

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

JESSICA NICHOLS, Individually and as §
Next Friend of J.A., a Minor, and §
GABRYELLE DANIELS, Individually and §
as Next Friend of D.D., a Minor, §

PLAINTIFFS §

v. §

UNITED STATES OF AMERICA, §

DEFENDANT §

No. 1:24-CV-00961

PLAINTIFFS' ORIGINAL COMPLAINT

This case arises out of negligence by the United States of America and its agencies resulting in the sexual assault of the Minor Plaintiffs herein, who were both 13 years old at the time of their respective assaults. Jessica Nichols, Individually and as Next Friend of J.A., a Minor, and Gabryelle Daniels, Individually and as Next Friend of D.D., a Minor, bring this complaint under the Federal Tort Claims Act, 28 U.S.C. § 2674, against the United States of America and would respectfully show the following.

I. SUMMARY OF CASE

1. Rashad Parkinson is a former Army soldier stationed at Fort Hood (now Fort Cavazos) from 2017 to 2021. While enlisted, Parkinson was a serial predator who assaulted underage girls by lying about his age, claiming to be 17 when he was 25, and then luring them to his car and home with promises of giving them vape products. His victims, which include *at least* eight children, were as young as 12 years old. Many of his victims contracted chlamydia, for

which Parkinson tested positive on at least two occasions in 2021 per military medical records, and also gonorrhea.

2. One of the earliest known victims of Parkinson was a 13-year old girl, M.G. (Victim #1), who was assaulted in December 2018 around Christmas. Based on information and belief, the Department of the Army—specifically including the Fort Hood Criminal Investigation Division (“CID”) and Fort Hood military police—were aware of allegations against Parkinson as early as 2019, two years prior to the assaults of Plaintiffs J.A. and D.D.

3. Beginning in February 2020, a 12-year old girl, M.L. (Victim #2), was repeatedly sexually assaulted by Parkinson over several months. When M.L. ultimately refused sex with Parkinson in the back of his vehicle, he punched her several times and began to choke her almost to the point she lost consciousness. Based on information and belief, in 2020, the Army interviewed and administered a polygraph test to Parkinson, presumably in this same time period.

4. In the time period prior to February 2021, a 16-year old victim of Parkinson, J.V. (Victim #3), was identified after her father reported her missing. J.V. identified Parkinson as a mechanic in the Army. Based on information and belief, in this same approximate time period, Parkinson assaulted B.W. (Victim #4), a 13-year old victim.

5. On April 21, 2021, Parkinson was interviewed at Fort Hood by the Lampasas Police working in conjunction with the Fort Hood military police. Just nine days after this interview at Fort Hood, on April 30, 2021, and after an arrest warrant had been issued for him, Parkinson assaulted S.K. (Victim #5), another 12-year old girl.

6. On May 10, 2021, Parkinson was arrested by the Lampasas Police Department for Felony Sexual Assault of a Child with respect to his assault of J.V. He was released on bond the

same day. Based on information and belief, Parkinson's arrest was known or should have been known to the Army.

7. Only days later, Plaintiff J.A. (Victim # 6) was assaulted by Parkinson in approximately mid-May 2021. On July 21, 2021, Parkinson assaulted another child, J.M. (Victim #7). Plaintiff D.D. (Victim #8) was assaulted by Parkinson in approximately July or August 2021.

8. Based on information and belief, it was not until early November 2021 that the Army took action to confine Parkinson to Fort Hood, despite the Army's knowledge of Parkinson's assaults of children dating back to 2019. Based on information and belief, Parkinson was confined to post for only a single day, before he was arrested in Coryell County in November 2021, since which time he has been continuously incarcerated.

9. The Army's failure to act on a known child predator in its ranks resulted in the sexual assaults of J.A. and D.D., plus countless other children, likely including others than those named herein. Based on information and belief, Plaintiffs have reason to believe that additional victims of Rashad Parkinson exist. Authorities reported that Parkinson's vehicle, in which many of the assaults took place, had substantial amounts of various DNA. These additional victims have not been identified due to the lack of investigation by the Army.

II. PARTIES

10. Defendant is the United States of America.

11. Plaintiff Jessica Nichols, Individually and as Next Friend of J.A., a Minor, is a resident of Coryell County, Texas, within the jurisdiction of this Court.

12. Plaintiff Gabryelle Daniels, Individually and as Next Friend of D.D., a Minor is a resident of Coryell County, Texas, within the jurisdiction of this Court.

III. JURISDICTION, VENUE, & SERVICE

13. This Federal District Court has federal-question jurisdiction of this action because this action is brought pursuant to and in compliance with 28 U.S.C. §§ 1346(b), 2671–2680, commonly known as the Federal Tort Claims Act.

14. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e)(1) because the United States is a defendant, Plaintiffs resides in this district, and no real property is involved in the action.

15. The United States of America may be served with process in accordance with Rule 4(1) of the Federal Rules of Civil Procedure. Service is effected by serving a copy of the Summons and Complaint on the United States Attorney Jaime Esparza, United States Attorney for the Western District of Texas by certified mail, return receipt requested at his office:

United States Attorney's Office
ATTN: Civil Process Clerk, Stephanie Rico
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

16. Service is also effected by serving a copy of the Summons and Complaint on Merrick Garland, Attorney General of the United States, by certified mail, return receipt requested at:

The Attorney General's Office
ATTN: Civil Process Clerk
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

17. This case is commenced and prosecuted against the United States of America in compliance with Title 28 U.S.C. §§ 2671-80, the Federal Tort Claims Act. Liability of the United States is predicated specifically on 28 U.S.C. § 2674 because the personal injuries and resulting damages of which the complaint is made were proximately caused by the negligence, wrongful

acts or omissions of employees or agents of the United States of America working for the United States Department of the Army or Department of Defense, while acting within the scope of their office, employment, or agency under circumstances where the United States of America, if a private person, would be liable to the Plaintiffs in the same manner and to the same extent as a private individual.

18. The United States Department of Defense and Department of the Army are agencies of the United States. The Defendant, the United States of America, through its agencies, at all times material to this lawsuit, owned and operated Fort Cavazos (formerly Fort Hood) and staffed its facilities and vehicles with its agents, servants and employees.

19. This lawsuit is not a claim listed in 28 U.S.C. § 2680, exceptions to the Federal Tort Claims Act.

IV. ADMINISTRATIVE CLAIMS

20. Pursuant to 28 U.S.C. §§ 2672 and 2675(a), the claims set forth here were filed with and presented administratively to the United States of America.

21. With respect to the claim of Plaintiff Jessica Nichols, the United States Department of the Army acknowledged receipt on June 14, 2023, stating that it had received the claim on April 23, 2023. The claim stated a “sum certain.” The United States made a final disposition of this Plaintiff’s claim on February 23, 2024. This action was filed less than six (6) months from the date of the denial of claims.

22. With respect to the original claim of Plaintiff Gabryelle Daniels, the United States Department of the Army acknowledged receipt on June 13, 2023, stating that it had received the claims on December 12, 2022. The United States Department of the Army also acknowledged receipt of an amended claim filed on behalf of Plaintiff Gabryelle Daniels. The claims stated a

“sum certain.” The United States made a final disposition of this Plaintiff’s claims on February 23, 2024. This action was filed less than six (6) months from the date of the denial of claims.

23. Accordingly, Plaintiffs have complied with all jurisdictional prerequisites and conditions precedent to the commencement and prosecution of this lawsuit.

V. BACKGROUND

A. Fort Hood Has a Documented History of Failing to Respond Appropriately to Sexual Assaults Committed By Its Soldiers.

i. During the time period preceding Plaintiffs’ assaults, Fort Hood had an environment permissive of sexual assault by its soldiers.

24. A review of Fort Hood’s practices during the same time period that many of the events underlying this lawsuit occurred unequivocally concluded that the command climate at Fort Hood created an environment permissive of sexual assault.¹

25. After a series of high profile incidents involving sexual assault and sexual harassment at Fort Hood, including the April 2020 disappearance and murder of soldier Vanessa Guillén, the U.S. Secretary of the Army appointed the Fort Hood Independent Review Committee (FHIRC) and directed it to “conduct a comprehensive assessment of the Fort Hood command climate and culture, and its impact, if any, on the safety, welfare and readiness of our Soldiers and units.”² The review covered the time period including fiscal years 2018, 2019 and 2020, which is the same time period involved in this case. *See Report at ii.*

26. In completing its comprehensive review, committee members interviewed soldiers and civilians in the Fort Hood CID Office and the Military Police. They also interviewed law

¹ *See Report of the Fort Hood Independent Review Committee, dated November 6, 2020, available at: <https://www.army.mil/forthoodreview/> (last visited on August 16, 2024) (hereinafter referred to as the “Report”).*

² *Id.*

enforcement officials from the areas surrounding the base, including Sheriffs and Chiefs of Police from Killeen, Copperas Cove, Harker Heights, Coryell County and Bell County. *Id.* at 9.

27. As part of their assessment of the command climate at Fort Hood, the committee examined issues of crime, both on base and off base, and the Criminal Investigation Division (CID) at Fort Hood. The committee concluded that “serious crime issues on and off Fort Hood were neither identified nor addressed” and that “[t]here was a conspicuous absence of an effective risk management approach to crime incident reduction...” Report at ii. (emphasis added). With respect to sexual assaults, the committee concluded that “the existing command climate at Fort Hood is neither conducive nor adequately supportive of the prevention of incidences of sexual harassment and sexual assault.” *Id.* at 114. This culture “developed over time out of neglect and persisted over a series of commands that predated 2018” during which “[a] toxic culture was allowed to harden and set.” *Id.*

28. The Report attributed the toxic culture to “a definitive lack of leadership engagement, commitment and accountability at all levels of office and NCO oversight relative to emphasizing and personalizing the importance of preventing, report and responding to” sexual abuse incidents. *Id.*

29. The committee noted that the “Commander of a military installation possesses a wide variety of options to proactively address and mitigate the spectrum of crime incidents,” yet despite having this capability, “very few tools were employed at Fort Hood to do so.” *Id.* at 9.

30. Included in these options are temporary reassignment to another unit, duty location or living quarters on the installation while the subject is being investigated until there is a final legal disposition of the case, to ensure that the victim or victims are no longer in danger. *Id.* at 16.

31. Fort Hood's failure to address sexual assault effectively is particularly troublesome given that Fort Hood has the highest reported on and off installation sexual assault rates in the Army among first term soldiers. *Id.* at 99.

ii. The Fort Hood CID office was plagued with operational problems, including understaffing, inexperience, high case load, and general instability and lack of continuity.

32. The committee concluded that the Fort Hood CID workforce was "unstable, under-experienced, over-assigned, and under-resourced leading to inefficiencies that had an adverse impact on investigations, especially complex cases involving sex crimes and Soldier deaths." *Id.* at 53.

33. The purpose of the CID office is to ensure "known or suspected serious crimes and crimes which may result in damaging the public confidence in the Army are thoroughly and impartially investigated."³ In addition, as part of a crime prevention effort, including crimes committed by Army personnel, the CID must promptly inform appropriate authorities of facts uncovered during criminal investigations, and must maintain proactive criminal intelligence collection, analysis and reporting to alert commanders to threats and criminal elements, so that commanders can initiate appropriate measures. *Id.* at 54.

34. Yet, the committee found that the Fort Hood CID Detachment did not have a sufficient number of credentialed special agents on board to handle its caseload of complex sex crimes and death investigations. The committee found that at the beginning of 2020, the Fort Hood CID average staffing level of on-board Agents was at approximately 65%, but had dipped to as low as 45%. More troubling, the Fort Hood CID opened approximately 342 to 359 sex crime cases (which includes rape, sexual assault, aggravated sexual contact and abusive sexual contact)

³ See Army Regulation 195-2, 21 July 2020, para 1-6 (p.3).

annually between FY2018 and FY2020, and could have justified an allocation of 9 to 10 Sexual Assault Investigators (“SAI”), yet it only had three. As observed by the committee, SAIs bring much needed specialized skills, experience and continuity, but the Fort Hood CID was lacking in these positions. *Id.* at 55.

35. The committee further observed that the Fort Hood CID sex crimes caseload for Senior Special Victims Investigators (“SSVI”) and Basic Special Victims Investigators (“BSVI”) were the high and second highest respectively among divisional posts across the Army. The report noted that SSVI is the designation for Special Agents who have *advanced* training in sex crimes investigations and that BSVI is for Agents who have completed only a *basic* course. Between 2015 and 2020, Fort Hood CID only had between one and four SSVIs, which the committee stated illustrated “how few experienced Special Agents were available to work the sex crime caseload described above.” *Id.* at 55-56.

36. The committee noted that, for the period of review, Fort Hood CID had no clerical or administrative support employees and no dedicated evidence technicians or training specialists, and as a result, these full-time duties must be assigned to Special Agents, who were already in short supply. On the opposite end of the spectrum, the committee found that the Fort Hood CID office received “almost no guidance and minimal support from the Battalion leadership.” The committee characterized the Battalion leadership as having minimal experience in actual law enforcement positions. *Id.* at 56.

37. As further evidence of the extent of Fort Hood CID office’s ineffectiveness, the report noted that it extended not only to sexual assault cases, but also to Fort Hood’s responsibility to maintain a drug suppression program. Per the report, Fort Hood has the highest drug test failure rate per test taken of all divisional posts in the Army. Yet, the review found that “very little actual

drug suppression took place at Fort Hood despite what area police chiefs described as a ‘thriving drug culture’ among Soldiers they encountered as a result of drug violations within their jurisdictions involving Fort Hood Soldiers.” *Id.*

38. The committee characterized Fort Hood CID’s lack of continuity as “serious and almost debilitating” that “hindered its overall mission.” *Id.* As a prime example of this lack of continuity, the committee pointed to the Guillén murder case, wherein the Special Agent in Charge of the Fort Hood CID “left his duties at Fort Hood pursuant to his Permanent Change of Station (PCS) to another post *in the middle of the Guillén investigation*, one of the most complex and high profile investigation the office has ever handled.” *Id.* at 57 (emphasis in the original). Per the committee, this transfer “was noted by local law enforcement and prosecutors who considered it unwise and detrimental to the case.” *Id.*

39. Moreover, of the limited number of agents available at Fort Hood CID, the report stated the high ratio of inexperienced Special Agents contributed to its inefficiencies. The committee noted that a review of agents assigned to Fort Hood CID during FY2019 revealed that 58 of the 63 agents (92%) were apprentice agents who were “fresh out of the 16 week CID Special Agent Course” and “were not fully accredited to conduct investigations solo.” Apprentice agent is defined as “an agent who has been at his first unit assignment less than a year and must receive mentorship and constant evaluation for suitability from a more experienced [Special Agent].”

40. The committee characterized Fort Hood CID as essentially a training ground for inexperienced agents. They noted that investigative agents with less than 2 years’ experience are “generally only capable of conducting simple witness interviews, handling less complex investigative techniques and acting in a support role for more experienced agents...[t]hey are not

ready for complex investigations involving deaths, traumatized victims, warrants and electronic and other forensic evidence.” *Id.* at 57-58.

41. The committee found that the investigative tempo, quality and timeliness of investigations was adversely impacted by this lack of experience. *Id.* Furthermore, there were “simply too few journeyman level Agents to work the complex sex crime and death cases while mentoring the large number of inexperienced and un-credentialed Special Agents who are constantly transferring in and out. There was minimal continuity and institutional knowledge at the Fort Hood CID.” *Id.* at 58.

42. The committee noted several examples of cases impacted by Fort Hood CID’s failings. Of particular pertinence to the present case, one investigation involved an infant who was shaken to death by his Soldier grandfather in 2018. The subject of the investigation at first lied about the circumstances and cause of the child’s death, stating the infant struck his head. He later admitted to shaking the baby to death because the infant was crying extensively. Autopsy results stated the death was a homicide, yet as of the date of committee’s report in November 2020, the committee noted “a referral was not documented in the file as of the time of this Review.” Shockingly, “the subject was allowed to stay in in the barracks while the case was investigated for 18 months, with no apparent evaluation of the risk the subject posed to himself or others.” *Id.* at 58-59 (emphasis added). This instance was given as an example of Fort Hood CID’s deficiency “in failing to pursue all logical investigative leads.” *Id.*

43. The committee also cited numerous shortcomings in the Guillén case in a detailed review, including, for example, the inexperience of the agents, “choppy interviews of key individuals” in the critical early phases of the investigations and “little cohesion as disparate Special Agents conducted important interviews that should have been tied together.” *Id.* at 59.

44. These failures combined resulted in Fort Hood CID falling short on their mandated objective to “[e]nsure known or suspected serious crimes and crimes which may result in damaging the public confidence in the Army are thoroughly and impartially investigated by USACIDC special agents.”⁴ The committee attributed this failure to comply with this mandate was “due to an inexperienced and constantly changing cadre of Special Agents.” *Id.* at 61.

iii. Fort Hood failed to work with other local and state law enforcement agencies.

45. The committee noted that “state and federal prosecuting attorneys and local law enforcement advised there was little interaction between their offices and Fort Hood CID” and that there were no CID Agents imbedded at any of the local police departments. Based on interviews with officials from local jurisdictions around Fort Hood, the report noted that those interviewed “could not remember a true joint investigation they had done with CID despite the many overlapping jurisdiction cases involving soldier subjects or victims, some of which were very high profile.” *Id.* It was noted that “few of the Chiefs or Sheriffs had met the previous CID leadership and were barely acquainted with the current leadership. Many described CID as a ‘closed book’ because of its perceived limitations in sharing information.” It was also noted that local and state law enforcement executives stated that CID “did not attend their regular monthly law enforcement meetings to maintain liaisons.” *Id.* at 65.

46. In the Guillén case, and other examples, they stated that the “lack of fulsome investigations in these cases was attributable to the low number of inexperienced Agents, which also contributed to the absence of true joint investigations with off post law enforcement agencies.” *Id.* at 59.

⁴ See Army Regulation 195-2, 21 July 2020, para 1-6 (p.3).

47. “Numerous law enforcement, civilian and military sources cited a persistent lack of continuity as a problem in establishing any kind of working relationship with CID at Fort Hood.”

Id. at 57.

iv. *Fort Hood CID investigations were extremely long.*

48. As a result of the shortcomings of the Fort Hood CID, the committee noted that many Fort Hood soldiers interviewed in connection with the report stated that investigations “were extremely drawn out” and that “[v]ictims seldom saw the outcome of their cases and there was minimal deterrent value derived from the cases.” *Id.* at 62.

B. Background Regarding Assailant Soldier Rashad Parkinson

49. Rashad Parkinson is currently incarcerated for sexual assaults involving minor girls such as Plaintiffs J.A. and D.D., and including children as young as 12 years old.

50. Based on information and belief, Parkinson enlisted in the Army in March 2017. He was primarily stationed at Fort Hood (now Fort Cavazos), and was deployed to Germany in late 2019 through mid-2020. In the time period of the sexual assaults of J.A. and D.D., Parkinson was on active duty.

51. Parkinson was married on March 1, 2017, to Donique Parkinson, and was father to a daughter born in September 2019. Donique Parkinson filed a First Amended Petition for Divorce in Coryell County in June 2022.

52. In 2021, Parkinson lived off base in a home with Donique Parkinson. Based on information and belief, he also maintained a second residence off base at which certain of the sexual assaults occurred. Sexual assaults also occurred in his vehicle.

53. Based on information and belief, Parkinson was born in July 1995, and was approximately 25 years old at the time of the assaults of J.A. and D.D. in 2021.

C. Known Assaults Committed by Rashad Parkinson

54. Parkinson is known to have assaulted as least eight children, all in the areas surrounding Fort Hood. Five of these children were assaulted prior to Plaintiff J.A., and seven were assaulted prior to D.D.

55. Victim #1: M.G., was a **13-year old girl** who was sexually assaulted in December 2018 around Christmas.

56. Victim #2: M.L., was a **12-year old girl** who was sexually assaulted repeatedly over several months beginning in February 2020. When M.L. ultimately refused sex with Parkinson in the back of his vehicle, he punched her several times and began to choke her almost to the point she lost consciousness.

57. Victim #3: J.V., was a **16-year old girl** was sexually assaulted in the period prior to February 2021, and was identified after her father reported her missing. J.V. identified Parkinson to police as a mechanic in the Army.

58. Victim # 4: B.W., was a **13-year old girl** sexually assaulted in early 2021;

59. Victim #5: S.K., was a **12-year old girl** sexually assaulted in April 2021.

60. In mid-May 2021, Plaintiff J.A., a **13-year old girl** became Victim #6. She contracted chlamydia from Parkinson, which was not diagnosed until months after her exposure.

61. Victim #7, J.M, another child, was assaulted on approximately July 21, 2021.

62. In approximately July or August 2021, Plaintiff D.D., a 13-year old girl, became Victim #8. She contracted both chlamydia and gonorrhea from Parkinson.

63. As of the date of this petition, these eight children are the known victims of Parkinson, but given his predatory nature toward children, including pre-pubescent girls, Plaintiffs

anticipate more victims exist. As previously noted, based on information and belief, Parkinson's vehicle was covered in DNA from multiple persons, many of whom remain unknown.

D. The U.S. Army Knew, or Should Have Known, About Solider Parkinson's History of Sexual Assaults before He Assaulted the Minor Plaintiffs.

64. Based on information and belief, the Army—specifically including the Fort Hood CID and Fort Hood military police—was aware of allegations against Parkinson as early as 2019, approximately two years *prior to* the assaults of Plaintiffs J.A. and D.D.

65. Based on information and belief, in the same period of time as the assault on M.L., Victim #2, in or around February 2020, the Army interviewed and administered a polygraph test to Parkinson, presumably in this same time period. This was approximately fifteen months *prior to* the assault of Plaintiff J.A., and approximately seventeen months *prior to* the assault of Plaintiff D.D.

66. At the time J.V., Victim #3 was identified in approximately February 2021, she informed the authorities that Parkinson was a mechanic in the Army.

67. On April 21, 2021, Parkinson was interviewed at Fort Hood by the Lampasas Police working in conjunction with the Fort Hood military police. On April 30, 2021, just nine days after this interview at Fort Hood and after an arrest warrant was issued, Parkinson assaulted S.K. (Victim #5), another 12-year old girl.

68. On May 10, 2021, Parkinson was arrested by the Lampasas Police Department for Felony Sexual Assault of a Child with respect to his assault of J.V. He was released on bond the same day. Based on information and belief, the arrest of Parkinson was known or should have been known to the Army.

69. Only days later, Plaintiff J.A. (Victim # 6) was assaulted by Parkinson in approximately mid-May 2021.

70. On July 21, 2021, Parkinson assaulted another child, J.M. (Victim #7).

71. Plaintiff D.D. (Victim #8) was assaulted by Parkinson in approximately July or August 2021.

72. Based on information and belief, on or about November 2, 2021, Fort Hood CID contacted Coryell County law enforcement officials regarding an investigation into Parkinson.

73. Based on information and belief, on or about November 2, 2021, the Army confined Parkinson to post at Fort Hood for only a single day prior to his arrest on November 3, 2021, by Copperas Cove police.

74. Based on information and belief, Plaintiffs have reason to believe that additional victims or Rashad Parkinson exist, but these additional victims have not been identified due to the lack of investigation by the Army.

VI. CAUSE OF ACTION-NEGLIGENCE BY THE ARMY

75. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, knew of the dangerous propensity posed by Rashad Parkinson to the general public and owed a special duty to protect the members of the general public, including J.A. and D.D.

76. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, knew, or should have known, of the mental health issues of Rashad Parkinson, and the resulting sequelae therefrom, including, but not limited to an expressed desire to sexually abuse children, due to their past, present and continuing observation and treatment of Rashad Parkinson, an enlisted man.

77. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently

failed to ensure that a known or suspected serious crime and crime which may result in damaging the public confidence in the Army was thoroughly and impartially investigated by Army employees, including Fort CID agents.

78. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing sexual assault of a child as described above, negligently failed to coordinate with local law enforcement to conduct a joint investigation of Rashad Parkinson's sexual assault occurring outside of Fort Hood.

79. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing sexual assault of a child as described above, negligently failed to promptly inform appropriate authorities of facts uncovered during any criminal investigation of Parkinson, and failed to maintain proactive criminal intelligence collection, analysis and reporting regarding Parkinson to alert commanders to threats and criminal elements, so that the commanders could initiate appropriate measures.

80. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing an offense or offenses triable by court-martial, including sexual assault of a child as described above, negligently failed to make or cause to be made a preliminary inquiry into the charges or suspected offenses.

81. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing an offense or offenses triable by court-martial, including sexual assault of a child as described above, negligently failed to impose pretrial restraints on Parkinson. Based on information and belief, the Army received information regarding allegations against Parkinson as early as 2019, approximately two years *prior to* the assaults of Plaintiffs J.A. and D.D., but Parkinson was allowed to continue to hunt and prey on children (ultimately sexually

assaulting *at least* eight girls, including pre-pubescent girls) and was not confined to post until approximately November 2, 2021, one day prior to his arrest by the Copperas Cove police.

82. Alternatively, the Department of the Army, upon receipt of information that Rashad Parkinson, a member of the command, was accused or suspected of committing an offense or offenses triable by court-martial, including sexual assault of a child as described above, negligently failed to impose pretrial confinement on Parkinson.

83. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently failed to control Parkinson, a third party with a known dangerous propensity, from harming J.A. and D.D., as the United States possessed both the knowledge of Rashad Parkinson's dangerous propensities and the ability to control the conduct of Rashad Parkinson;

84. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently failed to evaluate the risk Rashad Parkinson posed to others.

85. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently failed to properly restrain and treat an enlisted member of the military who was suffering from a known mental disease, defect, illness, and the sequelae therefrom.

86. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently failed to properly restrain and treat an enlisted member of the military who was suffering from a known abuse of drugs and/or alcohol, and the sequelae therefrom.

87. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently failed to restrain an enlisted member of the military who had exhibited and documented, during his treatment by, or on behalf of, the United States Government, a desire to sexually abuse people and who harbored violent thoughts toward members of the public.

88. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently failed to warn members of the public, and/or local authorities, that an enlisted member of the military had exhibited and documented a desire to sexually abuse people and who harbored violent thoughts towards members of the public.

89. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently failed to keep members of the public safe from an enlisted member of the military who had exhibited and documented a desire to sexually abuse people and who harbored violent thoughts toward members of the public.

90. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently allowed an enlisted member of the military, who was suffering from a known mental disease, defect, illness, and the sequelae therefrom, and with a known desire to sexually abuse members of the public, to leave the base where he was stationed at the time of the incident.

91. The Department of the Army, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, negligently failed to identify additional victims of Rashad Parkinson.

92. The Department of the Army negligently failed to ensure MOUs/MOAs existed with civilian law enforcement agencies establishing relationships and allowing for open lines of communication between installation law enforcement and civilian law enforcement for information sharing regarding sexual assault subjects and victims, and as such, upon receipt of information that Rashad Parkinson was accused or suspected of committing a sexual assault of a child as described above, Army did not conduct a reasonable investigation.

VII. CAUSATION

93. One or more of the above negligent acts of the Department of the Army directly and proximately cause injury to the Plaintiffs.

94. Eight *known* children as young as 12-years old were sexually assaulted by Rashad Peterson over an approximate period between late 2018 and July to August 2021. Based on information and belief, the Army knew of *at least one* instance of sexual assault as early as 2019. Yet, despite this knowledge, the Army negligently failed to act as describe above, allowing several more children to be victimized by this serial predator in 2020 and 2021. Parkinson's actions were foreseeable. By the time Plaintiffs J.A. and D.D. were sexually assaulted, approximately two years had passed since the Army had knowledge that Parkinson was raping children.

95. Had the Army appropriately and timely investigated Rashad Peterson upon receipt of information of his initial crimes, he would have been subject to pretrial restraint (such as restriction to post, as was finally done in November 2021, a day prior to his arrest), pretrial confinement, or incarceration—any of which would have prevented Plaintiff J.A. from becoming Victim #6 in May 2021, and Plaintiff D.D. from becoming Victim #8 in July or August 2021.

96. Yet instead, multiple children, including Plaintiff J.A. and Plaintiff D.D. have been victimized and their lives, plus the lives of their families, forever changed by the resulting physical, emotional, and mental trauma.

97. The FHIRC committee unequivocally found that the command climate at Fort Hood created an environment permissive of sexual assault in the same timeframe that Rashad Parkinson was allowed to serially prey on eight children. Each of the failures described in the committee's report are fully consistent with the negligent manner in which the Army acted – and failed to act – with regard to Rashad Parkinson.

VIII. DAMAGES

A. Plaintiff J.A. Has Suffered Physical, Emotional, and Mental Damages as a Result of Her Injuries.

98. As a result of the Army's negligence, Plaintiff J.A. was sexually assaulted at age thirteen. The impact of a sexual assault occurring at such a young age to J.A. has been devastating. She has required extensive counseling and will continue to require counseling in the future. She has had difficulty sleeping and has resorted to drinking alcohol to escape memories of her assault. She is distrustful of men to the point that she was uncomfortable having male teachers at school, and her mother is concerned about the impact on J.A.'s future relationships with men. The trauma from the assault has strained her family relations, including her relationship with her siblings. J.A. was unable to focus on school, and dropped out. Prior to this incident, she was a good student, but now spends days at home, finding it difficult to move past the assault. Her mother has observed personality changes in J.A., who has become very quiet and reserved since the assault. Due to the trauma of the assault, J.A. did not immediately report it, and she was not screened for sexually transmitted diseases until approximately five months after assault. She was diagnosed with chlamydia at that time that she got from Parkinson. J.A. is concerned that the

chlamydia which was untreated for months may impact her future health, including her reproductive health.

99. As a result of the negligence of the United States' employees, agents or representative, Plaintiff J.A. has suffered past and future damages, for which recovery is sought by Plaintiff Jessica Nichols as Next Friend of J.A., including:

- Past and future physical pain & suffering;
- Past and future mental anguish;
- Once she attains the age of 18, future medical and healthcare;
- Past and future lost income and earning capacity;
- Past and future physical impairment;
- Past and future disfigurement;
- Out of pocket expenses, and
- Other pecuniary damages.

100. As a result of the negligence of the United States' employees, agents or representative, Plaintiff Jessica Nichols has suffered past and future damages, for which recovery is sought including past and future medical and healthcare for J.A., until J.A. attains the age of 18, and lost wages due to her inability to maintain work while caring for J.A.

101. In addition, Plaintiff Jessica Nichols, Individually and as Next Friend of J.A seeks recovery of all other damages to which she is entitled pursuant to the applicable state and federal law.

B. Plaintiff D.D. Has Suffered Physical, Emotional, and Mental Damages as a Result of Her Injuries.

102. As a result of the Army's negligence, Plaintiff D.D. was sexually assaulted at age thirteen. The impact of a sexual assault occurring at such a young age to D.D. has been devastating. After the assault, D.D. was diagnosed with chlamydia and gonorrhea, contracted from Parkinson. As a result of the trauma, she has acted out and required inpatient psychiatric care due to her significant emotional and mental distress. After the assault, D.D.'s behavior changed

dramatically, and she ran away from home. She was sexually assaulted by another male, and subsequently became the victim of sex trafficking. She has engaged in dangerous behaviors including sexual promiscuity and drug addition, all caused by the trauma of the initial sexual assault. The assault has strained D.D.'s familial relationships and relationships with her friends, and she has difficulty trusting other people. She has developed severe learning disabilities requiring an individualized education plan, and her grades have faltered, which is compounded by multiple trancies from school due to her instability. Given her age and trauma, D.D. has had difficult reconciling and recognizing the sexual assault and its long-term implications, and she required ongoing, intensive therapy that her family cannot afford without assistance.

103. As a result of the negligence of the United States' employees, agents or representative, Plaintiff D.D. has suffered past and future damages, for which recovery is sought by Plaintiff Gabryelle Daniels as Next Friend of D.D., including:

- Past and future physical pain & suffering;
- Past and future mental anguish;
- Once she attains the age of 18, future medical and healthcare;
- Past and future lost income and earning capacity;
- Past and future physical impairment;
- Past and future disfigurement;
- Out of pocket expenses, and
- Other pecuniary damages.

104. As a result of the negligence of the United States' employees, agents or representative, Plaintiff Gabryelle Daniels has suffered past and future damages, for which recovery is sought including past and future medical and healthcare for D.D. until D.D. attains the age of 18, and lost wages due to her inability to maintain work while caring for D.D.

105. In addition, Plaintiff Gabryelle Daniels, Individually and as Next Friend of D.D. seeks recovery of all other damages to which she is entitled pursuant to the applicable state and federal law.

IX. CONCLUSION

Plaintiffs request that Defendant be cited to appear and answer this Complaint; that upon final trial, the Plaintiffs have judgment against Defendant for:

- the amount of actual damages and for other amount and different amounts that they will show by proper amendment before trial;
- for post-judgment interest at the applicable legal rate;
- for all Court costs incurred in this litigation;

and for such other relief, at law and in equity, both general and special to which Plaintiffs may show themselves entitled to and to which the Court believes them deserving.

Date: August 21, 2024

Respectfully submitted,

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