

The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Climate and Environmental Health

Division of Environmental Health Regulations and Standards

128 East Mountain Road

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| MAURA T. HEALEYGovernorKIMBERLEY L. DRISCOLLLieutenant Governor |

January 6, 2025

KATHLEEN E. WALSH

Secretary

ROBERT GOLDSTEIN, MD, PhD Commissioner

**Tel: 617-624-6000**

**www.mass.gov/dph**

Thomas Bowler, Sheriff

Berkshire County Jail and House of Correction

467 Cheshire Road

Pittsfield, MA 01201 (electronic copy)

Re: Facility Inspection - Berkshire County Jail and House of Correction, Pittsfield

Dear Sheriff Bowler:

The Massachusetts Department of Public Health (Department) Division of Environmental Health Regulations and Standards (EHRS) conducted an inspection of the Berkshire County Jail and House of Correction on September 6, 2024 accompanied by Captain Robert McCluskey and Lieutenant Danielle Tyer, Compliance and Safety Supervisor, in accordance with Department Regulations 105 CMR 451.000: Minimum Health and Sanitation Standards and Inspection Procedures for Correctional Facilities.

The inspection identified 55 total deficiencies: 15 new deficiencies under the Required Standards (.100 and .200 series), 39 repeat deficiencies under the Required Standards, no new deficiencies under the Recommended Standards (.300 series), and one repeat deficiency under the Recommended Standards.

**Overview**

**Section 1** provides details of all deficiencies, including repeat deficiencies, found during the inspection. These are categorized by Required Standards, Recommended Standards, or additional applicable regulatory standards.

**Section 2** provides information on areas that EHRS found to be compliant

**Section 3** documents the areas that EHRS did not inspect.

**Section 4** provides information on submitting a Plan of Correction for the identified deficiencies.

**Section 5** outlines observations and recommendations related to the inspection.

**SECTION 1: Health and Safety Deficiencies**

**Deficiencies under the Required Standards (.100 and .200 series)**

15 new deficiencies and 39 repeat deficiencies (indicated by an \*) were found during the inspection:

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| 1. A-POD
 | Upper Showers # 4-7 | 105 CMR 451.123 | Maintenance: Soap scum on floor in shower # 5 |
| 1. A-POD
 | Upper Showers # 4-7 | 105 CMR 451.123 | Maintenance: Soap scum on walls in shower # 5 |
| 1. A-POD
 | Sub Day Room Shower  | 105 CMR 451.123 | Maintenance: Floor not easily cleanable, floor finish damaged |
| 1. A-POD
 | Sub Day Room Shower  | 105 CMR 451.123 | Maintenance: Ceiling vent rusted |
| 1. A-POD
 | Lower Showers # 1-3  | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3 |
| 1. A-POD
 | Upper Showers # 4-7 | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4-7 |
| 1. B-POD
 | Lower Showers # 1-3 | 105 CMR 451.123 | Maintenance: Mold observed on walls in shower # 3 |
| 1. B-POD
 | Upper Showers # 4-7 | 105 CMR 451.123 | Maintenance: Ceiling vent rusted in shower # 4 |
| 1. B-POD
 | Lower Showers # 1-3 | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3 |
| 1. B-POD
 | Upper Showers # 4-7 | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4-7 |
| 1. B-POD
 | Upper Showers # 4-7 | 105 CMR 451.130\* | Plumbing: Plumbing not maintained in good repair, fixture leaking in shower # 5 |
| 1. B-POD
 | Sub Day Room Shower  | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower |
| 1. C-POD
 | Staff Bathroom  | 105 CMR 451.123 | Maintenance: Ceiling vent dusty |
| 1. C-POD
 | Day Room | 105 CMR 451.200 | Food Storage, Preparation and Service: Food preparation not in compliance with 105 CMR 590.000, interior of microwave oven dirty |
| 1. C-POD
 | Lower Showers # 1-3  | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3 |
| 1. C-POD
 | Upper Showers # 4-7  | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4-7 |
| 1. C-POD
 | Sub Day Room Shower  | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower |
| 1. D-POD
 | Upper Showers # 4-7 | 105 CMR 451.130 | Plumbing: Plumbing not maintained in good repair, fixture leaking in shower # 7 |
| 1. D-POD
 | Lower Showers # 1-3 | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3 |
| 1. D-POD
 | Upper Showers # 4-7 | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4-7 |
| 1. D-POD
 | Upper Showers # 4-7 | 105 CMR 451.123\* | Maintenance: Soap scum on floor in shower # 5 |
| 1. D-POD
 | Sub Day Room Shower | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower |
| 1. G-POD
 | Upper Showers # 4-7 | 105 CMR 451.123 | Maintenance: Ceiling vent rusted in shower # 4 |
| 1. G-POD
 | Lower Showers # 1-3  | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3 |
| 1. G-POD
 | Upper Showers # 4-7 | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4 and 5 |
| 1. G-POD
 | Sub Day Room Shower  | 105 CMR 451.123\* | Maintenance: Floor not easily cleanable, floor finish damaged in shower |
| 1. GYM
 | Staff Bathroom # RE03 | 105 CMR 451.110(A) | Hygiene Supplies at Toilet and Handwash Sink: No paper towels at handwash sink |
| 1. LAUNDRY
 | Office # LA04 | 105 CMR 451.200 | Food Storage, Preparation and Service: Food storage not in compliance with 105 CMR 590.000, no functioning thermometer in refrigerator |
| 1. STAFF GYM
 | Female Locker Room  | 105 CMR 451.123 | Maintenance: Ceiling damaged above shower |
| 1. KITCHEN
 | Inmate Bathroom # FS07 | 105 CMR 451.200 | Numbers and Capacity; Handwashing Sinks: No hand drying method available at handwashing sink. Standard found in 105 CMR 590; FC 6-301.12(A) | **Corrected on Site** |
| 1. KITCHEN
 | Dishwashing Area  | 105 CMR 451.200 | Maintenance and Operation, Equipment: Equipment components not maintained in a state of good repair, hot water rinse and dry gauges not working correctly. Standard found in 105 CMR 590; FC 4-501.11(B) |

**Deficiencies under the Recommended Standards (.300 series)**

1 repeat deficiency was found during the inspection.

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| 1. GYM
 | Weight Room  | 105 CMR 451.353\* | Interior Maintenance: Padding damaged on curling machine  |

**SECTION 2: Areas Found to be in Compliance**

EHRS inspected 154 additional areas of the facility which were found to be in compliance.

**Section 3: Areas EHRS did not inspect**

EHRS did not inspect eight areas of the facility because they were either in use, locked, or under construction.

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| 1. E-POD
 |  | Closed - Under Construction |
| 1. F-POD
 |  | Closed - Under Construction |
| 1. G-POD
 | Lower Showers # 1-3  | Shower # 1 In-Use  |
| 1. G-POD
 | Upper Showers # 4-7 | Shower # 6 and 7 In-Use  |
| 1. GYM
 | Janitor’s Closet # RE04 | Locked |
| 1. LAUNDRY
 | Bathroom # MA05 | Locked |
| 1. MEDICAL
 | Storage (former Inmate Bathroom)  | Locked |
| 1. CONTROL
 | Key Room  | Locked |

**SECTION 4: Plan of Correction**

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. The Plan of Correction must include:

1. Specific corrective steps to be taken
2. A timetable for the corrective actions for lager projects
3. The date by which correction will be achieved
4. Any interim measures being implemented to ensure the health and safety of incarcerated individuals and facility staff
5. The plan should be signed by the Superintendent or Administrator and submitted to my attention, at the address listed above.

**SECTION 5: Observations and Recommendations**

1. The inmate population was 187 at the time of inspection.
2. There were 39 repeat violations of the Required Standards found during the inspection.
	1. The repeat violations of 105 CMR 451.123 relate to the shower facilities in the Housing Pods. In your plan of correction dated March 7, 2024, it indicates that the shower facilities are part of a DCAMM renovation project and identifies an anticipated completion date of April 2024. At the time of the inspection, Housing Pods E and F were unoccupied and under construction as part of this project.
		1. EHRS requests an updated timeline for completion of the shower renovation project.
		2. EHRS recommends daily cleaning of the affected showers in the interim, until renovations of all shower facilities are completed.

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" [105 CMR 451.000](https://www.mass.gov/regulations/105-CMR-45100-minimum-health-and-sanitation-standards-and-inspection-procedures-for-correctional-facilities) is available in both PDF and RTF formats. For more specific information about the food standards, you can download the merged food code, which can be found [here](https://www.mass.gov/doc/merged-food-code-111618/download).

An inspection may also include observations of other conditions which could constitute a threat to the health or safety of inmates or employees, including but not limited to the standards set forth by the Department as follows, and report on such pursuant to 451.402(B). You can use these links below to review these standards:

* [105 CMR 205.000](https://www.mass.gov/regulations/105-CMR-20500-minimum-standards-governing-medical-records-and-the-conduct-of-physical-examinations-in-correctional-facilities?_gl=1*ws80pz*_ga*MTk5MDEyMzUyMi4xNjM1NDMwMjU1*_ga_MCLPEGW7WM*MTczNDY0MDg3Mi4yNzguMS4xNzM0NjQxNDE3LjAuMC4w): Minimum Standards Governing Medical Records and Conduct of Physical Examinations in Correctional Facilities
* [105 CMR 480.000](https://www.mass.gov/regulations/105-CMR-48000-minimum-requirements-for-the-management-of-medical-or-biological-waste-state-sanitary-code-chapter-viii?_gl=1*c27utb*_ga*MTk5MDEyMzUyMi4xNjM1NDMwMjU1*_ga_MCLPEGW7WM*MTczNDY0MDg3Mi4yNzguMS4xNzM0NjQxNDQ5LjAuMC4w): Minimum requirements for the Management of Medical or Biological Waste
* [105 CMR 500.000](https://www.mass.gov/regulations/105-CMR-50000-good-manufacturing-practices-for-food?_gl=1*ow2nps*_ga*MTk5MDEyMzUyMi4xNjM1NDMwMjU1*_ga_MCLPEGW7WM*MTczNDY0MDg3Mi4yNzguMS4xNzM0NjQxNDg3LjAuMC4w): Good Manufacturing Practices for Food

This inspection report is true and accurate to the best of my knowledge.

 Sincerely,



 Scott Koczela

 Environmental Analyst, EHRS, BCEH