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ADA & City of Philadelphia Enter Into Settlement Agreement

ALEXANDRIA, Va., March 13 /PRNewswire/ -- The American Diabetes Association is pleased to announce that it has reached a settlement with the City of Philadelphia in a three-year old class action lawsuit concerning medical treatment for people with diabetes while in police custody. The case, *Rosen, et al. v. City of Philadelphia*, Civil Action No. 2000-CV-764, sought changes in the police department's policies and procedures to ensure that people with diabetes in police custody receive the food and medication they need and that those who become ill while in police custody receive proper medical care. Such care is important because of the short-term complications of diabetes, including brain damage and death, that can result from a person with diabetes being separated from the means to manage the disease for even short periods of time.

The settlement agreement, filed today in United States federal district court after extensive negotiations between the City and the American Diabetes Association, includes provisions to make sure detainees with diabetes receive appropriate food and medical care and that Philadelphia police receive training to be able to respond to the medical needs of people with diabetes. The City has also agreed to provide information to the American Diabetes Association regarding its treatment of people with diabetes for an eighteen- month period.

"An important part of the mission of the American Diabetes Association is to improve the lives of all people with diabetes," said Michael A. Weiss, National Chair of the Board. "Consistent with that goal, we have worked with the City of Philadelphia to develop policies to protect the health and safety of people with diabetes in police custody -- policies that we hope will become a national model."

The American Diabetes Association was represented by Alan L. Yatvin of Popper & Yatvin, David Rudovsky of Kairys, Rudovsky, Epstein & Messing LLP, and by Joseph B. G. Fay, Kenneth Kulak, and Joseph Dever of Morgan, Lewis & Bockius, LLP. "This groundbreaking result simply would not have been possible without the enormously skilled and dedicated legal team that represented the Association," said Michael Greene, former National Chair of the Board and of the Association's Legal Advocacy Subcommittee.

Jeffrey M. Scott, Divisional Deputy City Solicitor, speaking on behalf of the Philadelphia Police Department and the Office of the City Solicitor stated that "the City of Philadelphia welcomes any positive and progressive suggestions that aid the Police Department in its ongoing mission to act responsively to the needs of all citizens in Philadelphia. The City of Philadelphia commends the American Diabetes Association on the significant initiatives achieved through this Agreement, which positively supplements the previously instituted training and written policies and procedures of the Philadelphia Police Department regarding the treatment of detainees with diabetes. The City of Philadelphia looks forward to working with the American Diabetes Association on this important health issue on an ongoing basis."

The significant provisions of the Injunctive Settlement Agreement, which must be approved by the court, include:

- * **Centralized Processing and Medical Services.** All adult detainees with diabetes will be transported to the City's Main Offender Processing Unit ("MOPU"). Each detainee with diabetes will have blood glucose testing performed upon arrival at the MOPU by the City's medical services provider and as deemed medically necessary or upon request. At the MOPU, the City's medical services provider will also provide medically appropriate food and medication to people with diabetes and, if necessary, immediate transportation to the nearest hospital.
- * **Source of Sugar in all Police Districts and Units.** The City will make a source of sugar available for people with diabetes, in the form of soft drinks, in all Police Districts and Units.
- * **Monitoring Provisions.** For eighteen months following the approval of the Injunctive Settlement Agreement by the

Court, the City will provide computer data and other records relating to people with diabetes who are arrested to the American Diabetes Association for review.

* Training Video and Diabetes Poster. The City and the American Diabetes Association will co-produce a training video on the needs of people with diabetes in custody, which will be incorporated into Philadelphia police training. The Association, in consultation with the Philadelphia Police Department, will also design a poster describing diabetes, its symptoms, and appropriate treatment, which shall be placed and maintained in each area where prisoners are detained.

Diabetes refers to a series of diseases in which the body does not produce or respond properly to insulin, a hormone used by the body to convert sugars, starches, and other food into energy. Seventeen million Americans have diabetes, including more than 175,000 people in the Philadelphia five-county area. It is the country's fifth leading cause of death by disease. Complications include heart disease and stroke, blindness, kidney disease, and amputations.

The American Diabetes Association is the nation's leading voluntary health organization supporting diabetes research, information and advocacy. The Association's advocacy efforts include combating discrimination against people with diabetes; advocating for the increase of federal diabetes research and programs; and improved access to, and quality of, healthcare for people with diabetes.

The Association's mission is to prevent and cure diabetes and to improve the lives of all people affected by diabetes. Founded in 1940, the Association provides services to hundreds of communities across the country. For more information please call the American Diabetes Association at 1-800-DIABETES (1-800-342-2383) or visit www.diabetes.org. Information from both these sources is available in Spanish.

Source: American Diabetes Association

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