



UNITED STATES GOVERNMENT

memorandum

Federal Transfer Center
Oklahoma City, Oklahoma 73189-3802

DATE: November 16, 1995

REPLY TO: *W.H.*

ATTN OF: An Tran, Attorney Advisor

SUBJECT: Vance P. Brockway/Kenneth M. Trentadue

TO: Bob Guzik, Warden
Michael D. Hood, South Central Regional Counsel

*Charles
FYE
w/212 keep following up
RH*

Yesterday morning I received a letter from Kevin Rowland from the Medical Examiner's Office stating that under Oklahoma Law the Medical Examiner is entitled to all information and records pertaining to the deceased in doing their investigation. The FBI has stated in the past that this is a federal matter and no records or information will be released to any entity until the FBI has completed their investigation.

There is apparently some confusion regarding who is entitled to have access to information and records pertaining to Mr. Trentadue while it is under investigation. I spoke with both Mr. Kevin Rowland from the Medical Examiner's Office as well as Mr. Jeff Jenkins from the FBI yesterday morning and attempted to straighten out the confusion. I assured Mr. Rowland that we are not trying to be uncooperative and hindering his effort to do his job, however, the matter is now in the custody of the FBI and we're really just caught in the middle, but that I will contact the FBI and see if I could get the records released.

In my discussion with Mr. Jeff Jenkins, he stated that he has said it before and he will say it again that this matter is an FBI matter and no one will get anything until the investigation is completed and he doesn't care about Oklahoma law because this is a federal matter. I then patiently asked Mr. Jenkins if it's a federal matter because the deceased is a federal inmate or because we're a federal institution or because we're on federal ground, which we're not. He responded it's because of all the above. I advised Mr. Jenkins that although we're a federal institution, we are not on federal ground and we have proprietary jurisdiction, and therefore we are somewhat obliged to follow state law. I reminded Mr. Jenkins that the medical examiner wanted essentially the medical records and background information, which Mr. Jenkins replied "that's your call, they're your records." I advised Mr. Jenkins that it is not our call if he says that he is conducting an investigation and no information or records can be released, then ALL information and records become potential evidence and is now in the custody of the agent conducting the investigation and he has not

granted us authority to release the medical records or any other records. Mr. Jenkins then stated that he doesn't care if we give the medical examiner Mr. Trentadue's medical records, just not the evidence. It appears that Mr. Jenkins does not consider the medical records as part of the "evidence" as opposed to the physical evidence from Mr. Trentadue's cell. However, he stated that he would call Mr. Kevin Rowland and discuss the matter before he comes out to the FTC this afternoon to pick up the remainder of the evidence. Mr. Rowland had requested background information on Kenneth Trentadue, lab reports for blood work done at MCC San Diego, and access to the items found in Mr. Trentadue's cell on the morning of August 21, 1995. It is unclear at this point what Mr. Rowland meant by "background information", however, Mr. Jenkins has made it clear that he will not release the items found in Mr. Trentadue's cell. It appears then that the lab reports for the blood work that was done would be the only records available to Mr. Rowland, granted Mr. Jenkins approves.

At approximately 1:30 p.m., Mr. Jenkins arrived at the FTC and I asked him if he was able to get in touch with Mr. Rowland and he said that he has not had an opportunity to call, but that he would try later this afternoon. I advised him that if he okayed the release of the records, that he need not be worried about making copies for Mr. Rowland, that we have the medical records here and I could make copies and deliver it to Mr. Rowland promptly. Mr. Jenkins stated that if the medical examiner needs the records to finish the autopsy report than it's okay, but if he's conducting an investigation for Trentadue's brother than he gets nothing.

As of this morning, Mr. Jenkins has not advised me of anything further.