

The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Environmental Health

Community Sanitation Program

5 Randolph Street, Canton, MA 02021

MARYLOU SUDDERS

Secretary

MONICA BHAREL, MD, MPH Commissioner

Tel: 617-624-6000

www.mass.gov/dph

Phone: 781-828-7700 Fax: 781-828-7703

|  |
| --- |
| CHARLES D. BAKER  Governor  KARYN E. POLITO  Lieutenant Governor |

May 25, 2018

James M. Cummings, Sheriff

Barnstable County Correctional Facility

6000 Sheriff’s Place

Bourne, MA 02532

Re: Facility Inspection - Barnstable County Correctional Facility, Bourne

Dear Sheriff Cummings:

In accordance with M.G.L. c. 111, §§ 5, 20, and 21, as well as Massachusetts Department of Public Health (Department) Regulations 105 CMR 451.000: Minimum Health and Sanitation Standards and Inspection Procedures for Correctional Facilities; 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste (State Sanitary Code, Chapter VIII); 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments (State Sanitary Code Chapter X); the 1999 Food Code; 105 CMR 520.000 Labeling; and 105 CMR 205.000 Minimum Standards Governing Medical Records and the Conduct of Physical Examinations in Correctional Facilities; I conducted an inspection of the Barnstable County Correctional Facility on April 20, 2018 accompanied by Captain Scott Hennessey. Violations noted during the inspection are listed below including 20 repeat violations:

**HEALTH AND SAFETY VIOLATIONS**

(*\* indicates conditions documented on previous inspection reports*)

**Entrance**

*Male Bathroom*

No Violations Noted

*Female Bathroom*

No Violations Noted

**House 1**

*Triage*

No Violations Noted

**Pod A**

*Main Area*

105 CMR 451.353\* Interior Maintenance: Ceiling tiles water damaged

*Staff Bathroom*

No Violations Noted

*Storage*

105 CMR 451.123 Maintenance: Soap scum on floor in the lockup shower

*Showers – 1st Floor*

No Violations Noted

*Janitor’s Closet – 1st Floor*

105 CMR 451.353 Interior Maintenance: Unlabeled chemical bottle

*Showers – 2nd Floor*

No Violations Noted

*Janitor’s Closet – 2nd Floor*

105 CMR 451.344 Illumination in Habitable Areas: Light not functioning properly, light out

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

105 CMR 451.353 Interior Maintenance: Wall paint damaged in cell # 32

*Recreation Area*

No Violations Noted

**Pod B**

*Main Area*

105 CMR 451.126 Hot Water: Hot water temperature recorded at 720F

*Storage Room*

No Violations Noted

*Staff Bathroom*

No Violations Noted

*Multi-Use Room*

No Violations Noted

*Interview Room*

No Violations Noted

*Showers*

105 CMR 451.123\* Maintenance: Soap scum on walls in handicapped shower

105 CMR 451.123\* Maintenance: Soap scum on floor in handicapped shower

*Janitor’s Closet*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Recreation Area*

No Violations Noted

**Pod C**

*Main Area*

No Violations Noted

*Staff Bathroom*

No Violations Noted

*Multi-Use Room*

No Violations Noted

*Interview Room*

105 CMR 451.353 Interior Maintenance: Ceiling surface damaged

*Janitor’s Closet – 1st Floor*

105 CMR 451.353 Interior Maintenance: Unlabeled chemical bottle

*Showers – 1st Floor*

No Violations Noted

*Showers – 2nd Floor*

No Violations Noted

*Janitor’s Closet – 2nd Floor*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Recreation Area*

No Violations Noted

**House 2**

**Main Hallway**

*Triage Room*

105 CMR 205.103(B) Examinations: Handwash sink not equipped with non-hand operated controls

**Pod D – Closed**

*Main Area*

No Violations Noted

*Storage Room*

No Violations Noted

*Shower – 1st Floor*

105 CMR 451.123 Maintenance: Soap scum on floor in shower

*Janitor’s Closet – 1st Floor*

No Violations Noted

*Shower – 2nd Floor*

No Violations Noted

*Janitor’s Closet – 2nd Floor*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Recreation Area*

No Violations Noted

**Pod E**

*Main Area*

No Violations Noted

*Showers – 1st Floor*

105 CMR 451.130 Plumbing: Plumbing not maintained in good repair, day room shower leaking

*Janitor’s Closet – 1st Floor*

105 CMR 451.353 Interior Maintenance: Unlabeled chemical bottle

*Showers – 2nd Floor*

105 CMR 451.123 Maintenance: Soap scum on walls in shower # 1 and 2

*Janitor’s Closet – 2nd Floor*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Storage Room*

No Violations Noted

*Recreation Area*

No Violations Noted

**Pod F**

*Main Area*

No Violations Noted

*Showers*

No Violations Noted

*Janitor’s Closet*

No Violations Noted

*Cells*

No Violations Noted

*Recreation Area*

105 CMR 451.353 Interior Maintenance: Standing water underneath garage door window

**Pod G**

*Main Area*

No Violations Noted

*Shower – 1st Floor*

No Violations Noted

*Janitor’s Closet – 1st Floor*

105 CMR 451.353 Interior Maintenance: Unlabeled chemical bottle

*Shower – 2nd Floor*

105 CMR 451.123\* Maintenance: Soap scum on floor

*Janitor’s Closet – 2nd Floor*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Storage Closet*

No Violations Noted

*Recreation Area*

No Violations Noted

**Pod H**

*Main Area*

No Violations Noted

*Shower – 1st Floor*

105 CMR 451.130 Plumbing: Plumbing not maintained in good repair, shower leaking

105 CMR 451.123 Maintenance: Soap scum on floor in shower

*Janitor’s Closet – 1st Floor*

105 CMR 451.353 Interior Maintenance: Unlabeled chemical bottle

*Shower – 2nd Floor*

No Violations Noted

*Janitor’s Closet – 2nd Floor*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Recreation Area*

No Violations Noted

**House 3**

**Main Hallway**

*Triage Room*

No Violations Noted

**Pod J**

*Main Area*

No Violations Noted

*Staff Bathroom*

No Violations Noted

*Storage Closet*

No Violations Noted

*Showers – 1st Floor*

Unable to Inspect – In Use

*Janitor’s Closet – 1st Floor*

105 CMR 451.350\* Structural Maintenance: Water leaking from shower into closet

*Showers – 2nd Floor*

No Violations Noted

*Janitor’s Closet – 2nd Floor*

105 CMR 451.353 Interior Maintenance: Unlabeled chemical bottle

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Recreation Area*

No Violations Noted

**Pod K**

*Main Area*

No Violations Noted

*Staff Bathroom*

No Violations Noted

*Storage Closet*

No Violations Noted

*Showers – 1st Floor*

105 CMR 451.123\* Maintenance: Wall tiles damaged in handicapped shower

105 CMR 451.123 Maintenance: Soap scum on floor in shower # 2, 3, and the handicapped shower

*Janitor’s Closet – 1st Floor*

No Violations Noted

*Showers – 2nd Floor*

105 CMR 451.123 Maintenance: Exterior of doors stained in shower # 1, 2, and 3

*Janitor’s Closet – 2nd Floor*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Recreation Area*

No Violations Noted

**Pod L**

*Main Area*

No Violations Noted

*Staff Bathroom*

No Violations Noted

*Storage*

No Violations Noted

*Showers – 1st Floor*

105 CMR 451.123 Maintenance: Exterior of doors stained in shower # 1, 2, and 3

*Janitor’s Closet – 1st Floor*

No Violations Noted

*Showers – 2nd Floor*

105 CMR 451.123\* Maintenance: Soap scum on walls in shower # 3

*Janitor’s Closet – 2nd Floor*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Recreation Area*

No Violations Noted

**Pod M**

*Main Area*

105 CMR 451.200 Food Storage, Preparation and Service: Food storage not in compliance with 105 CMR 590.000, no functioning thermometer in refrigerator

*Staff Bathroom*

No Violations Noted

*Storage Closet*

No Violations Noted

*Showers – 1st Floor*

105 CMR 451.123\* Maintenance: Soap scum on walls in shower # 1

105 CMR 451.123 Maintenance: Soap scum on floor in shower # 1

*Janitor’s Closet – 1st Floor*

No Violations Noted

*Showers – 2nd Floor*

No Violations Noted

*Janitor’s Closet – 2nd Floor*

No Violations Noted

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in all cells

*Recreation Area*

No Violations Noted

**Food Service**

*Male Staff Bathroom*

No Violations Noted

*Female Staff Bathroom*

No Violations Noted

**Staff Dining**

FC 5-205.11(B) Plumbing System, Operations and Maintenance: Handwashing sink used for an unapproved purpose, trash stored in handwash sink

**Kitchen**

*Pots and Pans Storage*

FC 4-903.11(B)(1) Protection of Clean Items, Storing: Pots, pans, and cutting boards not stored in a self-draining position

FC 4-901.11(A) Protection of Clean Items, Drying: Clean and sanitized equipment not allowed to air dry fully

*Ice Machine*

No Violations Noted

*Handwash Sink (near Ice Machine)*

No Violations Noted

*Chemical Closet # SV123*

FC 6-501.12(A) Maintenance and Operation; Cleaning: Facility not cleaned properly, standing water on floor under rack

*Tool Room # SV119*

No Violations Noted

*Walk-In Freezer*

FC 6-501.11 Maintenance and Operation; Repairing: Facility not in good repair, 1 fan out-of-order

*Cooler # 1*

No Violations Noted

*Cooler # 2*

No Violations Noted

*2-Compartment Sink Area*

No Violations Noted

*Prep Area*

No Violations Noted

*True Cooler*

FC 4-204.112(A) Design and Construction, Functionality: No functioning thermometer in refrigerator unit

*True Warming Units*

FC 4-501.11(B) Maintenance and Operation, Equipment: Equipment components not maintained in a state of good repair, warmer gaskets damaged in warmer # 1 and 2

*Tool Closet # SV 129*

No Violations Noted

*Dishwashing Area*

FC 6-501.12(A) Maintenance and Operation; Cleaning: Facility not cleaned properly, floor dirty under warewash machine

*Staff Bathroom # 121*

No Violations Noted

*Inmate Bathroom # 122*

No Violations Noted

*Dry Storage # SV126*

No Violations Noted

*Dry Storage # SV125*

No Violations Noted

*Loading Dock*

No Violations Noted

**Warehouse**

*Bathroom*

No Violations Noted

**Laundry**

No Violations Noted

*Inmate Bathroom*

No Violations Noted

*Office*

No Violations Noted

*Storage*

No Violations Noted

**Visiting**

No Violations Noted

**Programs**

*Female Bathroom # PR127*

No Violations Noted

*Male Bathroom # PR126*

105 CMR 451.353 Interior Maintenance: Ceiling dirty

*Offices*

No Violations Noted

**Education**

*Inmate Bathroom # PR117*

105 CMR 451.353 Interior Maintenance: Ceiling vent dusty

*Inmate Bathroom # PR116*

No Violations Noted

**H.S.U.**

105 CMR 451.200 Food Storage, Preparation and Service: Food storage not in compliance with 105 CMR 590.000, no functioning thermometer in grey refrigerator

*Inmate Bathroom # 138*

Unable to Inspect - Locked

*Exam Room # 136*

No Violations Noted

*Lab # 135*

No Violations Noted

*Janitor’s Closet # 133*

No Violations Noted

*Biohazard Closet # 132*

No Violations Noted

*Storage Closet # 131*

No Violations Noted

*Storage Closet # 130*

No Violations Noted

*Exam Room # 128*

No Violations Noted

*Storage # 127*

No Violations Noted

*Conference Room # 125*

No Violations Noted

*Dental Suite # 124*

105 CMR 451.110(A) Hygiene Supplies at Toilet and Handwash Sink: No paper towels at handwash sink

*Storage # 123*

No Violations Noted

*Mental Health # 122*

No Violations Noted

*Cell # HL134*

No Violations Noted

*Medical Cart Storage # 116*

No Violations Noted

*Equipment Storage # 115*

No Violations Noted

*Female Staff Bathroom # 113*

105 CMR 451.123\* Maintenance: Ceiling vent dusty

*Male Staff Bathroom # 111*

No Violations Noted

**Booking/Intake**

*Officer’s Area*

No Violations Noted

*Holding Cells # 1-3*

No Violations Noted

*Janitor’s Closet # 132*

No Violations Noted

*Triage # 128*

No Violations Noted

*Male Staff Bathroom # 127*

No Violations Noted

*Search Showers # 123 and 124*

No Violations Noted

*Male Release Dressout # 122*

No Violations Noted

*Female Release Dressout # 121*

No Violations Noted

*Female Staff Bathroom # 119*

No Violations Noted

*Property # 118*

No Violations Noted

*Male Inmate Bathroom # 134*

No Violations Noted

*Female Inmate Bathroom # 151*

No Violations Noted

*Staff Bathroom # 145*

No Violations Noted

*Inmate Bathroom # 147*

No Violations Noted

*Transportation Office*

No Violations Noted

*Cells*

No Violations Noted

**Print Shop**

*Staff Bathroom # 158*

No Violations Noted

*Inmate Bathroom # 159*

Unable to Inspect – Locked

**Observations and Recommendations**

1. The inmate population was 306 at the time of inspection.
2. At the time of inspection:
   1. The Department recommended that all showers be identified with a numbering system. This will assist the Department and correctional employees to better recognize where issues exist; and
   2. The Department observed that the hot water temperature in Pod B takes an excessive amount of time to come within compliance. Inmates complained that all sinks and showers must be run for a long period of time before water reaches minimum requirements. The Department recommends looking into this matter further so that hot water is achieved within a more appropriate time frame.
3. Hot water temperature range for handwash sinks is 1100F to 1300F.
4. Hot water temperature range for showers is 1000F to 1120F.

This facility does not comply with the Department’s Regulations cited above. In accordance with 105 CMR 451.404, please submit a plan of correction within 10 working days of receipt of this notice, indicating the specific corrective steps to be taken, a timetable for such steps, and the date by which correction will be achieved. The plan should be signed by the Superintendent or Administrator and submitted to my attention, at the address listed above.

To review the specific regulatory requirements please visit our website at [www.mass.gov/dph/dcs](http://www.mass.gov/dph/dcs) and click on "Correctional Facilities" (available in both PDF and RTF formats).

To review the Food Establishment regulations please visit the Food Protection website at [www.mass.gov/dph/fpp](http://www.mass.gov/dph/fpp) and click on “Food Protection Regulations”. Then under “Retail” click “105 CMR 590.000 - State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments” and “[1999 Food Code](http://www.cfsan.fda.gov/%7Edms/fc99-toc.html)”.

To review the Labeling regulations please visit the Food Protection website at [www.mass.gov/dph/fpp](http://www.mass.gov/dph/fpp) and click on “Food Protection Regulations”. Then under “General Food Regulations” click “105 CMR 520.000: Labeling.”

This inspection report is signed and certified under the pains and penalties of perjury.

Sincerely,

Nicholas Gale

Environmental Health Inspector, CSP, BEH

cc: Jana Ferguson, Director, BEH

Steven Hughes, Director, CSP, BEH

Marylou Sudders, Secretary, Executive Office of Health and Human Services

Thomas Turco, Commissioner, DOC

Ross Alper, Superintendent

Deputy Brian Chapman, EHSO

Ken Shaffer, Lieutenant

Terri Guarino, RS, Health Agent, Bourne Board of Health

Clerk, Massachusetts House of Representatives

Clerk, Massachusetts Senate

Daniel Bennett, Secretary, EOPSS

Nelson Alves, Director, Policy Development and Compliance Unit