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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

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2. The 10:00 p.m. SHU Count on August 9

³⁴ The quality of the SHU video footage was poor. Therefore, in conjunction with reviewing the video, the OIG analyzed witness statements and BOP records to better determine what the video depicted.

³⁵ The official name for the document used to record an institutional count is "Bureau of Prisons Count Sheet."

Senior Officer Specialist 6 told the OIG that on August 9, 2019, he worked in the Control Center from approximately 4:00 p.m. until 12:00 a.m., and then he worked as an Internal Officer from 12:00 a.m. until 8:00 a.m. on August 10. According to Senior Officer Specialist 6, he took the August 9 10:00 p.m. institutional count by himself in the Control Center, and assisted with the 12:00 a.m., 3:00 a.m., and 5:00 a.m. counts on August 10 as an internal officer. Senior Officer Specialist 6 confirmed to the OIG, as MCC New York records reflect, that he had received verbal counts from all units by 10:30 p.m., and further stated that he had cleared the institutional count at 10:36 p.m., which was when paperwork was complete and the count was officially complete.

Senior Officer Specialist 6 reviewed the MCC New York 10:00 p.m. institutional count, which showed that the SHU had 73 inmates assigned, whereas the Receiving and Discharge Department had zero inmates assigned to the unit. When questioned by the OIG about the 10:00 p.m. SHU count slip that listed "73 + 1" inmates and was signed by the [REDACTED] and Noel, Senior Officer Specialist 6 told the OIG that he believed that the "+ 1" on the count slip was in his handwriting. Senior Officer Specialist 6 also reviewed the 10:00 p.m. Receiving and Discharge count slip, which listed "95 + 1" on the count slip, and told the OIG that it was his handwriting.³⁶ Senior Officer Specialist 6 explained that the "95 + 1" on the SHU count slip meant that he was "ghost counting" the inmate (Inmate 4) who had been moved from the SHU, located in the 9 South area, to the Receiving and Discharge area earlier that day. Senior Officer Specialist 6 said that because there were, in actuality, only 72 inmates in the SHU during the 10:00 p.m. count, he should have written "73 - 1" on the SHU count slip rather than "73 + 1".

Figure 5.1: 10:00 p.m. Count Slips from the SHU and Receiving and Delivery on August 9

Metropolitan Correctional Center New York, New York Official Count Slip	
Unit: <u>95 + 1</u>	Date: <u>8/9/2019</u>
Count: <u>1</u>	Time: <u>10:00pm</u>
1. Print Name: [REDACTED]	2. Print Name: [REDACTED]
1. Signature: [REDACTED]	2. Signature: [REDACTED]

Metropolitan Correctional Center Official Count Slip	
Unit: <u>ZA</u>	Date: <u>8-9-19</u>
Count: <u>72 + 1</u>	Time: <u>10:00</u>
Print Name: [REDACTED]	Signature: [REDACTED]
Print Name: [REDACTED]	Signature: [REDACTED]

Senior Officer Specialist 6 did not recall if he wrote on the count slips at the time of the 10:00 p.m. count or during the 12:00 a.m. count when Inmate 4 was transferred in SENTRY from the SHU to Receiving and Discharge. Senior Officer Specialist 6 told the OIG that if he had made the notations at the time of the 10:00 p.m. count, he should not have cleared the count. Instead, he should have created a new master count sheet and requested that the SHU staff conduct a new count, provide a new count slip, and discard the inaccurate SHU count slip. Senior Officer Specialist 6 told the OIG that an Operations Lieutenant would have

³⁶ According to BOP records and witness interviews, "95" refers to the SHU, which was located in 9th Floor South section of MCC New York.

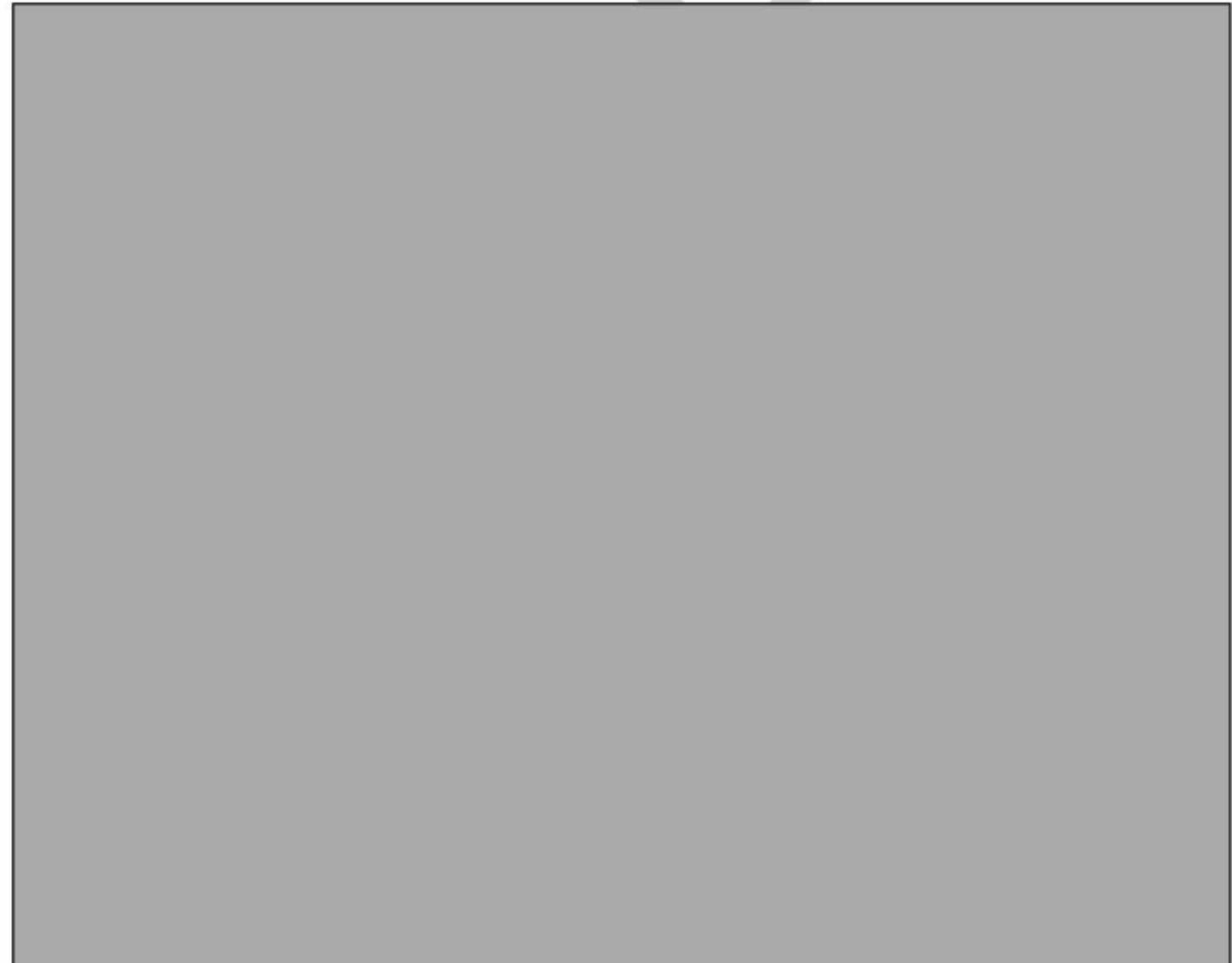
needed to authorize him to do the "ghost count" and write on the count slips, although he could not recall precisely who gave him the authorization or when he had done so. [REDACTED]

3. The 12:00 a.m., 3:00 a.m., and 5:00 a.m. SHU Counts on August 10

During his interview with the OIG, Senior Officer Specialist 6 reviewed BOP records relating to the inmate transfer, the 12:00 a.m. institutional count, and the housing unit count slips. Based on his review of this material, Senior Officer Specialist 6 said the 12:00 a.m. SHU count slip was inaccurate because it continued to list 73 inmates instead of the 72 inmates who were physically present in the SHU at that time. Senior Officer Specialist 6 reviewed the institutional counts and SHU count slips for the 3:00 a.m. and 5:00 a.m. counts and told the OIG that they were accurate because they listed the SHU as having 72 inmates.



Senior Officer Specialist 6 said he responded to the emergency call at 6:33 a.m. and when he arrived, staff members were already performing CPR on Epstein. Senior Officer Specialist 6 said he assisted with transporting Epstein to the Health Services Unit, taking Epstein to the ambulance, and then followed the ambulance to the hospital in another vehicle, and stayed at the hospital until he was relieved from duty.



4. Clearing the 10:00 p.m. Institutional Count Knowing that It Was Inaccurate

The OIG's investigation and review determined that on August 9, 2019, MCC New York staff cleared the 10:00 p.m. institutional count knowing that the inmate counts from two housing units were inaccurate.

During his OIG interview, Senior Officer Specialist 6, who was assigned to the Control Center, admitted that he amended the 10:00 p.m. count slips he received from the SHU and Receiving and Discharge in an attempt to reflect the correct number of inmates in the SHU following the internal inmate transfer that resulted in a SHU inmate (Inmate 4) being moved to Receiving and Discharge earlier in the day. Senior Officer Specialist 6 acknowledged that he should have requested a recount from the SHU, but instead he cleared the 10:00 p.m. count. Senior Officer Specialist 6 explained that the action he took was known as "ghost counting," something he said he would not have done without authorization from the Operations Lieutenant or someone of a higher rank than himself. [REDACTED]

[REDACTED]

⁷⁴ BOP Program Statement 5270.11.

The OIG found that Senior Officer Specialist 6 modified the count slips received from the SHU and Receiving and Discharge, failed to request a recount of the SHU inmates, and cleared the 10:00 p.m. institutional count knowing that it was inaccurate in violation of BOP policy and MCC New York SHU Post Orders.

