COPP 6.6 Voluntary Starvation

Prison

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| **Principles**  As referenced in the [Guiding Principles for Corrections in Australia, 2018](http://justus/intranet/department/standards/Pages/ops-standards.aspx):  4.1.1 Health and wellbeing services are available to prisoners and they are aware of how to access them.  4.1.4 Prisoners are provided a standard of health care equal to services available in the community that meet their individual physical health, mental health and social care needs fostering continuity of care between custody and the community.  4.1.5 Prisoners are provided with appropriate health practitioners to deliver the right care at the right time, consistent with equivalent codes of conduct and professional/ethical standards as those applying to public health services in the community.  4.1.6 Health services within correctional services provide for trauma informed care practices. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

Voluntary starvation is where a prisoner makes a conscious decision to refuse to eat or drink.

Prisoners may use voluntary starvation as a way of expressing feelings, views, or as a means of protest.

Voluntary starvation is primarily a health issue rather than a disciplinary matter and will be overseen by a medical practitioner. Where a prisoner is considered to be voluntary starving themselves, the Director of Health Services (DHS) and Deputy Director Health Services (DDHS) should be notified as soon as practicable.

# Notifications

## General requirements

### When a prisoner notifies staff or is observed as refusing to eat (or drink), the Unit Manager shall attempt to clarify, and where possible resolve the issues relating to the prisoner’s refusal to eat or drink.

### The Unit Manager shall submit an incident report to the Superintendent on the issues relating to the prisoner's refusal to eat (or drink), along with any known supporting reasons for the action by the prisoner.

### The Superintendent shall ensure:

1. the prison’s Health Services and the relevant Deputy Commissioner are notified
2. the prisoner is counselled
3. attempts are made to resolve the issue, noting point 4 of (f) below.
4. a medical practitioner is consulted. The medical practitioner shall direct all Health Services action and related management procedures to be undertaken
5. there is a daily record kept of the prisoner's weight, fluid and food intake and the record is regularly reported to Health Services
6. advice is given to the prisoner, depending on their health, for example:

* access to canteen spends
* allocation of gratuities, with consideration given to section 45C *Prisons Regulations 1982* and [COPP 8.1 – Prison Based Constructive Activities](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* daily monitoring of health
* no negotiations will be entered into on any matter while the prisoner refuses to eat (or drink).

# Management

## Approach

### A prisoner who refuses to eat (or drink) shall generally be managed in 3 stages according to the individual medical requirements. For more information about the medical assessment and treatment(s) see [Health Services Policy and Procedure - PM18 Voluntary Starvation](http://justus/communities/health-services/Pages/Policy-and-Procedure.aspx), [COPP 4.9 At-Risk Prisoners](http://justus/intranet/prison-operations/Pages/prison-copps.aspx), the [ARMS Manual](http://justus/intranet/prison-operations/Pages/arms.aspx) and [ARMS Procedural Instructions](http://justus/intranet/prison-operations/Pages/arms.aspx).

## Stage 1 – Initial response

### When a prisoner refuses food or fluids for more than two consecutive shifts including night shift, the following shall apply:

1. Commence the At Risk Management System (ARMS) process by placing the prisoner on ARMS in accordance with [COPP 4.9 At-Risk Prisoners](http://justus/intranet/prison-operations/Pages/prison-copps.aspx), the [ARMS Manual](http://justus/intranet/prison-operations/Pages/arms.aspx) and [ARMS Procedural Instructions](http://justus/intranet/prison-operations/Pages/arms.aspx).
2. In-conjunction with the ARMS risk assessment, consider if the prisoner should be withdrawn from all programs and sporting activities so that there is minimal consumption of energy.
3. Fluids are made available to the prisoner without the need for request.
4. Maintain a record of food and drink consumed by the prisoner and provide this information to the medical practitioner. If the prisoner refuses food but continues to consume calorie-enhanced fluids, an alternative management strategy may be developed.

## Stage 2 - Observation in prison infirmary

### The need to upgrade the management of a prisoner to stage 2 shall be determined by the Superintendent, based on advice from the medical practitioner.

### Male prisoners shall be transferred to Casuarina Prison. Women prisoners shall be transferred to Bandyup Women’s Prison.

### The Superintendent shall contact the next of kin/legally appointed guardian in accordance with [COPP 6.1 – Prisoner Access to Health Care](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

### Following transfer, Health Services staff shall act as medically necessary, including:

1. a full medical examination
2. arranging for a psychiatric report
3. counselling on the physical effects of hunger striking
4. daily review of medical condition
5. monitoring of the prisoner’s medical condition
6. providing updates on the prisoner's medical condition to the relevant Deputy Commissioner.

## Stage 3 - Removal to a health department hospital

### In consultation with the DHS, a medical practitioner shall determine upgrading the prisoner’s management to stage 3 when treatment cannot be sustained within a prison.

### Where a prisoner reaches stage 3:

1. the transfer shall be to a hospital
2. the Superintendent shall immediately inform the Assistant Commissioner Custodial Operations and the relevant Deputy Commissioner
3. the Superintendent shall ensure the next of kin/legally appointed guardian is notified in accordance with [COPP 6.1 – Prisoner Access to Health Care](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

## Use of force for the purpose of examination or treatment

### Where there is a threat to life and the prisoner refuses medical examination and/or treatment, medical staff and/or a prison officer under the direction of medical staff may use force considered reasonable to conduct procedure(s)[[1]](#footnote-1). Refer to [COPP 11.3 – Use of Force and Restraints.](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

## Reporting

### The notification and reporting of a prisoner’s removal to an infirmary or hospital due to voluntary starvation shall occur in accordance with [COPP 13.1 – Incident Notifications, Reporting and Communications](http://justus/intranet/prison-operations/Pages/prison-copps.aspx).

# Annexures

## Related COPPs and other documents

COPPs

* [COPP 4.9 – At-Risk Prisoners](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 6.1 – Prisoner Access to Health Care](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 8.1 – Prison Based Constructive Activities](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.3 – Use of Force and Restraints](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 13.1 – Incident Notifications, Reporting and Communications](http://justus/intranet/prison-operations/Pages/prison-copps.aspx)

Other documents

* [At Risk Management System Manual](http://justus/intranet/prison-operations/Pages/arms.aspx)
* [At Risk Management Procedural Instructions](http://justus/intranet/prison-operations/Pages/arms.aspx)
* [Health Services Policy and Procedure - PM18 Voluntary Starvation](http://justus/communities/health-services/Pages/Policy-and-Procedure.aspx)
* [Guiding Principles for Corrections in Australia, 2018](http://justus/intranet/department/standards/Pages/ops-standards.aspx)

## Definitions and acronyms

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| Term | Definition |
| Commissioner’s Operating Policy and Procedures (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| DHS | Director Health Services |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Health Services | The health services section of the prison, or the health service provider for the prison, as the case may be. |
| Superintendent | A person designated as a Superintendent under s. 36(1) *Prisons Act 1981* and includes any reference to the position responsible for the management of a private prison under Part IIIA *Prisons Act 1981*. Does not extend to the Officer in Charge (OIC) of a prison. |
| Woman | An adult female human being. |

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## Related legislation

* [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)
* *Prisons Regulations 1982*

# Assurance

It is expected that:

1. Prisons will undertake local compliance in accordance with the [Compliance Manual](http://justus/intranet/department/standards/Pages/monitoring.aspx).
2. The relevant Deputy Commissioner within Head Office will undertake management oversight as required.
3. Operational Compliance will undertake checks in accordance with the [Compliance Framework.](http://justus/intranet/department/standards/Pages/monitoring.aspx)
4. Independent oversight will be undertaken as required.

# Document Version History

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 0.1 | Operational Policy | Initial draft | 28 November 2019 | N/A |
| 0.2 | Operational Policy | Updated following consultation | 14 January 2020 | N/A |
| 0.3 | Operational Policy | Tabled for approval with the Project Steering Committee | 17 March 2020 | N/A |
| 0.4 | Operational Policy | Approved by the Project Steering Committee | 17 April 2020 | N/A |
| 0.5 | Operational Policy | Minor amendments and formatting changes made following approval | 26 March 2021 | N/A |
| 1.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 6 April 2021 | 28 June 2021 |
| 1.1 | Operational Policy | Changed female to woman | 2 March 2022 | N/A |
| 2.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 2 March 2022 | 8 March 2022 |

1. Section 95D of the *Prisons Act 1981* [↑](#footnote-ref-1)