

(12/31/1995)

OPCA From Oklahoma City

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 01/28/1998

To: OPCA

Attn: John E. Collingwood  
Inspector In Charge

~~Criminal Investigative~~

Attn: Color of Law Unit,  
SSA Denny Burkhead

From: Oklahoma City  
Squad 1

Contact: SAC Thomas M. Kuker, 405/290-3601

Approved By: Kuker Thomas M

Drafted By: Mabry John P:kls

Case ID #: 197-HQ-1217391 (Pending)

Title: ESTATE OF KENNETH MICHAEL TRENTADUE,  
by CARMEN AGUILAR-TRENTADUE,  
PERSONAL REPRESENTATIVE;  
ET AL VS UNITED STATES OF AMERICA;  
UNITED STATES DEPARTMENT OF JUSTICE;  
ET AL

Synopsis: Documentation regarding a meeting on January 23, 1998, between SAC Thomas M. Kuker, SSA John P. Mabry, CDC Henry C. Gibbons, and SA Tom Moon Eng Linn, FBI Oklahoma City, and Senator Don Nickles, Republican-Oklahoma, regarding the 1995 death of inmate Kenneth Michael Trentadue at the Federal Transfer Center in Oklahoma City, Oklahoma.

Reference: 197-HQ-1217391 Serial 8

Details: On January 23, 1998, at 8:30 a.m., SAC Thomas M. Kuker, Oklahoma City Division, accompanied by SSA John P. Mabry, CDC Henry C. Gibbons, and SA Tom Moon Eng Linn, met with Senator Don Nickles, Republican-Oklahoma, at the Senator's Oklahoma City office located at 100 North Broadway, Oklahoma City, Oklahoma, 73102. The purpose of the meeting was to discuss certain issues regarding the death of inmate Kenneth Michael Trentadue at the Federal Transfer Center in Oklahoma City, Oklahoma, which occurred on August 21, 1995.

This meeting was prompted by a request from Senator Nickles' office for FBI personnel to respond to additional questions which the Senator had. Authorization to meet with Senator Nickles was approved in advance by FBIHQ, Office of Public and Congressional Affairs, on December 3, 1997, during a phone call between SAC Thomas M. Kuker, Oklahoma City Division, and IIC John E. Collingwood. This was the second meeting between FBI personnel and Senator Nickles regarding this case. The last meeting was on December 4, 1997, at Senator Nickles' Tulsa,

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Oklahoma, office.

During the January 23, 1998, meeting with Senator Nickles in Oklahoma City, the following issues were discussed:

◆ Senator Nickles referred to an article which appeared in the Daily Oklahoman on January 12, 1998, reporting that attorneys for the Trentadue family expected to receive new photographs and a video tape which government officials initially claimed did not exist. Senator Nickles was informed there were no new photographs; the photographs which are being made available through discovery are the same photographs which the Government has possessed and utilized throughout this investigation. He was further advised that BOP officials attempted to videotape Trentadue's cell on the morning of his death, but that the camera malfunctioned. This resulted in a video tape from that camera with only three seconds of video footage showing a wall area in the FTC. The rest of the tape has footage from a previously recorded incident which is also unrelated. Attorneys for the Trentadue family allege that the government claimed that these photographs and video tape did not exist; however, this denial cannot be attributed to any government official.

◆ Senator Nickles inquired as to the FBI's current role in this matter. He was advised the Department of Justice/Civil Rights Division and the Federal Bureau of Investigation have both closed their respective criminal cases. He was informed of the pending civil suit filed by the Trentadue family. He was also advised that an administrative inquiry was being undertaken by the Office of the Inspector General of the Department of Justice, and that the Oklahoma County District Attorney's Office was investigating this matter.

◆ Senator Nickles inquired as to when the FBI was notified by the BOP of Trentadue's death. SA Tom Linn explained the time line for the date of Trentadue's death to Senator Nickles. This time line documents notification of the FBI by BOP, and the pertinent times relevant to investigative activity by the FBI.

◆ Senator Nickles inquired as to why Trentadue was transferred to the Special Housing Unit (SHU) prior to his death. Senator Nickles was informed that witnesses reported Trentadue attempted to instigate fights with other inmates, then verbally, and in writing, requested

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opposing accounts of the incident.

Senator Nickles inquired regarding inmate Cornell R. Thornton, who allegedly gave one account of Trentadue's behavior the night preceding his death to the FBI, and a different account to Jesse Trentadue, brother of the victim. Senator Nickles was advised the FBI interviewed Thornton in depth and he provided a detailed account of Trentadue's behavior on the night preceding his death. This inmate was later interviewed by Jesse Trentadue, who drafted a statement for the inmate and asked him to sign it. The Trentadue family has publicly stated that these statements are not consistent and have suggested the FBI's version is the result of coercion and cover-up. In response to this, DOJ attorneys conducted their own interview of Thornton with the FBI case agent present. In this second interview, Thornton said that the statement he signed for Jesse Trentadue was drafted by Jesse Trentadue and he (Thornton) recanted portions of the information contained in Jesse Trentadue's version of his statement. Senator Nickles was advised the FBI had contact with Jesse Trentadue and had interviewed him in Utah early in the case regarding his concerns.

Senator Nickles inquired regarding the FBI's relationship with Oklahoma Medical Examiner Dr. Fred Jordan and his investigator, Kevin Rowland. Specifically, Senator Nickles wanted to know if the FBI had provided Dr. Jordan with the results of the investigation. Senator Nickles was advised that during the grand jury investigation into this matter, the FBI was directed by the Department of Justice to provide the Medical Examiner's Office with the grand jury 6E material regarding this case. Dr. Jordan was added to the 6E list for this purpose. When SA Linn tried to give the material to Dr. Jordan, he refused to take it and publicly claimed the federal grand jury subpoena and evidence which was offered to him was for the purpose of "shutting him up." Senator Nickles was told the FBI continues to work other investigative matters with the Medical Examiner's Office and that a new Memorandum of Understanding regarding the Federal Transfer Center had been signed.

Senator Nickles stated he was concerned about the unanswered criticism of the FBI, BOP and Department of Justice regarding their handling of this case. He asked why the explanations which he had received from the FBI in the past two meetings had not been given in

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to be transferred to the SHU. Senator Nickles was informed a written transfer request signed by Trentadue is part of the evidence in this case. It was Correll emphasized that Trentadue was not placed in the SHU based on misconduct by Trentadue directed at guards or other inmates.

Senator Nickles inquired regarding a statement by an inmate that he observed bloody guard uniforms being washed on or around the date of Trentadue's death. Senator Nickles was advised the FBI interviewed this inmate and attempted to corroborate this information. The investigation revealed there was a separate incident at a different time in which guards forcibly removed an inmate from a cell to another location. That inmate covered himself with feces and urine prior to the guards forced movement of him to another cell. It is believed the uniforms described by the inmate may have been the ones worn by guards involved in this forced cell movement. The inmate who made this claim refused to take a polygraph on the matter.

Senator Nickles inquired regarding the Emergency Medical Technicians' (EMTs) response to the Federal Transfer Center, and reports that they were turned away. SA Linn explained that officials at the FTC did call for EMTs to respond to the Federal Transfer Center. In the meantime, the FTC Physician's Assistant determined that Trentadue was deceased. When the EMTs arrived, they were informed the inmate was dead. The EMTs then departed the scene. Later, they were called again under the mistaken belief they would transport the body from the FTC. When they arrived, they advised they do not transport deceased individuals and the FTC should notify the Medical Examiner's office. The EMTs again left the FTC. The confusion regarding the EMTs apparently resulted from a misunderstanding among BOP personnel of internal policy and EMT services.

Senator Nickles asked about reports indicating a Medical Examiner's investigator was not allowed access to Trentadue's cell. Senator Nickles was informed that both the Medical Examiner's investigator and personnel at the FTC were interviewed regarding this incident. The Medical Examiner's investigator stated that she was allowed to view the scene through the closed door of the cell. Personnel at the FTC claim they offered to open the door for the Medical Examiner investigator, but she said it was not necessary. Senator Nickles understood the FBI's investigation yielded separate and

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response to public criticism. SAC Kuker showed Senator Nickles a copy of a press release drafted by Oklahoma City Division for this purpose. Senator Nickles was advised that Oklahoma City FBI was precluded from issuing this press release by the Department of Justice and FBIHQ based on the fact additional inquiries were pending. Senator Nickles was then shown a copy of an amended press release which FBIHQ wanted Oklahoma City to release. Senator Nickles agreed that the amended version was not suitable for the intended purpose. Senator Nickles was of the opinion that had these explanations been made public, much of the criticism could have been diffused.

At the conclusion of the meeting, Senator Nickles thanked the FBI representatives for their time and candidness regarding his questions. He also intimated that he had a significant role in determining whether this matter would require Congressional review, and that such action would most likely not be necessary.