

The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Climate and Environmental Health

Community Sanitation Program

128 East Mountain Road

Westfield, MA 01085-1889

Phone: 617-448-3373

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| MAURA T. HEALEYGovernorKIMBERLEY L. DRISCOLLLieutenant Governor |

 September 26, 2023

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:

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: Minimum Requirements for the Management of 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 2013 Food Code; 105 CMR 500.000 Good Manufacturing Practices for Food; and 105 CMR 205.000 Minimum Standards Governing Medical Records and the Conduct of Physical Examinations in Correctional Facilities; the Department’s Community Sanitation Program (CSP) conducted an inspection of the Berkshire County Jail and House of Correction on September 22, 2023 accompanied by Alan Ceti, Fire and Safety Officer; Captain Robert McCluskey; and Sergeant Daniel Macwhinnie. Violations noted during the inspection are listed below including 36 repeat violations:

Should you have any questions, please don’t hesitate to contact me.

 Sincerely,

 

 Scott Koczela

 Environmental Analyst, CSP, BCEH

cc: Robert Goldstein, MD, PhD, Commissioner, DPH

Nalina Narian, Director, BCEH

 Steven Hughes, Director, CSP, BCEH

Kathleen E. Walsh, Secretary, Executive Office of Health and Human Services (electronic copy)

 Carol A. Mici, Commissioner, DOC (electronic copy)

Terrence Reidy, Secretary, EOPSS (electronic copy)

Timothy Gotovich, Director, Policy Development and Compliance Unit (electronic copy)

 Brad Little, Superintendent (electronic copy)

Alan Cetti, Fire and Safety Officer (electronic copy)

 Danielle Tyer, Compliance and Training Supervisor (electronic copy)

Andy Cambi, Health Director, Pittsfield Board of Health (electronic copy)

 Clerk, Massachusetts House of Representatives (electronic copy)

 Clerk, Massachusetts Senate (electronic copy)

**HEALTH AND SAFETY VIOLATIONS**

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

**FRONT ENTRY**

*Lobby*

 No Violations Noted

*Mail Room*

 No Violations Noted

*Female Bathroom*

 No Violations Noted

*Male Bathroom*

 No Violations Noted

**ADMINISTRATION (OUTSIDE)**

*Female Staff Bathroom*

 No Violations Noted

*Male Staff Bathroom*

 No Violations Noted

*Break 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

**STAFF GYM**

 No Violations Noted

*Break Area*

105 CMR 451.200 Food Storage, Preparation and Service: Food preparation not in compliance with 105 CMR 590.000, interior of microwave oven dirty

*Janitor’s Closet*

Unable to Inspect – Locked

*Female Locker Room*

 No Violations Noted

*Male Locker Room*

 No Violations Noted

**INTAKE/BOOKING**

*Female Search Room # 1*

 No Violations Noted

*Male Search Room # 2*

 No Violations Noted

*Male Staff Bathroom*

 No Violations Noted

*Female Staff Bathroom*

 No Violations Noted

*Cells*

 No Violations Noted

*Medical Screening Room # BR10*

 No Violations Noted

*Records*

 No Violations Noted

*Urinalysis Lab*

 No Violations Noted

*Storage Room # BR18*

 No Violations Noted

*Janitor’s Closet # BR20*

 No Violations Noted

*Transportation Room*

105 CMR 451.200 Food Storage, Preparation and Service: Food storage not in compliance with

 105 CMR 590.000, no functioning thermometer in refrigerator

*Sally Port*

 No Violations Noted

**Mental Health Interview Room**

 No Violations Noted

*Inmate Bathroom*

 No Violations Noted

**PROPERTY**

 No Violations Noted

*Office*

 No Violations Noted

**HOUSING**

**A-POD**

*Triage Office*

 No Violations Noted

*Counselor’s Office*

 No Violations Noted

*Recreation Deck*

 No Violations Noted

*Cells*

105 CMR 451.353 Interior Maintenance: Wall vent blocked in cell # A116 and A208

*Lower Janitor’s Closet*

 No Violations Noted

*Storage Closet*

 No Violations Noted

*Lower Showers # 1-3*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3

105 CMR 451.123\* Maintenance: Soap scum on floor in shower # 1 and 2

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

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

105 CMR 451.123 Maintenance: Mold observed on floor in shower # 1 and 3

*Upper Showers # 4-7*

105 CMR 451.123 Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4-7

105 CMR 451.123 Maintenance: Soap scum on floor in shower # 4 and 5

105 CMR 451.123\* Maintenance: Soap scum on walls in shower # 4 and 5

105 CMR 451.123 Maintenance: Mold observed on floor in shower # 7

*Upper Janitor’s Closet*

 No Violations Noted

**Sub Day Room**

 No Violations Noted

*Cells*

 No Violations Noted

*Shower*

105 CMR 451.123 Maintenance: Shower dirty

**A and B POD CONTROL**

 No Violations Noted

*Control Bathroom*

 No Violations Noted

**B-POD**

*Offices*

 No Violations Noted

*Staff Bathroom*

 No Violations Noted

*Recreation Deck*

 No Violations Noted

*Cells*

105 CMR 451.353 Interior Maintenance: Wall vent blocked in cell # B110

*Lower Janitor’s Closet*

 No Violations Noted

*Storage Closet*

 No Violations Noted

*Lower Showers # 1-3*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3

*Upper Showers # 4-7*

105 CMR 451.123 Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4-7

*Upper Janitor’s Closet*

 No Violations Noted

**Sub Day Room**

 No Violations Noted

*Cells*

 No Violations Noted

*Shower*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower

**C-POD**

*Triage Office*

 No Violations Noted

*Offices*

 No Violations Noted

*Staff Bathroom*

 No Violations Noted

*Recreation Deck*

 No Violations Noted

*Cells*

 No Violations Noted

*Lower Janitor’s Closet*

 No Violations Noted

*Storage Closet*

 No Violations Noted

*Lower Showers # 1-3*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3

105 CMR 451.123 Maintenance: Soap scum on floor in shower # 1 and 3

*Upper Showers # 4-7* Unable to Inspect Shower # 4, In-Use

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower # 5, 6, and 7

*Upper Janitor’s Closet*

 No Violations Noted

**Sub Day Room**

 No Violations Noted

*Cells*

 No Violations Noted

*Shower*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower

**D-POD**

*Offices*

 No Violations Noted

*Staff Bathroom*

 No Violations Noted

*Recreation Deck*

 No Violations Noted

*Cells*

 No Violations Noted

*Lower Janitor’s Closet*

 No Violations Noted

*Storage Closet*

 No Violations Noted

*Lower Showers # 1-3*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3

105 CMR 451.123 Maintenance: Mold observed on floor in shower # 3

*Upper Showers # 4-7*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4-7

*Upper Janitor’s Closet*

 No Violations Noted

**Sub Day Room**

 No Violations Noted

*Cells*

 No Violations Noted

*Shower*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower

105 CMR 451.130 Hot Water: Shower water temperature recorded at 1160F

**E-POD**

Unable to Inspect – Under Construction

**F-POD**

Unable to Inspect – Under Construction

**G-POD**

*Triage Room*

 No Violations Noted

*Office*

 No Violations Noted

*Staff Bathroom*

 No Violations Noted

*Recreation Deck*

 No Violations Noted

*Cells*

 No Violations Noted

*Lower Janitor’s Closet*

 No Violations Noted

*Storage Closet*

 No Violations Noted

*Lower Showers # 1-3*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower # 1-3

*Upper Showers # 4-7*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower # 4-7

*Upper Janitor’s Closet*

 No Violations Noted

**Sub Day Room**

 No Violations Noted

*Cells*

 No Violations Noted

*Shower*

105 CMR 451.123\* Maintenance: Floor not easily cleanable, floor finish damaged in shower

105 CMR 451.130 Hot Water: Shower water temperature recorded at 1230F

**MULTI-PURPOSE ROOMS (Outside G and H PODS)**

 No Violations Noted

**GYM**

 No Violations Noted

*Weight Room*

105 CMR 451.353\* Interior Maintenance: Padding damaged on incline bench

*Office # RE07*

 No Violations Noted

*Storage # RE05*

 No Violations Noted

*Janitor’s Closet # RE04*

 No Violations Noted

*Staff Bathroom # RE03*

 No Violations Noted

*Inmate Bathroom # RE02*

 No Violations Noted

**COMMISSARY**

 No Violations Noted

**KITCHEN HALLWAY**

*Female Staff Bathroom*

 No Violations Noted

*Male Staff Bathroom*

 No Violations Noted

*Cert Room # FS02*

Unable to Inspect – Locked

**KITCHEN**

The following Food Code violations listed in **BOLD** were observed to be corrected on-site.

*Handwash Sink*

 No Violations Noted

*Cart Room*

 No Violations Noted

*Dry Storage*

 No Violations Noted

*Walk-in-Cooler*

 No Violations Noted

*Walk-in-Freezer*

 No Violations Noted

*Produce Cooler*

 No Violations Noted

*Office*

 No Violations Noted

*Bakery*

 No Violations Noted

*Hobart Coolers*

 No Violations Noted

*Food Prep Tables (near Ventilation Hoods)*

**FC 6-501.12(A) Maintenance and Operation; Premises, Structure, Attachments, and Fixtures - Methods: Facility not cleaned as often as necessary,** **can opener dirty**

*Ventilation Hoods*

 No Violations Noted

*Handwash Sink*

 No Violations Noted

*Worker’s Changing Room*

 No Violations Noted

*Worker’s Bathroom # FS09 (located in changing room)*

 No Violations Noted

*Reach-in-Freezer*

 No Violations Noted

*Inmate Bathroom # FS07*

 No Violations Noted

*Storage Closet # FS06*

 No Violations Noted

*Worker’s Serving Line*

**FC 4-501.114(A) Maintenance and Operation; Equipment: Chlorine Sanitizer solution tested lower than recommended concentration**

*Dishwashing Area*

 No Violations Noted

*Handwash Sink*

 No Violations Noted

*Worker’s Dining Area*

 No Violations Noted

*Ice Machine*

 No Violations Noted

*Chemical Storage*

 No Violations Noted

**Staff Dining Area**

 No Violations Noted

*Serving Line*

 No Violations Noted

*Handwash Sink*

 No Violations Noted

**LAUNDRY**

 No Violations Noted

*Bathroom # LA02*

 No Violations Noted

*Storage Closet # LA03*

 No Violations Noted

*Office # LA04*

 No Violations Noted

*Maintenance Closet # LA05*

Unable to Inspect – Locked

**Maintenance Area # MA01A**

*Chemical Closet # MA02*

 No Violations Noted

*Trash Room # MA09*

 No Violations Noted

*Dumpster Area*

 No Violations Noted

**Office Area**

 No Violations Noted

*Bathroom # MA05*

 No Violations Noted

*Bathroom # MA06*

105 CMR 451.123 Maintenance: Ceiling vent dusty

*Supply Closet # MA07*

 No Violations Noted

**VOCATIONAL EDUCATION**

*Carpentry Shop*

 No Violations Noted

*Maintenance Shop*

 No Violations Noted

*Graphic Arts*

 No Violations Noted

*IT Office*

 No Violations Noted

*Staff Bathroom*

 No Violations Noted

*Inmate Bathroom*

 No Violations Noted

**Education Area**

*Classrooms*

 No Violations Noted

*Library*

 No Violations Noted

*Inmate Bathroom*

 No Violations Noted

**HUMAN SERVICES**

*Staff Bathroom # HS10*

 No Violations Noted

*Break Room # HS13*

 No Violations Noted

**MEDICAL**

*Medical Storage # MS07*

 No Violations Noted

*Medical Waste Storage/Records # MS06*

105 CMR 480.500(B)(2)(b-d)\* Procedures; Records; Record-Keeping Log: Generator did not specify off-site treatment parameters, missing and inaccurate entries

*Janitor’s Closet # MS05*

 No Violations Noted

**Dental**

*Dental Office # MS12*

 No Violations Noted

*Exam Room # 1*

 No Violations Noted

*Exam Room # 2*

 No Violations Noted

*Staff Bathroom # MS04*

 No Violations Noted

*Tub Room*

 No Violations Noted

**Inmate Waiting Area**

 No Violations Noted

*Storage (former Inmate Bathroom)*

Unable to Inspect – Not Used

**VISITING AREA**

 No Violations Noted

*Strip Search Room*

 No Violations Noted

*Non-Contact Visiting*

 No Violations Noted

**CENTRAL CONTROL**

 No Violations Noted

*Control Bathroom*

 No Violations Noted

*Key Room*

 Unable to Inspect – Locked

**WAREHOUSE**

 No Violations Noted

*Office*

 No Violations Noted

*Walk-in-Cooler*

 No Violations Noted

*Walk-in-Freezer*

 No Violations Noted

*Bathroom*

 No Violations Noted

*Storage Room*

Unable to Inspect – Locked

*Vehicle Maintenance Garage*

 No Violations Noted

*Inmate Bathroom*

 No Violations Noted

**Observations and Recommendations**

1. The inmate population was 196 at the time of inspection.
2. Hot water temperature range for showers is 1000F-1120F.
3. At the time of the inspection Housing Pod-E and F were unoccupied and under construction.

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 or download a copy, please visit the Food Protection website at [www.mass.gov/dph/fpp](http://www.mass.gov/dph/fpp) and click on "Retail food". Then under DPH Regulations and FDA Code click "Merged Food Code" or "105 CMR 590.000 - State Sanitary Code Chapter X - Minimum Sanitation Standards for Food Establishments".

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 Program regulations”. Then under Food Processing click “105 CMR 500.000: Good Manufacturing Practices for Food”.

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

 Sincerely,

 

 Scott Koczela

 Environmental Analyst, CSP, BCEH