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001. memo	To Chris Jennings re: Diabetes Funds (partial) (1 page)	10/12/99	P6/b(6)

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FOLDER TITLE:

Crime/Police Use of Force

2012-0565-S

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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U.S. Department of Justice

Office of Intergovernmental Affairs

Office of the Deputy Director

Washington, D.C. 20530

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Pages: _____, including cover

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Subject: Exec Summary of Police Use of
Force Publication

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Doc If You want it

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Use of Force by Police

Overview of National and Local Data

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October 1999

NCJ 176330

The logo for the National Institute of Justice (NIJ), consisting of the letters 'NIJ' in a stylized, outlined font.

The logo for the Bureau of Justice Statistics (BJS), consisting of the letters 'BJS' in a bold, serif font.

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Acknowledgments: This report is indebted to many individuals and organizations for their valuable assistance and insights. Special thanks are extended to the law enforcement agencies that cooperated with the researchers whose findings appear in this report. In so doing, the following agencies demonstrated the type of leadership so critical to the advancement of policing practice and policy: Charlotte-Mecklenburg (North Carolina) Police Department, Colorado Springs (Colorado) Police Department, Dallas (Texas) Police Department, Eugene (Oregon) Police Department, Miami-Dade (Florida) Police Department, St. Petersburg (Florida) Police Department, San Diego (California) Police Department, San Diego County (California) Sheriff's Department, Springfield (Oregon) Police Department, and the many departments that have participated in the use-of-force database project of the International Association of Chiefs of Police.

Points of view expressed by contributors to this report do not necessarily represent the official positions or policies of the U.S. Department of Justice.

The National Institute of Justice and the Bureau of Justice Statistics are components of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Foreword

Law enforcement officers are authorized to use force in specified circumstances, are trained in the use of force, and typically face numerous circumstances during their careers when use of force is appropriate—for example, in making some arrests, restraining unruly combatants, or controlling a disruptive demonstration. When the level of force exceeds the level considered justifiable under the circumstances, however, the activities of the police come under public scrutiny.

Incidents involving the use of excessive force by the police frequently receive attention from the media, legislators, and, in some instances, civil and even criminal courts. Whether the excessive force is aberrant behavior of individual officers or is a pattern and practice of an entire law enforcement agency, both the law and public opinion condemn such incidents.

This report is one in a series of publications by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) that seek to inform public discussion by examining police use of force from many perspectives. The report provides an overview of the state of research knowledge about police use of force, updates progress on the national BJS Police-Public Contact Survey (PPCS) and the database project of the International Association of Chiefs of Police, provides the latest findings from NIJ-supported use-of-force research projects in several local

jurisdictions, and offers a researcher's suggestions for a future research agenda on police use of force, with special attention given to issues of excessive force.

Research consistently demonstrates that a small percentage of police-public interactions involve use of force. Various data sources, including police use-of-force reports, civilian complaints, victim surveys, and observational methods, confirm this basic finding. For example, the 1996 pilot test of the PPCS found that about 1 percent of people reporting contacts with police said that officers used or threatened force. Beginning in July 1999, the PPCS is being fielded to a much larger sample than responded to the 1996 test, and the results will be presented in a report next year. In the years ahead, it is expected that the PPCS will provide the basis for a legislatively mandated annual report by the Attorney General documenting the prevalence of the use of excessive force.

NIJ-sponsored research at the local level found that, in the context of the subset of police-public contacts involving adult custody arrests, police used physical force (handcuffing excluded) in less than 20 percent of 7,512 arrests studied (chapter 4). Even in those instances, police primarily used weaponless tactics, such as grabbing or holding, which is consistent with the view that relatively minor types of force dominate statistics on police use of force. That view

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is further supported by research indicating that in incidents involving resistance by suspects, their injuries resulting from police use of force were typically minor (chapter 5).

Ongoing research by NIJ and BJS seeks to provide the perspective, insight, and factual data needed by police and others to address use-of-force issues constructively. Through this and other policing research, we seek to advance our goal of assisting law enforcement agencies in protecting the

public, enhancing the safety of the community and officers, and building widespread support among those they serve.

Jeremy Travis
Director
National Institute of Justice

Jan M. Chaiken, Ph.D.
Director
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Executive Summary

Recent developments have heightened concern about police use of force. They range from well-publicized incidents involving allegations of excessive force to the onset of "aggressive" policing, whose frequent emphasis on zero-tolerance enforcement is sometimes regarded as encouraging use-of-force abuses. No matter what specific event triggers concern about police use of force, how is the public to assess whether such force is, in the aggregate, a major problem? One way is to examine what research has unearthed.

Overview: What Do We Know About Police Use of Force?

As discussed in chapter 1, research-based knowledge about police use of force can be placed into three categories. The first pertains to knowledge that can be accepted with substantial confidence as "fact." The second relates to use-of-force knowledge that can be accepted only with modest confidence because, for example, additional research is warranted. The third category consists of knowledge yet to be developed through research—that is, what is not yet known.

Known with substantial confidence

Known with substantial confidence is that police use force infrequently. The data indicate that a small percentage of police-public encounters involve force.

For example, about 1 percent of people who had face-to-face contacts with police said that officers used or threatened force, according to preliminary estimates based on the Bureau of Justice Statistics' 1996 pretest of its Police-Public Contact Survey (chapter 2). In 7,512 adult custody arrests, another study (chapter 4) notes that fewer than one out of five arrests involved police use of physical force (defined as use of any weapon, use of any weaponless tactic, or use of severe restraints). That can be considered a low rate in view of the study's broad definition of force.

Also known with substantial confidence is that police use of force typically occurs at the lower end of the force spectrum, involving grabbing, pushing, or shoving. In the study focusing on 7,512 adult custody arrests, for instance, about 80 percent of arrests in which police used force involved use of weaponless tactics. Grabbing was the tactic used about half the time. About 2.1 percent of all arrests involved use of weapons by police. Chemical agents, such as pepper spray, were the weapons most frequently used (1.2 percent of all arrests), with firearms least often used (0.2 percent).

From a police administrator's point of view, these findings are predictable. Officers are trained to use force progressively along a continuum, and policy requires that officers use the least amount of force necessary to

The organization of the executive summary parallels that of the report as a whole; that is, the order of topics highlighted in this summary tracks the chapter sequence. Occasional cross-references to specific chapters are intended to assist readers in locating more detailed information.

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accomplish their goals. The kinds of police actions that most arouse the public's concerns—such as fatal shootings, severe beatings with fists or batons that lead to hospitalization, and choke holds that cause unconsciousness or even death—are not typical of situations in which police use force.

When injuries occur as a result of the use of force, they are likely to be minor. In one study (chapter 5), researchers found that the most common injury to a suspect was a bruise or abrasion (48 percent).

Another research finding that can be accepted with substantial confidence is that use of force typically occurs when police are trying to make an arrest and the suspect is resisting. This conclusion is based on four types of data: arrest statistics, surveys of police officers, observations of police behavior, and reports by the public about their encounters with police.

The foregoing findings leave open the issue of excessive force because issues of proportionality are not clearly addressed. Research findings suggest, however, that many debates over excessive force will fall into gray

areas where it is difficult to decide whether an officer acted properly, given credible evidence that use of force was necessary.

Known with modest confidence

Regarding what is known with modest confidence about police use of force, chapter 1 identifies three conclusions suggested by research data:

- Use of force appears to be unrelated to an officer's personal characteristics, such as age, gender, and ethnicity. This conclusion should be accepted with caution, however. Additional verification is needed.
- Use of force is more likely to occur when police are dealing with persons under the influence of alcohol or drugs or with mentally ill individuals. Research findings in this area are inconsistent, however. Further investigation, with an emphasis on implications for training, could lead to a reduction in the risk of force and injury for both police officers and civilians.
- A small proportion of officers are disproportionately involved in use-of-force incidents. More research is needed.

About this report

This report is one of a series of use-of-force publications (see Bibliography, page 75) generated by research supported by the National Institute of Justice or Bureau of Justice Statistics. The data and findings herein contribute to a better understanding of the extent and nature of police use of force and of the circumstances under which such force is applied.

A major objective of chapter 1 is to provide an overview of what is known (and not known) about police use of force and thereby help readers put the issue in perspective. The next two chapters are updates of two national projects. One is designed to collect data on police-public contacts, including those involving police use of force, from a nationally representative sample of per-

sons age 12 or older. The other seeks to encourage as many local law enforcement agencies as possible to submit voluntarily and anonymously use-of-force data to a central database for analysis.

Chapters 4 and 5 focus on the local level. They present use-of-force findings based on data acquired from nine police agencies.

The final chapter looks ahead by proposing a research agenda on police use of force, with special attention given to issues of excessive force.

Thus, this report begins with an overview of what is known about police use of force, proceeds to outline what is being learned, and concludes with a proposed plan for future research.

*Executive Summary***Among what is not known**

As stated in chapter 1: "The incidence of wrongful use of force by police is unknown. Research is critically needed to determine reliably, validly, and precisely how often transgressions of use-of-force powers occur."

Researchers and practitioners both tend to presuppose that the incidence of excessive force by police is very low. If use of force is uncommon, and civilian complaints are infrequent, and civilian injuries are few, then excessive force by police must be rare. That conclusion may indeed be correct, but to the extent that it hinges on official police statistics, it is open to serious challenge.

Current indicators of excessive force, such as civilian complaints and civil lawsuits, are all critically flawed. The difficulties in measuring excessive force with complaint and lawsuit records have led academics and practitioners to redirect their attention to all use-of-force incidents. Theoretically, understanding all use-of-force incidents helps put wrongful use of force in perspective.

As one example of how understanding all use-of-force incidents can help put excessive force in perspective, the study of 7,512 adult custody arrests (chapter 4) makes this observation:

"... most arrests involve no force, excessive or otherwise. When force is used, it typically involves less severe forms of tactics and weapon use. These findings provide a context for understanding excessive force, which we know can involve low-level acts of force ... as well as the acts of force that result in physical injury or death of civilians. Arrests that involve no force, however, cannot involve excessive force and arrests that involve low levels of force are less likely to involve excessive force."

Additional gaps in use-of-force knowledge include the following:

- The impact of differences in police organizations, including administrative policies, hiring, training, discipline, and use of technology, on excessive force is unknown. Although many conditions that arguably

lead to excessive force by police seem obvious, or appear to be a matter of common sense, a great need for systematic research in this area exists.

- Influences of situational characteristics on police use of force and the transactional nature of these events are largely unknown. For example, little is known beyond research indicating that situations most likely to involve police use of force are interpersonal disturbance and violent personal crime, and situations when suspects attempt to flee or physically resist arrest. Those findings, however, do not address the transactional, or step-by-step unfolding, of police-public encounters. Was suspect resistance the result of police use of force, or did police use force after experiencing suspect resistance?

Updates on Two National Projects

In 1996, the Bureau of Justice Statistics (BJS) and the International Association of Chiefs of Police (IACP) initiated projects involving collection of data encompassing police use of force. Both are currently ongoing.

The BJS survey

To learn more about police use of force requires an understanding of the reasons for and the results of police-public encounters. As a step toward developing that understanding, BJS supplemented the National Crime Victimization Survey with a pilot test of its Police-Public Contact Survey (PPCS) in 1996 (chapter 2).

Among the findings was a preliminary estimate that about 1 percent of people reporting contacts with police indicated that officers used or threatened force. In the majority of those instances, respondents said that their own actions, such as threatening police, may have provoked officers.

In July 1999, a second test of PPCS was fielded to a much larger sample than that used in the 1996 pilot test. In addition, BJS anticipates adding items to its periodic surveys conducted among nationally representative samples of those confined in local jails

"NCVS is based on interviews conducted with a nationally representative sample of U.S. households and has become a highly useful platform for testing new questionnaires and periodically implementing supplements." —Greenfeld, et al., page 15 of this report.

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and prisoners held by State and Federal authorities. The new survey items would provide, for the first time, information about respondents' interactions, including use of force, with police during the arrest preceding incarceration.

The IACP database project

Initiated in 1996, the IACP database project is designed to collect use-of-force information from law enforcement agencies across the Nation (chapter 3). To promote accurate reporting and overcome potential reluctance of agencies to participate, IACP decided that provision of data would be both voluntary and anonymous.

Collected data pertain to reported use of force stemming from police responses to calls for service, whether or not those responses resulted in arrests. About 150 agencies are expected to contribute data for the 1998-99 data year. Among preliminary findings:

- Based on 1995 data reported by 110 agencies, the police use-of-force rate was 4.19 per 10,000 responded-to calls for service, or 0.0419 percent.
- Based on data reported for 1996-97, 87 percent of 62,411 use-of-force incidents involved officers using physical force. Officers used chemical force in 7 percent of the incidents, firearms in about 5 percent.
- Based on available data for 1996-97, about 10 percent of 2,479 officers using force sustained injuries, less than 1 percent serious. About 38 percent of subjects were injured due to police use of force, with 1.5 percent sustaining major injuries.

Because the data are not yet nationally representative, conclusions about national use-of-force trends should not be attempted.

Two Local-Level Studies

One of the local-level studies measured the amount of force used by and against police in six jurisdictions. The other measured and assessed police use of force and suspect resistance in three jurisdictions and developed

the force factor, a measure of the level of force used by officers relative to the level of resistance by suspects.

Study on the amount of force used in six jurisdictions

The six-jurisdiction study (chapter 4) gathered data about officers' and suspects' behaviors in connection with 7,512 adult custody arrests (arrests in which suspects are transported to a detention facility, in contrast to being issued a summons to appear before a judicial officer). The researchers focused on the amount of force used by and against police, with the expectation that this information would inform issues surrounding the use of excessive force. For instance, excessive force is typically but not necessarily associated with more severe forms of force that could or do result in injury or death.

Emerging from the research is a more complete understanding of the frequency with which certain types of tactics are used and what types of weapons are displayed, threatened, or actually used. The consistent findings across all six jurisdictions are that most arrests (more than 80 percent) did not involve force by police (excluding handcuffing) or by suspects. In 98 percent of arrests where force was used, no weapon was used, threatened, or even displayed. When police used some form of weaponless tactic (hitting, kicking, wrestling, etc.), the most frequent tactic involved only grabbing (about half the time).

In addition to providing data on the use of weapons and weaponless tactics, the study identified three other elements, sometimes included in the concept of use of force:

- **Restraints.** In about 82 percent of all 7,512 arrests, officers reported use of handcuffs. Leg cuffs were used in 0.9 percent of arrests. Officers used more severe restraints in 0.4 percent of arrests. Restraints were not used in approximately 16 percent of arrests.
- **Motion.** Pursuit on foot and by car occurred in 3 percent and 2.4 percent, respectively, of all arrests. Pursuit did not

"...IACP designed the project from the outset to reflect operational realities of modern, street-level law enforcement, including the very meaning of 'police use of force,' defined as the amount of force required by police to compel compliance by an unwilling subject."

—Henriquez, page 20 of this report.

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occur in 94.4 percent of arrests. Suspect flight most frequently occurred by foot (in 4.7 percent of arrests). In 93.5 percent of arrests, suspects did not flee.

- **Voice.** In 61.2 percent of arrests, police reported they used a conversational tone with suspects.

Among the measures of force used by police officers that were developed by the researchers are physical force and physical force plus threats. The study found that 17.1 percent of arrests involved physical force (use of a weapon, weaponless tactic, or severe restraint) and that 18.9 percent entailed physical force or the display or threatened use of any weapon.

To better distinguish between different types of force—such as between grabbing and kicking—the researchers developed a maximum force measure, which involved officers' ranking 60 hypothetical types of force in terms of their severity on a scale from 1 (least forceful) to 100 (most forceful). When the measure was applied to the types of force officers reported using, the study found that the ranking score for commanding a suspect to do something (1.3 percent of all arrests) was 22; for using handcuffs (57.3 percent of arrests), 28.2; and for displaying a handgun (2.2 percent of arrests), 55.4. The average ranking score for the types of force used in all arrests was 30.

The researchers state that their findings are beginning to provide a stable picture of police behavior and the amount of force that police use in arrest situations, but they note the findings remain tentative given the small number of jurisdictions involved in the research, among other reasons.

Study on police use of force and suspect resistance

The study collected use-of-force data from three law enforcement agencies— police departments in two Oregon cities and one county department in Florida (chapter 5). The areas served by the Oregon departments were considered one site.

The two-city Oregon site of Eugene/Springfield. Researchers analyzed 562 police actions, 57 percent of which were taken by officers responding to calls for service and 33 percent by officers reacting to situations they had observed. The most common type of incident (25 percent) confronting officers was street violence. Most police action (76 percent) was taken to apprehend or control a person.

Officers often used more than one verbal or physical control tactic per incident. For instance, 93 percent of 546 incidents involved at least two tactics; 87 percent, at least three; and 41 percent, at least four. The pattern of tactic use that emerged corresponds to the traditional use-of-force continuum. The first tactic used in an incident is nearly always the least severe use of force on the continuum; the second is almost always the second-most lenient; and so on, with very few exceptions.

Of 504 reported incidents in which force was used, 1.8 percent resulted in injury to officers. They were most at risk for injury when wrestling, striking, or taking a suspect to the ground.

The level of force used by the department's officers relative to the amount of the suspects' resistance—the force factor—averaged slightly higher than the amount of resistance encountered. On average, more force than resistance was used. This does not necessarily imply that the level of police force was excessive. For example, an officer may justifiably use more force than does a suspect to gain control of a situation.

The Florida site. The study focused on data in 882 official Control-of-Persons Reports prepared by officers' supervisors in the Miami-Dade Police Department. Ninety-seven percent of suspects resisted.

The type of resistance most often reported was actively resisting arrest (36 percent), followed by assaulting the officer (25 percent). Twenty one percent of suspects attempted to escape or flee the scene. The most common type of force used by suspects was striking or

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hitting the officer (44 percent). Initially calm suspects were least likely to resist officers but were the most likely to flee and the most likely to resist with a gun or assault officers with a vehicle.

The most common type of suspect injury was a bruise or abrasion (48 percent of those injured), followed by lacerations (24 percent), and gunshot injuries (4 percent). The chance of suspect injury was significant no matter what type of force was used by police. For example, officer use of fists entailed an 81 percent chance of suspect injury; use of a PR-24 baton, a 67 percent chance; and use of a handgun, a 48 percent chance.

Suspects who were reportedly impaired by alcohol or drugs were no more likely to resist officers than sober suspects. When they did resist, however, they were more likely than nonimpaired suspects to directly assault the officer and more than twice as likely to use a gun.

The most common type of force used by officers was use of hands and arms (77 percent of use-of-force incidents). In 64 percent of incidents, officers grabbed or held suspects. There were no statistically significant differences in the level of force used by male and female officers. The ethnicity of an officer did not affect the general level of force used or whether force was used.

Data suggest that officers are significantly at risk for injury when they use force, particularly when they strike a suspect with their fists (48 percent chance) or use their hands and arms to control a suspect (43 percent chance). Because most use-of-force incidents involved use of hands, arms, or fists by officers, they are most at risk for injury when using precisely the types of force that they report using most frequently.

Police officers' use of force in relation to suspect resistance—the force factor—averaged slightly less force than the resistance encountered. Data indicate that officers are more likely to be injured when using less force than that used by resisting suspects.

A Proposed Research Agenda

The development of a research agenda on police use of force, with special attention given to issues of excessive force, should be guided by these general considerations.

- Research should provide new knowledge that significantly increases our understanding of the problem.
- Research should be policy relevant.
- Research activities, taken as a whole, should be comprehensive and systematic.

Within that general framework, more work is required on what various people—general public, minorities, police administrators, patrol officers, judges, offenders, etc.—have in mind when they refer to excessive force and how they adjudge specific instances of police behavior when questions of excessive force arise. This research is important because social problems often require shared solutions, and shared solutions require a common basis of understanding and mutual respect for differences in views.

Also needed is more and better data on police use of force. Most discussions occur in an empirical vacuum where arguments are made without the benefit of solid, useful information.

Research is required on how use of force by police varies across time, cities, and individual police departments. Research also is needed on individual, situational, and organizational factors related to variations in use-of-force levels, along with excessive force levels and should focus on the relation between excessive use of force, meaning the frequency with which police use force, and excessive force, meaning instances in which police use more force than is necessary.

Finally, interventions, changes, and reforms that may mitigate police use-of-force problems should be identified, documented, and evaluated.

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M E M O

TO: CHRIS JENNINGS/fax #202 456 2878

FROM:

P6/(b)(6)

[001]

DATE: October 12, 1999

RE:

DIABETES FUNDS

As you are President Clinton's top Health Aide, I am asking you to help reach his heart and ask him to fully fund Diabetes Research at NIH.

I am a mother of a 9 1/2-year-old daughter who was at the point of coma and diagnosed with Diabetes just three months ago with no clue she was so sick until we almost lost her. Our lives have changed, especially hers. She must deal with insulin shots four times a day because her Blood Glucose cannot be controlled so that she can be near normal. She is experiencing blurred vision and always feeling dizzy. She is the only one at her school with this horrible disease. She is always crying and irritable. She is not the sweet little girl I knew before Diabetes. It is especially hard as a mother to say no you cannot eat because it is not time yet or no you may never eat your favorite candy (kit kat) again.

People say diabetes can be controlled and therefore no one pays attention to the disease. Having diabetes is a very dangerous handicap. Millions of people cannot control their blood glucose that easily and therefore they get other complications. I do not want my baby to get any further complications she is too young.

PLEASE HELP GET THIS MESSAGE TO PRESIDENT CLINTON.

Thank you,

P6/(b)(6)

