

JAN 17

DISCIPLINE HEARING OFFICER REPORT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU PRISONS

Institution: MCC New York, New York	Incident Report number: 3282555	
NAME OF INMATE: Epstein, Jeffrey	REG.NO.: 76318-054	UNIT: 5 Unit Team
Date of Incident Report: July 23, 2019	Offense Code: 228	
Date of Incident: July 23, 2019		

Summary of Charges: Self-Mutilation

I. NOTICE OF CHARGE(S)

A. Advanced written notice of charge (copy of Incident Report) was given to inmate on (date) 07-30-2019 at (time) 12:45 p.m. (by staff member) M. Rice, LieutenantB. The DHO Hearing was held on (date) 08-01-2019 at (time) 09:55 a.m.

C. The inmate was advised of the rights before the DHO by (staff member):

R. Proto, Unit Manager on (date) 07-30-2019 and a copy of the advisement of rights form is attached.

II. STAFF REPRESENTATIVE

A. Inmate waived right to staff representative. Yes X No .B. Inmate requested staff representative and N/A appeared.C. Staff Representative statement: N/AD. Requested staff representative declined or could not appear but inmate was advised of option to postpone hearing to obtain another staff representative with the result that: (New Staff Representative Name) N/A was selected.

III. PRESENTATION OF EVIDENCE

A. Inmate (admits) (denies) X (Neither) the charge(s).

B. Summary of inmate statement:

The DHO EXPUNGED the incident report based upon a review of all available evidence submitted in the DHO Packet in reference to this incident report by MCC New York, New York staff, during the DHO Review/Hearing on August 1, 2019. Inmate Epstein, Jeffrey Register Number.: 76318-054 was present during this review by the DHO. Based upon a review of all available information/evidence it was determined there was insufficient evidence to support the prohibited act, and this incident report was EXPUNGED.

C. Witnesses:

1. The inmate requested witnesses. Yes No X.2. The following persons were called as witness at this hearing and appeared: N/A3. A summary of the testimony of each witness is attached: N/A4. The following persons requested were not called for the reason(s) given: N/A5. Unavailable witnesses were requested to submit written statements and those statements received were considered: N/AD. Documentary Evidence: In addition to the Incident Report and Investigation, the DHO considered the following documents: N/A

E. Confidential information was used by DHO in support of his findings, but was not revealed to the inmate. The confidential information was documented in a separate report. The confidential information has been (confidential informants have been) determined to be reliable because: N/A.

IV. FINDINGS OF THE DHO

 A. The act was committed as charged. B. The following act was committed: C. No prohibited act was committed:X Expunge according to Inmate Discipline PS.

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Name of Inmate: Epstein, Jeffrey

Reg. No.: 76318-054

Hearing Date: August 1, 2019

V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS (Physical evidence, observations, written documents, etc.):

On August 1, 2019, the DHO found that on July 23, 2019, at approximately 1:27 a.m., you did not commit the prohibited act of Code 228; Self-Mutilation. The finding is based on the information listed in section 11 of the incident report, and the documentary evidence provided to the DHO by MCC New York staff. There was insufficient evidence to support the prohibited act.

The DHO finds there was not sufficient detailed evidence to support you were involved in this prohibited act(s), and that you did commit the prohibited act of Code 228; Self-Mutilation.

VI. SANCTION OR ACTION TAKEN:

Offense Severity 228SGT Available N/A

EXPUNGED

VII. REASON FOR SANCTION OR ACTION TAKEN:

Inmate Epstein, Jeffrey Number: 76318-054 was not sanctioned due to the incident report being expunged. The incident report was expunged based upon a review of all available facts by the DHO, and due to insufficient evidence to support the prohibited act.

VIII. APPEAL RIGHTS: X The inmate has been advised of the findings, specific evidence relied on, action and reasons for the action. The inmate has been advised of his right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate.

IX. Discipline Hearing Officer

Printed Name

Signature

Date

K. Hampton, DHO

August 2, 2019

DHO report delivered to Inmate by:

Signature

Printed Name (Staff)

Date and Time:

Prescribed by P5270

Replaces BP-A0304 of AUG 11

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