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Subject: Submitted Report: Case-Related Urgent: Major Development in a Significant Investigation or Litigation

Date: Thu, 20 May 2021 17:18:08 +0000

Importance: Normal

Reporting District: SOUTHERN DISTRICT OF NEW YORK

Synopsis: Deferred prosecution agreements to two BOP MCC NY Officers, Tova Noel and Michael Thomas.

Description:

SYNOPSIS:

The USAO-SDNY plans to offer deferred prosecution agreements to two correctional officers, Tova Noel and Michael Thomas, who were employed at the Manhattan Correctional Center ("MCC") and were previously charged with making false statements and conspiring to (i) make false statements and (ii) interfere with or obstruct the lawful function of the MCC. These charges, which were brought in November 2019, stem from the correctional officers' falsification of institutional count and round forms on the night that Jeffrey Epstein committed suicide. The deferred prosecution agreements will require, among other things, the defendants to cooperate with a pending Office of Inspector General investigation by providing truthful information about the events in question; an admission of guilt from both defendants as to the conduct set forth in the indictment; and for both defendants to complete 100 hours of community service, preferably in an area related to the criminal justice system. The USAO-SDNY plans to file a public letter by Friday, May 21 notifying the Court of the defendants' acceptance of the deferred prosecution agreements and seeking a hearing date; the USAO-SDNY anticipates that the deferred prosecution agreements will be entered by the Court by the following Friday, May 28.

DESCRIPTION:

On November 14, 2019, USAO-SDNY obtained an indictment against Tova Noel and Michael Thomas which charged them with multiple counts of making false statements, in violation of 18 U.S.C. § 1001, and conspiring to (i) make false statements and (ii) interfere with or obstruct the lawful function of the MCC, in violation of 18 U.S.C. § 371. As alleged in the Indictment, on August 9 and 10, 2019, the defendants falsely indicated on Bureau of Prison forms that they had completed required institutional counts and rounds. On August 10, 2019, inmate Jeffrey Epstein committed suicide while housed in the Special Housing Unit at the MCC. After discovering Epstein's body, the defendants admitted to their supervisor that they had failed to conduct at least some of the required counts and rounds. The falsification of records occurred prior to their discovery of Epstein's body.

The USAO-SDNY plans to offer deferred prosecution agreements to both defendants. The USAO-SDNY has determined that deferring the defendants' prosecution is an outcome consistent with the interests of justice, the mitigating personal circumstances of the defendants, and the Department's practice in the overwhelming majority of other cases in which correctional officers have been investigated or charged with falsifying count or round forms. As a condition of the defendants' agreement, they will be required to admit their guilt and cooperate by providing truthful information with the Office of Inspector General, which is preparing a report on, among other things, their conduct on the night in question, the circumstances in which they discovered Epstein's body after his suicide, and the institutional failures that led to Epstein's death at the MCC. The agreement does not preclude any administrative action or termination by the Bureau of Prisons. The defendants will also be subject to pretrial supervision for six months, must refrain from committing any crimes, and will be required to complete 100 hours of community service. This outcome is supported by the investigative agencies, the Department of Justice, Office of the Inspector General, as well as the Federal Bureau of Investigation, and has been approved by Pretrial Services. The USAO-SDNY plans to send a public letter by May 21, 2021 to notify the Court that the Government has offered, and the defendants have accepted, deferred prosecution agreements, and in order to request a hearing date, which the Government expects to be scheduled for the following week, by May 28.

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