

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 300.00.57	Page 1 of 9
	Original Effective Date: 10/15/01	New Effective Date: 11/09/16
	Supersedes: 300.00.57	Dated: 04/04/16
	Administrator's Approval: Jim Schwochert, Administrator	
Required Posting or Restricted:		
<input type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 300 Administrative		
Subject: Hunger Strike – Inmate Refusal to Eat or Drink		

POLICY

The Division of Adult Institutions shall monitor and manage inmates who refuse to eat and/or drink.

REFERENCES

- American Medical Association Journal of Ethics (2015), Volume 17, Number 10: 904-908 ETHICS CASE Force-Feeding Prisoners Is Wrong Commentary by J. Wesley Boyd, MD, PhD
- Crosby, S., Apovian, C., Grodin, M. (2007). Hunger Strikes, Force-feeding, and Physicians' Responsibilities. 298 (5). pp. 563-566
- Eichelberger, M., Joray, M., Perrig, M., Bodmer, M., & Stanga, Z. (2014). Applied Nutritional Investigation: Management of Patients During Hunger Strike and Refeeding Phase. *Nutrition*, 301372-1378. doi:10.1016/j.nut.2014.04.007
- Filc, D., Ziv, H., Nassar, M., & Davidovitch, N. (2014). Palestinian Prisoners' Hunger-Strikes in Israeli Prisons: Beyond the Dual-Loyalty Dilemma in Medical Practice and Patient Care. *Public Health Ethics*, 7(3), 229-238. doi:10.1093/phe/phu021
- Greenberg, J. (1983), Hunger Striking Prisoners: The Constitutionality of Force-Feeding, 51 Fordham L. Rev. 747, 747-48
- Kim, H. G. (2015). Applying International Human Rights Laws to Force-Feeding Prisoners: Effort to Create Domestic Standards in the United States. *Pacific McGeorge Global Business & Development Law Journal*, 28(2), 389-410
- Nettina, S. M. (2014). *Lippincott Manual of Nursing Practice* (10th ed.). Ambler, PA: Lippincott Williams and Wilkins
- United States Court of Appeals For The District Of Columbia Circuit
Shaker Abdurraheem Aamer, Detainee, Camp Delta And Saeed Ahmed Siddique, Next Friend Of Shaker Abdurraheem Aamer, Appellants V. Barack Obama, President Of The United States Of America. Argued October 18, 2013 Decided February 11, 2014 No. 13-5223
- Walash, K., & Schub, E. (2016). Nasogastric Tube: Inserting and Verifying Placement in the Adult Patient (pp. 1-15). Glendale, CA: Cinahl.
- Wisconsin Statutes s. 51.20 – Involuntary Commitment for Treatment
- Wisconsin Statutes Ch. 54 – Guardianships and Conservatorships
- DAI Policy 300.00.27 – Medical Guardianship
- DAI Policy 500.70.14 – Mental Health Multidisciplinary Teams
- Attachment – Calculating Body Adiposity Index

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DEFINITIONS, ACRONYMS, AND FORMS

Advanced Care Provider (ACP) – Practitioner with prescriptive authority.

Affidavit Form – Physician

Affidavit Form – Security

BHS – Bureau of Health Services

BAI – Body Adiposity Index (see Attachment)

BMI – Body Mass Index

DOC-2466 – Incident Report (WICS)

DOC-3450 – Hunger Strike Initial Assessments

DOC-3450A – Hunger Strike PSU Assessment

DOC-3451 – Hunger Strike Care Plan

DOC-3452 – Acknowledgement of Not Eating or Drinking Information

DOC-3527 – Nutritional Monitor

HSM – Health Services Manager

HSU – Health Services Unit

Hunger strike – The voluntary refusal to eat and/or drink fluids that does not include brief periods of abstinence between meals or short term fasts for religious purposes.

OLC – Office of Legal Counsel

PSU – Psychological Services Unit

Refeeding Syndrome – A syndrome consisting of metabolic disturbances that occur as a result of reinstatement of nutrition to patients who are starved, severely malnourished or metabolically stressed due to severe illness.

RN – Registered Nurse

WRC – Wisconsin Resource Center

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PROCEDURE

I. General Requirements

- A. When a staff member becomes aware of or suspects an inmate has displayed a pattern of not eating and/or drinking, they shall have a discussion with the inmate regarding the extent of the inmate's stated fast. Staff shall report this to HSU and a Security Supervisor and complete DOC-2466.
- B. PSU and HSU staff shall collaborate regarding assessment information and determine if an inmate should be placed in medical monitoring and/or arrange with Security staff for a change in housing assignment for better monitoring.

II. Hunger Strike Classifications

- A. Emergent – Refusal of fluids for 24 hours and/or food for 72 hours or actively being forced treatments through a Court Order.
- B. Non-urgent – Intermittent refusal of food or fluids that leads to some degree of weight loss or dehydration. In addition, an ACP has determined that multi-disciplinary monitoring is required.
- C. Resolved – An ACP has determined there is sufficient caloric and fluid intake to maintain weight and hydration over a medically acceptable time frame.

III. Housing Unit Staff and Responsibilities

- A. Report when they become aware of an inmate who has displayed a pattern of not eating and/or drinking.
 1. Obtain information regarding the inmate's reasons for refusal, intention and food/fluid intake.
 2. Document on the DOC-2466 and verbally inform HSU and Shift Supervisor of:
 - a. The inmate's reason for not eating and/or drinking (if known).
 - b. An inventory of canteen items the inmate has in his/her possession.
 - c. The inmate's access to fluids.
- B. Offer regular meal trays and ensure fluids are available at all times. As little as 500 calories per day can delay the onset of serious deterioration.
- C. If the inmate has gone 24 hours with no fluids consumed or is showing signs and symptoms of dehydration, offer an oral electrolyte replacement option (i.e., Gatorade) at the times meals are offered. Proactively replacing electrolytes prior to nasogastric feedings can reduce the risk of Refeeding Syndrome and death.
- D. When meals are eaten on the housing unit or a tray is placed in cell, record inmate intake of food/fluid at each meal on DOC-3527 as directed by HSU. Staff shall make inquiries and note observations of canteen items consumed.

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- E. Participate in multi-disciplinary team meetings with PSU and HSU as requested per this policy and DAI Policy 500.70.14.

IV. HSU Responsibilities Upon Notification

- A. Upon notification, Health Care staff shall document information obtained in the medical record and perform an initial assessment on the inmate patient and document on the DOC-3450.
1. If an ACP is on site, the ACP shall complete the initial assessment.
 2. If an ACP is not on site, a RN shall complete the initial assessment and arrange for an ACP to review the DOC-3450 within 24 hours, either on site or by the RN contacting the on-call physician.
 3. Elements of the initial assessment shall include:
 - a. An interview of the inmate, including reason for hunger strike, recent food or fluid intake and any stated or non-stated report of physical symptoms related to the hunger strike.
 - b. A physical and mental health assessment shall include vital signs, weight, calculation of BMI and BAI, (see Attachment to this policy) and any signs of dehydration, malnutrition, or mental status changes.
 - c. A determination of the classification of the hunger strike and the level of monitoring required.
 4. In the event the inmate patient is refusing a physical health assessment, health care staff shall collect and document subjective and objective data from visual inspection of the inmate patient including, but not limited to:
 - a. What activity was the inmate patient doing?
 - b. How did they look?
 - c. Were you close enough to note dry lips or mouth?
 - d. Did they talk to you?
 - e. Did they lay on their bed and not move at all?
 5. Health care staff shall attempt additional assessments several times per day.
- B. Initiate a DOC-3451.
- C. Discuss the consequences of refusal of food and fluids with the inmate utilizing DOC-3452.
1. Ask the inmate to sign the form acknowledging the receipt of information.
 2. In the event the inmate refuses to sign, write “refused to sign” on the signature line and complete the form.
- D. Initiate nutrition monitoring via DOC-3527.
1. When meals are eaten on the housing unit or a tray is placed in the cell, housing unit staff shall document food and fluid intake including intake of canteen items.
 2. When meals are eaten in the HSU, health care staff shall document food and fluid intake.
 3. Health care staff shall review DOC-3527 at least once daily.

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- E. Notify OLC of the hunger strike if the inmate is not cooperative or refusing care/assessments and/or if the inmate has one or more of the following and is refusing interventions:
 1. BAI of $\leq 8\%$ for a male and $\leq 21\%$ for a female.
 2. BMI of less than 16Kg/m^2 .
 3. $\geq 10\%$ weight loss in a previously lean, healthy individual.
 4. Significant signs of dehydration and/or malnutrition which may include, but are not limited to: electrolyte imbalance, severe orthostasis, changes in mental status, and inability to walk.

- F. Legal action and/or a Court Order may be necessary to allow involuntary assessment or involuntary treatment (see Section VIII).

- G. Nasogastric tube feeding placement shall be followed as detailed in the Lippincott Manual.

- H. For an emergent hunger strike, arrange for an initial multi-disciplinary care plan meeting or notification for the first business day after the initiation of the hunger strike. Participants shall include:
 1. HSM/designee.
 2. RN.
 3. PSU staff member.
 4. Unit Supervisor/designee.
 5. Social Worker.
 6. Housing unit staff.
 7. Security Director/designee.

V. PSU Responsibilities Upon Notification

- A. Complete DOC-3450A within 24 hours of official hunger strike notification and provide a copy to HSU staff.
 1. A licensed Psychologist, doctoral-level Psychological Associate or Crisis Intervention Worker shall conduct a face-to-face evaluation prior to completion of DOC-3450A. If a Crisis Intervention Worker completes the evaluation, a consultation with a licensed Psychologist shall be conducted within 24 hours.
 2. The evaluation shall include a description of any suspected or known mental illness and give an opinion on the inmate's mental capacity to refuse food and fluids.
 3. If a licensed Psychologist or a doctoral-level Psychological Associate is not on site to complete the initial examination, consultation with a licensed Psychologist shall occur within 24 hours.

- B. Refer the inmate for psychiatric evaluation, if clinically indicated.

- C. If mental illness is causing an inmate to refuse food or fluid (e.g., paranoia about food or severe depression leading to suicidality), staff may consider a WRC referral or a Wisconsin Statutes Ch. 51 – Commitment for Treatment. A

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Chapter 51 commitment, if accompanied by a medication order, allows for involuntary administration of psychotropic medications, although does not allow involuntary administration of food or fluids.

- D. Discuss results of the evaluation with the multi-disciplinary team. Coordinate with HSU staff if OLC needs to be notified (see Section VIII).

VI. Monitoring

A. Emergent Hunger Strike

1. A RN shall conduct medical monitoring as outlined on the DOC-3451 on a daily basis and report any abnormal findings to the ACP.
2. An ACP shall conduct a physical examination every 72 hours or more frequently as condition indicates. A RN shall collect assessment data and consult with the on-call Physician if the 72 hour interval falls on an ACP non-work day.
3. HSU Manager/designee shall provide daily updates about the inmate's condition to the following staff:
 - a. Warden/designee.
 - b. BHS Director.
 - c. BHS Medical Director.
 - d. BHS Director of Nursing.
 - e. Nursing Coordinator.
 - f. PSU Supervisor/designee.
 - g. OLC.
4. HSU staff shall arrange for a multi-disciplinary meeting twice weekly to discuss the inmate's status, treatment needs and plan for care. The participants shall be the same as in Section IV.J.
5. PSU staff shall re-evaluate the inmate as clinically appropriate or when health care staff requests an evaluation for mental status changes.

B. Non-Urgent Hunger Strike

1. A RN shall conduct medical monitoring and collaborate with the ACP including reporting any abnormal findings.
2. A multi-disciplinary plan of care, which includes assessment monitoring, shall be developed. Multi-disciplinary meetings shall occur as determined by the plan of care to discuss the inmate's status, plan for care and treatment needs.
3. PSU staff shall re-evaluate the inmate as clinically appropriate or when health care staff requests it for mental status changes.
4. HSU Manager/designee shall provide updates weekly regarding the inmate's status to the staff as noted in Section VI.A.3.

VII. Emergency Care

Reasons to consult with an ACP or refer to an emergency room or hospital may include, but are not limited to, an inability to obtain a Court Order for evaluation and treatment within the facility (off shifts) or continued signs and symptoms listed below while providing forced treatments:

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- A. Altered mental status such as delirium.
- B. Signs of medical instability such as electrolyte imbalance, severe orthostasis and inability to walk.
- C. A 10% weight loss in a previously lean, healthy individual, BMI of $<16 \text{ Kg/m}^2$, or a BAI of $\leq 8\%$ for a male and $\leq 21\%$ for a female.

VIII. Legal Action

- A. In general, inmates who have the capacity to make health care decisions have a right to refuse care and treatment.
- B. There may be times when an inmate's actions may be injurious to their health or threatens their life. In these cases, HSU shall notify BHS and OLC and shall provide required affidavits and testimony as needed for court proceedings.
- C. The presence of significant cognitive deficits shall prompt staff to consider a Wisconsin Statutes Ch. 54.
 - 1. Restrictive Housing Staff
 - a. Upon notification of a hunger strike, the inmate shall be placed in a cell that has the capability to be closely monitored at the direction of HSU or a Security Supervisor.
 - b. Staff shall ensure a DOC-3527 is placed on the door for staff to complete.
 - c. Staff shall document on the DOC-3527 whenever the inmate consumes food or drink (this shall include canteen).
 - d. If the inmate is sleeping when meal trays are delivered, staff shall wake the inmate and place the meal tray and/or oral electrolyte replacement (if ordered) in the cell.
 - 2. The inmate shall remain in the closely monitored cell until the multi-disciplinary team determines otherwise. Such determinations shall be based upon:
 - a. The inmate's medical status.
 - b. The need for continued close monitoring.
 - c. The availability of closely monitored cells and the prioritization of all inmate needs.
- D. HSU/PSU Staff
 - 1. If HSU or PSU determine a Court Order is necessary to administer involuntary food or fluids, the HSM or PSU Supervisor shall immediately notify the Warden, Deputy Warden and Security Director.
 - 2. Court Orders are only obtainable through an ACP/physician, not an advanced practice nurse practitioner or physician's assistant.
 - 3. Once a Court Order has been obtained, the inmate's medical condition shall be monitored daily as outlined in the DOC-3451 and the classification will remain emergent until the forced interventions are discontinued.

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4. If a Court Order is obtained to evaluate, treat, hydrate and provide nutrition involuntarily, the HSU shall obtain physician orders on the amount and frequency of interventions.

Administrator's Approval: _____ **Date Signed:** _____
Jim Schwochert, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 300.00.57	Page 9 of 9
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Subject: Hunger Strike – Inmate Refusal to Eat or Drink		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - 1.
 - a.
 - B.
 - C.

- II.
 - A.
 - B.
 - C.