

City of St. Louis Department of Public Safety / Division of Corrections
POLICY & PROCEDURES

CHAPTER:	3	Facility Operations	3.2.12
SECTION:	2	Safety and emergency Procedures	EFFECTIVE DATE: 7 / 21 / 2020
SUBJECT:	12	Hunger Strikes	
STANDARDS: ACA – 4 – ALDF: 1C-05 (M)			
APPROVED:			REVIEW DATE: 7 / 21 / 20
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> Dale Glass COMMISSIONER OF CORRECTIONS			REVISION DATE: 7 / 30 / 20
Rescind: 3.2.12dated 2/5/07 Cancel:			

I. POLICY

It is the policy of the Division of Corrections to preserve the lives of those for whom confinement has been ordered, to monitor the health and welfare of individual inmates and to control the situation in the event of an inmate hunger strike.

II. RESPONSIBILITIES

All Division of Corrections facility assigned staff and contracted staff are responsible for adhering to the following procedures.

III. DEFINITIONS

Hunger Strike: A method of non-violent resistance in which participants fast as an act of protest or appear to not eat generally in excess of seventy-two (72) hours for the purpose of provoking feelings of guilt or to achieve a goal of policy change

IV. PROCEDURES

A. General Information

1. An inmate shall be considered to be on a hunger strike when:

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- a. The inmate communicates that fact to staff and is observed by staff to be refraining from eating for a period of time, ordinarily in excess of 72 hours.
 - b. The inmate declares that he is on a hunger strike.
 - c. Staff observes the inmate to be refraining from eating for a period in excess of 72 hours. When staff considers it prudent to do so, a referral for medical evaluation may be made without waiting 72 hours.
2. Inmates with metabolic disorders or certain other illnesses, who deviate from normal eating habits or intake of fluid, could experience an immediate, significant hazard to their health and well-being.
 3. The decision to force treatment upon the inmate is a medical decision with legal implications. The physician must be convinced to a reasonable medical certainty that the inmate's life or permanent damage to health is immediately threatened. When possible, the matter shall be reviewed by legal counsel prior to forcing treatment upon an inmate.
 4. In the event of a massive hunger strike. Management staff will meet and discuss available resources, inmate demands and other options.
 5. A religious fast is not considered a hunger strike

B. Notification

1. A correctional staff person receiving notification or declaration thereof of a hunger strike shall immediately notify the Floor Supervisor who will notify the Shift Commander and the Health Care Unit.
2. The Shift Commander and the Floor Supervisor speaks with the inmate and determines the reason for not eating.
3. If the Shift Commander determines the fast is related to religious beliefs, the Shift Commander shall refer the inmate to see the Division Chaplain.
4. The Chaplain shall attempt to determine how long the inmate plans to fast and if the plan appears to be detrimental to the inmate's health. The Chaplain will ask if the inmate wishes to be visited by a qualified religious leader of the inmate's chosen religion.
5. The Chaplain shall advise the Superintendent/designee of any religious issues associated with the hunger strike, the length of time the inmate plans to fast and arrange the pastoral visit if the inmate requests a visit from their faith leader.

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6. The Deputy Superintendent/designee shall interview the inmate to determine the reason for the hunger strike.
7. If the hunger strike continues for more than 72 hours, the Superintendent of Corrections, Deputy Superintendent of Housing and the Unit Manager shall be updated on the inmate's condition by medical.

C. Initial Action

1. In consultation with the appropriate management staff, this staff person may attempt to address any issues raised by the inmate. No Division policy or procedures shall be violated in addressing the issue(s).
2. Once a hunger strike is declared by the inmate:
 - a. The inmate shall be placed in a non-disciplinary but controlled housing area and placed on close observation. Inmates who are already in disciplinary housing shall remain in the unit and shall be placed in an area where close observation is possible in accordance with Division Policy 4.2.13 - Suicide Prevention/Intervention.
 - b. Security staff shall confiscate commissary purchased food or other private food supplies from the inmate. Confiscated items shall be held for the duration of the hunger strike in the inmate's personal property in accordance with Policy 3.5.3 Inmate Property. The inmate shall not be allowed to purchase any food items from the commissary while under hunger strike management.
 - c. If the inmate has a preexisting chronic medical condition, a physician shall be notified immediately. The physician shall give the necessary orders for observation, and if necessary conduct a physical examination of the inmate.
 - d. An individual record shall be kept on each inmate involved in such a strike. Documentation shall be recorded on the Hunger Strike Activity Log and in an Incident Report. Each entry on the Hunger Strike Activity Log shall be initialed by the individual making the entry. Information to be logged shall include:
 - 1) Date and time the hunger strike is declared. This information shall also be recorded in the inmate's medical record.
 - 2) Date, time, and name of individuals notified.

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- 3) Inmate's activity level, conversation, movement, frequency of urination, alertness, etc.
 - 4) Any solid or liquid nourishment offered or consumed by the inmate, including an estimate of the amount.
- e. The Hunger Strike Activity Log shall be handled in the following manner:
- 1) The log starts at the time the inmate declares a hunger strike.
 - 2) The log is posted at the Housing Unit Officer's work station.
 - 3) The log is submitted on the shift that the inmate terminates the strike
 - 4) If the inmate continues fasting for 24 hours, the log is turned in at the end of the 3rd shift with the end of shift reports.
 - 5) The status of the inmate is communicated to the on-coming shift.
 - 6) The 1st Shift will start a new log at the beginning of the shift.

D. Food/Liquid Intake/Output

1. Food Services will prepare and correctional staff members will deliver to the inmate's cell three (3) meals per day or as otherwise authorized by the physician or medical staff.

Note: A verbal offer of a meal will not suffice. A meal must be delivered to the inmate.

2. Staff shall ensure that the inmate is provided an adequate supply of drinking water. Beverages offered to other inmates at meal time shall also be offered to the inmate on hunger strike.
3. All food and water intake and output will be monitored and recorded as needed or to the extent possible by medical staff.
4. Health care staff shall be notified immediately when it has been documented that an inmate has gone without food or liquids for 72 hours or when it appears the inmate needs medical attention.

E. Examination

1. Whenever it has been documented that an inmate has abstained from any caloric food or liquids (excluding prescribed medication) for 72 hours, the following examinations shall be performed unless the examinations were previously initiated

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or if the inmate refuses:

- a. A mental health examination shall be conducted to determine the existence, or lack, of significant psychopathology.
 - 1) If in the opinion of the Mental Health Professional the inmate is suffering from a formal mental illness and is in need of mental treatment, the inmate shall be scheduled to see the psychiatrist.
 - 2) If as a result of the mental health assessment, the inmate is found to be mentally incompetent, legal proceedings shall be requested to the City Counselors office to obtain a court order for forced care.
 - 3) If the inmate refuses a mental health evaluation or treatment, it shall be recorded and documented.
- b. A health care evaluation with particular attention to nutritional status shall be conducted immediately. This evaluation shall include the recording of height, weight, vital signs, blood electrolytes, medical history, and the physical examination conducted by a Health Care Unit professional.
 - 1) Refusal to submit to a medical examination shall be recorded.
 - 2) When medical staff consider it medically mandatory, an inmate on a hunger strike will be transferred to the infirmary at the 81. Louis City Justice Center or, in severe cases, to a community hospital.
 - 3) Medical staff will record in the appropriate section of the inmate's medical file, entries for all the medical procedures described in this procedure.

F. Refusal to Accept Treatment

1. If the inmate is found to be mentally competent and as a result of inadequate intake or abnormal output, a physician determines that the inmate's life or health will be threatened if treatment is not initiated immediately, the physician shall consider forced medical treatment of the inmate.
2. Prior to obtaining a court order for medical treatment to be administered against the inmate's will, staff shall make reasonable efforts to convince the inmate to voluntarily accept treatment. Medical risks faced by the inmate if treatment is not accepted shall also be explained to the inmate. Staff shall document their treatment

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efforts in the medical record of the inmate.

3. When, after reasonable efforts, or in an emergency preventing such efforts, a medical necessity for immediate treatment of a life or health threatening situation exists, the physician may request that the City Counselor's office be notified to obtain a court order for forced feeding intravenously. Staff shall document their treatment efforts in the medical record of the inmate.
4. The request for a court order to the City Counselor's office shall be initiated by the Superintendent's Executive Assistant/designee.
5. If the court orders that the Division honor the wishes of the inmate, the inmate shall remain in an acute care facility for observation and/or treatment. The Division shall follow the order of the court.
6. If the court orders force feeding intravenously, the Facility Medical Director shall determine if the inmate will remain at the facility or be transferred to a medical facility in the community. If the inmate remains at CJC, staff shall continue clinical and laboratory monitoring as necessary until the inmate's life or permanent health is no longer threatened.
7. Staff shall continue medical, psychiatric, and/or psychological follow-up as long as necessary.

G. Termination of Hunger Strike

- a. A declared hunger strike shall be documented as terminated upon the inmate's ingestion of any food or liquids, excluding water and medication. A physician shall note special orders, if necessary.
- b. Only the physician may order that an inmate be released from hunger strike, for evaluation and treatment. This order shall be documented in the medical record of the inmate.
- c. Once the hunger strike has ended, the type, amount, and timing of the ingestion of food or liquid shall be determined by a physician. Supervision of food or liquid intake shall be done as long as it is determined necessary by a physician. Dietary regimen used to terminate a voluntary hunger strike shall be recorded in detail and included in the medical record.
- d. If after ingestion of food or liquids the inmate again declares a hunger strike, the hunger strike procedure shall be repeated.
- e. Required notifications need not be made unless the individuals were advised that the previously declared hunger strike was terminated.

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- f. The Hunger Strike Activity Log shall be forwarded to Classification to file within the inmate's custody file.