 recording of inmates in those cells.

17 MR. [REDACTED]: Just live?

18 MR. [REDACTED]: And I don't even believe
19 live. I know the only ones we had was Ten
20 South.

21 MR. [REDACTED]: Okay.

22 MR. [REDACTED]: We also heard that Ten South
23 wasn't supposed to be utilized anymore. It was
24 actually supposed to be phased out.

25 MR. [REDACTED]: It was supposed to be what?

1 MR. [REDACTED]: Phased out.

2 MR. [REDACTED]: What do you mean phased out?

3 MR. [REDACTED]: ItHe was actually brought up,
4 brought out during the time, after 9/11, to
5 house terrorists~~e~~ inmates.

6 MR. [REDACTED]: Mm-hmm.

7 MR. [REDACTED]: Have you ever heard anything
8 about the fact that no one was supposed to be
9 housed up there anymore (Indiscernible
10 *04:57:12)?

11 MR. [REDACTED]: No. It's not -. It's not
12 to house terrorists~~s~~ inmates. It's to house
13 inmates that have a SAMs on them. So, mostly,
14 the most of the inmates that have SAMs on them
15 are terrorist inmates or, you know, maybe an
16 inmate housed for espionage. You know? And
17 then --

18 MR. [REDACTED]: Was it supposed to have been
19 phased out due to PREA concerns?

20 MR. [REDACTED]: I didn't -. I don't know
21 anything about that.

22 MR. [REDACTED]: Okay.

23 MR. [REDACTED]: No.

24 MR. [REDACTED]: Okay. The next one is,
25 the report also shows that, "A review was done

1 regarding the overtime conducted by the C.O.s
2 at the MCC, and the shortage of staff." It
3 doesn't say much about it. Do you know what
4 the overall team's finding was? Do you agree
5 that there was a shortage of staff?

6 MR. ██████████: Yeah, there was. I mean --

7 MR. ██████████: Mm-hmm.

8 MR. ██████████: -- I'll give you an example.
9 We were short staffed. I was relieving
10 officers on their posts, and on some weekends,
11 I would come in and work a post. I mean --

12 MR. ██████████: You, as the warden?

13 MR. ██████████: -- as the warden. I mean,
14 we had -. We were short. I mean -.

15 MR. ██████████: Now, is there a -. Was
16 there a way to rectify that issue?

17 MR. ██████████: We could. I mean, hiring.
18 We had, I mean, 40 or 50 staff on OWCP
19 (Phonetic Sp. *04:58:23).

20 MR. ██████████: And can you explain what
21 that is?

22 MR. ██████████: Workers compensation.

23 MR. ██████████: Oh. And what was the
24 percentage there, you said?

25 MR. ██████████: About 40 or 50 staff on it.

1 MR. [REDACTED]: 40 or 50 staff.

2 MR. [REDACTED]: Yeah. On there -.

3 MR. [REDACTED]: Did they seem to abuse
4 that?

5 MR. [REDACTED]: We all knew it was an abuse.
6 I mean, we -. We had even had conversations
7 with the IG about, you know, you're going to
8 the same doctor. But I mean, I understand. So
9 --

10 MR. HAYES: So --

11 MR. [REDACTED]: -- every -.

12 MR. HAYES: -- they were all using the
13 same doctor?

14 MR. [REDACTED]: The same [REDACTED]. But again,
15 I understand, every agency is short.

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: I mean, so, we just had that
18 constant problem.

19 MR. HAYES: That's, like --

20 MR. [REDACTED]: You know?

21 MR. HAYES: -- they use some of these -.
22 Some things, they use the same expert witnesses
23 all the time.

24 MR. [REDACTED]: Right. The hiring. We had
25 a lot of department heads that we would use to

1 cover. Some of my associate wardens, you know,
2 would cover. So, it was just, you know, had to
3 make do with what we had.

4 MR. [REDACTED]: Now, was there, like, a
5 plan in place to try to get you guys up to
6 proper staffing levels?

7 MR. [REDACTED]: I mean, we were working on
8 hiring. You know, and getting people in. But
9 it's a process. You know? To get somebody
10 hired, it takes between six and eight months.

11 MR. [REDACTED]: And were there a number
12 of people in the pipeline?

13 MR. [REDACTED]: Not really. I mean, we went
14 out and did recruiting, because we were
15 competing with other agencies.

16 MR. [REDACTED]: Mm-hmm.

17 MR. [REDACTED]: You know? Other agencies
18 are hiring, you know, and we had incentives.
19 You know? To, to get people on. So, it was
20 just a matter of, you know, getting people on
21 board.

22 MR. [REDACTED]: And do you think it could
23 have been handled better by some, in some way,
24 by the BOP, in order to rectify that issue?

25 MR. [REDACTED]: There's certain things we

1 don't control. Staffing. You know, the
2 budget. We don't -. I don't -. We don't
3 control that. I mean, we can turn around and
4 say, I want this, but once the law is passed,
5 and it said, this is what you are getting, you
6 don't -. We need to work with what we've got.

7 MR. [REDACTED]: No, and I understand
8 that, that as, like, as far as the BOP goes.
9 But I mean, the MCC, especially, you know,
10 covering ~~SDNY Epstein in a lie~~ *05:00:18), and
11 having such high-profile inmates. Was there -
12 do you think that there could have been
13 anything done better, though, by the BOP, to
14 make sure that your institution, specifically
15 MCC, was better staffed?

16 MR. [REDACTED]: You could - so, let's go TDY
17 - we couldn't really, couldn't TDY to a point,
18 but then, there are other institutions around
19 the agency that were, you know, the staffing
20 was an issue. So, they can't send somebody out
21 to help, you know? And then, it just brought
22 down the finding. I mean, and getting people
23 to clear your background. Not everybody can
24 clear a background to work. I mean, yeah, we
25 can go out in the street and say, hey, we got a

1 job for you, but can you pass the guidelines?

2 MR. ██████████: Mm-hmm.

3 MR. ██████████: And a lot of time, do we
4 know.

5 MR. ██████████: All right. So, we're
6 literally less than half of a page left.

7 MR. ██████████: Mm-hmm.

8 MR. ██████████: But this next one is just
9 going to be, I'm going to have you just kind of
10 read it --

11 MR. ██████████: Okay.

12 MR. ██████████: -- along with me because
13 it's so long. "He was also an inmate who had
14 risk factors for assault by other inmates, and
15 did require careful selection for appropriate
16 cellmates. Although these issues were noted,
17 well documented, and communicated, a failure
18 still occurred by allowing inmate Epstein to be
19 placed in the cell alone. Although feasible
20 for an inmate to effectuate suicide while
21 housed with a cellmate, the odds of this
22 occurring are significantly lowered when housed
23 with another inmate."

24 The report continues. "It is apparent
25 various staff at the institution made a point

1 of ensuring inmate Epstein had an assigned
2 cellmate. The captain personally instructed
3 the lieutenants, individually. A mass email
4 was distributed by psychology, and it is
5 apparent some SHU officers were aware.
6 Although many people acknowledge this is an
7 important fact, ultimately, the final staff
8 responsible for not - or did not ensure the
9 requirement was met, including vital
10 directives, such as a cellmate requirement, and
11 a mass email does not ensure -." (Indiscernible
12 *05:02:20) --

13 MR. [REDACTED]: Mm-hmm.

14 MR. [REDACTED]: -- "including vital
15 directives, such as a cellmate requirement, and
16 a mass email does not ensure those who truly
17 need that information do, in fact, receive it
18 timely. In this case, inmate Epstein was
19 actually placed with a cellmate when removed
20 from psychological --

21 MR. [REDACTED]: Mm-hmm.

22 MR. [REDACTED]: -- observation. After
23 that moment, it is clear there was no
24 additional written directive, or a fail safe
25 system established, to ensure inmate Epstein --

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: -- would have had a
3 cellmate going forward." So, I guess, first
4 and foremost, do you believe, probably the
5 primary reason why Epstein was able to take his
6 own life was because he didn't have a cellmate?
7 On top of the fact that they weren't conducting
8 rounds in SHU? And counts.

9 MR. [REDACTED]: I can't speak to the
10 mindset. Only I can speak to is, he killed
11 himself.

12 MR. [REDACTED]: But what I'm asking is,
13 would it have certainly helped prevent his
14 death by one) having an inmate; and two) having
15 rounds and counts conducted?

16 MR. [REDACTED]: Oh, if people did their job.

17 MR. [REDACTED]: Right.

18 MR. [REDACTED]: You know? And -.

19 MR. [REDACTED]: Like, obviously, if he
20 killed himself, he did it.

21 MR. [REDACTED]: Right.

22 MR. [REDACTED]: But the way that the
23 government can better ensure that that doesn't
24 happen is by ensuring that, when it is mandated
25 that someone has a cellmate, they have a

1 cellmate.

2 MR. [REDACTED]: Right.

3 MR. [REDACTED]: And when they do their
4 job, like you just said, they conduct rounds
5 and counts, that -. Is that what you believe
6 would have helped keep him alive today, if, you
7 know, from the government perspective?

8 MR. [REDACTED]: I mean, again, I'm going to
9 just say, I can't say what would have kept him
10 alive, but I will say, you know, if people made
11 their rounds, did their job, followed
12 instructions that they were given, then it
13 might have -. Could have minimized what, you
14 know --

15 MR. HAYES: The risk.

16 MR. [REDACTED]: -- you know, what happened.
17 The risk. But I can't talk to, you know, if he
18 would have done it or not done it. If that
19 would have stopped him.

20 MR. [REDACTED]: Now, as far as this last
21 sentence, what they wrote, "After that moment,
22 it is clear there was no additional written
23 directive, or fail safe system established to
24 ensure inmate Epstein would have a cellmate
25 going forward." What do you think could have

1 been done, and who should have done it?

2 MR. [REDACTED]: So, directives and the
3 information was conveyed to people verbally,
4 documented on forms, on what you are supposed
5 to do. There was signs up.

6 MR. [REDACTED]: Now, what signs do you
7 know that were up?

8 MR. [REDACTED]: No, I mean, the one you read
9 to me, about the sign about doing the 30-minute
10 checks.

11 MR. [REDACTED]: Oh, I think this is --

12 MR. [REDACTED]: So -.

13 MR. [REDACTED]: -- specifically talking
14 about the cellmate requirement.

15 MR. [REDACTED]: No. I mean, (Indiscernible
16 *05:05:02) cellmate requirement. It was put
17 out by the captain. Directives were given.
18 Staff was spoken to. You know, it's kind of
19 boiled down to people not doing their job. I
20 mean, if I tell you, you have to do something,
21 it's given to you in writing, what more do we
22 have to do?

23 MR. [REDACTED]: Well, that's kind of my
24 question, because the BOP is the one who wrote
25 that finding. So, I'm curious myself --

1 MR. [REDACTED]: I mean, that's --

2 MR. [REDACTED]: -- what you think --

3 MR. [REDACTED]: -- I mean --

4 MR. [REDACTED]: -- that could have been
5 done.

6 MR. [REDACTED]: -- that's somebody's
7 opinion.

8 MR. [REDACTED]: Right.

9 MR. [REDACTED]: You know? That's a Monday
10 morning quarterback that came in and make an
11 opinion. I don't know what their ulterior
12 motive is --

13 MR. [REDACTED]: Can you think of any --

14 MR. [REDACTED]: -- for making it.

15 MR. [REDACTED]: -- anything that wasn't
16 done? Can you think of anything, like, oh, if
17 this could have helped, or maybe he should have
18 done that? As far as the cellmate requirement.

19 MR. [REDACTED]: I can't think of anything
20 they should have done.

21 MR. [REDACTED]: No. Okay.

22 MR. [REDACTED]: Can I ask?

23 MR. [REDACTED]: Yeah.

24 MR. [REDACTED]: I know it's bound to - based
25 on once everything comes up, these are

1 questions that they're going to have. So, I
2 got to ask. I know you mentioned that you
3 couldn't have secondary selection. Like,
4 another replacement for Reyes, because inmates
5 keep moving. But is it possible that a list
6 should have been created? That, you know,
7 should have told the SHU officers, hey, listen,
8 if Reyes ever gets removed, here is a list of
9 maybe possible five inmates that you could
10 choose from?

11 MR. [REDACTED]: But I mean, under, you know,
12 different inmates, we can do that, but he was a
13 high-profile inmate that --

14 MR. [REDACTED]: Mm-hmm.

15 MR. [REDACTED]: -- I would have had to get
16 that name and run it up to the department, to
17 see if it was okay. Iit wasn't just him. I
18 was going to arbitrarily say, listen, I need
19 you to, you know, we're going to put this guy -
20 . I was, just like with the other ones, sent
21 it up to the department. So, again, it would
22 have been based on who was there.

23 MR. [REDACTED]: And because --

24 MR. [REDACTED]: If that.

25 MR. [REDACTED]: -- because of that

1 extreme detail that had to go into selection, I
2 think what [REDACTED] is asking you is, should have
3 there been a list of names that the higher ups
4 signed off on, in case someone was removed,
5 they went to court, they didn't come back, they
6 were transferred, things like this.

7 MR. [REDACTED]: Like, that's what they list
8 as a fail safe. Like --

9 MR. [REDACTED]: Right. I mean --

10 MR. [REDACTED]: -- as a precautionary
11 measure.

12 MR. [REDACTED]: -- it could have been, but
13 then it would have still been based on who was
14 there that day, at the time.

15 MR. [REDACTED]: And that's why I think
16 he's saying, like, a list of five people versus
17 one or two. So, if this person is not --

18 MR. [REDACTED]: I don't --

19 MR. [REDACTED]: -- there, what about this
20 one? That one is not there, either. But maybe
21 this guy. You know, that type of thing. Or
22 did you --

23 MR. [REDACTED]: I just --

24 MR. [REDACTED]: -- just stand by a hunch?

25 MR. [REDACTED]: -- yeah. I just, I just

1 feel, like, you know --

2 MR. HAYES: Don't know.

3 MR. ████████: -- it was, I can't, no. I
4 mean --

5 MR. ████████: Mm-hmm.

6 MR. ████████: -- again, I'm operating in
7 hindsight. I mean, at the time --

8 MR. ████████: Okay.

9 MR. ████████: -- you know, that's what was
10 done.

11 MR. ████████: Yeah, we know you do.

12 MR. ████████: Yeah. And we are
13 absolutely asking you to operate in hindsight.

14 MR. ████████: Right.

15 MR. ████████: Saying, like --

16 MR. ████████: Yeah.

17 MR. ████████: -- Monday morning
18 quarterbacking --

19 MR. ████████: Right.

20 MR. ████████: -- yourself and your own
21 institution, I get it. But, like, Monday
22 morning quarterbacking this situation --

23 MR. ████████: Mm-hmm.

24 MR. ████████: -- what do you think
25 they, you know, they are referring to this as

1 the BOP, and we are not the experts.

2 MR. [REDACTED]: Right.

3 MR. [REDACTED]: We're coming in. But BOP
4 is saying this. I'm just saying, what do they
5 mean by this?

6 MR. [REDACTED]: Right. But --

7 MR. [REDACTED]: And what are some things
8 that could have been done?

9 MR. [REDACTED]: -- but those are individuals
10 that are coming in, looking at a situation,
11 that weren't deeply involved in it.

12 MR. [REDACTED]: Mm-hmm.

13 MR. [REDACTED]: You know, they weren't the
14 ones that were told, hey, okay, I'm talking to
15 my boss, and it's going all the way up to the
16 department. That wasn't -. That wasn't privy
17 to them.

18 MR. [REDACTED]: Mm-hmm.

19 MR. [REDACTED]: That was a need to know
20 basis.

21 MR. [REDACTED]: But unfortunately, everyone
22 is who going to eventually look at this case --

23 MR. [REDACTED]: Right.

24 MR. [REDACTED]: -- is going to be doing the
25 same exact thing as they are.

1 MR. [REDACTED]: No. But what I'm saying is,
2 if we're looking at assessing the situation on
3 what happened in real time, that's what I'm
4 talking about. So, in real time, now, if they
5 had known that, hey, you know what? These
6 names had to go up and be, you know, vetted at
7 the same time, maybe it would have been a
8 different thought process.

9 MR. [REDACTED]: And was it possible - and
10 maybe you discussed this - was it possible
11 that, hey, listen, the SHU officers could have
12 replaced -? Did they have the ability to
13 replace Reyes, if they wanted to, or did they
14 have to come up the chain of command, for the
15 chain of command to tell them who the new
16 inmate -?

17 MR. [REDACTED]: They were instructed, hey,
18 let us know when - where he's to have a
19 cellmate at all time - and to notify, let
20 someone know. Because again, due to the
21 individual that he was, you just don't want to
22 throw anybody.

23 MR. [REDACTED]: Okay. But doesn't that kind
24 of hinder them from taking action? Let's say,
25 at that point on that day, you are not in the

1 institution, Captain [REDACTED] was there, I
2 understand.

3 MR. [REDACTED]: There was an acting warden
4 there. You had the executive staff there.
5 Just because the warden is not there doesn't
6 mean the institution doesn't run. That's why
7 you have, you know, people acting on your
8 behalf. You know? That could make --

9 MR. [REDACTED]: So, maybe --

10 MR. [REDACTED]: -- those decisions.

11 MR. [REDACTED]: -- maybe, what [REDACTED],
12 you are trying to ask is, would somebody, since
13 it sounds like you would have to go over your
14 head to even make that decision, has to go to
15 the regional director level, would the
16 associate warden have the ability to go to the
17 regional director, or would have they known to
18 go to the regional director?

19 MR. [REDACTED]: So, let's say that did
20 happen, right? They would have --

21 MR. [REDACTED]: Well, it did happen.

22 MR. [REDACTED]: -- no, I'm saying, as far as
23 finding out that, hey, he needed a cellmate.
24 So, even though I'm off that day, I'm still
25 working.

1 MR. [REDACTED]: Mm-hmm.

2 MR. [REDACTED]: Because I got the government
3 phone. And they're going to call me and tell
4 me, hey, this is what we got going on. He
5 needs a cellmate. And then, I would be, like,
6 okay, let's see what we have, so we can send it
7 up.

8 MR. [REDACTED]: So, basically, you were
9 always available. Someone was always
10 available, that if the proper notification was
11 being made, up the chain of command --

12 MR. [REDACTED]: Right.

13 MR. [REDACTED]: -- a newer inmate could have
14 been assigned.

15 MR. [REDACTED]: That's why I carried it.
16 That's why I had (Indiscernible *05:10:23).
17 So, to, I get calls all hours of the night,
18 even if I'm off, I'm not off. If there is an
19 issue, an emergency, I'm called. Yeah.

20 MR. [REDACTED]: Okay. And if someone does
21 ask, should the SHU officers have been given
22 the ability? Your answer to that would have
23 been, you have that phone with you, someone
24 should have made that notification. So --

25 MR. [REDACTED]: Right.

1 MR. [REDACTED]: -- someone in the higher --

2 MR. [REDACTED]: And they --

3 MR. [REDACTED]: -- of command.

4 MR. [REDACTED]: -- and they would contact
5 me.

6 MR. [REDACTED]: Okay.

7 MR. [REDACTED]: So, it was not, like, I'm
8 off on paper. Because I am using my leave.
9 But I'm still on duty because you can call me
10 on my phone.

11 MR. [REDACTED]: Okay.

12 MR. [REDACTED]: Yeah.

13 MR. [REDACTED]: My last two questions.

14 Based on your conversation, and after this --

15 MR. HAYES: Thank God.

16 MR. [REDACTED]: -- based on your
17 conversations, and this after-action report
18 that we just reviewed those topics, what are
19 the failures of the BOP that allowed Epstein to
20 die?

21 MR. [REDACTED]: I'm not -. I mean, that's -
22 . I think -. I can't -. That's -. You know,
23 like, I - again - I'm speculating, and I'm
24 giving personal opinions. I'm not --

25 MR. [REDACTED]: Again, and I'm not asking

1 you to say why he killed himself.

2 MR. ████████: Right.

3 MR. ████████: Or if he could have.

4 What I'm saying is, what are the failures of
5 the BOP?

6 MR. HAYES: He killed himself because he
7 ain't stupid. He said to himself, holy shit,
8 I'm going to spend the rest of my life in
9 prison.

10 MR. ████████: Yeah, yeah, and I'm not -

11 -

12 MR. HAYES: Yeah.

13 MR. ████████: -- and I'm not,

14 absolutely not asking --

15 MR. HAYES: No.

16 MR. ████████: -- as far as what is his
17 mental state, and could have he had the ability
18 --

19 MR. ████████: But I can't --

20 MR. ████████: -- but are the failures,
21 as you see them, after we reviewed all this,
22 that you believe -. What did the BOP do wrong,
23 in this instance? Unless you don't think that
24 they did anything wrong.

25 MR. ████████: No. I'm not saying they did

1 anything wrong. But again, these are things
2 that you are going to find. I mean, right now,
3 I can look at it and say, we're looking at
4 people not making rounds and all that. But
5 there's still an investigation going on. So, I
6 don't want to sit here and speculate --

7 MR. [REDACTED]: No, but we are the ones -
8 -

9 MR. [REDACTED]: -- and say --

10 MR. [REDACTED]: -- doing the
11 investigation, and --

12 MR. [REDACTED]: -- right.

13 MR. [REDACTED]: -- you are the leader of
14 the organization that, you know, of the place.
15 That's why this is a very relevant question for
16 you to answer because --

17 MR. [REDACTED]: Mm-hmm.

18 MR. [REDACTED]: -- you know, this was the
19 facility that you oversaw.

20 MR. [REDACTED]: Right. So --

21 MR. [REDACTED]: So, we're just -. All
22 I'm simply asking is, what do you think the
23 problems are, as you see them? After you just
24 heard everything we just talked about for, it
25 seems like the last five hours.

1 MR. ██████: No. I mean, if we would
2 talk - I mean, you're not counting. You didn't
3 make your rounds in that unit, to check on an
4 inmate. I mean, that is, that is the basics
5 right there.

6 MR. ██████: Okay.

7 MR. ██████: You know, we can talk about
8 all the other stuff, but the basic is, you did
9 not go and make those rounds.

10 MR. ██████: And would you also,
11 though, add to that the fact that they didn't
12 replace Reyes --

13 MR. ██████: Oh.

14 MR. ██████: -- like they weree
15 supposed to?

16 MR. ██████: Yes.

17 MR. ██████: Okay. What actions could
18 the BOP have taken to possibly prevent
19 Epstein's death?

20 MR. HAYES: It doesn't sound like --

21 MR. ██████: Right.

22 MR. HAYES: -- still, you were nervous.

23 MR. ██████: Totally.

24 MR. HAYES: That's all. I mean, you could
25 have --

1 MR. [REDACTED]: It just, it sounds like
2 they quote, the answer would be, conduct your
3 rounds, conduct your counts. Get a --

4 MR. [REDACTED]: Do your job.

5 MR. [REDACTED]: -- do your job. Get
6 Reyes -.

7 MR. HAYES: 99 times out of a 100, it
8 wouldn't have happened.

9 MR. [REDACTED]: Right. So --

10 MR. HAYES: You know, it's -.

11 MR. [REDACTED]: -- but in this case, it
12 does seem, like, a lot of this was a result of
13 - like you keep on saying - people not doing
14 their jobs.

15 MR. HAYES: Jobs.

16 MR. [REDACTED]: But I mean --

17 MR. HAYES: Yeah.

18 MR. [REDACTED]: -- but in all fairness,
19 we've had, since Epstein died, and before,
20 we've had almost 60 suicides. So, it's the
21 same reoccurring theme.

22 MR. [REDACTED]: Right.

23 MR. [REDACTED]: You know, people not making
24 their rounds and doing what they're supposed to
25 do.

1 MR. ██████████: And is that the same
2 thing that's happening with them, they're not
3 doing their rounds or counts?

4 MR. ██████████: I mean, and nine times out
5 of ten, every time you look into something, it
6 is a matter of them doing checks, you know, not
7 counting, you know? So, it's the normal
8 things.

9 MR. ██████████: Are these other
10 instances, where we find out that they didn't
11 have cellmates?

12 MR. ██████████: Single cell. You know, I
13 mean, you have access to the data. I mean, you
14 look at it, and you look at the numbers of
15 single cell inmates. But there is instances
16 where, you know, sometimes you do have to put
17 somebody in a cell single.

18 MR. ██████████: Sure.

19 MR. ██████████: But, you know, there is
20 other suicides, and they don't stop. You know?
21 Some of it is, you know, staff had no control
22 over it, and some staff had control over it.

23 MR. ██████████: And I do apologize. I
24 said that was the last question, but I guess I
25 should ask. In Monday morning quarterbacking

1 yourself, is there anything that you should
2 have done differently?

3 MR. [REDACTED]: Hmm.

4 MR. [REDACTED]: As the MCC warden?

5 MR. [REDACTED]: As far as what? This
6 situation?

7 MR. [REDACTED]: Yeah. Just anything that
8 you feel, like, oh, you know, like, I should
9 have done this better, or I could have done
10 this better. That type of thing.

11 MR. [REDACTED]: I can't.

12 MR. [REDACTED]: Just for the record, let
13 me just --

14 MR. [REDACTED]: I can't think of anything
15 for that.

16 MR. [REDACTED]: -- okay. Anything else
17 you have?

18 MR. [REDACTED]: No.

19 MR. HAYES: That's it?

20 MR. [REDACTED]: Anything that --

21 MR. HAYES: Jesus Christ.

22 MR. [REDACTED]: -- you wanted to add to
23 anything, Warden, anything that --

24 MR. HAYES: I didn't know if you said --

25 MR. [REDACTED]: -- we missed, or you want

1 to -?

2 MR. HAYES: -- generally.

3 MR. [REDACTED]: No. No. That's it.

4 MR. [REDACTED]: Is there anything you think
5 we missed asking about?

6 MR. HAYES: Don't ask him that.

7 MR. [REDACTED]: Not that I can think of.

8 MR. HAYES: You have a right to remain
9 silent. (Indiscernible *05:15:06). Guys,
10 listen, you know?

11 MR. [REDACTED]: Yeah. No. We got you.

12 MR. HAYES: Like, I was impressed that you
13 did that. He couldn't go through this. I
14 would have been to the bathroom, like, I got to
15 do this, I got to do this. I mean, I got to
16 make a phone call. I want to take a nap. He
17 just sat there and answered all the questions.
18 I mean, he's not --

19 MR. [REDACTED]: Yeah.

20 MR. HAYES: -- even sweating under his
21 armpits.

22 MR. [REDACTED]: And thank you very much -

23 -

24 MR. [REDACTED]: Yeah.

25 MR. [REDACTED]: -- for your cooperation -

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MR. [REDACTED]: No. I appreciate --
MR. [REDACTED]: Especially --
MR. [REDACTED]: -- you guys.
MR. [REDACTED]: -- the recording is
showing that this is five hours and 15 minutes.
So, this was an epic, epic interview. It is
currently 7:18 p.m. on Wednesday, October 27th,
2021. This is Senior Special Agent [REDACTED]
[REDACTED], and I am turning off the recorder.

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CERTIFICATE

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

Interview of [REDACTED] [REDACTED]

[REDACTED]

[REDACTED], Transcriber