

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

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| CHARLES D. BAKERGovernorKARYN E. POLITOLieutenant Governor  |

June 19, 2019

Thomas M. Hodgson, Sheriff

Bristol County Jail, Ash Street Facility

400 Faunce Corner Road

Dartmouth, MA 02747 (electronic copy)

Re: Facility Inspection - Bristol County Jail, Ash Street Facility, New Bedford

Dear Sheriff Hodgson:

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 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 Bristol County Jail, Ash Street Facility on May 30, 2019 accompanied by Lieutenant Andrew Mitzan, Environmental Health and Safety Officer and Captain Antonio Oliveira. Violations noted during the inspection are listed below including 31 repeat violations:

**HEALTH AND SAFETY VIOLATIONS**

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

**4 Alley**

*Cells*

105 CMR 451.353 Interior Maintenance: Floor surface damaged in cell # 53, 54, and 56

105 CMR 451.353 Interior Maintenance: Wall surface damaged on side of toilet in cell # 58

**8 Alley**

*Shower*

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

105 CMR 451.130\* Hot Water: Shower water temperature recorded at 630F

105 CMR 451.123 Maintenance: Orange staining on ceiling

*Cells*

105 CMR 451.353 Interior Maintenance: Debris around bottom of the toilet in cell # 124

**12 Alley**

*Cells*

 No Violations Noted

*Slop Sink*

105 CMR 451.353 Interior Maintenance: Ceiling surface damaged

**16 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Floor surface damaged in cell # 217

105 CMR 451.353 Interior Maintenance: Floor surface damaged in cell # 214, 215, 218, and 221

**Plant 4**

*Bathroom*

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

105 CMR 451.123 Maintenance: Soap scum on walls in the shower on left

105 CMR 451.123 Maintenance: Ceiling dirty in shower on left and right

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

*Cells*

105 CMR 451.353 Interior Maintenance: Ceiling surface damaged in cell # 1, 2, 3, 4, and 10

**(3rd Floor)**

**3 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling surface damaged in cell # 45

105 CMR 451.353 Interior Maintenance: Ceiling surface damaged in cell # 35

105 CMR 451.103 Mattresses: Mattress damaged in cell # 38 and 43

105 CMR 451.353 Interior Maintenance: Debris around bottom of the toilet in cell # 33 and 37

**7 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling surface damaged in cell # 111

105 CMR 451.353 Interior Maintenance: Ceiling surface damaged in cell # 97, 105, 109, and 112

105 CMR 451.353 Interior Maintenance: Wall surface damaged around toilet in cell # 106

105 CMR 451.353 Interior Maintenance: Floor surface damaged around toilet in cell # 106

105 CMR 451.353 Interior Maintenance: Debris around bottom of the toilet in cell # 103

*Showers*

 Unable to Inspect – Both Showers Off-line

**11 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Floor surface damaged around toilet in cell # 155 and 156

105 CMR 451.353 Interior Maintenance: Debris around bottom of the toilet in cell # 160

*Showers*

 Unable to Inspect – Both Showers Off-line

**15 Alley**

*Cells*

105 CMR 451.353 Interior Maintenance: Floor surface damaged in cell # 203

105 CMR 451.353 Interior Maintenance: Debris stuck to wall in cell # 203

105 CMR 451.353 Interior Maintenance: Debris around bottom of the toilet in cell # 211

**Plant 3**

*Bathroom*

105 CMR 451.123\* Maintenance: Soap scum on walls in shower on left and right

105 CMR 451.123\* Maintenance: Floor surface damaged outside showers

105 CMR 451.123 Maintenance: Orange staining on ceiling in shower on right

105 CMR 451.123 Maintenance: Ceiling dirty outside showers

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling surface damaged in cell # 5, 7, and 8

105 CMR 451.353 Interior Maintenance: Floor surface damaged under toilet in cell # 2

105 CMR 451.353 Interior Maintenance: Ceiling dirty in cell # 3

**(2nd Floor)**

**Health Services**

*Female Staff Bathroom*

 No Violations Noted

*Copy Room*

 No Violations Noted

*Nurse’s Station*

 No Violations Noted

*Offices*

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged

*Exam Room*

 No Violations Noted

**14 Alley**

*Showers*

 Unable to Inspect – Both Showers Off-line

*Cells*

105 CMR 451.353 Interior Maintenance: Floor surface damaged in cell # 190, 197, and 198

**10 Alley**

*Showers*

 Unable to Inspect – Both Showers Off-line

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling surface damaged in cell # 152

105 CMR 451.353 Interior Maintenance: Wall surface damaged around toilet in cell # 144

105 CMR 451.353 Interior Maintenance: Wall surface damaged in cell # 151

**6 Alley**

*Showers*

105 CMR 451.123\* Maintenance: Soap scum on walls in shower on left and right

105 CMR 451.123\* Maintenance: Ceiling dirty in shower on left and right

*Cells*

105 CMR 451.353 Interior Maintenance: Floor surface damaged in cell # 83

105 CMR 451.103 Mattresses: Mattress damaged in cell # 90

**2 Alley**

*Property Storage*

 No Violations Noted

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling surface damaged in cell # 21

105 CMR 451.353 Interior Maintenance: Ceiling dirty in cell # 21

105 CMR 451.353\* Interior Maintenance: Wall surface damaged around toilet in cell # 22

105 CMR 451.353 Interior Maintenance: Floor surface damaged around toilet in cell # 19, 27, and 30

105 CMR 451.103\* Mattresses: Mattress damaged in cell # 30

105 CMR 451.103 Mattresses: Mattress damaged in cell # 22 and 26

**(1st Floor)**

**1 Alley**

*Property Storage*

105 CMR 451.353 Interior Maintenance: Wall paint damaged

*Cells*

105 CMR 451.353 Interior Maintenance: Floor surface damaged in cell # 9

**5 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling surface damaged in cell # 73

105 CMR 451.353 Interior Maintenance: Wall left unfinished behind toilet in cell # 69

105 CMR 451.353 Interior Maintenance: Debris on wall behind toilet in cell # 67

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged in cell # 71 and 75

*Showers*

105 CMR 451.123\* Maintenance: Soap scum on walls in shower on left and right

105 CMR 451.123\* Maintenance: Ceiling dirty in shower on left and right

**9 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling surface damaged in cell # 133

105 CMR 451.353\* Interior Maintenance: Wall surface damaged around toilet in cell # 129

105 CMR 451.353 Interior Maintenance: Floor surface damaged in cell # 139

*Showers*

105 CMR 451.123\* Maintenance: Soap scum on walls in shower on left and right

105 CMR 451.123 Maintenance: Ceiling dirty in shower on left and right

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

*Barbershop*

 No Violations Noted

**13 Alley**

*Showers*

105 CMR 451.123\* Maintenance: Soap scum on walls in shower on left and right

105 CMR 451.123 Maintenance: Ceiling dirty in shower on left

*Cells*

 No Violations Noted

*Property*

 No Violations Noted

*Male Staff Bathroom*

 No Violations Noted

*Slop Sink – Maintenance Closet*

 No Violations Noted

**FOOD SERVICE**

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

*Main Area*

 No Violations Noted

*Ice Machine*

 No Violations Noted

*Cooler # 1*

 No Violations Noted

*Mop Closet*

 No Violations Noted

*Kitchen Office*

 No Violations Noted

*Handwash Sink (across from ovens)*

FC 5-202.12(A) Plumbing System; Design, Construction and Installation: Insufficient hot water temperature at handwashing sinksPf

*Handwash Sink (near 3-Compartment sink)*

 No Violations Noted

*3-Compartment Sink*

 No Violations Noted

*Dishwashing Machine Area*

FC 6-201.11\* Design, Construction, and Installation; Cleanability: Floor not smooth and easily cleanable, floor damaged where concrete meets the floor tiles

FC 4-204.115\* Design and Construction, Functionality: Temperature measuring devices not functioning properly on warewashing machine

FC 6-202.15(A)(3) Design, Construction, and Installation; Functionality: Exterior door not self-closing or tight-fitting, door not weather and vermin tight

*Dry Storage*

 No Violations Noted

*Dining Area*

 No Violations Noted

*Freezer*

FC 6-501.12(A) Maintenance and Operation; Premises, Structure, Attachments, and Fixtures - Methods: Facility not cleaned as often as necessary, excessive ice build-up on walls and ceiling inside freezer

**DAY ROOM**

105 CMR 451.353\* Interior Maintenance: Floor surface damaged

105 CMR 451.353\* Interior Maintenance: Upper ceiling vents dirty

*Bathroom*

105 CMR 451.123\* Maintenance: Ceiling vent dusty

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

105 CMR 451.123 Maintenance: Privacy partitions paint damaged

*Mop Closet*

105 CMR 451.353 Interior Maintenance: Floor surface damaged

**LAUNDRY ROOM**

 No Violations Noted

**Intake**

*Inmate Bathroom B-1*

 No Violations Noted

*Inmate Bathroom B-2*

 No Violations Noted

*Holding Cells*

 No Violations Noted

*Vehicle Trap*

 No Violations Noted

*Staff Break Room with Lockers*

 No Violations Noted

*Roll Call Area*

 No Violations Noted

*Officer’s Bathroom*

 No Violations Noted

*Staff 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 damaged

**Observations and Recommendations**

1. The Inmate population was 170 at the time of inspection.
2. At the time of inspection:
	1. Inmates were showering in both the Day Room and on some of the tiers. The CSP recommends all showers be cleaned daily and kept in good repair per 105 CMR 451.123;
	2. At the time of inspection, the kitchen was not fully in use. All food is prepared and transferred daily from the Bristol County Jail & House of Correction;
	3. The warewash machine was not functioning properly. The CSP was informed everything is pre-washed at this facility, then once it returns to the House of Correction, all items are put through the mechanical warewash machine to be washed and sanitized. If there are any items that need to be used at this facility, the CSP recommended using the 3-compartment sink to ensure sanitization;
	4. The walk-in milk cooler was removed from the kitchen; and
	5. The CSP recommended installing soap holders on the wall in the Day Room showers so inmates do not have to keep soap on the floor.

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,

 

 Nicholas Gale Environmental Health Inspector, CSP, BEH

cc: Monica Bharel, MD, MPH, Commissioner, DPH

Jana Ferguson, Director, BEH

 Steven Hughes, Director, CSP, BEH

Marylou Sudders, Secretary, Executive Office of Health and Human Services (electronic copy)

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

 Thomas Turco, Secretary, EOPSS (electronic copy)

Nelson Alves, Director, Policy Development and Compliance Unit (electronic copy)

 Steven Souza, Superintendent (electronic copy)

 Lieutenant Andrew Mitzan, EHSO (electronic copy)

Damon Chaplin, Health Director, New Bedford Health Department (electronic copy)

 Clerk, Massachusetts House of Representatives

 Clerk, Massachusetts Senate