

Hunger Strike

2615.1 DECLARATION OF A HUNGER STRIKE OR SUSPICION OF A HUNGER STRIKE

A hunger strike is the failure to consume food for a period of 72 hours. Fasting necessary to conduct medical tests or procedures, or fasting for religious reasons is not considered a hunger strike. OCSD and Correctional Health Services (CHS) staff will closely monitor the health and welfare of any inmate on a hunger strike. Staff will pursue options to end the hunger strike, such as counseling and education about the effects of starvation. CHS staff will provide appropriate medical treatment. In extreme cases, it may be necessary to pursue legal options in an attempt to preserve the inmate's life.

- (a) Regardless of an inmate's announced declaration that they are on a hunger strike, an inmate will be considered on a hunger strike after failing to consume food for a period of 72 hours. Refusal to eat jail provided food, while consuming privately purchased food does not qualify as a hunger strike.
- (b) Upon suspicion of a hunger strike or declaration by the inmate that they are on a hunger strike, staff will:
 - 1. Interview the inmate as soon as possible and attempt to determine the inmate's reason(s) for refusing to take nourishment.
 - 2. Immediately notify their supervisor as well as CHS.
- (c) Staff will document the facts supporting the suspicion or declaration of the hunger strike in a Jail Incident report entitled "Suspicion of Hunger Strike."
 - 1. It will also be notated on the guard station's activity log to ensure the oncoming shift is aware of the suspicion or declaration of the hunger strike.
 - 2. Oncoming shifts shall review the previous shift's activity log for any major events including but not limited to, the suspicion or declaration of a hunger strike.

2615.2 REQUIREMENTS DURING A HUNGER STRIKE

- (a) Once the inmate has not consumed food for 72 hours, staff will document the hunger strike on a Jail Incident report entitled "Hunger Strike."
 - 1. After 72 hours the inmate will be re-interviewed by OCSD staff. Any statements by the inmate regarding the reason(s) for refusing to take nourishment will be documented in a Jail Incident report (JI).
 - 2. It will also be notated on the guard station's activity log to ensure the oncoming shift is aware of the hunger strike.
 - 3. Oncoming shifts shall review the previous shift's activity log for any major events, including but not limited to, a hunger strike.
- (b) If a US Marshals inmate is on a hunger strike, Classification will send out an initial notice and status update to the US Marshals Notification List A.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Hunger Strike

2615.2.1 HUNGER STRIKE PROCEDURES

The following actions provide for the safety and wellbeing of the inmate, while minimizing any disruption to the jail facility operations:

- (a) In order to accurately monitor the inmate's nutritional intake and medical condition, they may be separated from other inmates for the duration of the hunger strike. The inmate may remain in their current housing location if they are housed alone, can be housed in a medical observation unit or other available single occupancy cell. During a mass hunger strike, inmates may remain in their current housing location. Factors that should be considered when determining where to house an inmate who is on a hunger strike include, but are not limited to the following:
 - 1. Can the inmate be properly monitored by health care and jail staff, without compromising the health and safety needs of the other inmates within the housing location?
 - 2. Based on the opinion of medical staff, does the inmate demonstrate a deterioration of health that would necessitate Medical Observation Unit housing to provide adequate care for the inmate?
 - 3. Would leaving the inmate in their present housing location likely cause a security or safety concern within the jail and/or interfere with the ability to effectively monitor the other inmates within the housing location?

- (c) CHS will provide OCSD staff with a "Food Intake Monitoring Form" to record the inmate's nutritional intake. Staff will maintain a Food Intake Monitoring Form to record the inmate's nutritional intake. Sector, tank, module or barracks logs may be maintained for mass hunger strikes. While on a hunger strike the inmate loses their privilege of chow hall and will receive three meals per day in their cell unless otherwise directed by CHS. Regardless of the inmate's response to an offered meal, staff shall physically deliver and document each meal on the Food Intake Monitoring Form. Staff shall record the percentage of food and beverage consumed when retrieving the trays.
- (d) Staff shall remove any commissary food items while the inmate is on a hunger strike. Removal of commissary food items shall be properly documented in a Jail Incident report; non-perishable food items should be booked to the inmate's property, unless alternative storage is approved by the Facility Watch Commander. An inmate is not allowed to make commissary food purchases while under hunger strike management.
- (e) Each cell is equipped with a sink/drinking fountain unit. The water supply will remain on to allow the inmate access to drinking water. If the water supply must be shut off for any reason, staff will provide drinking water at least once an hour and document on the door log whether or not the water was consumed.
- (f) An inmate on a hunger strike will be counseled by CHS and advised of the medical risks associated with starvation and malnutrition. They will be encouraged to end the hunger strike or accept medical treatment. This information will be communicated in a language or other manner which the inmate can understand.

Orange County Sheriff-Coroner Department

Custody and Court Procedures Manual

Hunger Strike

- (g) Qualified medical personnel will assess whether the inmate's actions are reasonable and deliberate or the manifestation of a mental illness. Qualified medical personnel will also assess whether the inmate is incapable of giving informed consent due to age or illness.
- (h) If the physician determines that due to the length of time the inmate has claimed to have been on the hunger strike or because observations of the inmate's condition indicate the inmate is in or approaching a life-threatening stage, the inmate shall be transferred to the contract hospital for further care.
- (i) When a physician determines that the inmate's life or health will be threatened if treatment is not initiated immediately, involuntary medical treatment of the inmate may be considered by CHS. CHS will consult with County Counsel to obtain any court order for involuntary medical treatment.
- (j) A hunger strike will be considered to have ended when the inmate resumes eating. CHS must be consulted for concurrence that the strike has ended and will notify jail staff upon termination of the inmate's hunger strike treatment.
- (k) The inmate's commissary items, and commissary privileges will be returned once the hunger strike has ended.