

- Was the video that the OIG reviewed missing a minute similarly to the video released by the FBI? If so why was that not noted?
 - No, there are no missing minutes in the video the OIG reviewed.
- Was the video that the OIG reviewed a screen recording or the actual raw video? If it was a screen recording, why was the raw video not available?
 - The OIG reviewed a copy of the actual video that was recovered from the DVR system.
- Was the video that the OIG reviewed of the 9 South Elevator missing approximately a minute between 11:59 PM and 12:00 AM? (Page 91)
 - No, there are no missing minutes in the video the OIG reviewed.
- Did investigators note the make and model or other information of the DVR system that might help confirm a nightly system reset?
 - There are no missing minutes so the nightly reset. If there was a reset, it did not negatively impact the video of the three cameras that were recording.
- Its apparent from comparing the schematics provided in the report with the video that the path from the main entrance to the stairs leading to Epstein's cell is obscured and it **would be possible** for someone to move between them unrecorded. As the report itself noted, most of the time it was not possible to see someone ascending or descending the stairs, including Epstein when he was escorted to his cell at 7:49. Do you have any information that disputes this analysis? (page 85)
 - We reviewed the video at 7:49 pm, and although you can see the inmate being escorted toward his tier, due to the partial view of the video, you cannot clearly see them walking up and down the stairs or the inmate being placed into his cell.
 - Per our MOI that was drafted based upon our review and analysis: "The OIG's analysis was based on a review of the only surveillance camera footage showing the inside the SHU, which was the camera located above the SHU's G tier and outside of 10S. The video footage was of low quality and the camera angle only partially showed the areas located within SHU, including the SHU officer's desk area, SHU common floor area and partial view of the stairs leading to the SHU's G tier, J tier and L tier where inmate Epstein was housed from July 30, 2019, until August 10, 2019. Due to the low quality of

the video, the persons on camera cannot be positively identified other than the probability based upon the BOP documents that identified who was in the SHU on specific dates and times, and from statements made to the OIG by BOP employees who worked within the MCC New York.” In addition, we wrote, “The OIG identified persons based upon interview statements, the documents related to inmate counts and employee rounds conducted in the SHU on August 9 and 10, 2019, and the MCC New York Daily Assignment Rosters for August 9 & 10, 2019. The majority of the persons seen on video were wearing black colored clothing, which is consistent with the MCC New York uniform, and unless otherwise noted, they have been identified as correctional officer’s (CO) in the timeline. The MCC New York authorized certain SHU inmates to work as orderlies to assist in cleaning and moving items around the SHU, under the supervision of the COs, and they have been identified as orderlies in the video review.”

- As for Epstein’s appearances in the SHU, the MOI states, “Multiple witnesses told the OIG that Unit Manager ██████████ escorted inmate Epstein from attorney conference to the SHU, and placed him in the shower cell on the SHU’s G tier at approximately 6:53 p.m. ██████████ confirmed the information, and told the OIG that he plugged it into the legal phone line, dialed a number, handed the phone to Epstein, and walked off the tier. ██████████ said that he had a brief conversation with ██████████, and Noel before he departed the SHU. The video footage shows, at approximately 6:53 p.m., ██████████ escorted Epstein across the SHU common area and up the stairs for the G tier, ██████████ then walked to the SHU officer’s desk and returned to the G tier holding what appeared to be a phone in his hands. ██████████ walked off the G tier and had a brief conversation with the three SHU officers before he departed the SHU. The attached MCC New York phone log showed that phone number ██████████ was dialed from the SHU legal line on August 9, 2019, at 6:58 p.m. ██████████ told the OIG he called the SHU twenty minutes later and told the SHU staff to take the phone away from Epstein, and the call log showed that the call was ended at 7:19 p.m. At 7:19 p.m., the video shows that Noel walked onto G tier and returned back to the SHU desk area with what appeared to be a phone in her hand.
- The OIG’s interviews and investigation revealed that ██████████ and Noel did not conduct the 10 p.m. count inside the SHU on August 9, 2019. The OIG’s review of the MCC New York 10 p.m. count E1 document from August 9, 2019, showed Control Officer ██████████ listed “g/v 10:30 pm,” meaning he received a good verbal count from all of the housing units within the MCC New York on August 9, 2019, on or before 10:30 p.m. Multiple MCC employees have told the OIG that two COs are needed to conduct the counts inside the SHU. The OIG’s video review showed Noel walked up and down the stairs leading to the M, J, K, G and H tiers in the SHU by herself between 10:30 p.m. and 10:36 p.m. and returned to the SHU officer’s desk at 10:36 p.m.

Noel cannot be seen walking onto the L tier, as majority of the view of the stairs leading to L tier is blocked off from the camera's view. This indicates to the OIG that Noel conducted a round, as required to be conducted every 30 minutes, rather than the 10 p.m. count. At 10:39 p.m., a CO can be seen going up the stairs of L tier. The OIG believes this is the last time a CO entered the L tier prior to 6 a.m. on August 10, 2019."

- In the report its noted that Tova Noel exited the SHU through 10 South sometime around 7:30pm and returned to the SHU after Epstein was escorted to his cell. However, it appears from a review that Tova Noel remained on the SHU floor during that time period and a different female officer, likely the person identified as the ACTING EVENING WATCH ACTIVITIES LIEUTENANT was the one who actually exited the SHU through the door to 10 South. Is the IG aware of this discrepancy and if so do you have any comment? (p 60)
 - As noted above, you cannot positively identify people in the video. Per the MOI reviewing and analyzing the video, "Acting Activities Lieutenant ██████ told the OIG that she conducted a round inside the SHU at approximately 7:30 p.m. The TRUIINTEL Supervisor Rounds report showed ██████ conducted a round in the SHU and Unit 10S at 7:31 p.m. Video showed a female CO going into Unit 10S at approximately 7:45 p.m."
 - So yes, the Activities LT is likely the one who exited the SHU through the door to 10 South just prior to Epstein being escorted back to his cell. Per the MOI, "█████ told the OIG that he escorted Epstein back to his cell on L tier. The video review shows, at approximately 7:49 p.m., ██████ could be seen escorting Epstein (white skinned male with white hair wearing orange prison clothing) from G tier toward L tier."
 - The only reference to Noel around the time that Epstein was escorted reads as follows: "At 7:19 p.m., the video shows that Noel walked onto G tier and returned back to the SHU desk area with what appeared to be a phone in her hand."
 - The Final report reads, "Noel said that approximately 15 to 20 minutes later, while Epstein was still using the telephone, the Unit Manager called the SHU staff via telephone, told Noel that Epstein's time was up, and asked that Noel retrieve the telephone from Epstein. Noel estimated that Epstein's call lasted for 20 minutes and said the Evening Watch SHU Officer in Charge and the Material Handler were also present in the SHU during Epstein's phone call. Noel reported that she took the phone back from Epstein, left Epstein alone in the shower, and went to use the bathroom on 10 South. Noel said that upon her return, Epstein was already placed back in his cell."

- We reviewed the video and it is unclear who is in the video. The second CO could be Noel. This is the specific review from the MOI from that time period:

19:19	Noel walked down the stairs from G tier, carrying what appeared to be a phone.
19:20	CO walked from desk area to L tier.
19:22	Inmate is escorted by COs from laundry/entrance area to M tier.
19:25	Inmate, not dressed in orange, is escorted by two COs from recreational area towards laundry and SHU entrance/exit area.
19:26 - 19:33	General movement around SHU area of COs and inmate orderlies.
19:34	Inmate is brought from laundry and SHU entrance/exit area to the recreational area.
19:35 - 19:38	General movement around the SHU common area, desk area, and the stairs of some of the tiers. There are numerous COs moving around in the SHU.
19:46	Two COs climbed the stairs up to landing in front of door 46. One CO placed down a blue trashcan and walked down into G tier. The other BF CO, with reddish hair, (appeared to be Acting Activities Lieutenant [REDACTED] [REDACTED]) picked up the phone beside the Door 46 and went inside 10S with the blue trashcan.
19:49	CO escorted white haired and skinned inmate (believed to be Epstein) from G tier across SHU floor and up the stairs for L tier. CO [REDACTED] told the OIG that he returned Epstein back to his cell from the G tier.
19:49 - 19:56	General movement around the SHU common area and desk area.

- In the report Tova Noel told OIG investigators that no one could enter the SHU without her physically letting them through the second security door. However, on multiple occasions, staff enter into the SHU and despite the fact that the door is off camera, Noel and Thomas both remain in sight of the camera. Was this discrepancy noted at the time? (p 66)
 - The Final issued report reads as follows: “Noel told the OIG that she and CO 3 conducted the 3 a.m. and 5 a.m. counts in MCC New York’s 10 South Unit, which is the single-celled secure unit adjacent to the SHU. Noel said that when she left the SHU to assist CO 3, she took the SHU keys with her and that no one could have accessed the SHU while she was gone because she had to physically open the door for anyone who came into the SHU. Noel also told the OIG that when the Morning Watch Operations Lieutenant arrived to conduct a round at approximately 4 a.m., Noel let her into the SHU. The OIG’s review and analysis of the SHU video shows that the Morning Watch Operations Lieutenant arrived in the SHU at approximately 4 a.m., visited the 10 South Unit at 4:04 a.m., returned to SHU at 4:11 a.m., and left the SHU at 4:14 a.m. According to Noel, no one other than the Morning Watch Operations Lieutenant and CO 3, as detailed later below, entered the SHU during her shift.
 - Our MOI states what happened during that time period: “According to the MCC Daily Assignment Rosters for August 9 and 10, 2019, [REDACTED] shift ended at 12:00 a.m., at which time Michael Thomas began his shift in the SHU. Noel and Thomas admitted to the OIG that they prefilled the count and round sheets for the morning watch shift on August 10, 2019, and did not conduct any of the counts or rounds from 12:00 a.m. to 6:00 a.m. The August 10, 2019, MCC 12 a.m., 3 a.m. and 5 a.m. count sheets were signed by Noel and Thomas. Video footage showed Thomas and Noel did not walk into any of the SHU tiers during their shift from 12:00 a.m. to 6:00 a.m. The video showed CO [REDACTED] reported to work on Unit 10 South at 12:00 a.m. Between 12:00 a.m. and 1:00 a.m. there were very few movements in the SHU area. Between 1:05 a.m. and 3:10 a.m., the OIG did not detect any movement at the SHU officer desk area or around the SHU common area. It appeared that the COs were sleeping at the desk area in the SHU. Noel went to Unit 10 South at 3:14 a.m. and returned back to the SHU at 3:17 a.m., which is consistent with her statement that she assisted [REDACTED] with the Unit 10 South count at 3 a.m. Noel again went to Unit 10 South at 3:42 a.m. and returned to the SHU at 3:51 a.m.
 - The Federal Bureau of Prisons TRUIINTEL Supervisor Rounds report showed Operations Lieutenant [REDACTED] conducted a round in 9 South SHU at 5:21 a.m. and 10 South Upper at 5:22 a.m. Video review shows she arrived in the SHU at 4 a.m. and departed the SHU at 4:14 a.m. Video shows Noel going to Unit 10 South at 5:26 a.m., which is consistent with Noel’s statement that she assisted [REDACTED] with Unit 10 South 5 a.m. count. The count slips for Unit

- 10 South reflected Noel's and [REDACTED] signature for the 3 a.m. and 5 a.m. counts. Thomas relieved [REDACTED] in Unit 10 South from 5:37 a.m. to 5:50 a.m.
- At approximately 6:22 a.m., breakfast was brought to the SHU and video shows Thomas and Noel moved the food trays to different areas in the common area of the SHU. At 6:30 a.m., CO (appeared to be Noel) can be seen quickly moving from L tier stairs to the desk area and quickly back multiple times. Noel told the OIG that she opened the L tier gate and stood by the gate while Thomas conducted the feeding. She hit the body alarm on her radio as soon as Thomas told her that Epstein hung himself. Thomas asked her for a cutter, and she went looking for one but never found one. Multiple COs wrote BOP memorandums stating the body alarm was activated at 6:33 a.m. Video shows additional COs going up the stairs for L tier at 6:33 a.m.
- Is there any evidence that the second security door and the door leading to L tier were closed? In the photos included in the report, those doors are propped open. Is it possible they could have also been propped open the night of Epstein's death? (p 24)
 - The photos on p 24 were taken during our investigation and after the MCC New York was vacated. All statements obtained by the OIG said the doors were closed.
 - Regardless of whether or not the door was locked, several times during the night Tova Noel and Michael Thomas exit the cameras view in the direction of the main entrance and were absent for several minutes. Is there any evidence beyond their statements that they did not let someone into the SHU during those opportunities?
 - Their limited movements are detailed above and we have no evidence that anyone aside from those mentioned ever entered the SHU or went near Epstein's cell.
 - At approximately 12:05 AM an individual in a red hat and sweatshirt exited the door to 10 South and traveled through the SHU. This is not one of the two individuals noted in the report to have entered the SHU during Noel and Thomas' shift. Do you have any comment regarding this discrepancy?
 - Our MOI concerning our video review indicated the the following:

0:00	One CO (possibly Noel, [REDACTED] or Thomas) walked from desk area to general SHU common area and then back to the desk area.
------	---

0:01	BM CO, identified by Daily Assignment roster as CO [REDACTED], walked from laundry and SHU entrance/exit area to Door 46, picked up phone and walked into 10S. CO [REDACTED] is reporting for his shift.
0:02	[REDACTED] closed the door for 10S.
0:05	Movement at the desk area.
0:05	CO Mason finished his shift, exited 10S through Door 46, picked up objects located outside Door 46 and put them inside Door 46. Mason then walked down the stairs, towards desk area and then exited toward the laundry and SHU entrance/exit area.
0:07	One CO (possibly Noel or Thomas) walked from area below camera towards desk area.

- According to the report its believed Tova Noel brought clothing or bedding to L tier at approximately 10:40 PM. The report does not indicate who she was bringing that clothing or bedding to, does the IG have any additional information regarding that?
 - From our MOI: "The OIG's video review showed Noel walked up and down the stairs leading to the M, J, K, G and H tiers in the SHU by herself between 10:30 p.m. and 10:36 p.m. and returned to the SHU officer's desk at 10:36 p.m. Noel cannot be seen walking onto the L tier, as majority of the view of the stairs leading to L tier is blocked off from the camera's view. This indicates to the OIG that Noel conducted a round, as required to be conducted every 30 minutes, rather than the 10 p.m. count. At 10:39 p.m., a CO can be seen going up the stairs of L tier. The OIG believes this is the last time a CO entered the L tier prior to 6 a.m. on August 10, 2019."
- The report does not give an estimated time of death. Did the OIG review any information that may indicate at what time Epstein died?
 - We did not review any information that indicated an estimated time of death. He hung himself sometime between August 9, 2019, at 10:39 pm and August 10, 2019 at 6:33 am. According to the Medical Examiner, Epstein was pronounced dead at 7:36AM. 8/10/19 timeframe: According to the MCC Clinical Director's report, at 6:33AM, MCC SHU staff found Epstein unresponsive in his cell and attempted to wake him. CPR was initiated by SHU staff at 6:35AM and EMS

called. EMS arrived at 6:45AM and continued CPR. EMS departed MCC at 7:10AM and arrived at NY Presbyterian Hospital.