


	<p>CYNTHIA & WILLIAM BUECHLER BUECHLER & ASSOCIATES, P.C. 3660 STONERIDGE ROAD, SUITE D-101 AUSTIN, TX 78746 (512) 322-0588 ATTORNEYS@BUECHLERLAW.COM</p>	<h1>The House of Representative's Interim Investigative Report on the Uvalde Tragedy: The Important Red Flags Regarding the Attacker and the School</h1>
--	---	--

1

<p style="text-align: right;">NELI <small>NATIONAL EDUCATORS LAW INSTITUTE</small> </p> <h2>BACKGROUND AND HISTORY OF THE INVESTIGATION</h2> <hr/> <ul style="list-style-type: none">•The Speaker of the House created, by proclamation, the investigative committee in June of 2022•The committee was commissioned with the duty to investigate every aspect of the tragedy and make comprehensive findings•It was a fact-finding committee; other legislative committees were tasked with the responsibility to propose policy

2

MOVING FORWARD AFTER THE INVESTIGATION

- Upcoming legislative session will address the findings
- The Governor directed the Texas School Safety Center to conduct “random intruder detection audits” during the fall of 2022
- The Governor also directed that the center conduct school safety reviews of all schools
- Each school district was directed to review its emergency operations plans, including active-threat plans, to ensure proper training

3

QUOTE FROM THE REPORT’S EXECUTIVE SUMMARY

“Other than the attacker, the Committee did not find any ‘villains’ in the course of its investigation. There is no one to whom we can attribute malice or ill motives. Instead, we found systemic failures and egregiously poor decision making. We recognize that the impact of this tragedy is felt most profoundly by the people of Uvalde in ways we cannot fully comprehend.”

p. 5 of 77

4

FACILITIES ISSUES-EXTERIOR

- The school was surrounded by a five-foot tall fence to impede intruders
- Teachers often used rocks to prop open exterior doors to allow easy access from recess, the parking lot, etc.
- The campus policy was for all exterior doors to be locked at all times. In this instance, the west entrance door to the campus was unlocked, which allowed easy access by the intruder
- The report found that if the door had been locked, the attacker would have at least been slowed for some period of time

5

POLICIES FOR LOCKING DOORS

- The campus policy required that doors that lead to the hallways be locked at all times
- The interior doors were also required to remain closed and locked at all times
- School police officers conducted walkthroughs and when doors were unlocked, they would issue reminders to teachers, with repeat offenders being documented
- Teachers at the campus commonly left interior doors unlocked for convenience, and they also used magnets and other methods to circumvent door locks
- At times, the school actually suggested circumventing the locks as a solution for the convenience of substitute teachers and others who lacked their own keys
- The interior doors where the attacker entered the classroom were required to be locked at all times, and in a lockdown, the teachers were required to check that they were locked
- The door to room 111 probably was not locked, and the door took special effort to lock it

6

QUOTE FROM REPORT

“In violation of school policy, no one locked any of the three exterior doors to the west building of Robb Elementary. As a result, the attacker had unimpeded access to enter . . . Locking the exterior and interior doors ultimately may not have been enough to stop the attacker from entering the [school]. But had school personnel locked the doors as the school’s policy required, that could have slowed his progress for a few precious minutes—long enough to receive alerts, hide children, and lock doors; and long enough to give police more opportunity to engage and stop the attacker before he could massacre 19 students and two teachers.” p. 6 of 77

7

LACK OF ADEQUATE MAINTENANCE

- The campus had been built decades ago and usable keys were sparse
- After the doors had been painted around spring break, it was widely known that the door to room 111 frequently did not lock
- The teacher stated that he had reported the malfunctioning lock on multiple occasions to school administrators
- The teacher never submitted a work order
- The principal confirmed that the administration knew about the issue
- The head custodian stated that he was unaware of any issues with the door, but would have created a work order if he knew it was not working properly

8

FAILURE OF TECHNOLOGY

- Poor wi-fi connectivity in Robb Elementary likely delayed the lockdown alert through the Raptor application
- Once the alert was sent, not all teachers received it immediately for a variety of reasons including wi-fi coverage, whether the teacher used the Raptor phone application (as opposed to logging in through a web browser), and whether the teacher was carrying a phone at the time
- No one used the school intercom as another means to communicate the lockdown
- As a result, not all teachers received timely notice of the lockdown, including the teacher in room 111

9

“BAILOUTS” AND “NORMALCY BIAS”

- Prior to the tragedy, the school district was one of just a few recognized for having an adequate active shooter plan in place
- The frequency of less-serious bailout related alerts diluted the significance of alerts and dampened everyone’s readiness to act
- Robb Elementary had approximately 50 bailout alerts between February and May of 2022
- In response to the lockdown alert, the initial reaction of many administrators, teachers, and law enforcement was that it was a less-dangerous bailout
- Significantly, the Raptor Alert System app does not differentiate between bailouts and other kinds of alerts, such as an active shooter situation

10

“NORMALCY BIAS”

- This concept refers to the tendency of people to doubt that an unlikely worst case scenario is actually happening, leading them to disbelieve or downplay warnings
- Safety training should always touch on normalcy bias
- Clear communication is critical so that teachers and staff understand the severity of a situation

11

Attacker's History

12

Attacker's History

- The attacker was born in North Dakota in 2004 and was the second child of his mother, a Uvalde native and her then boyfriend. The couple split shortly after the attacker's birth and mother returned to Uvalde with her children.

- The father has very limited involvement with his children from that point forward.

Attacker's History

- Mother was involved in the attacker's early life, but her relationship with both her children was strained beyond the early years.

- Mother struggled with a long history of drug abuse and other personal issues.

Attacker's History

- Mother had a series of boyfriends.

- A former girlfriend of the attacker informed the FBI that one of the mother's boyfriend had sexually assaulted the attacker at an early age, but the mother did not believe his outcry.

Attacker's History

- Attacker and his sister were largely supported by extended family, specifically, his maternal grandmother.

- Relatives described the attacker as shy and quiet.

Attacker's History

- Testimony was provided to the committee that he was reluctant to interact with peers because of a speech impediment.

- Attacker lived in impoverished conditions. He often wore the same clothing day after day.

Attacker's History

- Early assessments showed that he was behind other students academically, and by third grade, he was identified as “at risk” due to consistently poor test results.

- School records reveal that someone may have requested speech therapy for the attacker, and his later internet searches show he himself seeking information on dyslexia. However, he never received special education services.

Attacker's History

- The attacker's fourth grade year was significant to him. The shooting took place in his former fourth grade classroom and he discussed bad memories of fourth grade with an acquaintance just weeks beforehand.

- His fourth grade teacher told the Committee she knew the attacker needed extra help in her class because the attacker claimed to be a victim of bullying. She testified that she met with the attacker's mother over the mother's concerns about bullying, and promised the mother that her son would have a good fourth grade year. The teacher perceived that he had a good year.

Attacker's History

- Members of the attacker's family, however, reported that other students still bullied the attacker throughout his fourth grade school year over his stutter, clothing and short haircut. A cousin of attacker said she was in the same fourth grade class with him and corroborated this version of his experience that year. She reported an incident in which another girl in the class tied the attacker's shoelaces together, resulting in him falling over and injuring his face.

- Notes in his phone reference his being bullied in middle school.

Attacker's History

- Records show the attacker had declining attendance, with more than one hundred absences annually beginning in 2018, along with failing grades and increasingly dismal performance on standardized and end of course exams.
- The attacker had almost no disciplinary history at school. The single infraction on his school record was for mutual combat with another student in a hallway in late 2018.

Attacker's History

- By 2021, at age seventeen, the attacker had only completed the ninth grade.
- On October 28, 2021, Uvalde High School involuntarily withdrew him, citing poor academic performance and lack of attendance.

Attacker's History

- While in earlier years, notes in his phone reflect that he unsuccessfully sought to fit in (including a fixation with weight and fitness that resulted in an eating disorder), in 2021 he appears to have increasingly withdrawn and isolated himself.

- In mid-2021, his relationship with the girlfriend ended. She described the attacker as lonely and depressed, constantly teased by friends who called him a “school shooter”.

Attacker's History

- The attacker's sister already had graduated and left home and his best friend was living in San Antonio.

- Family members told the Committee that a group of the attacker's former friends “jumped” him early in the year.

Attacker's History

- The attacker began wearing black clothes, combat boots and long unkempt hair.
- He was active on several social media platforms, including TikTok, Instagram, YouTube, and the French live-streaming platform Yubo.

Attacker's History

- He played a ranger of video games, including the Call of Duty and Grand Theft Auto series.
- Most of his usernames and even his email address related themes of confrontation and revenge.

Attacker's History

- The attacker began to demonstrate interest in gore and violent sex, watching and sometimes sharing gruesome videos and images of suicides, beheadings, accidents, as well as sending unexpected explicit message to others online.

- Those with whom he played video games reported that he became enraged when he lost. He made over the top threats, especially toward female players, whom he would terrorize with graphic description of violence and rape.

Attacker's History

- The attacker wrote about his difficulty connecting to other people or feeling empathy for them: he said he was “not human”, and he called other “humans” as an insult.

- The attacker became focused on achieving notoriety.

Attacker's History

- The attacker spoke enviously of publicity given to a murderer and animal abuser whose story became widely known after a Netflix documentary.

- In late 2021, he posted a video online of him driving around with someone holding a clear plastic bad that contained a dead cat, which he discarded in the street and spit on while the driver laughed.

Attacker's History

- The attacker got a job at Whataburger and was fired after a month for threatening a female worker. At his next job at Wendy's he fared the same.

- While a vague idea for a school shooting appears to have been in the attacker's mind as early as late 2021, he began auto pursue the plan in early 2022 after a falling-out with his mother. A blowout argument between them was live-streamed on Instagram. Soon afterwards, the attacker left home and moved in with his grandmother, just blocks away from Robb Elementary School.

Attacker's History

He slept on his grandmother's living room floor in her small house. A few days before the shooting, he confided in an older cousin who was also staying there that he did not want to live anymore.

Red Flags for the School

Red Flags for the School

Speech Impediment

Red Flags for the School

Bullying

Red Flags for the School

Appearing shy, quiet, withdrawn

Red Flags for the School

Struggling Academically

Red Flags for the School

Excessive Absences

Red Flags for the School

School Withdrawing 17-year-old student



Question & Answer Session

NELI ©

39

NELI NATIONAL
EDUCATORS
LAW INSTITUTE 

Disclaimer

The legal information provided during this webinar is for general purposes only. It is not intended as a substitute for individual legal advice or the provision of legal services. Accessing this information does not create an attorney/client relationship. Individual legal situations vary greatly, and attendees should consult directly with an attorney.

NELI ©

40