



LIMITED
OFFICIAL
USE

The attached information must be protected and not released to unauthorized individuals. Use of this cover sheet is in accordance with the Department of Justice regulation on the control of Limited Official Use information.



DRAFT

Investigation and Review of the Federal Bureau of Prisons' Custody, Care, and Supervision of Jeffrey Epstein at the Metropolitan Correctional Center in New York, New York

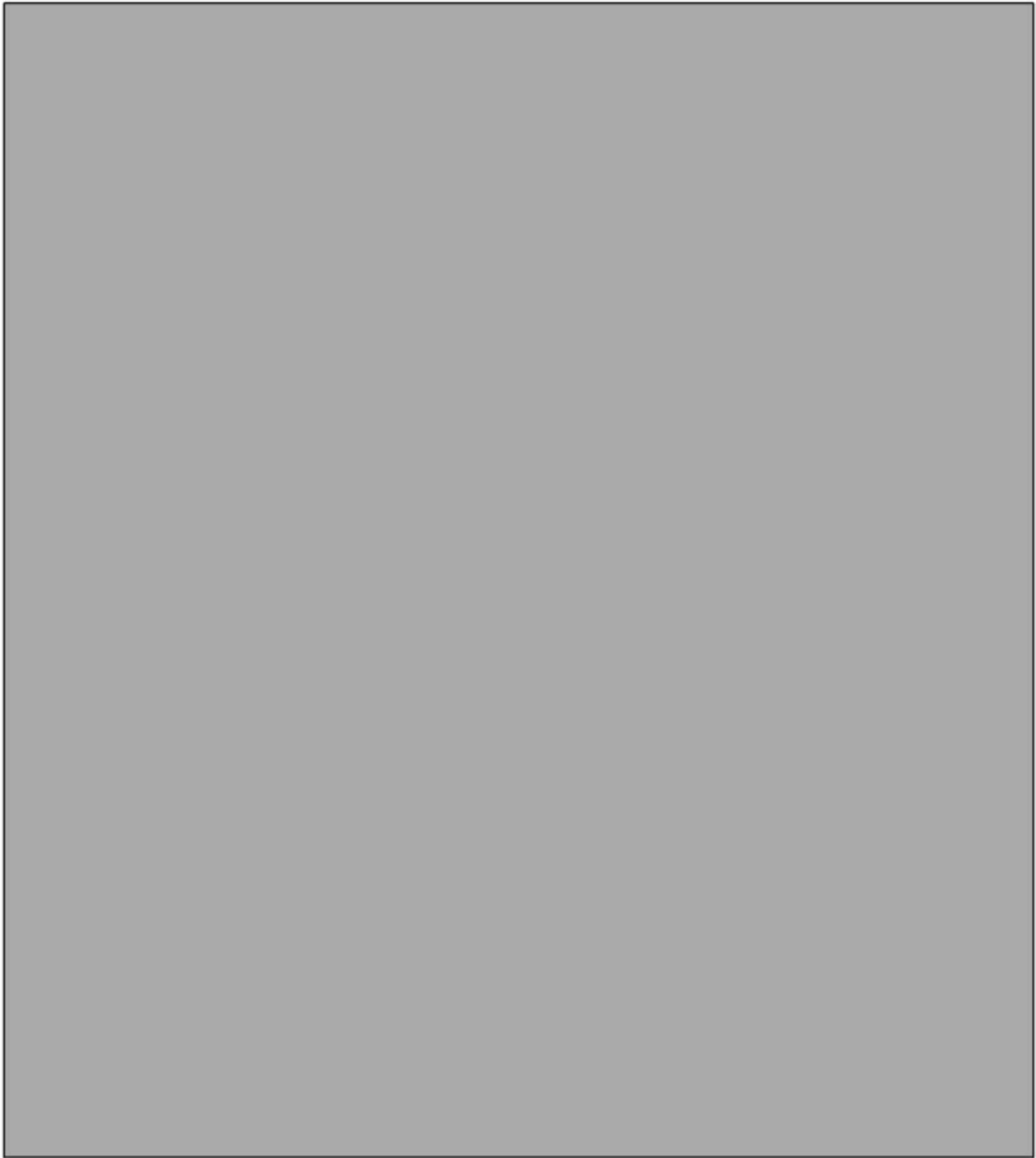
★ ★ ★

March 2023

Notice: This Draft Is Restricted to Limited Official Use.

This document is a WORKING DRAFT prepared by the U.S. Department of Justice Office of the Inspector General. It has not been fully reviewed within the Department and is, therefore, subject to revision. This report may contain sensitive law-enforcement or privacy-protected information and is for authorized recipients only. Recipients of this draft must not, under any circumstances, show or release its contents for purposes other than official review and comment. It must be safeguarded in accordance with Department of Justice Order 2620.7 to prevent publication or other improper disclosure of the information it contains.

If you have received this draft report in error, please contact (202) 768-2643 to arrange its return.



Additionally, the Day Watch SHU Officer in Charge on August 9, 2019, said he and all other SHU staff were aware of Epstein's cellmate requirement.

[REDACTED] The Day Watch SHU Officer in Charge said that since he had the most experience and seniority, he was considered by everyone to be the SHU Officer in Charge, [REDACTED]

[REDACTED] The Day Watch SHU Officer in Charge told the OIG that he knew that Epstein had to have a cellmate. He said that, as a general practice, every inmate who is transferred from suicide watch and/or psychological observation to the SHU is placed with a cellmate. He also confirmed that the SHU Lieutenant had instructed him that Epstein was to be housed with a cellmate at all times. According to the Day Watch SHU Officer in Charge, between July 30 and August 9, 2019, he told all other MCC New York staff members who worked in the SHU of Epstein's cellmate requirement and further stated that everyone who worked in the SHU should have known that Epstein was required to have a cellmate due to their knowledge, training, and experience.

The Day Watch SHU Officer in Charge confirmed that on the morning of August 9, 2019, the SHU staff received an inmate call out list that listed Inmate 3 as "WAB," which he explained meant that Inmate 3 was being removed from MCC New York. He told the OIG that sometime between 8:00 a.m. and 9:00 a.m., he escorted Epstein from the SHU to the attorney conference room for Epstein's daily legal visit, during which time Epstein joked around with him. The Day Watch SHU Officer in Charge said that he and Epstein were accompanied by Correctional Officer 1, who was escorting Inmate 3 to Receiving and Discharge. The Day Watch SHU Officer in Charge [REDACTED] told the OIG that Inmate 3 was escorted to Receiving and Discharge with all of his belongings, [REDACTED] said that during the escort the Day Watch SHU Officer in Charge informed Epstein that he would be assigned a new cellmate due to Inmate 3's departure and the requirement that Epstein have a cellmate. [REDACTED]

[REDACTED] The Day Watch SHU Officer in Charge told the OIG that when he and Correctional Officer 1 left the SHU with Epstein and Inmate 3, both the Day Watch Operations Lieutenant and the Day Watch Activities Lieutenant should have been physically present in the Lieutenants' Office and should have seen that Inmate 3 was departing the institution when they passed the office.

The Day Watch SHU Officer in Charge said that while he did not expect Inmate 3 to return to MCC New York, there had been times when inmates had been escorted to Receiving and Discharge as an expected removal, only to be returned to the SHU later that same day due to unforeseen circumstances. According to the Day Watch SHU Officer in Charge, he did not select a new cellmate for Epstein because he was not certain that Inmate 3 had been discharged from the institution, although he assumed that Inmate 3 would not return to the SHU. The Day Watch SHU Officer in Charge told the OIG that when his shift ended at approximately 2:00 p.m., he informed the Evening Watch SHU Officer in Charge and Senior Officer Specialist 5 that, if Inmate 3 did not return to the SHU, Epstein would need a new cellmate upon Epstein's return from his attorney visit. The Day Watch SHU Officer in Charge said he specifically recalled telling the Evening Watch SHU Officer in Charge, in the presence of Senior Officer Specialist 5, "Make sure this guy gets a bunkie," to which the Evening Watch SHU Officer in Charge replied, "All right." The Day Watch SHU Officer in Charge said that, at

some point that day, it was likely that he also informed the Day Watch Operations Lieutenant, but he could not specifically recall if he had done so.

The Day Watch SHU Officer in Charge told the OIG that a replacement cellmate should have been identified as soon as it was confirmed that Inmate 3 had left the institution. He said a new cellmate could have been reassigned before the 4:00 p.m. SHU count if it was known that Inmate 3 was not coming back, but the SHU staff members had until Epstein returned from his attorney visit to assign Epstein a new cellmate.

According to the Day Watch SHU Officer in Charge, SHU staff definitely should have realized that Inmate 3 was not returning both during the 4:00 p.m. count and when Epstein returned from his attorney visit later that evening. The Day Watch SHU Officer in Charge told the OIG that Epstein's daily routine was that he would be with his attorneys in the attorney conference room until approximately 8:00 p.m., so SHU personnel had time to make a new cellmate assignment. He said all SHU staff members shared the responsibility to find a replacement cellmate and that anyone assigned to the SHU could have found another inmate to replace Inmate 3. However, he also said that due to Epstein's high profile, the SHU personnel should have asked a lieutenant to contact the Psychology Department to see which inmate should be placed with Epstein.

On August 12, 2019, following Epstein's death, the Day Watch SHU Officer in Charge wrote a memorandum to the Warden stating, "On Friday August 9, 2019 at approximately 1:50 p.m., I S/O/S [the Day Watch SHU Officer in Charge] passed on to oncoming staff member [the Evening Watch SHU Officer in Charge] and present shift staff [Senior Officer Specialist 5] and [Correctional Officer 2] that Inmate [3] was going WAB [i.e., with all of his belongings] and possibly may not return. Also that Inmate Epstein #76318-054 will be needing a cell mate upon arrival from his attorney visit." The Day Watch SHU Officer in Charge departed the SHU at approximately 2:00 p.m. and worked an overtime shift as a driver for MCC New York. He stated that he did not follow up with the SHU staff to verify that Epstein had been assigned another cellmate.

[REDACTED] the Day Watch SHU Officer in Charge, told the OIG that [REDACTED] knew Epstein was required to have a cellmate pursuant to the Psychology Department's determination.

[REDACTED] confirmed that everyone who regularly worked in the SHU knew of this requirement, and that it was the responsibility of all SHU staff to notify a supervisor upon learning that Epstein needed to be assigned a new cellmate due to Inmate 3's transfer to another prison. The Day Watch SHU Officer in Charge

[REDACTED] told the OIG that [REDACTED] aware of Inmate 3's transfer and the need to assign Epstein a new cellmate.

[REDACTED] the Day Watch SHU Officer in Charge told the OIG that he made a number of notifications,

the Day Watch

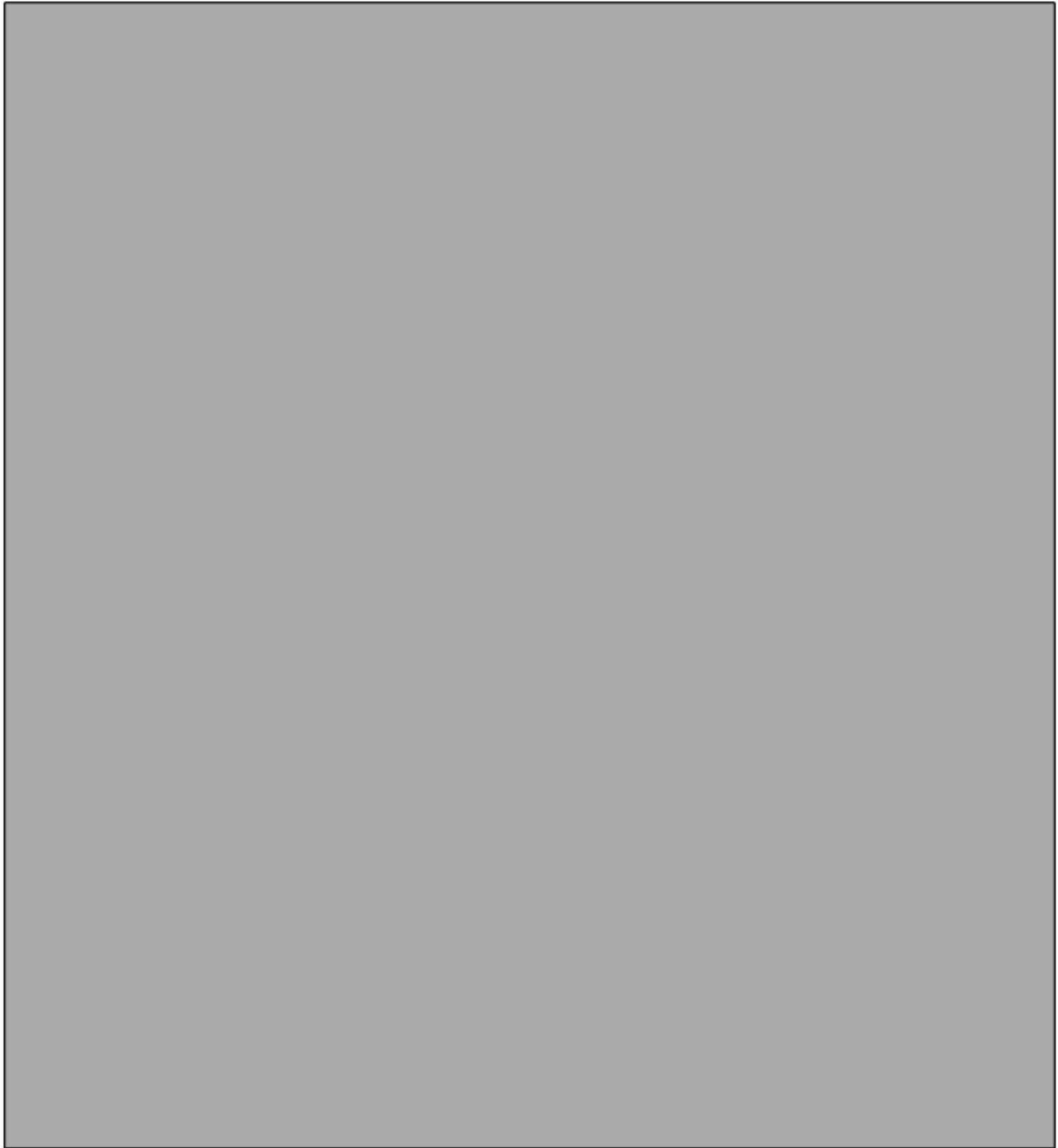
SHU Officer in Charge told the OIG that SHU staff maintain a "cheat sheet," which lists the number of inmates believed to be in the SHU at any given time.

When interviewed by the OIG, the Day Watch SHU Officer in Charge reviewed the 4:00 p.m. SHU count slip from August 9, 2019, which was signed by the Evening Watch SHU Officer in Charge and Correctional Officer Noel. Based on his review, the Day Watch SHU Officer in Charge told the OIG that the Evening Watch SHU Officer in Charge and Noel probably did not count the inmates in the SHU. He said they likely wrote down the numbers they thought should have been entered for the count because the count slip inaccurately included an inmate (Inmate 4) among the number of inmates in the SHU after that inmate had been transferred to another housing unit. According to what he told the OIG and wrote in an email on August 9, earlier that afternoon the Day Watch SHU Officer in Charge observed Inmate 4 attempt to retrieve an unknown item from his visitor in the MCC New York SHU visiting room.

According to

the Day Watch SHU Officer in Charge, the inaccurate 4:00 p.m. count slip told him "that the count was not done and they just assumed and went by the cheat sheet because the body wasn't even there."

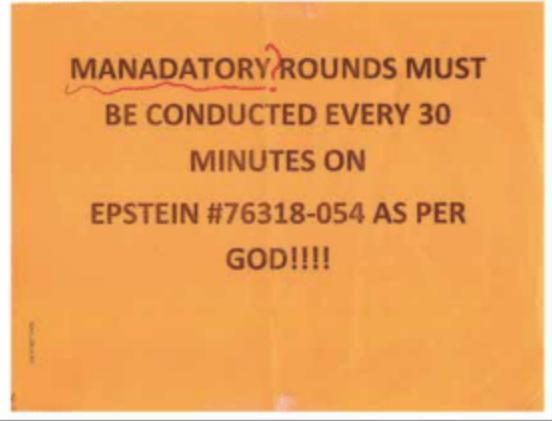
The Day Watch SHU Officer in Charge told the OIG that if the 4:00 p.m. SHU count had been accurately conducted, then the Evening Watch SHU Officer in Charge and the SHU staff should have realized that Inmate 4 was no longer in the SHU.



The Day Watch SHU Officer in Charge told the OIG that SHU staff spoke about conducting rounds on Epstein

every day. He said that the Warden, lieutenants, and other MCC New York staff members frequently told the SHU staff to conduct rounds and to keep an eye on Epstein. To reinforce this message, the Day Watch SHU Officer in Charge created a sign on orange paper that he hung on a computer in the SHU officer's area that said, "MANADATORY [sic] ROUNDS MUST BE CONDUCTED EVERY 30 MINUTES ON EPSTEIN # 76318-054 AS PER GOD!!!!" The Day Watch SHU Officer in Charge said the sign was hanging on the computer on August 9 and 10, 2019, and it was clearly visible to everyone who worked in the SHU.

Figure 5.2: Sign Created by the Day Watch SHU Officer in Charge



MANADATORY ROUNDS MUST
BE CONDUCTED EVERY 30
MINUTES ON
EPSTEIN #76318-054 AS PER
GOD!!!!



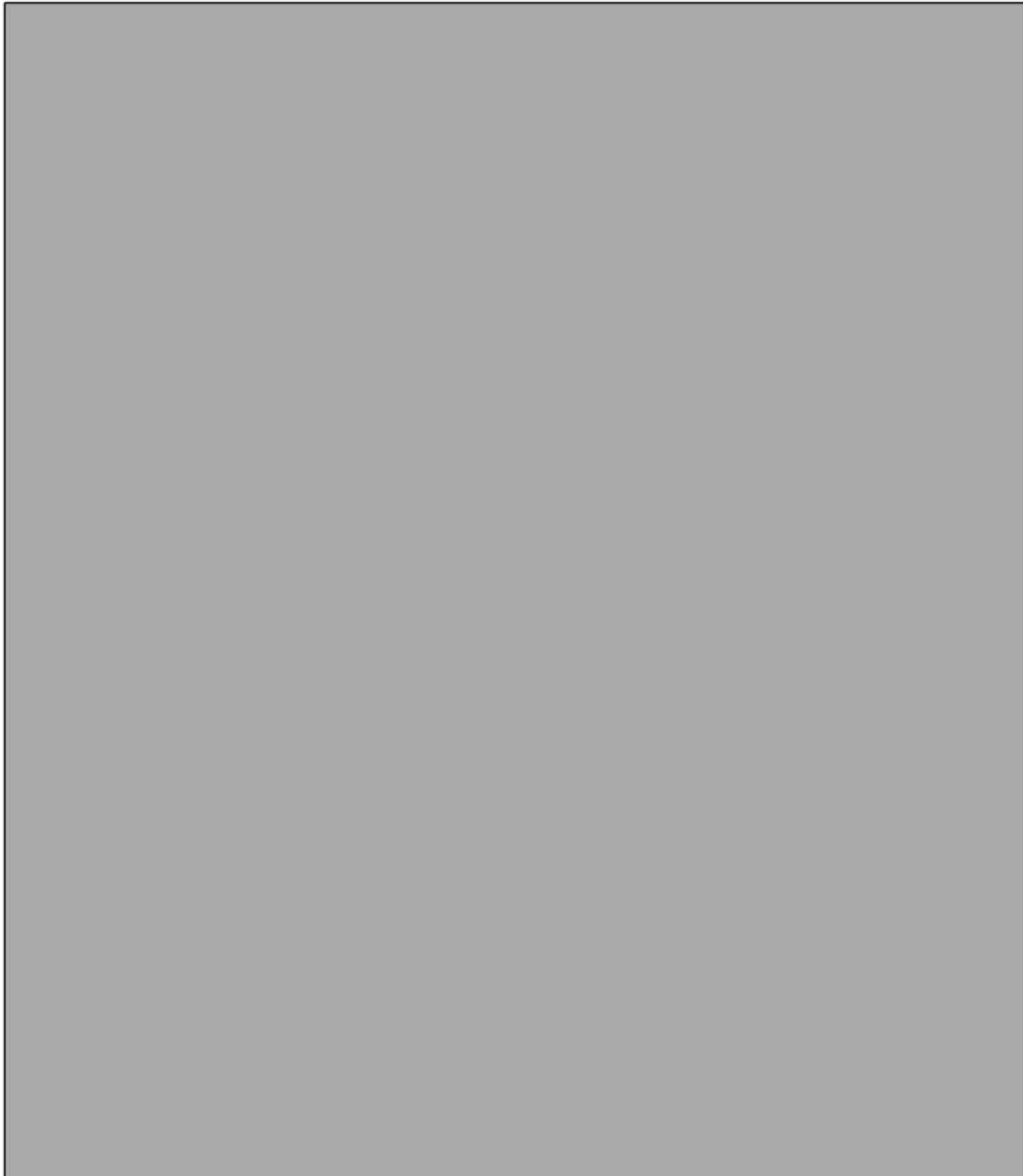
[REDACTED] the Day Watch SHU Officer in Charge [REDACTED] told the OIG that lieutenants should have walked down all of the SHU tiers when conducting a lieutenant round in the SHU.

The Day Watch SHU Officer in Charge told the OIG that at least five cell searches should be conducted on the day and night watch shifts within the SHU, and that cell searches are conducted in cells every time the inmate departs the cell. He said the SHU Officer in Charge was responsible for making sure the searches were conducted and logged into the BOP TRUSCOPE database. The Day Watch SHU Officer in Charge said that only one cell search was entered into TRUSCOPE on August 9, 2019, because cell searches were tedious to enter, and he was busy. He did not believe that it was a problem that only one cell search was logged on August 9, because he said the SHU staff would have gone into every cell when the inmates took their showers. He said that during the period of Epstein's custody, SHU inmates showered on Mondays, Wednesdays, and Fridays. The Day Watch SHU Officer in Charge said that during showers, SHU staff searched every cell. He explained that all of the SHU cells should have been searched on Friday, August 9 because it was a shower day. He said SHU staff should also conduct cell searches when inmates go to the recreation area or for attorney visits. According to the Day Watch SHU Officer in Charge, Epstein's cell should have been searched because both Epstein and Inmate 3 left the cell on the morning of August 9. He further stated that he believed that the majority of cells in the SHU were searched

The Day Watch SHU Officer in Charge told the OIG that in August 2019, each inmate would have been authorized to have two sheets and one blanket. He said that in the winter, inmates are allowed to have an additional blanket. When interviewed by the OIG, the Day Watch SHU Officer in Charge reviewed a picture of Epstein's cell from August 10, 2019, after Epstein had been removed from the cell. The Day Watch SHU Officer in Charge said there appeared to be an excess number of linens and blankets in the cell, which he believed were for both Epstein and Inmate 3, and that there were possibly a couple of extra sheets as well. He noted that there were two mattresses in the cell and deduced that Inmate 3's assigned items had not yet been removed even though he had departed MCC New York earlier that day. According to the Day Watch SHU Officer in Charge, Inmate 3's items should have been removed as soon as the SHU staff knew Inmate 3 was not returning. He told the OIG that any extra linens or blankets should be removed when the inmates take showers and their cells are searched. He told the OIG that he believed the purpose of limiting the linens provided to the inmates was to ensure

there was enough to go around and that it was more of an administrative matter rather than a security

matter.



On August 9, the Day Watch SHU Officer in Charge, [REDACTED] were each assigned to the MCC New York SHU as their permanent quarterly assigned post and served as the SHU Officer in Charge during their respective shifts.⁵⁹ The OIG investigation found that each of these employees knew that Epstein was required to have a cellmate at all times per the Psychology Department's directive.

The OIG further found that on August 9 the Day Watch SHU Officer in Charge, [REDACTED] became aware at various times during their respective shifts that Epstein's cellmate, Inmate 3, had been transferred from the institution with all of his belongings, a status known to all MCC New York staff members as meaning the inmate was being permanently transferred out of the institution. Specifically, the OIG investigation found that on the morning of August 9, the Day Watch SHU Officer in Charge [REDACTED] reviewed the MCC New York daily call out list, a document that identifies all inmates who were leaving their housing units each day, which listed Inmate 3 as being scheduled to depart MCC New York with all of his belongings. [REDACTED]

[REDACTED] the Day Watch SHU Officer in Charge escorted Epstein from the SHU to the attorney conference room for his daily meeting with his attorneys.⁶⁰ During the escort, the Day Watch SHU Officer in Charge [REDACTED] discussed the need to assign Epstein with a new cellmate due to Inmate 3's transfer.⁶¹ The Day Watch SHU Officer in Charge told the OIG, [REDACTED] that he notified his relief, the Evening Watch SHU Officer in Charge, of the need to assign Epstein a new cellmate, and that he likely notified an unspecified lieutenant. However, the OIG did not credit the Day Watch SHU Officer in Charge's account because no other witnesses or evidence confirmed that he had in fact passed on information regarding Epstein's need for a new cellmate, either to a supervisor or his relief.

The OIG investigation concluded that on August 9, 2019, the Day Watch SHU Officer in Charge, [REDACTED] [REDACTED] failed to notify a supervisor as required after Epstein's cellmate was permanently removed from the MCC New York SHU, which constituted a violation of BOP standards of conduct. Additionally, their inaction violated MCC New York SHU Post Orders because none of these individuals documented the fact the Epstein needed a new cellmate as required. Finally, [REDACTED] officers failed to exercise good judgment and common sense, as required by the SHU Post Orders, by not immediately undertaking steps through their chain-of-command to ensure that a high-profile inmate who had been released from suicide watch and psychological observation 10 days earlier had an appropriate cellmate.

Continued

As discussed above, the Day Watch SHU Officer in Charge [REDACTED] told the OIG that they notified supervisory personnel regarding the need to assign Epstein a new cellmate. Based on a lack of corroborating evidence for these assertions, the OIG found that they lacked candor in their OIG interviews in violation of BOP policy. [REDACTED]

During his interview with the OIG, the Day Watch SHU Officer in Charge stated that multiple cell searches were conducted in the MCC New York SHU on August 9; however, the Day Watch SHU Officer in Charge stated that he failed to document the cell searches within the TRUSCOPE system as required because he was too busy with other duties. The Day Watch SHU Officer in Charge further stated that any of the SHU staff could have logged the cell searches into TRUSCOPE, but that it was primarily the SHU Officer in Charge's responsibility to do so.

[REDACTED]

The OIG found that on August 9, 2019, the Day Watch SHU Officer in Charge either failed to conduct the required cell searches or failed to document the cell searches that he conducted in the SHU, [REDACTED]

[REDACTED]

Additionally, the OIG found that it was a performance failure for the Day Watch SHU Officer in Charge, [REDACTED] who served as the SHU Officer in Charge during their respective shifts on August 9 and 10, 2019, to have permitted Epstein to have an excessive amount of linens in his cell.

[REDACTED]