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FAMILY SUES EASTLAND, TX POLICE DEPARTMENT AFTER SEXUAL ASSAULT OF MINOR

Failures within the department led to the violent rape and attempted murder of an adolescent girl

ABILINE, TEXAS — On January 22, 2019, federal lawsuit was filed in the Northern District of Texas (1:19-cv-012) alleging the Eastland Police Department, along with Sergeant Frank Saylor and Police Chief Billy Myrick, failed to properly handle and investigate a 2013 report of sexual abuse of two sisters, consequently allowing the perpetrator to sexually assault another young girl early the following year.

In June 2013 a father went to the Eastland Police Department to report that his daughters, then aged five and seven, had been sexually abused in 2010 by Eastland, Texas resident Clayton Lee Fought. Sgt. Saylor took the family's statements and initiated an investigation. Video recorded forensic interviews of the sisters were then conducted at the Harmony Home Children's Advocacy Center in Odessa, Texas.

Regrettably in January 2014 Clayton Lee Fought was arrested for the kidnapping and vicious rape of H.P., an eleven-year-old girl who he ultimately left her for dead in a wooded area by Lake Cisco. It was only then that Chief Myrick inquired to his department's staff as to whether the first case had ever been sent to the District Attorney for prosecution. Astonishingly, the original case file was found to be incomplete and the videos along with the family's statements were discovered untouched, lost in a pile of random papers on Sgt. Saylor's desk.

An internal investigation concluded the first case was mishandled by the police department and Sgt. Saylor, who failed to follow multiple policies regarding the investigation of cases and handling of evidence. The investigation also determined that the Eastland Police Department failed to supervise Sgt. Saylor in regard to both. Moreover, the department failed to utilize the case management tools and policies and procedures already in place to track the progress of a child abuse investigation.

"Our client suffered an unimaginably horrific assault which could have been prevented. The City of Eastland should be held accountable for failing this little girl." Attorneys for the family said.

For these failures, H.P.'s family filed suit contending the department violated her rights under the *Due Process & Equal Protection* Clause of the 14th Amendment as well as several of the most basic requirements of Title IX.

REPRESENTING H.P. AND HER FAMILY:

The Law Office of Tahira Khan Merritt, P.L.L.C., litigates cases of sexual abuse and sexual assault exclusively. For two decades, the firm has represented adult and child victims of sex crimes in civil cases against various corporations and institutions, both public and private.

Cirkiel & Associates, P.C., specializes in Education & Disability Law by litigating civil rights cases pursuant to Title IX of the Educational Amdts. Act of 1972, the Individuals with Disabilities in Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA), among others.