

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

Davis McArthur, by and through §
Dana McArthur, his Court Appointed Guardian, §
Plaintiff §

vs. §

CIVIL ACTION NO. §

Chad Castleberry, in his individual and §
official capacity §
as Chief of the City of Adel, Georgia §
Police Department, Sargent John Gary Roberts, §
Taylor Green and Joel Futch, (in their respective §
Individual and official capacities as members of §
the City of Adel Police Department), §
Douglas G. Hanks, Sheriff of Cook County (Ga.), §
both individually and in his official capacity §
as Sheriff, and numerous unknown Cook County §
Sheriff’s Office employees, (in their respective §
individual and official capacities) designated §
as unknown John Doe(s) and Jane Doe(s) §

ORIGINAL COMPLAINT

NOW COMES Davis McArthur (“Plaintiff”), by and through his court-appointed Guardian, Dana McArthur, filing this Complaint against:

Chad Castleberry, (i.e., in both his individual capacity and in his official capacity as Chief of the Adel, Georgia Police Department),

Officers John Gary Roberts, Taylor Green and Joel Futch (in their respective individual capacities and in their respective official capacities as members of the City of Adel Police Department),¹

Douglas G. Hanks, (in his individual capacity and in his official capacity as the Sheriff of Cook County (Georgia), and

¹ Defendants Castleberry, Roberts, Green and Futch are collectively referenced as “Adel Police Defendants” herein.

Numerous unknown Cook County Sheriff's Office employees, (in their respective individual capacities and in their official capacities as employees of the Cook County Sheriff's Office) designated as "unknown John Doe(s) and Jane Doe(s)".²

Plaintiff's Claims are stated as follows:

SUMMARY STATEMENT OF CLAIMS

In this action, Plaintiff seeks:

(1) injunctive relief against all named Defendants in their respective official capacities as members of the City of Adel, Georgia, Police Department and/or as employees of the Cook County Sheriff's Office and

(2) monetary damages against all Defendants, individually, acting under the color of state law:

(a) for the deprivation of Plaintiff's constitutional rights under the Fourth,

Eighth and Fourteenth Amendments to the United States
Constitution,

(b) for the violation of Plaintiff's rights, as expressed under 42 U.S.C.

§§1983 and 1988, and

(c) for the violation of Plaintiff's rights under the Constitution and

statutory laws of the State of Georgia, including, without
limitation, Plaintiff's rights under the Georgia Mental Health
Code, O.C.G.A. 37-1-1, *et seq.*

STATEMENT CONCERNING INCAPACITY OF PLAINTIFF

Plaintiff, Davis McArthur ("Davis"), is a mentally-ill individual who was declared legally incapacitated in Guardianship Order dated October 13, 2017 by the Probate Court of Cherokee

² Defendant Hanks and the unknown John Doe(s) and Jane Doe(s) are collectively referred to as "Cook County Defendants" or "CCSO Defendants" herein.

County, Georgia. In that Order, Dana McArthur and Andrea McArthur, Davis McArthur's adoptive parents, were appointed as his Guardians. Andrea McArthur died on August 5, 2021. Since that time, Dana McArthur has served as Davis McArthur's sole Guardian. In that capacity, Dana McArthur brings this suit, as Guardian, acting on behalf of Davis McArthur.

GENERAL DESCRIPTION OF CASE

On August 27, 2019, the Adel Police Defendants, all acting under the ultimate direction and control of Defendant Chief Chad Castleberry, unlawfully terminated a properly-issued Involuntary Form 1013 Transport Order of Plaintiff Davis McArthur, thereby depriving him of the emergency medical care to which he was legally entitled. More specifically, the Adel Police Defendants violated Plaintiff's clearly established State and Federal Constitutional right(s) to receive the emergency medical care ordered by qualified medical professionals through a lawfully-issued Form 1013 Involuntary Transport Order when said Defendants unlawfully terminated the Form 1013 emergency transport of Plaintiff, placing him under a racially-motivated arrest. The CCSO Defendants furthered and continued the violations of Plaintiff's clearly established rights by confining Plaintiff, subjecting Plaintiff to humiliation and continuously depriving Plaintiff of any medical care, as described below.

JURISDICTION AND VENUE

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343 over Plaintiff's cause of action arising under the Constitution of the United States and 42 U.S.C. § 1983 and pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. This Court has supplemental jurisdiction over plaintiff's causes of action arising under the Georgia state law pursuant to 28 U.S.C. § 1367.

2. Venue lies in the United States District Court for the Middle District of Georgia, Valdosta Division, because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in The City of Adel, Cook County, Georgia. 28 U.S.C. § 1391(b)(2).

PARTIES

3. Davis McArthur (“Plaintiff”) is an individual who lacks legal capacity and who is under a court-ordered guardianship due to multiple mental illness(es). He brings this case by and through Dana McArthur, his Court-Appointed Guardian. Davis McArthur resides in Americus, Georgia. Dana McArthur resides in Woodstock, Cherokee County, Georgia.

4. Chad Castleberry, is the Chief of the City of Adel Police Department, located in Cook County, Georgia. He is sued in his individual and official capacities.

5. Defendant John Gary Roberts was, at all material times, a Sergeant with the Adel Police Department, purporting to act under color of law. He is sued in his individual and official capacities.

6. Defendant Joel Futch was, at all material times, an officer with the Adel Police Department, purporting to act under color of law. He is sued in his individual and official capacities.

7. Defendant Taylor Green was, at all material times, an officer with the Adel Police Department, purporting to act under color of law. He is sued in his individual and official capacities.

8. Defendant Douglas G. Hanks, was, at all material times, Sheriff of Cook County (Ga.), purporting to act under color of law. He is sued in his individual and official capacities.

9. Defendant(s) John Doe(s) and Jane Doe(s) are each unidentified employees of the Cook County, Georgia’s Sheriff’s Office who each participated in the processing and/or confinement of Plaintiff after Plaintiff was taken to the Cook County Jail. These unidentified Defendants are sued in their respective individual capacities and as employees of the Cook County Sheriff’s office operating in the course and scope of their employment. Plaintiff shall amend his

Complaint to properly identify said Defendants once their specific identities has been ascertained through discovery.

BACKGROUND FACTS

10. On the afternoon of August 26, 2019, Davis McArthur (“Davis”) became suicidal.

11. He was taken from his group home to the Phoebe Sumter Regional Medical Center (“PSRMC”) in Americus, Georgia, where the medical staff examined him and issued a Form 1013 Involuntary Transport Order (“Order”) to facilitate his involuntary transport to the Greenleaf Psychiatric Hospital (the designated “emergency receiving facility” or “ERF”), located in Valdosta, Georgia—located about 2-hours away, where Davis would undergo the necessary examination and treatment for his emergency psychiatric crisis.

12. PSRMC arranged Davis’ Form 1013 involuntary transport³--selecting Transcare Medical, LLC, (“Transcare”), a Georgia state-licensed EMS transport company regionally-headquartered in Adel, Cook County—to perform Davis’ transport using it’s professionally-trained crew of emergency medical technicians (“EMTs”).

13. After assuming Davis’ medical care, Transcare’s EMTs reviewed Davis’ medical records, checked the extensive bandages covering the self-inflicted cuts on Davis’ arms and began the transport.

14. Transcare then (wrongly) decided to stop along the route to Valdosta--in Adel, Cook County, Georgia—to effect a crew change, replacing Transcare’s initial attending-EMT, Christy

³ The Form 1013 Order, created pursuant to the statutory framework of the Georgia Mental Health Code, authorized and mandated Davis’ involuntary transport to the ERF, expressly referencing O.C.G.A. § 37-3-101 and several other statutes providing the statutory framework from Georgia’s Mental Health Code which for such emergency involuntary medical transfers.

O.C.G.A. § 37-3-101 provides, in relevant part, that “...Persons providing transportation are authorized to transport a patient from a sending facility to a receiving facility but shall not release the patient under any circumstances except into the custody of the receiving facility....” (emphasis added).

Griffin, with another EMT, Diana Ray.

15. Griffin had been working more than 17 straight hours, and wanted to end her shift.

16. From the start of Davis' transport, Transcare's fatigued EMT made almost no effort to provide care to Davis or to observe and attend to his escalating his level of anxiety and confusion.

17. By the time the ambulance reached Adel in the first minutes of the morning of August 27, 2019, and while Transcare's staff hurriedly executed the staff substitution, Davis had relapsed into a highly agitated and irrational mental state.

18. A physical altercation ensued between Davis and the on-boarding EMT, Diana Ray.

19. Transcare's paramedic-driver, Roosevelt Norwood, stopped the ambulance in a nearby parking lot and assumed Ray's place in the altercation, while Ray called 911.

20. Adel Police Sgt. John Roberts ("Defendant Roberts"), arrived within minutes. He was closely followed by Defendant Futch and Defendant Green, as they quickly arrived on the scene.

21. Without any investigation other than his initial observation of Norwood (a uniformed Paramedic) lying on top of Davis (a young African American man, dressed only in a hospital gown, who's arms were covered with bandages, scrapes and cuts), Defendant Roberts immediately ordered Defendants Futch and Green to seize Plaintiff, handcuff him, place him in the back of a City of Adel Police car and immediately transport him to the Cook County Jail.

22. Defendant made no effort or attempt to investigate and/or otherwise ascertain any of the relevant facts before ordering Davis' arrest and removal from the scene.

23. Defendants Futch and Green complied, seizing Davis, handcuffing him, placing him in the back of their patrol car and, delivering him into the custody of Cook County Sheriff Douglas G. Hanks the Cook County Sheriff (Georgia) (i.e., at the Cook County Jail) for processing and further confinement--all while Defendant Roberts checked on Transcare's EMT crew to see if *they* wanted or needed any medical attention.

24. Defendant Ray claims that she may have mentioned (i.e., to Defendant Roberts) that Davis was being transported under a Form 1013 Involuntary Transport Order, but Roberts adamantly claims such knowledge “would not have mattered to him or made any difference in how he had handled the situation.”

25. None of the Adel Police Defendants or CCSO Defendants involved in the arrest, booking or confinement of Davis ever offered Davis any medical treatment for his obvious wounds and/or any care for his obvious psychiatric crisis.

26. None of the Adel Police Defendants or CCSO Defendants made any effort to ascertain the nature/reason of/for Plaintiff’s EMS transport, Davis’ medical status, and/or the need for Davis’ continuing emergency care.

27. All of the Defendants knew or should have known that it was unlawful, under Georgia law, to interrupt or interfere with Davis’ emergency transport to the designated ERF (i.e., Greenleaf Hospital in Valdosta) and/or to otherwise deprive Davis of the emergency medical care mandated under the active Form 1013 Order.

28. Only *after* Plaintiff was removed from the scene, Sgt. Roberts approached the two (2) uniformed Transcare EMTs at the scene to take their cursory statements and offer them an opportunity for medical examination and treatment.

29. After taking their (cursory) statements, Sgt. Roberts proceeded to the Cook County Jail, where Plaintiff was being processed/incarcerated.

30. Plaintiff was never offered, and never received, any medical examination by the CCSO Defendants and, like the Adel Police Defendants, the CCSO Defendants made no effort to determine the nature and/or status of Plaintiff’s medical condition/status.

31. Instead, the CCSO Defendants took Plaintiff’s hospital gown from him, leaving him completely naked in a holding cell with other prisoners for several hours.

32. Eventually, Plaintiff was given prison coveralls and moved into the general population of

the Cook County jail, where he remained, (i.e., untreated, under extreme mental stress and anxiety, and fear) for the next nine (9) days, until he was released after posting bail.

33. The actions of the Adel Police Defendants and the CCSO Defendants completely deprived Plaintiff of his clearly established statutory right(s) under the Georgia Mental Health Code, O.C.G.A. 37-1-1, *et seq.*

34. Any *reasonable* police officer or deputy sheriff, acting in the respective role(s) of the Adel Police Defendants and/or the CCSO Defendants, would have clearly known and understood that it would be a violation of Plaintiff's clearly established statutory and Constitutional rights to:

- (a) interrupt Plaintiff's Involuntary Emergency Form 1013 Transport,
- (b) arrest and physically confine Plaintiff, a mentally ill person who was obviously in the middle of an EMS emergency transport, and who was obviously suffering from a clear and obvious psychiatric crisis,
- (c) deprive Plaintiff of the emergency medical services for which Plaintiff had a statutory and Constitutional entitlement,
- (d) further deprive Plaintiff of any medical examination and treatment for his obvious injuries, both at the time-of and after Plaintiff's confinement in the Cook County Jail,
- (e) humiliate and embarrass Plaintiff by removing his hospital gown, leaving him completely naked in a holding cell with other prisoners for several hours, and
- (f) place Plaintiff in the general population of the Cook County Jail for a period of nine (9) days thereafter without proper medical attention.

35. Plaintiff contends that the deprivation of Plaintiff's clearly established rights was, at least in part, racially motivated, and that such racial discrimination is part of a long-standing pattern of racial discrimination fostered and encouraged by the policies, procedures and administration of both the Adel Police Department and the Cook County Sheriff's office.

36. Each of the Adel Police Defendants and CCSO Defendants acted, respectively, within the

course and scope of their duties and responsibilities as employees of the respective City and County Departments, named herein, and in accordance with the racially discriminatory policies, procedures and administration of each such department, as well as in their individual capacities.

37. In this case, Plaintiff seeks monetary relief against each of the Defendants, in their individual capacities, for the deprivation of Davis' statutory and Constitutional rights, together with injunctive relief against the Defendants acting within their official capacities.

COUNT I
Violations Plaintiff's Civil rights under of 42 U.S.C. §1983

29. Plaintiff re-alleges and incorporates, by reference, paragraphs 10 through 37, the same as if specifically set forth herein *verbatim*.

30. Plaintiff claims damages under 42 U.S.C. § 1983 for the injuries set forth above against Defendants for violation of his constitutional rights under color of law.

31. The actions of Defendants violated the following clearly established and clearly established rights of Plaintiff:

- a. The right to be free from the unreasonable seizure of his person.
- b. The right to be free from cruel and unusual punishment.
- c. The right to receive the emergency care mandated by the Georgia Mental Health Code, especially while Plaintiff was suffering from a psychiatric-suicidal crisis, including but not limited to the rights conferred upon Plaintiff under the Form 1013 Involuntary Transfer Order.
- d. The right to be free from racial discrimination in the administration of Georgia's emergency medical services.
- e. The right to be free from wrongful seizure, in Violation of 42 U.S.C. §1983.
- f. The rights enumerated under U.S. Code Title 42, Chapter 21 (more specifically described below in Count II).

g. The rights granted to Plaintiff under Section 1, Paragraph XIII of the Georgia Constitution (i.e., regarding Unreasonable Searches and Seizures).

h. The rights granted to Plaintiff under Section 1, Paragraph XVII of the Georgia Constitution regarding abusive arrests and/or abusive treatment while under arrest.

32. At all relevant times, Defendants were acting under color of law and under color of authority as police officers, employees, and agents or servants of the City of Adel, Georgia and Cook County, Georgia, respectively, and as agents of the State of Georgia.

33. Plaintiff contends that the deprivation of Plaintiff's clearly established rights was, in part, racially motivated, and that such racial discrimination is part of a long-standing pattern of racial discrimination fostered and encouraged by the policies, procedures and administration of both the Adel Police Department and the Cook County Sheriff's office.

34. Plaintiff contends that, under the direction and authority of Defendant Chad Castleberry, in his individual and official capacity as Chief of the City of Adel, Georgia Police Department, the statutory and Constitutional rights of persons suffering from mental illness and those suffering life-threatening psychiatric crises are systemically ignored and violated through

- a. The absence of established or reasonable protocols within the Adel Police Department regarding the statutory and Constitutional rights of mentally ill individuals suffering in the midst of a severe psychiatric (i.e., suicidal) crisis;
- b. The absence of any established or reasonable protocols within the Adel Police Department regarding the proper procedures for handling a patient made the subject of an involuntary Form 1013 Order
- c. The absence of proper training concerning the rights and proper handling of mentally ill individuals suffering in the midst of a severe psychiatric (i.e., suicidal) crisis,

- d. The absence of proper training concerning the legally-mandated procedures for handling a patient made the subject of an involuntary Form 1013 Order, and
- e. The absence of proper supervision and oversight concerning the legally-mandated procedures for handling a patient made the subject of an involuntary Form 1013 Order.

35. Plaintiff contends that, under the direction and authority of Defendant Douglas G. Hanks, in his individual and official capacity as Sheriff of Cook County Georgia, the statutory and Constitutional rights of persons suffering from mental illness and those suffering life-threatening psychiatric crises are systemically ignored and violated through

- a. The absence of established or reasonable protocols within the Cook County Sheriff's Department, and particularly within the Cook County Jail, regarding the statutory and Constitutional rights of mentally ill individuals suffering in the midst of a severe psychiatric (i.e., suicidal) crisis;
- b. The absence of any established or reasonable protocols within the Cook County Sheriff's Department, and particularly within the Cook County Jail regarding the proper procedures for handling a person who has been made the subject of an uncompleted (i.e., not fully executed) involuntary Form 1013 Order
- c. The absence of proper training concerning the rights and proper handling of mentally ill individuals suffering in the midst of a severe psychiatric (i.e., suicidal) crisis,
- d. The absence of proper training concerning the legally-mandated procedures for handling a patient made the subject of an involuntary Form 1013 Order, and
- e. The absence of proper supervision and oversight concerning the legally-mandated procedures for handling a patient made the subject of an involuntary

Form 1013 Order.

36. As a result of the acts of all Defendants, Davis suffered the following injuries and damages:

- a. Violation of his constitutional rights under the Fourth, Eighth and Fourteenth Amendments to the United States Constitution to be free from (1) unreasonable search and seizure of his person, (2) his right not to be subjected to cruel and unusual punishment and (3) his rights to be free from discrimination on the basis of his race;
- b. Violation of his clearly established rights as a mentally ill individual suffering in the midst of a suicidal crisis,
- c. Violation of his clearly established rights as an involuntary patient pursuant to Georgia's Mental Health Code; more specifically, Davis' rights as mentally ill individual suffering from an emergency psychiatric crisis--as clearly established within Georgia's statutory framework for the provision of involuntary medical services (i.e., the Form 1013 Involuntary Transfer Order process) to such person(s).
- d. Loss of his physical liberty for nine (9) days;
- e. Intentional, offensive contact with his body and public embarrassment and humiliation;
- f. Extreme mental anguish,
- g. Post-Traumatic Stress Disorder,
- h. The life-long stigma of having been arrested and incarcerated—and the loss and/or disqualification from housing and employment opportunities resulting therefrom,
- i. The overwhelming stress and financial expenses, over a period of more than two (2) years, of having to defend himself against two (2) felony charges and two (2) misdemeanor criminal charges charged by the City of Adel Police and prosecuted

through a Cook County Grand Jury for more than two (2) years—including the angst, depression, anxiety, fear and stress over the fear of potential life-altering, long-term incarceration, and

j. Hedonic damages—i.e., the loss of Davis’ enjoyment and quality of life, directly and foreseeably caused by the conduct of all Defendants.

37. In addition to the monetary damages Davis seeks by virtue of the actions of the individual Defendants, specifically described above, Davis seeks injunctive relief against Chad Castleberry, Chief of the City of Adel Police Department and Douglas G. Hanks, Sheriff of Cook County, respectively, and all persons within the employ, direction and/or control of their respective Departments, from the continuation of the violative practices, policies, and standards and racially discriminatory actions described in paragraph nos. 55 and 56, above.

COUNT II
U.S. Code Title 42, Chapter 21

38. Plaintiff re-alleges and incorporates, by reference, paragraphs 10 through 37, the same as if specifically set forth herein *verbatim*.

39. Plaintiff claims damages under U.S. Code Title 42, Chapter 21 against Defendants for the injuries set forth above, for unlawful racial discrimination against Plaintiff, and for violating Plaintiff’s right to public accommodations, specifically the right to receive the emergency medical care and treatment mandated under the Form 1013 Involuntary Transfer Order—including the right(s) (a) to be transported to the designated “Emergency Receiving Facility” at the Greenleaf Psychiatric Hospital in Valdosta, Georgia and (b) to receive an emergency medical assessment/examination and treatment from appropriately qualified and trained medical personnel.

40. Georgia law provides, in pertinent part, that “[p]ersons providing transportation are authorized to transport a patient from a sending facility to a receiving facility but shall not

release the patient *under any circumstances* except into the custody of the receiving facility. O.C.G.A. § 37-3-101(b). By arresting and incarcerating Plaintiff, and interrupting the active Emergency Form 1013 Transfer Order and failing/refusing to facilitate or assist in the uninterrupted delivery of Plaintiff to the designated “Emergency Receiving Facility” (“ERF”) specified in that Order, the Adel Police Defendants and the CCSO Defendants completely deprived Plaintiff of the continuing medical care to which he was both statutorily and constitutionally entitled.

41. Plaintiff had a clearly established legal right, under Georgia law, to be transported to the Form 1013-designated “receiving facility”, assessed and treated for his psychiatric-suicidal crisis, irrespective of whether the Adel Police Defendants *believed* he had allegedly committed any crimes.

42. Georgia law expressly provides for no exceptions or circumstances under which the medical examination and/or treatment specifically ordered under an Involuntary Emergency Form 1013 Transport Order for a mentally-ill, suicidal patient may be diverted, terminated or superseded by law enforcement.

43. Georgia law does, however, specifically provide and describe a statutory process for the release of such a patient to the custody of a law enforcement officer *after* the emergency services specified in the Form 1013 Order have been administered and the patient is determined to no longer be a danger to himself and/or others, after such an individual is no longer deemed to be a continuing threat of injury or harm to themselves or others.

44. The Adel Police Defendants failed to act within that statutory framework.

45. Similarly, by booking Plaintiff—when any reasonable person would have observed Plaintiff’s hospital gown and the self-inflicted wounds (and bloodied, bandaged cuts covering Plaintiff’s arms) would conclude that he was suffering from a severe mental health crisis, failing to inquire about the circumstances of Plaintiff’s arrest, failing to offer any medical examination

or treatment to Plaintiff, and accepting Plaintiff for booking him into the Cook County Jail, the CCSO Defendants also violated the same statutory and constitutional rights of Plaintiff.

46. Georgia law expressly provides a statutory framework for situations in which the subject of a Form 1013 Order is charged with the commission of crime. It is patently obvious that neither the Adel Police Defendants nor the CCSO Defendants were either completely unfamiliar with Georgia law as it applies to the rights of mentally ill individuals and/or they had a conscious disregard for those fundamental rights.

47. Any *reasonably* trained and competent, similarly situated policeman and/or sheriff's office employee would have recognized Plaintiff's clearly established rights as well as their own respective legal duties to facilitate and not thwart the immediate transport of Plaintiff to the designated ERF, and/or *at a minimum* inquired about the existence of the Form 1013 Order.

48. Defendants each deprived Plaintiff of his rights based, at least in part, on the culture of racial discrimination against Plaintiff, an African American, which permeates both the City of Adel's police department and Cook County's sheriff's department.

49. Defendants acted in violation of Title 42, Chapter 21 of the U.S. Code which prohibits racial discrimination with respect to the provision of public accommodations, such as Georgia's emergency medical transport services under its Form 1013 process.

50. Plaintiff claims damages under Title 42, Chapter 21 of the U.S. Code for the injuries set forth, above, against all Defendants for violation of his constitutional rights while purporting to act under color of law. Plaintiff expressly adopts and incorporates the specific list of damages set forth, above, in paragraph no. 36, by reference, the same as if set forth at length within this Count II.

51. In addition to the monetary damages Davis seeks by virtue of the actions of the individual Defendants, specifically described above in paragraph no. 36, Davis seeks injunctive relief against Chad Castleberry, Chief of the City of Adel Police Department and Douglas G. Hanks,

Sheriff of Cook County, respectively, and all persons within the employ, direction and/or control of their respective Departments, from the continuation of the violative practices, policies, and standards and racially discriminatory actions described in paragraph nos. 55 and 56, above.

COUNT III
Injunctive Relief Regarding the Unlawful Racial Discrimination
and/or
Against Mentally Ill Person's Suffering from a Psychiatric Crisis

52. Plaintiff re-alleges and incorporates, by reference, paragraphs 10 through 37, the same as if specifically set forth herein *verbatim*.

53. The facts giving rise to Plaintiff's claims by both the Adel Police Defendants and the Cook County Sheriff's Office Defendants evidence and reveal a startling *absence* of clear policies, training, administration, supervision and oversight regarding the clearly established legal and constitutional rights of mentally ill and/or suicidal persons in Georgia.

54. Neither the Adel Police Defendants nor the CCSO Defendants evidences any comprehension, awareness or training regarding the Georgia law(s) pertaining to Georgia's statutory framework for Form 1013 Orders.

55. The wrongful arrest and subsequent incarceration of Plaintiff, without any probable cause, on the basis of sight, alone, also evidences a pattern or practice of racial discrimination against African American individuals.

56. This systemic racial bias within the Adel Police Department, particularly, was revealed just weeks after this incident when Sgt. Roberts' employment was terminated for publicly-stated, inappropriate racial slurs towards African Americans.

57. Plaintiff seeks injunctive relief against both Defendants Castleberry and Hanks, as the

respective senior officers of the Adel Police Department and Cook County Sheriff's Office, respectively, against the deprivation of the rights of suicidal, mentally ill individuals who have been made the subject of an Emergency Involuntary Form 1013 Order. Specifically, Plaintiff seeks injunctive relief:

- a. Requiring the thorough and proper training of all Adel policemen and Cook County Sheriff's deputies and employees concerning the proper implementation and effectuation of an Emergency Involuntary Form 1013 Order in Georgia,
- b. Requiring both Defendants Chief Castleberry and Sheriff Hanks to develop and implement adequate training, policies, practices and oversight to assure the proper handling of mentally ill and/or suicidal individuals in conformity with the rights of such individuals under the Georgia Mental Health Code, and
- c. Prohibiting any Adel policemen and/or Cook County Sheriff's deputies from taking any action terminating (and/or cooperating with or assisting any other party, including any licensed EMR transport company, such as Transcare Medical, LLC, in the termination of) any active Emergency Involuntary Form 1013 Order.

58. The wrongful arrest and subsequent incarceration of Plaintiff, without any probable cause, on the basis of sight, alone, evidences that it has been the policy and/or custom of the Adel Police Department to disregard and/or completely ignore the clearly established rights of mentally ill and/or suicidal persons by the Defendants' failure(s) to exercise reasonable care in the hiring, training and/or supervision of its police officers and sheriff's employees.

59. Plaintiff also seeks injunctive relief that neither Defendant Chief Castleberry and/or Defendant Sheriff Hanks, shall allow anyone from their respective Departments to be placed in

active service unless and until such officers/deputies/employees have received proper training in the clearly established rights of mentally ill and/or suicidal persons who said officers/deputies/employees may encounter in the scope and course of their employment by either Department.

COUNT IV
Request for Relief Under the Federal Declaratory Judgments Act
28 U.S. Code § 2201

60. In addition to the afore-stated claims, Plaintiff seeks Declaratory Relief, pursuant to 28 U.S. Code § 2201, for declaratory relief, specifically finding that, at all material times Plaintiff had the statutory right:

- a. to receive an emergency medical assessment and treatment by the Form 1013 Involuntary Transfer Order's designated "Emergency Receiving Facility",
- b. to be transported, without interruption or delay, directly to the Greenleaf Psychiatric Hospital, and
- c. to remain in the medical care, custody and/or control of Transcare (i.e., without interference, interruption or termination of that custody) until Plaintiff was released into the care of the designated Emergency Receiving Facility pursuant to O.C.G.A. § 37-3-101 and as stated on the face of the Form 1013 Order.

61. Plaintiff seeks a recovery of reasonable attorney's fees in accordance with the provisions of the Federal Declaratory Judgments Act , 28 U.S. Code § 2201, *et seq.*

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Enter judgment in favor of Plaintiff and against Defendants upon each claim stated herein;
- B. Award Plaintiff compensatory damages against Defendants, in such amounts are determined by the trier of fact;
- C. Award Plaintiff's counsel reasonable attorneys' fees, expert fees and costs pursuant to 42 U.S.C. § 1988, 28 U.S. Code § 2201, *et seq.* and/or any other applicable provision under the law;
- D. Award Plaintiff the Declaratory Relief requested herein;
- E. Enter injunctive relief, as specifically described hereinabove; and
- F. Grant to Plaintiff such other and further relief as may be just and proper under the circumstances, including but not limited to appropriate injunctive relief.

JURY TRIAL DEMAND

Plaintiff demands a jury trial, pursuant to the Seventh Amendment to the Constitution of the United States, as to all claims for damages.

This 25th day of September 2023.

Respectfully submitted,
THE LAW OFFICES OF BILL REED

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