

NPA.³¹⁰ The FBI reports of the victim interviews do not mention the NPA or indicate that the victims were asked for their input regarding the resolution of the case. Villafañá acknowledged that she and the case agents did not tell any of the “new” post-NPA-signing victims about the agreement because “at that point we believed that the NPA was never going to be performed and that we were in fact going to be [charging] Mr. Epstein.”

On October 12, 2007, the FBI Victim Specialist sent a VNS form notice letter to a victim the case agents had interviewed two days earlier. This letter was identical to the VNS form notice letter the FBI Victim Specialist sent to other victims before the NPA was signed, describing the case as “under investigation” and requesting the victim’s “patience.” The letter listed the eight CVRA rights, but made no mention of the NPA or the § 2255 provision. Villafañá told OPR she was unaware the FBI sent the letter, but she knew “there were efforts to make sure that we had identified all victims of the crimes under investigation.” In response to OPR’s questions about the accuracy of the FBI letter’s characterization of the case as “under investigation,” Villafañá told OPR that the NPA required Epstein to enter a plea by October 26, 2008, and “at this point we weren’t actively looking for additional charges,” but “the investigation wasn’t technically suspended until he completed all the terms of the NPA.”

D. The USAO Informs the Defense That It Intends to Notify Victims by Letter about Epstein’s State Plea Hearing and the Resolution of the Federal Investigation, but the Defense Strongly Objects to the Notification Plan

In anticipation of Epstein’s state court plea, Villafañá reported on November 16, 2007, to Acosta, Sloman, and other supervisors that she had learned, from FBI agents who met with Assistant State Attorney Belohlavek, that the State Attorney’s Office wanted the USAO to notify victims of the state plea hearing.

[Belohlavek] would still like us to do the victim notifications. The State does not have a procedure (like we do federally) where the Court has to provide a separate room for victims who want to attend judicial proceedings, so I do not know how many victims will actually want to be present.³¹¹

Belohlavek told OPR that she did not recall the conversation referenced by the FBI nor any coordination between her office and federal officials to contact or notify victims about Epstein’s state plea hearing.

On November 19, 2007, Villafañá decided that to avoid any misconduct accusations from the defense about the information given to victims, she “would put the victim notification in writing.” She provided Sloman with a draft victim notification letter, in which among other things,

³¹⁰ Not all the individuals interviewed qualified for inclusion on the victim list. For example, one would not cooperate with investigators; a second claimed to have simply massaged Epstein with no sexual activity; and a third claimed she had no contact with Epstein.

³¹¹ Villafañá told OPR that she understood the state took the position that because “there was either only one or two victims involved in their case,” they “could not do victim notifications to all of the victims.”