

The Commonwealth of Massachusetts  
 Executive Office of Health and Human Services  
 Department of Public Health  
 Bureau of Climate and Environmental Health  
 Community Sanitation Program  
 67 Forest Street, Suite # 100  
 Marlborough, MA 01752  
 Phone: 781-426-5734

MAURA T. HEALEY  
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 KIMBERLEY DRISCOLL  
 Lieutenant Governor

KATHLEEN E. WALSH  
 Secretary  
 ROBERT GOLDSTEIN, MD, PhD  
 Commissioner  
 Tel: 617-624-6000  
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October 1, 2024

To: Shawn Jenkins, Interim Commissioner, Department of Correction (electronic copy)  
 Kathleen E. Walsh, Secretary, Executive Office of Health and Human Services (electronic copy)  
 Clerk, Massachusetts House of Representatives (electronic copy)  
 Clerk, Massachusetts Senate (electronic copy)

Greetings,

Pursuant 105 CMR 451.403, enclosed please find the Complaint Investigation Report and the response to date from Stephen Kennedy, Superintendent, for the inspection conducted at Old Colony Correctional Center June 28, 2024.

Sincerely,

Amy Riordan, MPH  
 Senior Advisor, CSP, BCEH

CC: Robert Goldstein, MD, PhD, Commissioner, Department of Public Health (electronic copy)  
 Terrence Reidy, Secretary, Executive Office of Public Safety Security (electronic copy)  
 Eric J. Badger, Health Agent, CHO, Bridgewater Board of Health (electronic copy)  
 Brianna Arruda, Director, Department of Correction, Policy Development and Compliance Unit (electronic copy)



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PhD Commissioner

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August 28, 2024

Stephen Kennedy, Superintendent  
Old Colony Correctional Center  
1 Administration Road  
Bridgewater, MA 02324 (electronic copy)

Re: Complaint-Based Facility Inspection – Old Colony Correctional Center, Bridgewater

Dear Superintendent Kennedy:

In response to alleged complaints and in accordance with 105 CMR 451.408 Additional Inspectional Visits, the Department of Public Health (Department), Community Sanitation Program (CSP) conducted a complaint-based inspection at the Old Colony Correctional Center (OCCC) on June 28, 2024. This letter summarizes the complaint allegations and the results of the inspection.

**Complaint Allegation(s):**

On June 27, 2024, Prisoner’s Legal Services provided the Department with letters from incarcerated individuals who are housed in the Minimum Modular Unit, Dorm Side B, at OCCC, outlining the following alleged unsanitary conditions:

- Allegation 1: Unsafe drinking water (lead in the water supply);
- Allegation 2: Insufficient number of functional toilets for the number of individuals housed in the unit;
- Allegation 3: Insufficient number of functional showers for the number of individuals housed in the unit;
- Allegation 4: Plumbing in poor repair;
- Allegation 5: Toilets, showers, and floors in poor repair;
- Allegation 6: Strong odor of mold in the library, gym and other areas of the building;
- Allegation 7: Shared facilities are more than 75 feet away from the rear cells;
- Allegation 8: Inadequate ventilation in cells; and
- Allegation 9: Lack of functional air conditioning in the unit.

The CSP reviewed the most recent Inspection Report and the Plan of Correction (POC) submitted by the facility to assess whether the allegations are similar to violations that have been previously reported to the facility. The inspectors also reviewed any complaints received within the last 12 months.

Upon completing its initial review, the Department determined that Allegations # 1 through 9 above fall within its regulatory authority under 105 CMR 451.000. In accordance with 105 CMR 451.408, the Department determined that an additional inspectional visit was necessary to investigate the complaints.

### Inspection Results:

On June 28, 2024, the CSP conducted an inspection of the Minimum Modular Unit, Dorm Side B, pursuant to 105 CMR 451.000 to address the allegations identified in items # 1-9 above. The inspection was conducted by Amy Riordan and Kerry Wagner, CSP, accompanied by Alishia Gonzales, Environmental Health and Safety Officer (EHSO), and Richard Dehass, Corrections Officer.

### Overview

Section 1: identifies health and safety violations found in the Unit in response to the complaint allegations

Section 2: identifies any additional health and safety violations found in the Unit that were not related to the complaint allegations

Section 3: identifies the areas of the Unit that were inspected where no violations were found

Section 4: addresses plan of correction submission

Section 5: provides observations and recommendations related to the inspection

### SECTION 1: HEALTH AND SAFETY VIOLATIONS FOUND IN RESPONSE TO ALLEGATIONS

#### Summary:

The CSP found 19 violations of minimum health and sanitation standards in the Unit in response to the allegations, including 8 repeat violations that had been previously documented during the most recent inspection of OCCC on June 6, 2024. Repeat violations are noted with an asterisk. The violations are listed below alongside the associated allegations from the complaint. Additional notes for all allegations can be found in Section 4.

Allegation 1: Unsafe drinking water (lead in the water supply);  
Results for lead and copper in the water were posted at the entrance to the Minimum Modular Unit and 3 of the 20 locations sampled were above the action level for lead of 0.015 mg/L. Water from OCCC Minimum A tested at 0.022 mg/L, OCCC E-mechanical tested at 0.021 mg/L, and the OCCC locker room tested at 0.033 mg/L.

Allegation 2: Insufficient number of functional toilets for the number of individuals housed in the unit:

105 CMR 451.130*	Plumbing: Plumbing not maintained in good repair, urinal # 1 out-of-order
105 CMR 451.130	Plumbing: Plumbing not maintained in good repair, urinal # 2 out-of-order
105 CMR 451.130	Plumbing: Plumbing not maintained in good repair, one toilet out-of-order
105 CMR 451.114	Shared Toilet and Handwashing Facilities: Inadequate number of toilet facilities

Allegation 3: Insufficient number of functional showers for the number of individuals housed in the unit:

105 CMR 451.130*	Plumbing: Plumbing not maintained in good repair, showers # 1 and #8 out-of-order
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Allegation 4: Plumbing in poor repair:

- 105 CMR 451.130 Plumbing: Plumbing not maintained in good repair, faucet leaking at handwash sink # 8
- 105 CMR 451.130 Plumbing: Plumbing not maintained and in good repair, washing machine leaking
- 105 CMR 451.130\* Plumbing: Plumbing not maintained in good repair, water fountain in Gym out-of-order

Allegation 5: Toilets, showers, and floors in poor repair:

*Shower Area*

- 105 CMR 451.123 Maintenance: Floor surface damaged between bathrooms and shower area
- 105 CMR 451.123 Maintenance: Soap scum on shower curtain in showers # 1-6
- 105 CMR 451.123 Maintenance: Wall moldy in showers # 3-8

Allegation 6: Strong odor of mold in the library, gym and other areas of the building;

*Library*

- 105 CMR 451.353\* Interior Maintenance: Floor tiles damaged throughout
- 105 CMR 451.350 Structural Maintenance: Floor damaged
- 105 CMR 451.350 Structural Maintenance: Ceiling damaged

*Gym*

- 105 CMR 451.353\* Interior Maintenance: Wall insulation damaged
- 105 CMR 451.353\* Interior Maintenance: Ceiling damaged
- 105 CMR 451.353\* Interior Maintenance: Wall damaged
- 105 CMR 451.353 Interior Maintenance: Wall dirty

The CSP inspected the library and the gym and found no visible mold or mold odors. There was a bucket of standing water in the library that was set there to catch water dripping from the ceiling, which if changed infrequently could have contributed to odors not present at the day of the inspection. The CSP identified mold on multiple shower walls.

Allegation 7: Shared facilities are more than 75 feet away from the rear cells:

- 105 CMR 451.115 Locations of Shared Facilities: Toilet and handwash sinks located more than 75 feet from cells

**SECTION 2: HEALTH AND SAFETY VIOLATIONS FOUND IN ADDITION TO ALLEGATIONS**

CSP inspectors did not find additional violations during the inspection of Minimum Modular Unit, Dorm Side B.

**SECTION 3: AREAS OF THE UNIT INSPECTED WHERE NO HEALTH AND SAFETY VIOLATIONS WERE FOUND**

Not applicable - CSP inspected and found violations related to the allegations in each area of Minimum Modular Unit Dorm Side B.

**SECTION 4: PLAN OF CORRECTION**

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. The plan must include specific corrective steps to be taken, a timetable for such steps, and the date by which correction will be achieved. The

Superintendent or Administrator should sign the plan and submit it to my attention at the address listed above or e-mail me at Amy.M.Riordan@mass.gov.

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).

## **SECTION 5: OBSERVATIONS AND RECOMMENDATIONS RELATED TO ALLEGATIONS**

Allegation #1; Water quality and access:

1. In accordance with 105 CMR 451.124 and 105 CMR 451.125, each facility shall have a safe and sanitary water supply approved by the MA Department of Environmental Protection (DEP). The requirements of 310 CMR 22.06B constitute the Massachusetts drinking water regulations for lead and copper. This facility is a part of a public water supply (PWS). DEP is the agency responsible for compliance with these regulations and has oversight for any required remediation activities. The BCEH [Lead in Drinking Water FAQ](#) provides information on lead in drinking water and suggested mitigation measures.
2. Per CSP recommendations in the 2024 Heat Advisory, an accessible Cambro of ice water was observed in the common area which allows individuals easy access to hydration.
3. The water fountain in the gym was not functional during the inspection. Incarcerated individuals are allowed to move freely between the gym and their housing unit to access water, however the CSP recommends providing drinking water in the gym until repairs to the water fountain can be made. The CSP requests to be kept apprised as to the status of the repair to the water fountain in the gym.

Allegations #2-7; Toilet, Shower, and Library facilities:

1. Minimum Modular Unit, Dorm Side B housed 50 incarcerated individuals on the day of the inspection. The B Side bathroom facility has 4 toilets, 4 urinals, and 8 showers. On the day of the inspection, 2 urinals, 1 toilet, and 2 showers were out-of-order.
  - a. In accordance with 105 CMR 451.114, each facility shall have at least one working toilet for every 12 male inmates; urinals may constitute up to a third of the number of men's toilets required. The current number of functioning toilets and urinals can serve 44 individuals. As a temporary solution, incarcerated individuals are permitted to use the bathroom facilities on the A side, if needed, until repairs to the bathroom facilities can be made. The CSP requests to be kept apprised of the repairs to the toilet and urinals.
  - b. In accordance with 105 CMR 451.119, each facility shall have at least one shower or bathtub with hot and cold running water for the first 12 inmates and then one for each additional 15 inmates. The current number of functioning shower facilities can serve 87 individuals. There is a sufficient number of showers in this unit for the number of individuals housed there.
2. The rear cells are more than 75 feet away from the shared bathrooms, this is due to the design of the building.
3. The CSP identified mold on multiple shower walls. The CSP recommends increased cleaning frequency throughout the area, and that facility staff train incarcerated individual workers on the expectations for the areas that need to be routinely cleaned.
4. The CSP inspected the library and the gym and found no visible mold or mold odors. There was a bucket of standing water in the library that was set there to catch water dripping from the ceiling. The CSP requests to be kept apprised as to the status of the repair to the ceiling.

Allegations #8 and #9; Ventilation and Temperature:

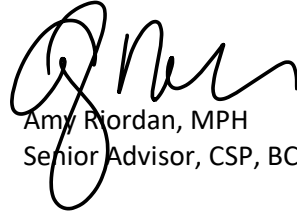
1. Air conditioning in Minimum Modular Unit, Dorm Side B was functional during the inspection.
2. Room temperatures were taken in specific rooms:
  - a. Room # B3 temperature recorded at 71°F, air coming from ceiling vent recorded at 64°F;
  - b. Room # B4 temperature recorded at 71°F, air coming from ceiling vent recorded at 65°F;
  - c. Room # B10 temperature recorded at 66°F, air coming from ceiling vent recorded at 62°F;

- d. Common area room temperature recorded at 65°F, air from ceiling vent recorded at 58°F;
  - e. Dorm hallway temperature recorded at 68°F; and
  - f. Gym temperature recorded at 74°F.
3. Windows inside the cells are bolted shut. During the inspection it was reported that although the windows are designed to open, they have been bolted closed to ensure the climate control works appropriately.

The CSP did not identify concerns with ventilation or temperature at the time of the inspection.

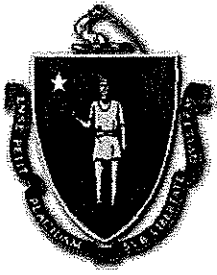
Should you have any questions, please do not hesitate to contact me at the address listed above.

Sincerely,



Amy Riordan, MPH  
Senior Advisor, CSP, BCEH

Cc: Robert Goldstein, MD, PhD, Commissioner, DPH  
Nalina Narain, Director, BCEH  
Steven Hughes, Director, CSP, BCEH  
Shawna Brechbill, Corrections Specialist, CSP, BCEH (electronic copy)  
Kathleen E. Walsh, Secretary, Executive Office of Health and Human Services (electronic copy)  
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Terrence Reidy, Secretary, EOPSS (electronic copy)  
Brianna Arruda, Director, Policy Development and Compliance Unit (electronic copy)  
Eric J. Badger, Health Agent, CHO, Bridgewater Board of Health (electronic copy)  
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CHRISTOPHER NICHOLS  
MITZI S. PETERSON  
THOMAS J. PRESTON  
*Deputy Commissioners*

STEPHEN KENNEDY  
*Superintendent*

September 13, 2024

***Via Electronic Mail***

Amy Riordan, MPH  
Senior Advisor, CSP, BCEH  
Department of Public Health  
67 Forest Street, Suite # 100  
Marlborough, MA 01752

**RE: Facility Inspection – Old Colony Correctional Center-Minimum**

Dear Ms. Riordan,

I write in response to your report following the June 28, 2024, inspection of OCCC Minimum. The Department of Correction (“DOC”) takes health and sanitation complaints very seriously and is aware of the challenges that this facility presents. Accordingly, on August 22, 2024, DOC announced that it is concluding housing operations at OCCC Minimum. All incarcerated individuals at OCCC Minimum will go through a reclassification process over the next one to two months for placement at an appropriate minimum facility. OCCC Minimum will continue to operate as the incarcerated population transitions to their new facilities. This process is expected to be completed by October 31, 2024.

Notwithstanding the above, DOC is committed to ensuring that OCCC Minimum remains safe and habitable for staff and incarcerated individuals for the short amount of time that it will remain open. I wish to inform you of the following steps that we have recently taken in response to your audit:

- DOC has also communicated with the Massachusetts Department of Environmental Protection (MA DEP) regarding water testing results and continues to remain in full compliance with all applicable MA DEP requirements regarding corrective actions taken.
- Urinal #1 was repaired on August 29, 2024.
- Urinal #2 was repaired on August 29, 2024.

- The toilet was repaired on September 5, 2024.
- The current number of functioning showers can serve 87 individuals. The current count on Dorm Side B as of September 5, 2024 is 38.
- The faucet at handwash sink #8 was repaired on September 5, 2024.
- The washing machine was repaired on September 5, 2024.
- A cambro containing water is being made available to incarcerated individuals in the gym daily as of August 29, 2024.
- The damaged floor surface between bathrooms and the shower was appropriately highlighted/delineated with yellow paint on September 5, 2024 to ensure incarcerated individuals are aware of the potential tripping hazard.
- The soap scum was eliminated in showers #1-6 on September 5, 2024.
- The walls of showers #3-8 were cleaned on September 5, 2024.
- Facility staff have trained incarcerated individual workers as of August 29, 2024 on the expectations for the areas that need to be routinely cleaned, to include but not limited to shower walls, shower curtains, and common area floors.
- The library was also closed the week of the inspection and a cart containing books was placed outside of the library.

I appreciate DPH's valuable input and look forward to working with you in the future. Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,



Stephen Kennedy  
Superintendent, Old Colony Correctional Center

cc: Robert Goldstein, MD, PhD, Commissioner, DPH  
Nalina Narain, Director, BCEH  
Steven Hughes, Director, CSP, BCEH  
Shawna Brechbill, Corrections Specialist CSP, BCEH  
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