

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Hammad Memo - [REDACTED]
Date: Mon, 19 Aug 2019 19:28:09 +0000

Hammad Memos under NY Rule of Professional Conduct 4.2 are approved seriatim by the Unit Chief (criminal) or Deputy Chief (civil); Civil or Criminal Professional Responsibility Officer; and Division Chief.

Requesting AUSA: [REDACTED]

USAOno: 2019R01059

Investigation/Complaint/Arrest/Indictment: Investigation

Covert or Overt Contact: Overt

Ongoing, Additional, Different Crime (Yes/No): Yes

Any Special Precautions (discuss below) (Yes/No): Yes

Bar(s) of Admission: New York

Discussion:

We are currently investigating the circumstances surrounding the August 10, 2019 suicide of Jeffrey Epstein while in the custody of the Bureau of Prisons ("BOP") at the Metropolitan Correctional Center ("MCC"). In particular, we are investigating MCC staff's (i) decision not to reassign a cellmate to Epstein on August 9, 2019, contrary to regular BOP practice and direct orders from the Warden; (ii) the failure of correctional officers assigned to the Special Housing Unit ("SHU") at which Epstein was housed the night of August 9, 2019, to perform the required overnight counts and 30-minute checks; and (iii) the falsification of records related to those count slips and 30-minute checks, in violation of Title 18, United States Code, Section 1519.

We are also investigating any efforts, following Epstein's death, to obstruct justice by destroying relevant records at MCC. In particular, we learned today that all institutional count slips for dates prior to August 10, 2019, which we requested on August 12, 2019, are apparently "missing." Today, we received a tip from a guard at MCC that while the guard was stationed at the rear gate, inmate [REDACTED] brought down bales of shredded paper on Thursday and Friday of last week (August 15 and 16), and reported that he had been asked to shred documents by the BOP after-action team (although it is not clear from the tip whether [REDACTED] took part in any shredding) and that "they are shredding everything." We would like to interview [REDACTED] regarding these events. [REDACTED] is a sentenced defendant who was prosecuted out of the District [REDACTED], and is currently serving a [REDACTED] term of imprisonment related to [REDACTED]. The assigned AUSA has no objection to us interviewing [REDACTED]. Investigating agents will seek to interview [REDACTED] at MCC, and will direct him not to discuss his prior criminal case or VOSR. We believe that [REDACTED] will be more likely to cooperate and be forthcoming in this setting, rather than going through his attorney. The proposed contact is permissible under *Hammad* for several reasons. First, [REDACTED] is not represented in connection with his status as a potential witness. Second, agents will be instructed not ask [REDACTED] any questions about his prior criminal case. Accordingly, the proposed contact is permissible.

[REDACTED]
Assistant United States Attorney
Southern District of New York
Tel: [REDACTED]