

Shooting report rebuffed in Uvalde

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AUSTIN, Texas – Despite a comprehensive U.S. Justice Department report that found law enforcement failed 19 children and their two teachers at Robb Elementary School in Uvalde, Texas – and that other victims could have survived if authorities had stormed the classroom instantly and stopped the shooter – a consultant hired by the city of Uvalde found no wrongdoing by Uvalde officers.

Jesse Prado, former Austin police detective and now a consultant, said Uvalde officers and Uvalde Independent School District police followed policies and procedures and they should not be held accountable.

“One officer showed sacrifice and duty,” Prado said.

Incredulous parents could not believe Prado’s defense for a failed police response when he said officers acted in good faith. Prado said officers lacked rifle-rated shields to counter the bullets from the killer’s AR-15 assault rifle – even though no active shooter training requires any type of shield, but rather mandates officers act immediately to stop a mass killer.

Prado’s presentation runs counter to the exhaustive Justice Department report that found a failure of leadership and a lack of decisive inaction by police to breach the classroom for 77 minutes cost lives. The federal report specifically noted that lives would have been saved if police had broken into the classroom and killed the gunman.

“My daughter was left for dead, left for dead,” said Ruben Zamora, father of student Mayah Zamora, who survived the attack. “It’s disrespectful.”

For an hour, parents, family members and Uvalde residents let out tearful and impassioned cries rejecting the Uvalde city-commissioned report’s conclusion that no single member of local law enforcement acted in breach of police conduct code or law.

The Uvalde Leader News reported that Prado has been paid \$97,000 for his work, with more billing to come.

On Thursday, Prado reported that he did not find law enforcement officers who responded, including the Uvalde Police Department’s SWAT team, had failed to comply with department policies or the law. He recommended that Mariano Pargas, Uvalde’s acting police chief the day of the shooting, be exonerated if he were still employed. Pargas resigned six months after the failed response at Robb Elementary before city



Parents could not believe Consultant Jesse Prado’s defense for a failed police response in the 2022 shooting at Robb Elementary in Uvalde, Texas, when he said officers acted in good faith. AARON E. MARTINEZ/AUSTIN AMERICAN-STATESMAN FILE

leaders could make a decision on his employment.

This report did list the broader law enforcement failures listed in January’s federal report. In his presentation, Prado said that lack of officer response training, lack of law enforcement communication and lack of police tactical equipment were the principal failures by law enforcement. However, Prado said the officers closest to the shooter acted to the best of their ability given the failures.

For parents, the explanation was toothless.

“You said they could not go in, that it was for their safety. It was for the safety of the children. How dare you? It was for the safety of the children. ... They chose their lives over the lives of students and teachers,” said Kim Rubio, mother of slain student Lexi Rubio.

Mayor Cody Smith originally told community members the City Council would not comment publicly because its members were listening to the report for the first time but would speak to families after the session.

However, after public comment, Council Member Hector Luevano spoke disparagingly of the report and how it was presented to Uvalde residents.

“I am insulted, Mr. Prado. These families are insulted by your comments today,” Luevano said. “I wish Mr. Prado would just stand up and face the families...This is not the way it should have been presented.”

Prado said the report came almost

two years after it was commissioned because the Uvalde district attorney’s office delayed its collaboration.

In its January report, the U.S. Justice Department identified similar “critical failures” in response to the mass shooting, including the failures of communication.

“Had law enforcement agencies followed generally accepted practices and gone right after the shooter to stop him, lives would have been saved and people would have survived,” U.S. Attorney General Merrick Garland said at a January news conference in Uvalde.

That report also delineated how misinformation spread in the attack’s aftermath. Many arriving law enforcement personnel were wrongly informed that the shooter had already died. There are other separate investigations into the shooting that are yet unreleased.

The Texas Department of Public Safety has refused to release its records and findings, saying that Uvalde County District Attorney Christina Mitchell has requested that it hold the information until potential criminal charges could be decided upon. This despite requests from families and a lawsuit from organizations like the American-Statesman.

An investigation from Mitchell’s office was expected before the end of 2023, but in December the office said it needed more time before it released its findings.

It seated a grand jury in January. As the Statesman previously reported, it is unclear what charges the grand jury might consider against officers, but it could include child endangerment or injury to a child. Under Texas law, a person commits the offense of child endangerment if he or she “intentionally, knowingly, recklessly or with criminal negligence” places a child 15 or younger “in imminent danger of death.”

Prado gave few recommendations.

He recommended that the Uvalde Police Department cease its SWAT team due to a lack of training and equipment and merge with a local one until there is enough training in local law enforcement to restart one.

Prado ended his presentation and departed, which angered parents and victims’ relatives who demanded that he return. He returned and sat down, wearing his cowboy hat and did not answer questions from the families.

“Have the decency to take off your cowboy hat,” said one family member, calling on Prado to do it out of respect for the dead children.

Prado kept the hat on and his head down.