

IN THE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RICHARD A. FRENCH, et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 NORMAN G. OWENS, et al., )  
 )  
 Defendants, )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Amicus Curiae. )

CIVIL ACTION NO. IP 75-677-C

French v. Miller



PC-IN-003-001

ORDER

Plaintiffs have moved the Court for a preliminary injunction enjoining the defendants, their agents, servants, employees, and all persons in active concert and participation with them from employing the use of chains, shackles, handcuffs, or any other form of hard or soft restraints on celled inmates.

The Court has heard evidence on the use of mechanical restraints on celled inmates at the Indiana Reformatory and, having fully heard the evidence presented by all parties to this proceeding, the argument of counsel, and being duly advised in the premises, now finds that a preliminary injunction should issue.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the following preliminary injunction be and hereby is issued enjoining defendants, their agents, servants, employees, and all persons in active concert and participation with them as follows:

1. For purposes of this preliminary injunction, the term "mechanical restraints" shall mean the use of hard or soft mechanical restraining devices to restrain a prisoner to his bed or in any other fashion in his cell, other than the routine use of restraints for transporting prisoners or the use of

handcuffs alone to control unruly prisoners.

2. Mechanical restraints shall not be used as punishment.

3. Hard mechanical restraints shall not be used to restrain any prisoner in his cell.

4. A prisoner may be mechanically restrained by custody staff in a cell only under the following conditions.

- a. No prisoner may be mechanically restrained in any unit other than the Infirmary Restraint Unit.
- b. Only soft mechanical restraints may be used.
- c. No prisoner may be mechanically restrained except by prior personal approval of the highest custody officer on duty at the time of restraint, including the Superintendent or, in his absence, the acting Superintendent. If the highest custody officer approving the use of mechanical restraints is anyone other than the Superintendent or, in his absence, the acting Superintendent, the decision to restrain must be approved by the Superintendent or, in his absence, the acting Superintendent, within 15 minutes of the application of mechanical restraints. The reasons for application of mechanical restraints shall be set out in writing and in detail.
- d. Mechanical restraints may be applied to a prisoner, in the absence of a psychiatrist's order, for no greater period of time than two hours or a licensed psychiatrist arrives, whichever is shorter, and may be applied only in an emergency situation as the last alternative to prevent serious bodily harm to the prisoner.
- e. A prisoner who is mechanically restrained without the order of a psychiatrist shall be kept under continuous observation by a trained medical staff

employee, until released or a psychiatrist arrives.

- f. Mechanical restraints shall be lessened and completely released at the earliest opportunity that the prisoner's behavior permits.

5. No prisoner may ever be mechanically restrained under standing orders or PRN orders of a medical doctor or psychiatrist.

6. No mechanical restraints may be applied to a prisoner in excess of the above conditions, except by order and under the direction of a psychiatrist having personal observation of the prisoner being restrained or to be restrained. No psychiatrist may order the application of mechanical restraints to a prisoner, except under the following conditions:

- a. Only soft mechanical restraints may be used.
- b. Mechanical restraints may not be used for a period of time longer than 24 hours, absent immediate transfer of the prisoner to an appropriate, licensed medical/psychiatric facility.
- c. No prisoner may be mechanically restrained in any unit other than the Infirmary Restraint Unit.
- d. A prisoner who is mechanically restrained shall be personally observed by a qualified mental health professional, as defined below, at least every 15 minutes.
- e. Mechanical restraints shall be lessened and completely released at the earliest opportunity that the prisoner's behavior permits.
- f. A prisoner who is mechanically restrained shall be personally observed by a licensed psychiatrist at least every 12 hours, and the order to restrain be renewed, if at all, every 12 hours after personal observation by the psychiatrist.

7. A prisoner who is mechanically restrained shall be released from restraints to go to the bathroom as needed, but in no event less often than every four hours.

8. A prisoner who is mechanically restrained shall be released from restraints in order to eat at all regular mealtimes.

9. A qualified mental health professional shall mean:

- (1) a psychiatrist with three years of residency training in psychiatry;
- (2) a psychologist with a doctoral degree from an accredited program;
- (3) a social worker with a master's degree from an accredited program and two years of clinical experience under the supervision of a Qualified Mental Health Professional;
- (4) a registered nurse with a graduate degree in psychiatric nursing and two years of clinical experience under the supervision of a Qualified Mental Health Professional.

10. Mechanical restrains shall not be used as a method of punishment; around the head or neck of a prisoner; or in any way<sup>3</sup> that causes undue physical discomfort, inflicts physical pain or restricts the blood circulation or breathing.

11. No prisoner shall be mechanically restrained without being properly clothed and being provided with proper bedding.

DATE: March 5, 1982

Stanley Dell  
JUDGE, United States District  
Court

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