The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

Bureau of Climate and Environmental Health

Community Sanitation Program

5 Randolph Street

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Secretary

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MAURA T. HEALEY

Governor

KIMBERLEY DRISCOLL

Lieutenant Governor

November 17, 2023

Paul Heroux, 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 Heroux:

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 Bristol County Jail, Ash Street Facility on November 7, 2023 accompanied by Lieutenant Andrew Mitzan, Environmental Health and Safety Officer. Violations noted during the inspection are listed below including 53 repeat violations:

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

Sincerely,



Patrick Wallace

Environmental Health Inspector, CSP, BCEH

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

Nalina Narain, 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)

Steven Souza, Superintendent (electronic copy)

Lieutenant Andrew Mitzan, EHSO (electronic copy)

Stephanie Sloan, Acting 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

**(4th Floor)**

**4 Alley**

*Cells*

No Violations Noted

**8 Alley**

*Shower*

105 CMR 451.123\* Maintenance: Door frame rusted

105 CMR 451.130 Plumbing: Plumbing not maintained in good repair, shower out-of-order

*Cells*

105 CMR 451.130\* Plumbing: Plumbing not maintained in good repair, toilet fixture not secured to wall in cell # 125

**12 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Wall surface damaged in cell # 169

*Slop Sink*

No Violations Noted

**16 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Wall paint damaged in cell # 217

105 CMR 451.353 Interior Maintenance: Wall paint damaged in cell # 223

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged in cell # 223

**Plant 4**

105 CMR 451.353\* Interior Maintenance: Floor paint damaged in common area

*Showers*

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

105 CMR 451.123\* Maintenance: Ceiling dirty in shower # 1 and 2

105 CMR 451.123 Maintenance: Curtain damaged in shower # 1 and 2

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling dirty, possible mold/mildew in cell # 1, 2, 5, and 6

105 CMR 451.353\* Interior Maintenance: Ceiling paint damaged in cell # 2, 3, 5, and 6

105 CMR 451.353\* Interior Maintenance: Wall paint damaged in cell # 5

105 CMR 451.353\* Interior Maintenance: Floor paint damaged in cell # 3

105 CMR 451.353 Interior Maintenance: Ceiling dirty, possible mold/mildew in cell # 3 and 7

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged in cell # 7

105 CMR 451.353 Interior Maintenance: Floor paint damaged in cell # 4

105 CMR 451.353 Interior Maintenance: Walls dirty in cell # 2 and 3

105 CMR 451.353 Interior Maintenance: Wall paint damaged in cell # 3

**(3rd Floor)**

**3 Alley**

*Cells*

105 CMR 451.353\* Interior Maintenance: Wall paint damaged in cell # 34

105 CMR 451.103\* Mattresses: Mattress damaged in cell # 33, 35, 41, and 43

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged in cell # 34

105 CMR 451.353 Interior Maintenance: Ceiling water damaged in cell # 43

105 CMR 451.353 Interior Maintenance: Walls dirty, possible mold/mildew in cell # 48

**7 Alley**

*Showers*

Unable to Inspect – Both Showers Off-line

*Cells*

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged in cell # 107

105 CMR 451.353 Interior Maintenance: Floor dirty in cell # 108

**11 Alley**

*Showers*

Unable to Inspect – Both Showers Off-line

*Cells*

105 CMR 451.353\* Interior Maintenance: Wall surface damaged in cell # 164

**15 Alley**

*Cells*

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged in cell # 203

**Plant 3**

*Showers*

105 CMR 451.130\* Plumbing: Plumbing not maintained in good repair, shower control leaking in shower # 2

105 CMR 451.123 Maintenance: Curtain dirty in shower # 2

105 CMR 451.123 Maintenance: Floor paint damaged outside showers

105 CMR 451.123 Maintenance: Ceiling dirty outside showers

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling dirty, possible mold/mildew in cell # 1

105 CMR 451.353 Interior Maintenance: Ceiling dirty, possible mold/mildew in cell # 5

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged in cell # 1 and 6

**(2nd Floor)**

**Classroom**

No Violations Noted

**Library**

No Violations Noted

**Health Services**

*Female Staff Bathroom*

No Violations Noted

*Copy Room*

No Violations Noted

*Nurse’s Station*

No Violations Noted

*Offices*

No Violations Noted

*Exam Room*

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, log missing entry for 2 recent pickups

**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: Ceiling paint damaged in cell # 147

105 CMR 451.353 Interior Maintenance: Ceiling dirty in cell # 147

**6 Alley**

*Shower*

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

105 CMR 451.123\* Maintenance: Ceiling surface dirty outside showers

105 CMR 451.123\* Maintenance: Bolts rusted and damaged on shower frame

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling paint damaged in cell # 83

105 CMR 451.353\* Interior Maintenance: Wall paint damaged in cell # 94

105 CMR 451.353 Interior Maintenance: Ceiling paint damaged in cell # 85

105 CMR 451.353 Interior Maintenance: Ceiling water damaged in cell # 84

**2 Alley**

*Property Storage*

No Violations Noted

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling dirty in cell # 20 and 28

105 CMR 451.353 Interior Maintenance: Ceiling dirty in cell # 29

105 CMR 451.103\* Mattresses: Mattress damaged in cell # 23

105 CMR 451.103 Mattresses: Mattress damaged in cell # 22, 26, 28, 29, and 32

105 CMR 451.353 Interior Maintenance: Walls dirty in cell # 20, 21, and 26

105 CMR 451.353 Interior Maintenance: Floor dirty in cell # 26

**(1st Floor)**

*Janitorial Supply Room*

Unable to Inspect – Locked

*Main Property*

Unable to Inspect – Locked

*Staff Bathroom*

No Violations Noted

**1 Alley**

105 CMR 451.353\* Interior Maintenance: Floor surface damaged in hallway

*Property Storage*

No Violations Noted

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling paint damaged in cell # 10

105 CMR 451.103 Mattresses: Mattress damaged in cell # 2, 5, and 16

105 CMR 451.353 Interior Maintenance: Wall paint damaged in cell # 9

**5 Alley**

105 CMR 451.353\* Interior Maintenance: Floor surface damaged in hallway

*Showers*

No Violations Noted

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling surface damaged in cell # 68

**9 Alley**

105 CMR 451.353\* Interior Maintenance: Floor surface damaged in hallway

*Barbershop*

105 CMR 451.353\* Interior Maintenance: Upholstery damaged on chair

105 CMR 451.353\* Interior Maintenance: Wall surface damaged

105 CMR 451.353\* Interior Maintenance: Ceiling paint damaged

105 CMR 451.353 Interior Maintenance: Improper disinfectant used, Barbicide not available

*Showers*

105 CMR 451.123\* Maintenance: Ceiling dirty outside showers

*Cells*

105 CMR 451.353\* Interior Maintenance: Ceiling paint damaged in cell # 138

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

**13 Alley**

*Slop Sink – Maintenance Closet*

No Violations Noted

*Showers*

105 CMR 451.123 Maintenance: Floor paint damaged outside showers

*Cells*

No Violations Noted

**FOOD SERVICE**

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

*Main Area*

FC 6-202.15(A)(3)\* Design, Construction, and Installation; Functionality: Main exterior door not tight-fitting

*Ice Machine*

FC 4-501.11(A) Maintenance and Operation, Equipment: Equipment not maintained in a state of good repair, ice machine out-of-order

*Cooler # 1*

No Violations Noted

*Mop Closet*

No Violations Noted

*Kitchen Office*

No Violations Noted

*Handwash Sink (across from ovens)*

No Violations Noted

*Handwash Sink (near 3-Compartment sink)*

No Violations Noted

*3-Compartment Sink*

FC 4-501.11(A) Maintenance and Operation, Equipment: Equipment not maintained in a state of good repair, Ecolab chemical dispenser leaking

*Warewash Machine Area*

FC 4-501.11(A) Maintenance and Operation, Equipment: Equipment not maintained in a state of good repair, warewash machine out-of-order

*Dry Storage*

No Violations Noted

*Dining Area*

No Violations Noted

*Freezer*

Unable to Inspect – Under Repair

*Inmate Bathroom*

No Violations Noted

**Day Room**

105 CMR 451.353\* Interior Maintenance: Threshold damaged at entrance

*Main Area*

105 CMR 451.353\* Interior Maintenance: Floor surface damaged

105 CMR 451.353\* Interior Maintenance: Wall paint damaged

*Showers*

105 CMR 451.123\* Maintenance: Floor damaged in shower # 4

105 CMR 451.123\* Maintenance: Soap scum on walls and floor throughout shower area

105 CMR 451.123 Maintenance: Floor paint damaged throughout shower area

105 CMR 451.123 Maintenance: Partition paint damaged

105 CMR 451.123 Maintenance: Walls dirty throughout shower area

105 CMR 451.123 Maintenance: Floor dirty throughout shower area

*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 surface left unfinished in cell # 3

*Vehicle Trap*

No Violations Noted

*Staff Break Room with Lockers*

No Violations Noted

*Roll Call Area*

No Violations Noted

*Officer’s Bathroom*

105 CMR 451.123 Maintenance: Ceiling vent dusty

*Staff Break Room*

No Violations Noted

**Basement**

*Maintenance Area*

No Violations Noted

**Observations and Recommendations**

1. The inmate population was 119 at the time of inspection.
2. At the time of inspection:
   1. The kitchen was not fully operational. All food is prepared and transferred daily from the Bristol County Jail & House of Correction in North Dartmouth.
   2. 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.

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,



Patrick Wallace

Environmental Health Inspector, CSP, BCEH