

“federal authorities are expected to drop their probe into whether Epstein broke any federal laws.”<sup>325</sup>

Nevertheless, as Epstein’s team continued to argue to higher levels of the Department that there was no appropriate federal interest in prosecuting Epstein and thus no basis for the NPA, and with his attorneys asserting that “the facts had gotten better for Epstein,” Villafañá came to believe that Epstein would likely breach the NPA.<sup>326</sup> In January 2008, Villafañá informed her supervisors that the FBI “had very tight contact with the victims several months ago when we were prepared to [file charges], but all the shenanigans over the past few months have resulted in no contact with the vast majority of the victims.” Villafañá then proposed that the FBI “re-establish contact with all the victims so that we know we can rely on them at trial.”<sup>327</sup> Villafañá told OPR that at this point, “[w]hile the case was being investigat[ed] and prepared for indictment, I did not prepare or send any victim notification letters—there simply was nothing to update. I did not receive any victim calls during this time.”

## 2. The FBI Uses VNS Form Letters to Re-Establish Contact with Victims

On January 10, 2008, the FBI Victim Specialist mailed VNS generated victim notification letters to 14 victims articulating the eight CVRA rights and inviting recipients to update their contact information with the FBI in order to obtain current information about the matter.<sup>328</sup> The case agent informed Villafañá in an email that the Victim Specialist sent a “standard form [FBI] letter to all the remaining identified victims.” These 2008 letters were identical to the FBI form letters the Victim Specialist had sent to victims between August 28, 2006, and October 12, 2007. Like those previous letters, most of which were sent before the NPA was signed on September 24, 2007, the 2008 letters described the case as “currently under investigation” and noted that “[t]his can be a lengthy process and we request your continued patience while we conduct a thorough investigation.” The letters also stated:

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<sup>325</sup> Michele Dargan, “Jeffrey Epstein Plea Hearing Moved to March,” *Palm Beach Daily News* “The Shiny Sheet,” Jan. 3, 2008.

<sup>326</sup> Epstein’s attorneys used discovery proceedings in the state case to depose federal victims, and as they learned unflattering details or potential impeachment information concerning likely federal victims, they argued for the exclusion of those victims from the federal case. For example, defense attorneys questioned one victim as to whether the federal prosecutors or FBI agents told her that she was entitled to receive money from Epstein. *See* Exhibit 9 to Villafañá June 2, 2017 Declaration: Deposition of [REDACTED], *State v. Epstein*, Case No. 2006-CF-9454, at 44, 50, 51 (Feb. 20, 2008). One victim’s attorney told OPR that the defense attorneys tried to “smear” victims by asking highly personal sexual questions about “terminations of pregnancies . . . sexual encounters . . . masturbation.” Epstein’s attorney used similar tactics in questioning victims who filed civil cases against their client. For example, the *Miami Herald* reported that, “One girl was asked about her abortions, and her parents, who were Catholic and knew nothing about the abortions, were also deposed and questioned.” *See* Julie Brown, “Perversion of Justice: Cops Worked to Put a Serial Sex Abuser in Prison. Prosecutors Worked to Cut Him a Break,” *Miami Herald*, Nov. 28, 2018.

<sup>327</sup> Villafañá also told her supervisors that she wanted the FBI to interview two specific victims.

<sup>328</sup> The Victim Specialist later generated an additional letter dated May 30, 2008. After Epstein’s June 30, 2008 state court pleas, she sent out substantially similar notification letters to two victims who resided outside of the United States.