

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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| CHARLES D. BAKER  Governor  KARYN E. POLITO  Lieutenant Governor |

May 23, 2016

Michael A. McCormack, Sheriff

Dukes County Jail and House of Correction

P.O. Box 252

Edgartown, MA 02539

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

Dear Sheriff McCormack:

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 1999 Food Code; 105 CMR 520.000 Labeling; and 105 CMR 205.000 Minimum Standards Governing Medical Records and the Conduct of Physical Examinations in Correctional Facilities; I conducted an inspection of the Dukes County Jail and House of Correction on May 12, 2016 accompanied by   
Sergeant Rachael Buckley. Violations noted during the inspection are listed below including 36 repeat violations:

**HEALTH AND SAFETY VIOLATIONS**

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

**POLICE LOCK-UP AREA**

*Hallway*

No Violations Noted

*Booking Area*

105 CMR 451.350\* Structural Maintenance: Ceiling cracking

*Male Holding Cell*

105 CMR 451.320\* Cell Size: Inadequate floor space

*Female/Juvenile Holding Cell*

105 CMR 451.341\* Natural Light in Cell: No natural light source in cells

105 CMR 451.321\* Cell Size: Inadequate floor space

105 CMR 451.353 Interior Maintenance: Wall surface damaged

105 CMR 451.353 Interior Maintenance: Smoke detector wires exposed

**HOUSE OF CORRECTIONS**

*Control Area*

No Violations Noted

*Visit Room*

No Violations Noted

**Administrative Segregation Unit**

*Cells*

105 CMR 451.320\* Cell Size: Inadequate floor space in cell # 2

105 CMR 451.320 Cell Size: Inadequate floor space in cell # 3

*Janitor’s Closet*

105 CMR 451.353\* Interior Maintenance: Wet mop stored in sink

*Hallway*

105 CMR 451.353 Interior Maintenance: Wires exposed

**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*

FC 6-201.16(A)\* Design, Construction, and Installation; Cleanability: Ceiling not easily cleanable, paint peeling

*Pantry*

No Violations Noted

*Dining Room*

No Violations Noted

**Unit # 1**

*Cells*

105 CMR 451.321\* Cell Size: Inadequate floor space in cell # 1-3

105 CMR 451.350\* Structural Maintenance: Wall damaged in cell # 3

105 CMR 451.353\* Interior Maintenance: Floor paint peeling in cell # 1-3

*Shower Stall*

105 CMR 451.123\* Maintenance: Metal surfaces rusted in shower stall

105 CMR 451.123\* Maintenance: Wall paint peeling above stall

105 CMR 451.123\* Maintenance: Mold on ceiling outside shower stall

*Laundry Area*

No Violations Noted

**Unit # 2**

*Dorm Room*

105 CMR 451.321\* Cell Size: Inadequate floor space in dorm

*Dorm Shower*

105 CMR 451.123\* Maintenance: Floor damaged in shower # 1

105 CMR 451.123 Maintenance: Ceiling paint peeling in shower # 2

105 CMR 451.123 Maintenance: Ceiling paint peeling outside showers

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

105 CMR 451.123 Maintenance: Curtain missing in shower # 2

*Dorm Bathroom*

105 CMR 451.123\* Maintenance: Wall paint peeling

*Dorm Day Room*

FC 4-601.11(c)\* Cleaning of Equipment and Utensils, Objective: Non-food contact surface dirty, interior of refrigerator dirty

FC 4-602.12(B) Cleaning of Equipment and Utensils; Frequency: Interior of microwave oven dirty

FC 4-204.112(A) Design and Construction, Functionality: No functioning thermometer in refrigerator

*Chemical Closet*

No Violations Noted

**Second Floor Hallway**

No Violations Noted

**Unit # 3**

*Hallway*

105 CMR 451.353 Interior Maintenance: Floor paint peeling

*Cells*

105 CMR 451.320\* Cell Size: Inadequate floor space in cell # 1-3

105 CMR 451.350\* Structural Maintenance: Ceiling left unfinished from repair in cell # 1 and 3

105 CMR 451.350\* Structural Maintenance: Wall left unfinished from repair in cell # 1 and 3

105 CMR 451.353 Interior Maintenance: Floor paint peeling in cell # 3

*Shower Stall*

105 CMR 451.123 Maintenance: Ceiling paint peeling in shower stall

**Unit # 4**

*Hallway*

No Violations Noted

*Cells*

105 CMR 451.320\* Cell Size: Inadequate floor space in cell # 3

105 CMR 451.353\* Interior Maintenance: Wall paint peeling in cell # 3

105 CMR 451.353\* Interior Maintenance: Floor paint peeling in cell # 1-3

*Shower Stall*

105 CMR 451.123 Maintenance: Ceiling paint peeling

*Education Room*

No Violations Noted

*Nurse’s Office*

No Violations Noted

**Pre-Release Unit**

*Laundry Area*

No Violations Noted

*Bathroom*

No Violations Noted

*Showers*

105 CMR 451.123 Maintenance: Missing curtain in shower # 1

*Day Room*

105 CMR 451.353\* Interior Maintenance: Door casing damaged

FC 4-602.12(B) Cleaning of Equipment and Utensils; Frequency: Interior of microwave oven dirty

*Hallway*

No Violations Noted

*Cells*

Unable to Inspect – Used for Storage

*Canteen Room*

105 CMR 451.353\* Interior Maintenance: Light shield missing

*Property Room*

No Violations Noted

**Administration Area**

*Human Services*

No Violations Noted

*Staff Bathroom*

No Violations Noted

**3rd Floor**

No Violations Noted

*Office Bathroom*

No Violations Noted

*Hallway*

No Violations Noted

**Outside**

**Outside Gym Area**

No Violations Noted

**Training Building**

105 CMR 451.353\* Interior Maintenance: Light shields missing

*Staff Bathroom*

No Violations Noted

**Human Resource Building**

105 CMR 451.350 Structural Maintenance: Rear exterior door not rodent and weathertight

*Staff Bathroom*

No Violations Noted

**Civil Process Building**

No Violations Noted

*Staff Bathroom*

105 CMR 451.123 Maintenance: Wall surface damaged above sink

**Observations and Recommendations**

1. The inmate population was 22 at the time of inspection.
2. At the time of inspection, the Department recommended that all cells be identified with a numbering system.

This will assist the Department and correctional employees to better recognize where issues exist.

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 please visit the Food Protection website at www.mass.gov/dph/fpp and click on “Food Protection Regulations”. Then under “Retail” click “105 CMR 590.000 - State Sanitary Code Chapter X – Minimum Sanitation Standards for Food Establishments” and “1999 Food Code”.

To review the Labeling regulations please visit the Food Protection website at www.mass.gov/dph/fpp and click on “Food Protection Regulations”. Then under “General Food Regulations” click “105 CMR 520.000: Labeling.”

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

Sincerely,

Nicholas Gale

Environmental Health Inspector, CSP, BEH

cc: Jan Sullivan, Acting Director, BEH

Steven Hughes, Director, CSP, BEH

Timothy Miley, Director of Government Affairs

Marylou Sudders, Secretary, Executive Office of Health and Human Services

Carol Higgins O’Brien, Commissioner, DOC

David O’Sullivan, Superintendent

Greg Arpin, EHSO

Matthew Poole, Health Agent, Edgartown Health Department

Clerk, Massachusetts House of Representatives

Clerk, Massachusetts Senate

Daniel Bennett, Secretary, EOPSS

Jennifer Gaffney, Director, Policy Development and Compliance Unit