

NEW YORK

Correctional officers who slept while Jeffrey Epstein hanged himself planned to slam federal prison system at trial

By STEPHEN REX BROWN

NEW YORK DAILY NEWS |

MAY 31, 2021 AT 5:09 PM

Two federal correctional officers who neglected their duties while Jeffrey Epstein killed himself inside a troubled lower Manhattan jail planned to defend themselves as scapegoats for a deeply dysfunctional system had they gone on trial, sources told the Daily News.

Tova Noel and Michael Thomas scored a deferred prosecution agreement from Manhattan federal prosecutors last Tuesday, admitting they falsely filled out paperwork certifying they'd conducted required rounds and inmate head counts at the Metropolitan Correctional Center in the hours before Epstein was found dead in his cell early on Aug. 10, 2019.

Sources close to the pair, as well as insiders at the Metropolitan Correctional Center, offered possible reasons why the feds backed off of the case. The sources said falsification of documents is common at the jail and throughout the Bureau of Prisons.

One source described falsely filling out paperwork as “closer to a norm than an anomaly” in federal lockups.



Metropolitan Correctional Center guards Tova Noel (L) and Michael Thomas (R) leave Manhattan Federal Court in November 2019. (Barry Williams for New York Daily News)

Tyrone Covington, a correctional officer who serves as union rep at the Metropolitan Correctional Center, said lack of staff at the jail makes doing the job completely by the book impossible.

“These facilities are severely understaffed. You have to figure out what you’re going to do. There are some decisions sometimes you have to make that are just not following through with the policy. The manpower doesn’t allow you to do it,” said Covington, president of the American Federation of Government Employees Local 3148.

He noted that supervisors are also supposed to file paperwork certifying they made rounds.

“If you’re going to charge [Noel and Thomas], you have to charge the whole system. Because the whole system is broken,” Covington added.

Prosecutors said Noel, 32, and Thomas, 43, were caught on camera sleeping on the job for two hours the night the multimillionaire sex offender hanged himself while awaiting trial for trafficking of minors.

But a supervisor in the Metropolitan Correctional Center’s control center had access to that camera footage and could have seen them snoozing or otherwise failing to do their jobs, a source said.

Prosecutors say Epstein was unmonitored for eight hours before he was found dead in his cell. Although he declined to go into detail, Montell Figgins, a lawyer for Thomas said, “We were going to put the whole system on trial.”

Noel’s attorney Jason Foy said his client is grateful for the government’s decision to not prosecute her. As part of their agreement, Noel and Thomas will meet with the Justice Department’s Office of Inspector General, which is investigating Epstein’s death.

Mark Epstein, Jeffrey Epstein’s brother, said he has questions about the death. He said he is still bothered by “inconsistencies” in the government’s account of the suicide. A prominent forensic pathologist hired by Mark Epstein concluded Jeffrey Epstein could have died by strangulation, not suicide by hanging.

“Since Michael Thomas found my brother, I want to know what position my brother was in? How did he find him?” Mark Epstein said. A spokesman for the Southern District of New York declined to comment. The Bureau of Prisons did not respond to an inquiry.

The dysfunction at the Metropolitan Correctional Center alarmed then-Attorney General William Barr, who described, after Epstein’s death, “a perfect storm of screwups.” The jail’s reputation has only worsened since then.

In February 2020, a gun was smuggled into the jail. No one has been arrested for the grave security breach. The following month, Manhattan Federal Judge Richard Berman said it was “[an outrage](#)” that Barr had not addressed conditions at the jail and other federal lockups.

In January, the warden who took over after Epstein’s suicide [resigned after a year](#) on the job. Under her tenure, the jail faced criticism for an inadequate response to the coronavirus pandemic. A lawsuit revealed that paperwork on inmates’ requests for medical attention during the pandemic was being shredded. The jail is now on its third interim warden.

In March, Bureau of Prisons Director Michael Carvajal was hammered during testimony before a House of Representatives subcommittee for the agency's response to the pandemic. "You and your staff are incompetent and should be fired," Rep. David Trone (D-Md.) told Carvajal.

In April, a judge said that conditions at the Metropolitan Correctional Center were so harsh that inmates should get "[time and a half](#)" credit toward sentences.

Later that month, Manhattan Federal Judge Colleen McMahon said the Manhattan lockup and a Brooklyn federal jail were "[run by morons](#)."

Despite the chaos at the Metropolitan Correctional Center, the union is pushing for Noel and Thomas to return to the jail and recover the wages they lost.

"Local 3148 asks the federal Bureau of Prisons and the Department of Justice to do right by these employees and make them whole," Covington said.