

STORIES OF HOPE

Justice for Dad after Diabetes-Related Accident

Perception: Responding to a three-car accident, possibly involving an intoxicated driver, the police officer interpreted Frank McAllister's inability to follow commands and unresponsiveness as noncompliance and aggressive behavior. He concluded that McAllister was intoxicated.

The officer pulled McAllister out of the vehicle, threw him to the ground face down, drove a knee into his hip, slapped handcuffs on him, and left him lying on the street.

Reality: McAllister, 65, who has had type 1 diabetes for 47 years, was having a life-threatening medical emergency. He caused the accident when his blood glucose went low, slowing his brain and leaving him unable to help himself.

McAllister lay in the street – hypoglycemic, handcuffed and helpless. Only when another driver voiced concern about a medical problem did the officer find that McAllister, of Portage, Ind., was wearing a medical alert necklace for diabetes. The officer called for an ambulance and uncuffed McAllister, who, in fact, doesn't drink alcohol

"It was such an injustice to my dad," says Shannon Eagen, a registered nurse who was working in the Emergency Department of the local hospital when her father arrived. "He was experiencing a serious medical emergency, and an experienced law enforcement officer acted inappropriately."

McAllister subsequently had surgery to repair a hip fracture where he was kneed; underwent a second surgery to remove excess fluid from a bruised lung, possibly from being thrown to the pavement; spent one week in the hospital and two weeks in a rehabilitation facility; and required six weeks of outpatient rehabilitation.

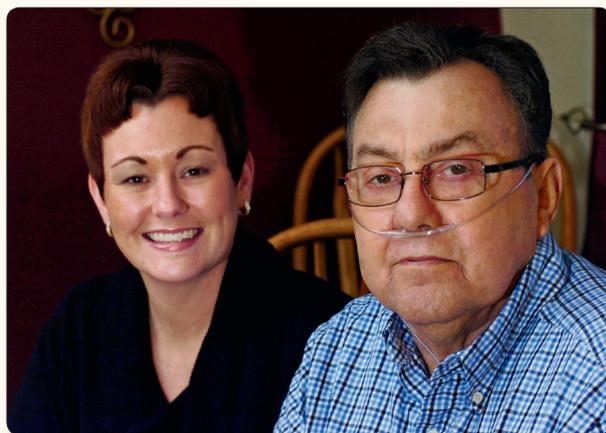
"I just cried because I visualized that happening to my dad."

"He has lingering effects – hip pain, decreased mobility," Eagen says. "He used to go out with friends. That all changed. It marked a significant decline in my dad's health and lifestyle."

After Eagen learned the details of her father's encounter with the officer, an Internet search for "diabetes, crash and excessive force" led her to a video of a driver with diabetes receiving an aggressive arrest related to a hypoglycemic episode.

"I just cried because I visualized that happening to my dad. Thankfully, he doesn't recall much of it," Eagen says.

As the wife of a police officer, Eagen admires people who put their lives on the line to protect and serve. But



Shannon Eagen fought for the civil rights of her father, Frank McAllister.

she couldn't accept rough treatment of an accident victim exhibiting symptoms of a medical emergency.

"We are very pro-law enforcement in this family," Eagen says. "To come to the realization that a police officer had violated my father's civil rights was very hard."

Eagen convinced her father to file a civil lawsuit in federal court. She researched similar cases and found an attorney. She then contacted a Legal Advocate at the American Diabetes Association who provided information, advice and support.

"That's the first time I've ever had to step up for my parents," Eagen recalls. "I hope my dad is proud of me for being an advocate for him and for other people with diabetes."

In October 2011, more than five years after the accident, a jury found that the officer had used excessive force against McAllister.

"My dad got his justice," Eagen says. Since the trial, Eagen has been contacting state and local agencies about including the Association's free educational materials on policing and diabetes in the annual training for police officers.

"We're trying to bring diabetes awareness to law enforcement so another person with diabetes won't have to experience what my dad did," Eagen says. "I also don't want any more officers to face a lawsuit because they didn't know how to handle this kind of situation." ▲

If you know someone who is being treated unfairly because of diabetes, call 1-800-DIABETES (342-2383) or visit diabetes.org/discrimination.