

Celestin Family Files Civil Rights Lawsuit Against Ocoee and Windermere Police

The family of Jean Samuel Celestin filed a civil rights lawsuit against the City of Ocoee, the Town of Windermere, four Ocoee Police Department (“OPD”) officers, and one Windermere Police Department (“WPD”) officer, in connection with Mr. Celestin’s death at the hands of OPD and WPD officers on April 11, 2019. The suit alleges that Ocoee, Windermere, and the OPD and WPD deprived Mr. Celestin of his constitutional rights when they physically restrained him to the point that he lost consciousness and died. The suit seeks compensatory and punitive damages.

Mr. Celestin, a resident of Ocoee, was the son of Dr. Rose Marie Celestin. On April 11, 2019, Dr. Celestin and her daughter called 911 to ask for assistance because Mr. Celestin was experiencing a mental health crisis. The road-patrol officers dispatched to assist Mr. Celestin violated standard practices for interacting with people in distress, choosing instead to treat Mr. Celestin—who was expressing delusional thoughts—like a dangerous criminal suspect. The responding officers failed to engage a Crisis Intervention Team (“CIT”) to help Mr. Celestin, even though such teams have existed in Ocoee for over twenty years. CITs are used nationwide to reduce the risk of serious injury or death during an emergency interaction between persons with mental illness and police officers.

In addition to refusing to handcuff Mr. Celestin when he offered his wrists in surrender, and tasing Mr. Celestin multiple times, officers restrained Mr. Celestin with a controversial “hobble” restraint, also known as a “hogtie,” which has been known to cause death by positional asphyxia since at least 1995. The U.S. Department of Justice advises against the use of hobble restraints and clearly directs officers who use them to turn restrained persons onto their sides immediately after the hobble is applied. OPD and WPD officers left Mr. Celestin hogtied and face down in the grass for almost an entire minute after they had successfully put him in the hobble restraint and he was not resisting. The hogtie was a proximate cause of Mr. Celestin’s death, the suit alleges.

In addition, as the complaint alleges, Ocoee and Windermere permitted officers to engage in tactics likely to provoke a violent confrontation with Mr. Celestin, including: failing to adequately announce their presence and the purpose of their visit; treating Mr. Celestin as a criminal suspect instead of a mental health patient; responding to Mr. Celestin's delusions and paranoia with confusing sarcasm; and failing to retreat and consider other tactics when it was clear that Mr. Celestin was mentally ill.

"This is a death that should never have occurred. Samuel Celestin is no longer with us for one reason and one reason only: because police officers treated a sick person in need of help like a dangerous criminal who had just committed a violent felony. This case reflects policing at its worst. The failings that killed Samuel are systemic; they reflect inadequate training and the misuse of equipment; extremely poor tactical conduct by the officers—including intentional escalation of a conflict when de-escalation was called for; and an utter failure to assist a person in distress. This case will expose all of that and more," said Andrew G. Celli, Jr., a lawyer at the New York City law firm Emery Celli Brinckerhoff Abady Ward & Maazel, LLP ("ECBAWM").

"The Celestin family continues to mourn the loss of their beloved son and brother, Sam. Although this lawsuit cannot bring Sam back, they are committed to seeking justice on his behalf, and bringing a halt to the dangerous tactics employed by the OPD and WPD," said Jeremy Markman, a lawyer with King & Markman, P.A., in Orlando speaking for the family of Mr. Celestin.

Along with Mr. Celli and Mr. Markman, ECBAWM's Jonathan Abady, Earl Ward, and Andrew Jondahl represent the family.

Please direct inquiries to Shawn Vincent at 407-415-8095 or shawn@vincentmediaworks.com.