



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

CHARLES D. BAKER
 Governor

KARYN E. POLITO
 Lieutenant Governor

MARYLOU SUDDERS
 Secretary

MARGRET R. COOKE
 Acting Commissioner

Tel: 617-624-6000
www.mass.gov/dph

November 24, 2021

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 November 23, 2021 accompanied by Lieutenant Marc Viveiros, and Lieutenant Andrew Mitzan, Environmental Health and Safety Officer. Violations noted during the inspection are listed below including 7 repeat violations:

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

Sincerely,

Nicholas Gale
 Environmental Analyst, CSP, BEH

cc: Margret R. Cooke, Acting Commissioner, DPH
 Nalina Narain, 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)
 Terrence Reidy, Secretary, EOPSS (electronic copy)
 Timothy Gotovich, 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 (electronic copy)
 Clerk, Massachusetts Senate (electronic copy)

HEALTH AND SAFETY VIOLATIONS

(* indicates conditions documented on previous inspection reports)

Main Lobby

Bathroom

No Violations Noted

4 Alley

Cells

105 CMR 451.353

Interior Maintenance: Wall surface damaged in cell # 49 and 55

105 CMR 451.353

Interior Maintenance: Floor surface damaged in cell # 51, 53, and 61

8 Alley

Shower

105 CMR 451.130*

Hot Water: Shower water temperature recorded at 93⁰F

Cells

No Violations Noted

12 Alley

Cells

105 CMR 451.353

Interior Maintenance: Pillow damaged in cell # 167

105 CMR 451.353

Interior Maintenance: Wall surface damaged in cell # 165, 167, and 173

105 CMR 451.103

Mattresses: Mattress damaged in cell # 172

Slop Sink

No Violations Noted

16 Alley

Cells

105 CMR 451.353

Interior Maintenance: Pillow damaged in cell # 220

105 CMR 451.353

Interior Maintenance: Wall surface damaged in cell # 219 and 220

Plant 4

Showers

105 CMR 451.123

Maintenance: Ceiling paint damaged outside showers

105 CMR 451.123

Maintenance: Floor surface damaged outside showers

Cells

105 CMR 451.353*

Interior Maintenance: Ceiling surface damaged in cell # 8

(3rd Floor)

3 Alley

Cells

105 CMR 451.353

Interior Maintenance: Wall paint damaged in cell # 33

105 CMR 451.103

Mattresses: Mattress damaged in cell # 36, 41, 43, and 46

7 Alley

Showers

Unable to Inspect – Both Showers Off-line

Cells

105 CMR 451.353
105 CMR 451.353
105 CMR 451.353

Interior Maintenance: Wall surface damaged in cell # 100 and 103
Interior Maintenance: Ceiling surface damaged in cell # 98 and 103
Interior Maintenance: Wall dirty in cell # 97

11 Alley

Showers

Unable to Inspect – Both Showers Off-line

Cells

No Violations Noted

15 Alley

Cells

105 CMR 451.103

Mattresses: Mattress damaged in cell # 205

Plant 3

Showers

105 CMR 451.123

Maintenance: Floor surface damaged outside showers

Cells

No Violations Noted

(2nd Floor)

Classroom

No Violations Noted

Library

No Violations Noted

Health Services

Female Staff Bathroom

No Violations Noted

Copy Room

105 CMR 451.353

Interior Maintenance: Mold observed on the ceiling and walls

Nurse's Station

105 CMR 480.500(B)

Procedures; Records; Record-Keeping Log: Generator did not maintain a record-keeping log for waste sent off-site for treatment

105 CMR 480.425(A)

Tracking Medical or Biological Waste for Treatment: Generator did not confirm the shipment was received by the treatment facility within 30 days on an approved tracking form

Offices

No Violations Noted

Exam Room

No Violations Noted

14 Alley

Showers

Unable to Inspect – Both Showers Off-line

Cells

105 CMR 451.353

Interior Maintenance: Ceiling surface damaged in cell # 199

10 Alley

Showers

Unable to Inspect – Both Showers Off-line

Cells

105 CMR 451.353

Interior Maintenance: Wall surface damaged in cell # 141, 143, and 144

105 CMR 451.353

Interior Maintenance: Ceiling surface damaged in cell # 143, 149, 150, and 151

105 CMR 451.353

Interior Maintenance: Ceiling dirty in cell # 141

105 CMR 451.103

Mattresses: Mattress damaged in cell # 149

6 Alley

Shower

No Violations Noted

Cells

105 CMR 451.353

Interior Maintenance: Wall surface damaged in cell # 89 and 94

105 CMR 451.353

Interior Maintenance: Ceiling surface damaged in cell # 83 and 94

105 CMR 451.353

Interior Maintenance: Ceiling dirty in cell # 89

105 CMR 451.353

Interior Maintenance: Wall dirty in cell # 89

105 CMR 451.103

Mattresses: Mattress damaged in cell # 91 and 92

2 Alley

Property Storage

No Violations Noted

Cells

No Violations Noted

(1st Floor)

Janitorial Supply Room

No Violations Noted

Main Property

No Violations Noted

Staff Bathroom

No Violations Noted

1 Alley

Property Storage

No Violations Noted

Cells

105 CMR 451.353*

Interior Maintenance: Wall surface damaged behind toilet in cell # 16

5 Alley

Showers

No Violations Noted

Cells

105 CMR 451.103
105 CMR 451.353*
105 CMR 451.353

Mattresses: Mattress damaged in cell # 65 and 68
Interior Maintenance: Ceiling surface damaged in cell # 74 and 75
Interior Maintenance: Ceiling surface damaged in cell # 67 and 73

9 Alley

Barbershop

No Violations Noted

Showers

No Violations Noted

Cells

105 CMR 451.353*
105 CMR 451.353

Interior Maintenance: Ceiling surface damaged in cell # 135
Interior Maintenance: Ceiling surface damaged in cell # 133 and 137

13 Alley

Slop Sink – Maintenance Closet

No Violations Noted

Showers

No Violations Noted

Cells

105 CMR 451.353

Interior Maintenance: Ceiling surface damaged in cell # 183 and 184

FOOD SERVICE

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

Main Area

FC 2-301.14

Hands and Arms: Food employees not washing hands prior to engaging in food preparation^P

FC 2-401.11(A)

Hygienic Practices Food Contamination Prevention: Food service personnel eating in an inappropriate area

FC 6-305.11(B)

Numbers and Capacities; Dressing Area and Lockers: No area provided for the orderly storage of employee personal belongings, inmate clothing stored with food service items

FC 2-402.11	Hygienic Practices; Hair Restraints: Food service personnel not wearing appropriate hair restraints, both beard guards and hair nets
FC 6-202.15(A)(3)	Design, Construction, and Installation; Functionality: Main exterior door not vermin proof
<i>Ice Machine</i>	
	No Violations Noted
<i>Cooler # 1</i>	
	No Violations Noted
<i>Mop Closet</i>	
FC 6-501.16	Maintenance and Operation: Premises, Structure, Attachments, and Fixtures - Methods; Wet mop stored in sink
<i>Kitchen Office</i>	
105 CMR 590.002(A)(1)(C)	Management and Personnel: No prominently posted food safety certification
105 CMR 590.011(C)(3)(b)(1)	Food Allergy Awareness Requirements: Food allergen awareness training certificate not posted
FC 4-501.116	Maintenance and Operation; Equipment: Test kit not available to test sanitizing solution ^{Pf} , test strips were expired
<i>Handwash Sink (across from ovens)</i>	
FC 5-501.16(C)	Refuse, Recyclables, and Returnables; Facilities on the Premises: No trash provided at handwash sink
<i>Handwash Sink (near 3-Compartment sink)</i>	
FC 5-501.16(C)	Refuse, Recyclables, and Returnables; Facilities on the Premises: No trash provided at handwash sink
<i>3-Compartment Sink</i>	
FC 4-501.114(C)(2)	Maintenance and Operation; Equipment: Quaternary ammonium compound (QAC) solution lower than the manufacturers recommended concentration
FC 4-501.11(A)	Maintenance and Operation, Equipment: Equipment not maintained in a state of good repair, chemical sanitizer dispenser not working appropriately
FC 4-101.16	Materials for Construction and Repair; Multiuse: Sponges used on cleaned, sanitized, or in use food contact surfaces
FC 6-202.11(A)	Design, Construction, and Installation; Functionality: Light bulbs not shatter-resistant or shielded above sink
<i>Warewash Machine Area</i>	
	Warewash Machine Not Operational No Violations Noted
<i>Dry Storage</i>	
	No Violations Noted
<i>Dining Area</i>	
	No Violations Noted
<i>Freezer</i>	
FC 6-201.11*	Design, Construction, and Installation; Cleanability: Floor not smooth and easily cleanable, floor damaged surrounding freezer platform
<i>Inmate Bathroom</i>	
	No Violations Noted

Day Room

Main Area

No Violations Noted

Showers

105 CMR 451.123

Maintenance: Grout surrounding bottom tiles dirty in all showers

105 CMR 451.123

Maintenance: Floor damaged in shower # 4

105 CMR 451.123

Maintenance: Paint damaged on partitions in all showers

Janitor's Closet

No Violations Noted

Laundry Room

No Violations Noted

Intake

Inmate Bathroom B-1

No Violations Noted

Inmate Bathroom B-2

No Violations Noted

Holding Cells

105 CMR 451.353

Interior Maintenance: Floor tiles damaged in holding cell # 1 and 2

105 CMR 451.353

Interior Maintenance: Ceiling vents covered by debris in cell # 2

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

No Violations Noted

Observations and Recommendations

1. The inmate population was 83 at the time of inspection.
2. At the time of inspection, 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.
3. The third tier, which includes 3, 7, 11, and 15 Alleys, was empty and not housing inmates.
4. As part of the inspection, the CSP looked into several complaints regarding plumbing inside the institution, as well as a complaint regarding a sewage leak in the Civil Processing Building. The sewage pipe in the basement of the Civil Processing building, which is separate from the plumbing within the Ash Street Facility, had been fully repaired and the area was appropriately cleaned. Additionally, the CSP observed multiple cells within the Ash

Street Facility to be off-line while corrections and improvements were made to the plumbing system. There were no known plumbing issues in occupied cells at the time of our inspection.

5. At the time of inspection:
 - a. The kitchen was not fully operational. All food is prepared and transferred daily from the Bristol County Jail & House of Correction.
 - b. The CSP was informed all kitchen cooking and serving items are pre-washed at this location prior to retuning to the House of Corrections in Dartmouth where they are put through the mechanical warewashing machine to be washed and sanitized. The CSP recommended any items that are used at this facility be washed, rinsed and sanitized in the 3-Compartment sink.
 - c. The CSP observed inmate kitchen workers eating around prepared meals. In addition, we observed inmate workers donning gloves after consuming food without washing their hands. Many workers were not wearing beard guards or hairnets. The CSP addressed these concerns with the inmates and staff, and recommended additional training for proper food preparation and protection.
 - d. There were no posted ServSafe or Allergan Awareness Training certificates for kitchen staff. At the end of the kitchen inspection, the CSP was provided with the ServSafe and Allergan Awareness Training certificates for the Trinity Food Manager, and it was recommended that these certificates be posted at the Ash Street location.
 - e. The Trinity kitchen staff member overseeing the kitchen was unable to properly mix sanitizing solution and test the potency of the solution. It appeared that the dispenser was not functioning properly. The CSP recommended contacting the manufacturer to calibrate the unit and train kitchen staff for appropriate mixing procedures.
 - f. The CSP observed inmate workers in the kitchen not properly washing and sanitizing food-contact surfaces. It was recommended that kitchen management review and re-train the appropriate cleaning and sanitizing protocols with kitchen staff and inmate workers.

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 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 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 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 Analyst, CSP, BEH