

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

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| CHARLES D. BAKERGovernorKARYN E. POLITOLieutenant Governor  |

December 2, 2019

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 November 26, 2019 accompanied by Lieutenant Colonel Araujo. Violations noted during the inspection are listed below including 26 repeat violations:

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

 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)

 James Neville, Superintendent (electronic copy)

 Anthony DelValle, 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\* Cell Size: Inadequate floor space

*Female Holding Cell*

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

105 CMR 451.320\* Cell Size: Inadequate floor space

**HOUSE OF CORRECTIONS**

*Control Area*

 No Violations Noted

*Visit Room*

 No Violations Noted

*Attorney Visit Room*

 No Violations Noted

**Food Service Area**

*Office*

FC 6-201.11 Design, Construction, and Installation; Cleanability: Floor covering not smooth and easily cleanable, floor tiles damaged

**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 6-201.11 Design, Construction, and Installation; Cleanability: Floor covering not smooth and easily cleanable, floor tiles damaged

*Pantry*

 No Violations Noted

*Dining Room*

 No Violations Noted

**First Floor Units**

**Pre-Release Unit**

*Laundry Area*

 No Violations Noted

*Bathroom*

105 CMR 451.130 Plumbing: Plumbing not maintained in good repair, sink leaking

*Showers* Unable to Inspect Shower # 2 – No Longer Used

 No Violations Noted

*Property Room*

 No Violations Noted

*Cells*

105 CMR 451.320\* Cell Size: Inadequate floor space in all cells

*Uniform Closet*

 No Violations Noted

*Maintenance Closet*

 No Violations Noted

*Day Room*

105 CMR 451.141 Screens: Screen missing from 1 window

*Canteen Room*

 No Violations Noted

**Administrative Segregation Unit**

*Janitor’s Closet*

 No Violations Noted

*Hallway*

105 CMR 451.353\* Interior Maintenance: Wires exposed

105 CMR 451.353\* Interior Maintenance: Floor surface damaged outside cell # 3

*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

105 CMR 451.130\* Plumbing: Plumbing not maintained in good repair, hot water not working in cell # 1

105 CMR 451.130 Plumbing: Plumbing not maintained in good repair, hot water not working in cell # 2

**Unit # 1**

*Hallway*

 No Violations Noted

*Cells*

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

105 CMR 451.130\* Plumbing: Plumbing not maintained in good repair, toilet out-of-order in cell # 1

*Shower Stall*

 No Violations Noted

**Unit # 2**

*Day Room*

 No Violations Noted

*Hallway*

 No Violations Noted

*Dorm Shower*

Unable to Inspect – In Use

*Dorm Bathroom*

Unable to Inspect – In Use

*Dorm Room*

105 CMR 451.322\* Cell Size: Inadequate floor space in dorm room

105 CMR 451.353\* Interior Maintenance: Floor tile damaged in corner and under bed # 1

105 CMR 451.353\* Interior Maintenance: Wall surface damaged behind dryer

*Storage Closet*

 No Violations Noted

**Second Floor Units**

*Main Hallway*

 No Violations Noted

*Education Room*

 No Violations Noted

**Nurse’s Office**

 No Violations Noted

*Nurse’s Office Bathroom*

 No Violations Noted

**Unit # 3**

*Hallway*

105 CMR 451.353\* Interior Maintenance: Floor surface damaged

105 CMR 451.141\* Screens: Screen damaged in window # 2

*Cells*

105 CMR 451.320\* Cell Size: Inadequate floor space in all cells, all cells double bunked

105 CMR 451.353\* Interior Maintenance: Floor paint damaged in cell # 1, 2, and 3

*Shower Stall*

105 CMR 451.123 Maintenance: Mold on ceiling

105 CMR 451.123 Maintenance: Ceiling surface damaged

**Unit # 4**

*Hallway*

105 CMR 451.353\* Interior Maintenance: Floor paint damaged

105 CMR 451.353 Interior Maintenance: Floor surface damaged at entrance threshold

*Cells*

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

105 CMR 451.353\* Interior Maintenance: Floor paint damaged in cell # 1, 2, and 3

105 CMR 451.353\* Interior Maintenance: Wall paint damaged in cell # 2

105 CMR 451.353 Interior Maintenance: Wall paint damaged in cell # 1 and 3

*Shower Stall*

 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 Areas**

**Outside Gym Area**

 No Violations Noted

**Male Locker Room**

 No Violations Noted

*Staff Bathroom*

105 CMR 451.123 Maintenance: Light out

105 CMR 451.123 Maintenance: Used plunger stored on floor

105 CMR 451.123 Maintenance: Unlabeled chemical bottle

**Female Locker Room**

 No Violations Noted

*Staff Bathroom*

 No Violations Noted

**Observations and Recommendations**

1. The inmate population was 19 at the time of inspection.

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