

MEMORANDUM OF INVESTIGATION

Case Number:	Reporting Office:
2019-010614	New Jersey Area Office

Interview of Federal Bureau of Prisons Senior Officer Specialist [REDACTED]

On September 12, 2019, Assistant United States Attorney [REDACTED], U.S. Department of Justice (DOJ) Office of the Inspector General (OIG) Special Agent [REDACTED] and Special Agent [REDACTED] interviewed Federal Bureau of Prisons (BOP) Senior Officer Specialist (SOS) [REDACTED] at the United States Attorney's Office, Southern District of New York, 1 Saint Andrews Plaza, New York, New York 10007. The purpose of this interview was to address the events surrounding the death of Jeffrey Epstein, Register Number 76318-054 and the actions of MCC staff members leading up to and subsequent to the death. [REDACTED] was advised that the interview was voluntary and could be terminated at any time. [REDACTED] was provided with OIG Form III-226/2 (Warnings and Assurances to Employee Requested to Provide Information on a Voluntary Basis), which he reviewed and signed.

During his voluntary interview, [REDACTED] provided the following substantive information:

[REDACTED] stated he began working as a Correctional Officer with the BOP in approximately 2005 or 2006 and spent his entire career at MCC New York. [REDACTED] stated he was promoted to his current rank of SOS in approximately 2009. Prior to working for the BOP, [REDACTED] served in the United States Army and worked for the Transportation Security Administration. [REDACTED] continues to serve in the United States Army Reserve as a Flight Instructor- Master Trainer and performs military orders frequently.

According to [REDACTED], he is currently assigned to Morning Watch Overnight, Unit 2, which he described as a female unit. He also has multiple collateral duties, including the Disturbance Control Team and the Mentorship Program. He also serves as a Lead Control Tactics Instructor. [REDACTED] stated he was assigned to the Special Housing Unit (SHU) Day Watch (8am – 4pm) from Monday to Friday. [REDACTED] added he opted to transfer to Day Watch that quarter because he was able to perform overtime while on Day Watch and still get weekends off. The schedule also worked well with his military orders. [REDACTED] stated the only assignment available with weekends off that quarter was the SHU Day Watch, which he accepted.

[REDACTED] stated he worked in the SHU in the past, but prior to this most recent SHU assignment he worked the overnight shift for approximately 5-6 years and was not assigned to the SHU during that time. When he first began working at MCC New York, [REDACTED] stated he was assigned to the SHU, a typical post assignment for new officers, for a few months. After he rotated off that assignment, he stated he only worked in the SHU when he was providing coverage, when they were short-staffed, or if he responded to a use of force incidents.

Prepared By:	Preparer Title:	Reviewed By:	Reviewer Title:
[REDACTED]	Special Agent	[REDACTED]	Senior Special Agent
Signature:	Signature:		
[REDACTED]	Digitally signed by [REDACTED] Date: 2019.10.01 11:47:14 -04'00'	[REDACTED]	Digitally signed by [REDACTED] Date: 2019.10.01 11:49:15 -04'00'

█████ stated officers assigned to the SHU on the weekends were responsible for taking institutional counts at 4pm, 10pm, 12am, 3am, and 5am. He added he did not work the weekend shift so he did not perform these counts. The Day Shift, which he was assigned to, performed 30 minute rounds. █████ explained the counts are supposed to be completed every 30 minutes, but within a 40 minute time period. He described Mondays, Wednesdays, and Fridays as “shower days”, where the inmates are escorted to a shower at the end of the tier. He added MCC New York SHU does not have showers in the cells so inmates have to be restrained, escorted to the shower, restrained again upon completion of their shower, and escorted back to their cell. █████ described this process as time-consuming and stated it can affect the ability to perform the 30 minutes counts. He added the checks are being performed because officers have contact with the inmates throughout this process and they conduct counts as scheduled once the showers are completed. He added the Recreation Officers also constantly pull inmates out of their cells to take them to the 12th Floor to for their one hour of recreation time, which also affects the ability to perform traditional counts as expected.

According to █████, the 30 minute counts are conducted as required on Tuesdays and Thursdays because showers are not offered those days. █████ further added he did not believe it would be possible to perform 30 minute rounds as scheduled on Mondays, Wednesdays, and Fridays due to all of the inmate movement and the current staffing levels at MCC New York, which █████ described as “abysmal”.

When asked to describe the process for filling out the times of the forms documenting the 30 minute counts, █████ stated you are supposed to fill out the form as you are completing the round so you accurately record the time. He added that on shower days, he fills the form out when he gets the inmate out of the cell to transport him to the shower because he has visual contact with the inmate at that time. █████ stated he also fills out the form when he responds to inmate’s cells for complaints or things of that nature. He clarified the times may not exactly reflect 30 minutes, but he fills out the forms as he see the inmates. █████ added he cannot comment on how other staff members perform the counts or fill out the logs.

█████ stated a comparison of the cameras to the 30 minute logs for his quarterly assignment to the SHU would reveal that the log sheet is posted at the end of the tier on occasion and other times the log is maintained at the desk by the officer’s station. █████ stated when the log is maintained at the desk, the officers would write things down and fill out the form to “catch up” after the checks were completed instead of filling it out as the checks were being done. He stated the forms are filled out after the fact because it is hectic and the officers don’t have the logs with them while completing the checks. He added that, on occasion, some people would fill out the logs without completing the checks. █████ stated he does not agree with this practice because that is not how things are supposed to be done. █████ added there are times the sheets have not been posted on the tiers and are not filled out accurately and times they are filled out accurately. He stated the camera footage should show both instances.

According to █████, he tried not to fill out the log sheets if he didn’t actually perform the checks. He stated he would fill out the log sheet when it was maintained on the desk if he moved someone for the

shower or performed the rounds. [REDACTED] added if he noticed the log sheet had not been filled out for a period of time or he wasn't there during that time, he won't sign it.

[REDACTED] opined leadership at MCC New York is aware of how difficult it is for staff members to perform the 30 minutes rounds due to staffing shortages and other manpower issues, to include additional equipment required to do the job properly. [REDACTED] stated staff members shared their concerns with Captain [REDACTED] but nothing changed. He added he was not present at any of the meetings where the information was presented to Captain [REDACTED].

According to [REDACTED], during his three month rotation on the SHU assignment, he was on military orders for approximately half of that time cumulatively. [REDACTED] explained he performed two week military orders but had several sets of orders during that quarter. [REDACTED] was at MCC New York during the period leading up to the death of Epstein, however.

On August 9, 2019, [REDACTED] stated he worked overtime on the midnight shift, which ran from 12am on Thursday to 8am on Friday. He performed this overtime on unit 11-South and worked this shift alone. [REDACTED] stated he was relieved late, at approximately 8:40am, and didn't arrive to his scheduled shift on the SHU until approximately 8:45am. [REDACTED] stated Epstein had already been escorted to the attorney conference room by the time he arrived at the SHU to begin his shift. According to [REDACTED], Epstein never returned to the SHU during his shift. At approximately 3:30pm, [REDACTED] checked to see if Epstein was still in the attorney conference room and received confirmation Epstein was still in the area. Epstein was in the attorney conference room for all counts that took place during [REDACTED] shift. [REDACTED] stated Epstein did not return to the SHU prior to being relieved at 4:00pm and reiterated he did not see Epstein at all during his shift that Friday. [REDACTED] stated he believed Epstein stayed in the attorney conference room until late Friday night.

When asked about Epstein's cellmate, Efrain Reyes, Register Number [REDACTED], [REDACTED] stated Reyes was gone when he reported to his shift at the SHU at 8:45am and did not return prior to being relieved at 4:00pm. [REDACTED] reiterated he never saw Reyes that Friday. [REDACTED] added SOS Roberto [REDACTED] may have told him that Reyes left the SHU. [REDACTED] clarified he knew Reyes was not in his cell, but he did not know Reyes was released from custody. He stated he never saw the court list that day to know if Reyes was on it and stated just because an inmate was not in their cell, it does not mean they are actually leaving MCC New York. He stated it is not uncommon for inmates to be gone from their cell all day and then return later that evening. [REDACTED] stated the most he knew was Reyes left the unit, but he did not know where Reyes went when he left the unit or that he was not returning.

According to [REDACTED], when he called to see if Epstein was returning to the SHU for count, no one told him Reyes was not coming back. He clarified that no one told him Reyes was not coming back and that Epstein needed a new cellmate. [REDACTED] reiterated that no one, including Captain [REDACTED], Lieutenant Rice, the Psychology Department, or SOS [REDACTED], told him Epstein needed a new cellmate.

When [REDACTED] left his shift at 4pm, Correctional Officer [REDACTED] (no further information) was in the SHU

working but he couldn't recall who else was there but did not recall seeing Officer [REDACTED]. [REDACTED] added he did not see most of the officers on the next shift because he left as soon as he completed his turnover with [REDACTED]. [REDACTED] believed [REDACTED] was supposed to come in for the next shift but he does not know who else was supposed to be working. [REDACTED] stated he relayed to [REDACTED] that Epstein was still down at the attorney conference room and that there were a few inmate showers that had to be completed because they were unable to finish them during the 8am to 4pm shift. [REDACTED] stated he also told [REDACTED] what the inmate count should be. [REDACTED] could not recall if he passed [REDACTED] any information about Reyes. [REDACTED] added his focus was providing information about Epstein because he was "high profile".

[REDACTED] stated he was on military orders in July 2019 and learned about Epstein's initial suicide attempt upon his return to MCC New York after completing his orders. [REDACTED] added he did not know Epstein was removed from suicide watch until after his death. He reiterated again that no one informed him Epstein required a new cellmate. He elaborated SOS [REDACTED] never told him Reyes was being released and Epstein required a new cellmate. Additionally, [REDACTED] never saw a memorandum drafted by SOS [REDACTED] dictating he provided the information about Reyes and Epstein to [REDACTED]. [REDACTED] added if someone wrote a memorandum stating they told [REDACTED] that Epstein required a cellmate it would be false.

[REDACTED] stated if he was made aware that Epstein required a new cellmate, he would have followed direction and ensured Epstein received one. [REDACTED] stated if a fellow officer told him Epstein required a new cellmate, he would have confirmed this information with his leadership and then he would have assigned a new cellmate to Epstein. [REDACTED] added it would not have been difficult to find a new cellmate for Epstein. [REDACTED] repeated that if he was made aware by leadership that Epstein required a new cellmate he would have made it happen, but no one told him. [REDACTED] stated it did not matter who the inmate was, if he is told an inmate needs a cellmate, he ensures the inmate receives a cellmate because when they are told an inmate requires a cellmate, it is for a reason.

When asked about his interactions with Epstein, [REDACTED] stated he didn't really interact with Epstein. He stated he escorted him to the attorney conference room on one occasion but he didn't really talk to him. He stated he always got Epstein what he needed, such as socks, like he did with any other inmate at MCC New York.

Attachment(s):

1. OIG Form III-226/2- Warnings and Assurances to Employee Requested to Provide Information on a Voluntary Basis. Signed by FCI Fort Dix Lieutenant Kevin Vincent, dated April 23, 2018.