



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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CHERYL BARTLETT, RN  
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May 2, 2014

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: 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 1999 Food Code; 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 April 24, 2014 accompanied by Deputy Brian McCarty. Violations noted during the inspection are listed below including 50 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  
105 CMR 451.350\*                      Structural Maintenance: Floor tiles damaged

*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

*Human Resource Office*

No Violations Noted

*Outside Gym Area*

No Violations Noted

**HOUSE OF CORRECTIONS**

*Control Area*

FC 4-601.11(C)

Cleaning of Equipment and Utensils, Objective: Non-food contact surface dirty, interior of white refrigerator dirty

*Visit Room*

No Violations Noted

**Food Service Area**

*Office*

No Violations Noted

**Kitchen**

105 CMR 451.360

Protective Measures: Insects observed, ants

*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

*Small Stove*

No Violations Noted

*Coffee Station and Small Refrigerator*

FC 4-501.11(B)\*

Maintenance and Operation, Equipment: Equipment components not maintained in a state of good repair, gaskets damaged

FC 4-501.11(B)\*

Maintenance and Operation, Equipment: Equipment components not maintained in a state of good repair, gaskets dirty

FC 4-601.11(A)\*

Cleaning of Equipment and Utensils, Objective: Food contact surface dirty, coffee-maker dirty

FC 4-903.11(A)(2)

Protection of Clean Items, Storing: Single-service items not protected from contamination, utensils not stored handles up

*Handwash Sink*

FC 5-202.12(A)

Plumbing System, Design: Handwashing sinks water temperature recorded at 93<sup>0</sup>F

*Back Room*

FC 4-501.11(B)\*

Maintenance and Operation, Equipment: Equipment components not maintained in a state of good repair, gasket damaged on Trauslen refrigerator and freezer units

FC 4-501.11(B)\*

Maintenance and Operation, Equipment: Equipment components not maintained in a state of good repair, gasket dirty on Trauslen refrigerator unit

FC 4-903.11(B)(1)

Protection of Clean Items, Storing: Pots and pans not stored in the inverted/self-draining position

*Pantry*

FC 6-501.11  
FC 3-304.12(A)

Maintenance and Operation; Repairing: Facility not in good repair, light out  
Preventing Contamination from Utensils: Service utensils handle stored below the food and container line, scoop stored in flour

*Dining Room*

No Violations Noted

**Unit # 1**

*Cells*

105 CMR 451.321  
105 CMR 451.350\*  
105 CMR 451.353\*  
105 CMR 451.353\*

Cell Size: Inadequate floor space in cell # 1-3  
Structural Maintenance: Wall damaged in cell # 3  
Interior Maintenance: Floor paint damaged in cell # 1-3  
Interior Maintenance: Exposed wires in cell # 1

*Shower Stall*

105 CMR 451.123\*  
105 CMR 451.123

Maintenance: Metal surfaces rusted in shower stall  
Maintenance: Soap scum on walls in shower

*Laundry Area*

105 CMR 451.130\*  
105 CMR 451.353\*

Plumbing: No backflow preventer on slop sink  
Interior Maintenance: Floor tiles damaged

**Unit # 2**

*Dorm Room*

105 CMR 451.321

Cell Size: Inadequate floor space in dorm

*Dorm Shower*

105 CMR 451.123\*  
105 CMR 451.123

Maintenance: Soap scum on walls in shower # 1 and 2  
Maintenance: Ceiling damaged, paint peeling in shower # 2

*Dorm Bathroom*

105 CMR 451.110(A)\*

Hygiene Supplies at Toilet and Handwash Sink: No paper towels at handwash sink

*Dorm Day Room*

No Violations Noted

**Second Floor Hallway**

105 CMR 451.353\*

Interior Maintenance: Floor tiles damaged

**Unit # 3**

*Hallway*

105 CMR 451.141  
105 CMR 451.350\*

Screens: Screen damaged  
Structural Maintenance: Floor damaged

*Cells*

105 CMR 451.353\*  
105 CMR 451.350\*

Interior Maintenance: Floor paint damaged in cell # 1-3  
Structural Maintenance: Hole in ceiling from light fixture replacement in cell # 1 and 3

*Shower Stall*

105 CMR 451.123\*

Maintenance: Soap scum on walls in shower

105 CMR 451.123 Maintenance: Ceiling damaged, paint peeling in shower

#### **Unit # 4**

##### *Hallway*

105 CMR 451.350\* Structural Maintenance: Floor damaged

##### *Cells*

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

##### *Shower Stall*

105 CMR 451.123\* Maintenance: Threshold no longer easily cleanable, paint damaged

105 CMR 451.123 Maintenance: Ceiling damaged, paint peeling in shower

##### *Education Room*

No Violations Noted

#### **Nurse's Office**

105 CMR 451.141\* Screens: Screen damaged

105 CMR 451.350\* Structural Maintenance: Ceiling damaged

105 CMR 480.400(B)\* Shipping Papers: Medical waste shipping papers not used in disposal process

105 CMR 480.425(C)\* Tracking Medical or Biological Waste: Incomplete record keeping, appropriate signatures not obtained at time of drop-off

#### **Administrative Segregation Unit**

##### *Cells*

105 CMR 451.350\* Structural Maintenance: Ceiling damaged in cell # 1

105 CMR 451.350\* Structural Maintenance: Floor paint damaged in cell # 1

105 CMR 451.353 Interior Maintenance: Wall paint peeling in cell # 1

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

##### *Janitor's Closet*

No Violations Noted

##### *Hallway*

105 CMR 451.350\* Structural Maintenance: Exposed wiring in hallway

105 CMR 451.353 Interior Maintenance: Floor tiles damaged

#### **Pre-Release Unit**

##### *Laundry Area*

No Violations Noted

##### *Bathroom*

105 CMR 451.123\* Maintenance: Ceiling and floor vent dirty and rusted

105 CMR 451.123\* Maintenance: Wet mop stored in bucket

105 CMR 451.123\* Maintenance: Wall damaged behind door

105 CMR 451.123 Maintenance: Floor tiles damaged

105 CMR 451.123 Maintenance: Floor tiles missing

105 CMR 451.123 Maintenance: Ceiling diffuser missing

##### *Showers*

105 CMR 451.123\* Maintenance: Soap scum on walls in shower # 1

*Day Room*

FC 4-501.11(A)

105 CMR 451.353\*

FC 4-601.11(C)

Maintenance and Operation, Equipment: Equipment not maintained in a state of good repair, interior of microwave oven damaged  
Interior Maintenance: Floor vents rusted  
Cleaning of Equipment and Utensils, Objective: Non-food contact surface dirty, interior of white refrigerator dirty

*Hallway*

105 CMR 451.353\*

Interior Maintenance: Floor tiles damaged

*Canteen Room*

105 CMR 451.350\*

105 CMR 451.350\*

Structural Maintenance: Ceiling damaged  
Structural Maintenance: Wall unfinished at entrance

**Administration Area**

*Human Services*

FC 4-602.12(B)\*

FC 4-204.112(A)\*

Cleaning of Equipment and Utensils; Frequency: Interior of microwave oven dirty  
Design and Construction, Functionality: No functioning thermometer in refrigerator

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

No Violations Noted

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

No Violations Noted

*Office Bathroom*

105 CMR 451.130

Plumbing: Plumbing not maintained in good repair, cold water out-of-order

*Hallway*

No Violations Noted

**Training Building**

105 CMR 451.350

Structural Maintenance: Wall damaged near computer

*Staff Bathroom*

No Violations Noted

**Observations and Recommendations**

1. The inmate population was 17 at the time of inspection.
2. At the time of inspection, it was noted that the Pre-Release cells have been shut down per Sheriff McCormack. The bathroom and showers remain in use by those housed in the Segregation Unit and were inspected as normal.

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 please visit the Food Protection website at [www.mass.gov/dph/fpp](http://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”.

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

Sincerely,

Nicholas Gale  
Environmental Health Inspector, CSP, BEH

cc: Suzanne K. Condon, Associate Commissioner, Director, BEH  
Steven Hughes, Director, CSP, BEH  
John W. Polanowicz, Secretary, Executive Office of Health and Human Services  
Luis S. Spencer, Commissioner, DOC  
Lt. Colonel Durwood Araujo, Assistant Superintendent  
Deputy Brian McCarty, EHSO  
Matthew Poole, Health Agent, Edgartown Health Department  
Clerk, Massachusetts House of Representatives  
Clerk, Massachusetts Senate  
Andrea Cabral, Secretary, EOPS