



DEPARTMENT OF JUSTICE | OFFICE OF
THE INSPECTOR GENERAL

FOR IMMEDIATE RELEASE

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DOJ OIG Releases Report of Investigation and Review of the Federal Bureau of Prisons' Conditions of Confinement and Medical Treatment of Frederick Mervin Bardell and Related Representations to the Court

Department of Justice (DOJ) Acting Inspector General Don R. Berthiaume announced today the release of a report regarding the DOJ Office of Inspector General's (OIG) investigation and [review of the Federal Bureau of Prisons' \(BOP\) conditions of confinement and medical treatment of Frederick Mervin Bardell and related representations to the court](#). Bardell was released from the Federal Correctional Institution (FCI) Seagoville, Texas, pursuant to a compassionate release order on February 8, 2021, [and passed away from advanced metastatic colorectal cancer 9 days later](#). The OIG initiated this investigation and review following an October 4, 2022 court order regarding Bardell's death, in which the U.S. District Judge who presided over Bardell's emergency motions to obtain a compassionate release recommended a DOJ investigation into the matter, including any misrepresentations to the court by the government regarding the seriousness of Bardell's condition.

Overall, the OIG identified job performance and management failures at multiple levels within FCI Seagoville, from line staff through the Warden. We also identified problems with the BOP's medical care of inmates, handling of compassionate release requests due to medical circumstances, and handling of compassionate release orders. Our specific findings include:

- The BOP's ability to provide quality and timely medical care to Bardell [was negatively impacted by severe understaffing in FCI Seagoville's Health Services Unit](#). Specifically, Bardell did not undergo a successful [colonoscopy until January 29, 2021, more than 6 months after he first reported seeing blood in his stool](#) to medical staff [and 73 days after a computed tomography scan](#) showed that he likely had stage IV colon cancer and urgently needed a colonoscopy.
- We also found that the BOP's ability to provide quality and timely medical care to Bardell was impacted by other factors, including the then ongoing COVID-19 pandemic.
- The BOP's handling of Bardell's request for a reduction in sentence was deficient, and the government's related representations to the Court that there was "no indication" that Bardell could not "receive adequate care in custody" were inconsistent with what we learned during the course of our investigation and review.

- While we believe that it would have been prudent for the assigned Assistant United States Attorney (AUSA) to take additional steps to better understand Bardell's medical condition and the BOP's ability to care for him, we did not find that the AUSA made any knowing or intentional misrepresentations in court.
- The BOP did not comply with the presiding judge's order to release Bardell immediately after the U.S. Probation Office approved a release plan because at least nine BOP employees failed to read or fully read the Court's order. The hastiness of the BOP's handling of Bardell's release was extremely concerning because the BOP did not take measures to ensure his safe and compassionate transport in light of his medical condition.

We made seven recommendations to the BOP and one recommendation to the DOJ to address the concerns we identified. Both the BOP and the DOJ agreed with the recommendations.

Memorandum: Today's report is available [on the OIG's website](#).

10/4/2022: JUDGE'S ORDER TO IMMEDIATELY RELEASE BARDELL

U.S. District Judge Roy Dalton for the Middle District of Florida wrote that the BOP should be "deeply ashamed" of how it treated the now-deceased inmate Frederick Bardell and held the Federal Bureau of Prisons in Contempt, 2022.

Judge Holds Federal Bureau of Prisons in Contempt for Allowing Man To Waste Away From Untreated Cancer

A federal judge wrote that the Bureau of Prisons should be "deeply ashamed" of medical delays that resulted in a man dying from treatable cancer.

C.J. CIARAMELLA | 10.10.2022 12:25 PM



"Although he had to be pushed out of prison in a wheelchair, a BOP van dropped Bardell off on a curb outside the Dallas/Fort Worth airport without a wheelchair and left him there. Bardell was weak, as well as bleeding and soiling himself, but he managed to navigate the airports, layovers, and connecting flights through the help of good Samaritans.

When he arrived back in Florida to meet his parents, "his father had to take off his own shirt and put it on the seat of [Bardell's lawyer's] car to absorb the blood and feces," Dalton's opinion says."