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Hunger Strikes	ACA Standards: 2-C0-3B-02M, 4-4224M		
Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

Hunger Strikes

When an inmate, or group of inmates, reports or clearly implies behaviorally their intention to begin a hunger strike, the following procedures will be implemented. This procedure will be distributed to all applicable staff and will be reviewed at least annually with revisions made as needed. (2-CO-3B-02M, 4-4224M)

For the purpose of this procedure, the term “inmate” will apply to anyone under the authority, custody or care of a prison or a community-based facility operated by or contracted with the Oklahoma Department of Corrections (ODOC).

I. Verification of a Hunger Strike

A. Reporting Intent of a Hunger Strike

Communication from an inmate or group of inmates indicating their intention to begin a hunger strike will be immediately reported by correctional staff to a qualified health care professional (QHCP). The following data will be provided:

1. Name(s) of inmate(s) and DOC number(s); and
2. Name and job title of the person reporting the hunger strike.

B. Verification of Intent

Hunger strikes can be viewed as existing on a continuum of lethality severity, from refusal of all liquids and solid food, to refusal of solid foods while ingesting liquids such as milk and/or juices in excess of 72 hours. A medical provider or correctional health services administrator (CHSA) will verify the inmate’s intent to begin/continue a hunger strike, the date/time it began and the exact nature of the food products refused and ingested.

1. Verification will include observation and documentation from security and other staff familiar with the inmate's everyday behavior indicating that the inmate's eating behavior is consistent with the declared hunger strike.
2. Verification will include a review of canteen purchases or information regarding bartering. Personal food items will be removed from the cell, inventoried, and stored throughout the duration of the hunger strike by security staff. Meals will be provided to the inmate giving him/her an opportunity to partake in each scheduled meal. Adequate supplies of drinking water will be provided.
3. The inmate will be assessed by a QHCP within 24 hours following notification. The assessment will be documented on the "Hunger Strike Nursing Protocol" (MSRM 140117.01.68) and assigned to the medical provider, CHSA and the QMHP.

C. Evaluation of Competency

The psychiatrist or psychologist will evaluate the inmate after 72 hours on the hunger strike to determine if the inmate suffers from a mental disorder that renders him/her incapable of making a rational, reasonable decision concerning the hunger strike. The focus of this evaluation is to determine whether the inmate suffers from a mental illness, disease, defect, or developmental disability which prevents him/her from understanding the health consequences of his/her hunger strike.

1. If it is determined by the psychiatrist or psychologist that the inmate is not competent to make a rational decision about his/her hunger strike, the facility mental health authority, in collaboration with other involved mental health and medical providers, will develop an individualized treatment plan. The plan will detail ongoing monitoring, psychotropic medication and psychotherapy.
 - a. If the inmate refuses the treatment prescribed by the psychiatrist and treatment plan and continues the hunger strike, the inmate will be transferred to the appropriate mental health unit (MHU) for further evaluation and possible treatment via [OP-140652](#) entitled "Involuntary Psychotropic Medication in Non-Emergency Situations."
 - b. The procedures outlined in [OP-140652](#) are only for psychotropic medications. Any other involuntary health care will require implementation of the legal procedures outlined in this procedure.
 - c. The findings and recommendations from the mental health

evaluation will be submitted in a report and included in the confidential documentation sent to the facility head or designee. The chief mental health officer (CMHO) will be sent a copy of the report within 24 hours.

2. If it is determined by the psychiatrist or psychologist that the inmate is competent to make a rational decision about his/her hunger strike, the inmate will continue to be assessed by a Qualified Mental Health Professional (QMHP) at least weekly, or more often if deemed necessary by a QMHP, to evaluate for any psychological decompensation as well as any mental health interventions needed. If it is determined at any time during the hunger strike that the inmate is not competent to make a rational decision about his/her hunger strike, the CMHO will be notified.

D. Reporting a Verified Hunger Strike

1. Baseline data, including current weight, will be obtained and documented in the inmate's medical record.
2. The facility CHSA will immediately notify the facility head.
3. The facility head will immediately notify the appropriate division manager.
4. The facility CHSA will notify the chief medical officer (CMO) within 24 hours. The CMO will notify the division manager of Health Services within 72 hours.

E. Inmate Monitoring and Management

1. Inmates declaring a hunger strike will be required to submit to periodic weighing, health assessment examinations, and laboratory testing. . If the inmate refuses to comply with the evaluation procedures, a "Waiver of Treatment" ([DOC 140117D](#)) will be completed in accordance with [OP-140117](#) entitled "Access to Health Care."
2. Within 72 hours of verification, the facility medical provider will develop an individualized care plan for medical management, based on the nature of the hunger strike as verified pursuant to Section I. item B. of this procedure.
 - a. This plan will be submitted to the chief medical officer and facility head through the CHSA and a copy will be documented in the inmate's medical record.
 - b. The CMO will forward the plan to the division manager of Health Services.

- c. The care plan will be updated as clinically indicated.
3. The plan will include, but not be limited to:
 - a. Periodic weights and vital signs;
 - b. Criteria for laboratory monitoring such as urinalysis and serum chemistry testing;
 - c. Other parameters to be monitored;
 - d. Education of risks and potential clinical deterioration for the inmate, and addressing the living will/advanced directive and DNR consent per [OP-140138](#) entitled "Offender Living Will/ Advance Directive for Health Care and Do Not Resuscitate (DNR) Consent;"
 - e. Criteria for seeking court intervention; and
 - f. Designating the frequency and content of reports to the CHSA, medical services administrator, CMO and facility head.
4. The CMO and/or medical services administrator will report on the inmate's current condition to the division manager of Health Services weekly.

F. Administrative Review Committee

1. If the inmate is evaluated as competent and once the hunger strike has continued for seven days, the CHSA will convene an administrative review committee combined of the following recommended staff: facility head, assistant facility head, chief of security, CHSA, medical provider, mental health provider and unit manager or other designed staff. The committee will review the following:
 - a. Inmate's current condition, both physical and mental;
 - b. Effects of the treatment plan;
 - c. Identified causes of present behavior;
 - d. Complete documentation of events and outcomes; and
 - e. Current legal status of the inmate.
2. The committee will meet at least once a week until the hunger strike is

concluded to ensure that all action taken is in accordance with agency procedure and the individualized treatment plan.

G. Conclusion of the Hunger Strike

The conclusion of the hunger strike will be determined when the inmate has declared he/she is no longer on hunger strike and is observed by staff eating meals. Upon the conclusion of the hunger strike, the inmate will receive follow-up medical assessment (including body weight and complete vital signs), within one week or as ordered by the medical provider.

H. Court Intervention

1. If the hunger strike continuation becomes life threatening or could result in injury to the inmate as determined by the medical providers judgment, the CHSA, medical services administrator and the facility head will be notified immediately.
2. The medical services administrator, in conjunction with the Office of the General Counsel, will determine the necessity of seeking a court order allowing ODOC to initiate life-sustaining measures if the inmate refuses to consent to treatment.
3. The medical services administrator will notify the CMO, CMHO, the facility head, the CHSA, and the division manager of Health Services when a court order is obtained.

II. References

Policy Statement No. P-140100 entitled "Offender Medical, Mental Health and Dental Care"

OP-140117 entitled "Access to Health Care"

OP-140138 entitled "Offender Living Will/ Advance Directive for Health Care and Do Not Resuscitate (DNR) Consent"

OP-140652 entitled "Involuntary Psychotropic Medication in Non-Emergency Situations"

III. Action

The chief medical officer is responsible for compliance with this procedure.

The division manager of Health Services is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

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This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-140122 entitled "Hunger Strikes"
dated November 19, 2014

Distribution: Policy and Operations Manual (4-4224M)
Agency Website

Reference Forms

Title

Location

[DOC 140117D](#)

“Waiver of Treatment”

[OP-140117](#)

MSRM 140117.01.68

“Hunger Strike”

MSRM 140117.01 TOC