

Custodial Operations Policy and Procedures

6.10 Hunger strikes

Policy summary

The management of hunger strikes requires coordinated care between Justice Health & Forensic Mental Health Network (JH&FMHN) and Corrective Services NSW (CSNSW).

A hunger strike is defined as the voluntary abstinence from food and/or fluid. Inmates are considered to be on a hunger strike if they have missed three meals and have indicated (either verbally or non-verbally) their intention to refuse further food and/or fluid. Food and drink must be available and accessible to the inmate at all times.

Management of Public Correctional Centres Service Specifications

Service specifications	Decency and respect
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW.

It also applies to all CSNSW employees, and where relevant to other personnel such as JH&FMN, contractors, subcontractors, and visitors.

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1 Hunger strikes

1.1 Definition of a hunger strike

A hunger strike is defined as the voluntary abstinence from food and/or fluid. An inmate is considered to be on a hunger strike if they have:

- missed three consecutive meals, and
- indicated an intention to refuse further food and/or fluid.

1.2 Daily care and management of inmate

The care and management of an inmate who is on a hunger strike is coordinated by CSNSW and JH&FMHN. JH&FMHN will advise the inmate of the medical implications/risks of refusing food and/or fluids.

If an inmate is on a hunger strike, their physical and mental health is to be monitored daily by CSNSW and JH&FMHN. Food, drink, and buy-ups must be made available.

1.3 Hospitalisation

An inmate on a hunger strike will not be admitted to hospital by JH&FMHN unless medical or psychiatric intervention is necessary due to deterioration in the inmate's physical or mental health. Senior CSNSW staff are to be involved in any decision to move an inmate outside a correctional centre for treatment.

1.4 Compulsory medical treatment

Under section 73 of the *Crimes (Administration of Sentences) Act 1999*, a medical practitioner may carry out medical treatment of an inmate without the inmate's consent if the JH&FMHN Chief Executive (or delegated medical practitioner) is of the opinion, after taking into account the cultural background and religious views of the inmate, that it is necessary to save the inmate's life or to prevent serious damage to the their health.

Correctional officers may use force to restrain inmates for medical treatment authorised under section 73 (**refer to COPP section 13.7 Use of force**).

1.5 Procedures for discovering officer

	Procedure	Responsibility
1.	Immediately report an inmate who commences a hunger strike to the Governor or OIC.	Discovering officer
2.	Submit an <i>Incident/Witness report</i> concerning the inmate's hunger strike to the Governor or OIC.	Discovering officer

1.6 Procedures for immediate response and reporting

	Procedure	Responsibility
1.	Immediately notify JH&FMHN of an inmate who commences a hunger strike.	Governor/ Manager of Security (MOS)/ Authorised officer
2.	Interview the inmate and establish the reason for the inmate's hunger strike.	Governor/MOS/ Authorised officer
3.	Advise the inmate that: <ul style="list-style-type: none"> • food and buy-ups will continue to be offered and made available • they will have access to programs while it is medically safe to do so • their health will continue to be monitored by CSNSW and JH&FMHN • no negotiations will be entered into on any matter of placement or regime while the inmate refuses to eat • a long period of refusing to eat may result in compulsory medical treatment to preserve life and health. 	Governor/MOS/ Authorised officer
4.	Inform the following by telephone: <ul style="list-style-type: none"> • General Manager, Statewide Operations, Custodial Corrections, and • Director, Custodial Operations, or • Director, Contracted Corrections Compliance and Reporting, Operational Performance Review Branch (for contract managed centres). 	Governor/MOS/ Authorised officer
5.	Arrange for a report of the hunger strike to be entered into the Offender Integrated Management System (OIMS) in the Health Screen – <i>Incident Reporting Module (IRM)</i> . The report must include: <ul style="list-style-type: none"> • the inmate's name • the reason the inmate has given for being on a hunger strike • the start date of the hunger strike • the number of meals refused • when JH&FMHN observations commenced. <p>The IRM must be kept open and updated until the inmates hunger strike has ceased (refer to <i>subsection 1.7 Procedures for ongoing monitoring and reporting</i> of this policy).</p>	Governor/MOS/ Authorised officer

1.7 Procedures for ongoing monitoring and reporting

	Procedure	Responsibility
1.	<p>Monitor the inmate's physical and mental health daily and relay information about the inmate's condition to:</p> <ul style="list-style-type: none"> the JH&FMHN Network Director of Nursing & Midwifery Services (NDONMS) Service Director, Custodial Mental Health (SDCMH) the appropriate Clinical Director(s). <p>In the absence of the above positions, relay information to the Executive Director Clinical Operations (EDCO).</p>	JH&FMHN staff
2.	<p>Ensure that:</p> <ul style="list-style-type: none"> food and fluids have been offered to the inmate food and fluids are always available and accessible even if not requested JH&FMHN has monitored the inmate's health daily. 	Governor/MOS/ Authorised officer
3.	Record in the <i>Inmate Accommodation Journal</i> each refusal by the inmate to accept food and/or buy-ups.	SCO
4.	Report all refusals by the inmate to accept food and/or buy-ups daily to the Governor and JH&FMHN.	FM
5.	<p>Arrange for the correctional centre psychologist to visit the inmate to:</p> <ul style="list-style-type: none"> assess the inmate's mental state and refer to a psychiatrist where necessary, or to offer assessment and/or counselling where appropriate. 	Governor/MOS/ Authorised officer
6.	Update the IRM incident report daily with a summary of relevant information.	Governor/MOS/ Authorised officer
7.	<p>Regularly collect reports that identify:</p> <ul style="list-style-type: none"> why the inmate has refused to eat and details of action that followed, and JH&FMHN report on the inmate's physical health psychologist's report on the inmate's mental state the accommodation officer's report which details the inmate's relationship with officers and other inmates and any other relevant observations/information. 	Governor/MOS/ Authorised officer
8.	<p>Email all reports to:</p> <ul style="list-style-type: none"> General Manager, Statewide Operations, Custodial Corrections, and The relevant Director, Custodial Operations, or Director, Contracted Corrections Compliance and Reporting, Operational Performance Review Branch (if contract managed centre). 	Governor/MOS/ Authorised officer

	Procedure	Responsibility
9.	Arrange for CSNSW and JH&FMHN staff to develop a joint management plan for an inmate who continues to hunger strike for seven days or more (even if intermittently) . In these cases, a joint case management conference between CSNSW and JH&FMHN must be held weekly to determine ongoing care.	Governor/MOS/ Authorised officer
10.	Close the IRM incident report when the hunger strike has ceased.	Governor/MOS/ Authorised officer

2 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

3 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions set out in this part of the Custodial Operations Policy and Procedures.
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW
EDCO	Executive Director Clinical Operations
FM	Functional Manager
IRM	Incident Report Module
JH&FMHN	Justice Health & Forensic Mental Health Network
MOS	Manager of Security
NDONMS	Network Director of Nursing & Midwifery Services
OIC	Officer in Charge
OIMS	Offender Integrated Management System
SDCMH	Service Director Custodial Mental Health

4 Document information

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