



The Commonwealth of Massachusetts  
 Executive Office of Health and Human Services  
 Department of Public Health  
 Bureau of Environmental Health  
 Community Sanitation Program  
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 Acting Commissioner

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December 31, 2021

Robert Ogden, Sheriff  
 Dukes County Jail and House of Correction  
 P.O. Box 252  
 Edgartown, MA 02539 (electronic copy)

Re: Facility Inspection - Dukes County Jail and House of Correction, Edgartown

Dear Sheriff Ogden:

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 Dukes County Jail and House of Correction on December 16, 2021 accompanied by Lieutenant Colonel Durwood Araujo. Violations noted during the inspection are listed below including 23 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)  
 Thomas Turco, Secretary, EOPSS (electronic copy)  
 Timothy Gotovich, Director, Policy Development and Compliance Unit (electronic copy)  
 James Neville, Superintendent (electronic copy)  
 Greg Arpin, EHSO (electronic copy)  
 Matthew Poole, Health Agent, Edgartown 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)

**POLICE LOCK-UP AREA**

*Bail Office*

No Violations Noted

*Hallway*

No Violations Noted

*Booking Area*

No Violations Noted

*Male Holding Cell*

105 CMR 451.320\*

105 CMR 451.353

Cell Size: Inadequate floor space

Interior Maintenance: Ceiling surface damaged

*Female Holding Cell*

105 CMR 451.341\*

105 CMR 451.320\*

105 CMR 451.353\*

Natural Light in Cell: No natural light source

Cell Size: Inadequate floor space

Interior Maintenance: Floor tile damaged outside cell

**HOUSE OF CORRECTIONS**

*Control Area*

105 CMR 451.353

Interior Maintenance: Unlabeled chemical bottle

*Visit Room*

No Violations Noted

*Attorney Visit Room*

105 CMR 451.350

105 CMR 451.350

Structural Maintenance: Exterior door rusted

Structural Maintenance: Exterior door not rodent and weathertight

**Food Service Area**

*Office*

No Violations Noted

**Kitchen**

*3-Compartment Sink*

No Violations Noted

*Mechanical Warewashing Machine*

No Violations Noted

*Stove and Hood*

No Violations Noted

*Prep Table and Sink*

No Violations Noted

*Coffee Station and Small Refrigerator*

No Violations Noted

*Handwash Sink* No Violations Noted

*Back Room* No Violations Noted

*Pantry* No Violations Noted

*Dining Room* No Violations Noted

**First Floor Units**

**Pre-Release Unit – Empty, No Inmates Housed**

*Laundry Area* No Violations Noted

*Bathroom*  
105 CMR 451.130\* Plumbing: Plumbing not maintained in good repair, hot water button sticks at handwash sink

*Shower* No Violations Noted

*Property Room* No Violations Noted

*Cells*  
105 CMR 451.320\* Cell Size: Inadequate floor space in all cells  
105 CMR 451.130\* Plumbing: Plumbing not maintained in good repair, plumbing out-of-order to cell # 3, 4, 5, and 6  
105 CMR 451.130 Plumbing: Plumbing not maintained in good repair, plumbing out-of-order to cell # 1 and 2

*Day Room* No Violations Noted

*Canteen Room* No Violations Noted

**Administrative Segregation Unit**

*Janitor's Closet* No Violations Noted

*Hallway* No Violations Noted

*Cells*  
105 CMR 451.320\* Cell Size: Inadequate floor space, double bunked in cell # 2 and 3  
105 CMR 451.353\* Interior Maintenance: Floor paint damaged in cell # 1 and 3  
105 CMR 451.113\* Toilet and Handwashing Sink in Locked Cells: No hot running water in locked cell # 1  
105 CMR 451.113\* Toilet and Handwashing Sink in Locked Cells: No cold running water in locked cell # 2  
105 CMR 451.113 Toilet and Handwashing Sink in Locked Cells: No cold running water in locked cell # 1

**Unit # 1**

*Hallway*  
105 CMR 451.353 Interior Maintenance: Air conditioning wall unit leaking into hallway

*Cells*  
105 CMR 451.320\* Cell Size: Inadequate floor space in all cells, double bunked in cell # 2 and 3

*Shower Stall*  
No Violations Noted

**Unit # 2**

*Day Room*  
No Violations Noted

*Hallway*  
No Violations Noted

*Dorm Shower*  
No Violations Noted

*Dorm Bathroom*  
No Violations Noted

*Dorm Room*  
105 CMR 451.322\* Cell Size: Inadequate floor space in dorm room  
105 CMR 451.141\* Screens: Several screens damaged in window

*Storage Closet*  
No Violations Noted

**Second Floor Units**

*Main Hallway*  
No Violations Noted

*Education Room*  
No Violations Noted

**Nurse's Office**  
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

*Nurse's Office Bathroom*  
Unable to Inspect – Locked

### **Unit # 3**

#### *Hallway*

105 CMR 451.141  
105 CMR 451.141

Screens: One screen missing in window  
Screens: One screen damaged in window

#### *Cells*

105 CMR 451.320\*  
105 CMR 451.353\*  
105 CMR 451.353

Cell Size: Inadequate floor space in all cells, all cells double bunked  
Interior Maintenance: Floor paint damaged in cell # 1  
Interior Maintenance: Floor paint damaged in cell # 3

#### *Shower Stall*

No Violations Noted

### **Unit # 4**

#### *Hallway*

No Violations Noted

#### *Cells*

105 CMR 451.320\*

Cell Size: Inadequate floor space, double bunked in cell # 3

#### *Shower Stall*

No Violations Noted

### **Administration Area**

#### *Human Services*

No Violations Noted

#### *Staff Bathroom*

No Violations Noted

### **3<sup>rd</sup> Floor**

No Violations Noted

#### *Office Bathroom*

No Violations Noted

#### *Hallway*

No Violations Noted

### **Outside Areas**

#### **Outside Gym Area**

No Violations Noted

#### **Male Locker Room**

105 CMR 451.350

Structural Maintenance: Rear exterior door not rodent and weathertight

#### *Staff Bathroom*

No Violations Noted

#### **Female Locker Room**

No Violations Noted

No Violations Noted

**Observations and Recommendations**

1. The inmate population was 10 at the time of inspection.
2. At the time of the inspection:
  - a. There was no bed in cell # 1 in the Administrative Segregation Unit and the CSP was informed that the cell was not used; and
  - b. Shower # 1 in Unit # 2 was not in use.

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 Analyst, CSP, BEH