

August 24, 2022, 4:45 p.m. Central Time

CHIEF ARREDONDO'S ATTORNEY ISSUES PRESS STATEMENT
IN RESPONSE TO UVALDE ISD'S UNCONSTITUTIONAL LIMITATIONS
PLACED UPON NAME CLEARING HEARING
AND
REQUESTED UCISD READ THIS STATEMENT OUT LOUD AT THE HEARING

Chief Pete Arredondo is a contracted employee of the Uvalde Consolidated Independent School District and has been since early 2020. As a contracted employee, Chief Arredondo possesses a constitutionally recognized property right in the benefits arising from his contract with the School District. It is beyond any doubt that discharge from public employment under circumstances that put the employee's reputation, honor or integrity at stake gives rise to a liberty interest under the Fourteenth Amendment to a procedural opportunity to clear one's name.

Moreover, the process due such an individual is merely a hearing providing a public forum or opportunity to clear one's name, not the actual review of the decision to discharge the employee. When a government employer discharges an individual under circumstances that will do special harm to the individual's reputation and fails to give that individual an opportunity to clear his name, the individual may recover monetary damages under § 1983 for the deprivation of his liberty under the Fourteenth Amendment.

Chief Pete Arredondo responded to the Shooter's crime spree, which occurred on May 24, 2022, when it spilled onto the Robb Elementary School grounds. From the conclusion of the law enforcement emergency response on May 24, 2022, to June 22, 2022, Chief Arredondo continued in his contracted role as Uvalde ISD Police Chief, without

criticism from the Superintendent or School Board regarding his response to the May 24, 2022, incident.

On June 22, 2022, Chief Arredondo received a hand-delivered letter from the School District Superintendent placing him on administrative leave with pay “pending the outcome of the investigations regarding the recent tragedy at Robb Elementary School.” It goes on, stating: “...as soon as the investigation is completed and a decision is reached as to what recommendation, if any, to make to the appropriate District officials, you will be so advised and given further instructions.” Further, Chief Arredondo was prohibited from discussing the matter with any District personnel but required to fully cooperate with outside agency investigative authorities, and was excluded from School property, without written permission by the Superintendent. It also required him to surrender all district property, collect his personal belonging from his employer’s offices and threatened termination for failing to obey.

On July 19, 2022, Chief Arredondo received a letter by email, recommending his contract with the School District be terminated. The letter states that “the letter is to provide written notice of a complaint and possible job action as required by Texas Government Code 614.021-.023. The letter acknowledged that the Chief acted in some appropriate ways to the incident but did not act in creating an Incident Command Center, nor did he act as the ICC leader or Initial Incident Commander.

It goes on to admit that “it is unknown what may have been different” if he performed those tasks but then asserts that Chief Arredondo’s actions demonstrated a “lack

of leadership”, which is the basis upon which the Superintendent recommended his termination. And, without any advanced notice, the Superintendent immediately placed the Chief on leave without pay, depriving Chief Arredondo of all compensation and benefits afforded him under the contract, which had not yet been acted upon. It then unilaterally set the meeting at which action was to be taken on July 23, 2022, a mere four (4) days later.

While the July 19th letter was to “provide...notice” of a complaint, it did not identify the letter as the complaint itself. Moreover, no complaint, which is required to be provided to Chief Arredondo was provided promptly after having been received by the district. Between June 22, 2022, and July 19, 2022, Chief Arredondo was not notified of any school district investigation and was not requested to participate or even provide a statement in connection with the internal investigation by the district, as referenced in the June 22, 2022, administrative leave with pay letter.

Therefore, despite the July 19, 2022 letter proclaiming compliance with Texas Government Code Chapter 614, in reality, the district did not (1) provide a written complaint to Chief Arredondo, (2) did not provide Chief Arredondo the complaint “promptly” after the complaint was filed, and (3) did not conduct any internal investigation establishing evidence supporting a decision to terminate the Chief’s employment; all of which are required by the law referenced by the district. Further, all subsequent requests made in writing for any such complaint and investigation made on the Chief’s behalf, have been ignored by the district. Therefore, it is apparent that the district is not proceeding in

conformity with Chapter 614 and by doing so, is further denying Chief Arredondo of his U.S. Constitutional due process rights leading up to this upcoming proposed termination hearing.

Going back to the initial termination hearing unilaterally set on July 23, 2022, I must point out that such hearing notice did not include any procedural requirements and appeared to be complaint with the “name clearing hearing” guaranteed by federal law. And again, when it was reset to August 4th, it was again done without coordination of availability and again, did not include any procedural requirements and appeared to be compliant with the “name clearing hearing” guaranteed by federal law.

In its most recent Board notification of hearing, moving the hearing to today, Wednesday, August 24, 2022, we appreciated the coordination efforts to ensure availability of all those necessary. However, on the 16th you then, after a prior evening discussion with the Board in executive session, unconstitutionally imposed last-minute procedural hurdles, which directly interfere with Chief Arredondo’s ability to exercise his constitutionally protected rights to an unrestricted name clearing hearing, in violation of his 14th Amendment rights and his right to Free Speech, in violation of his First Amendment rights. This illegal procedure further required Chief Arredondo to provide advance submission of all information to be presented to the Board essentially within 72 hours from receipt of the letter. This amounts to an arbitrary and capricious evidentiary objection process without evidentiary rules and requiring a non-lawyer to apply legal principles to the evidentiary information provided at Chief Arredondo’s name clearing hearing.

Further, the letter limited presentations to “direct testimony” and cross examination of witnesses when witnesses are threatened with criminal prosecution by the District Attorney. Leaving any witness intimidated by risking criminal prosecution to speak openly as this name clearing hearing is turning into an illegal charade strategically designed to infringe on Chief Arredondo’s ability to speak freely to clear his name.

The district cannot withhold its information for months, present only that which they find supports the Superintendent, and then disclose it without a reasonable opportunity to review it, and the opportunity to discover impeachment or optional completeness evidence. Providing procedural mechanisms which are clearly designed to require the employee to marshal all of its evidence in a short period of time, when the employer has had months to collect information is patently unfair, inequitable and violates the very notion of due process.

Moreover, it has been publicly reported that Chief Arredondo has been the victim of death threats made by individuals with the means to carry them out. The last thing anyone wants is for these proceedings to be compounded by violence, especially gun violence. Despite death threats being common knowledge, the School District has not disclosed any effort on its part to ensure the safety of Chief Arredondo, his legal counsel, or any of the public in attendance under such tense circumstances. Without such steps, Chief Arredondo does not believe the planned district meeting is safe and is certainly not going to appear without exercising his state rights to be armed, unless the School District

discloses in writing its safety protocol to ensure Chief Arredondo's life and the lives of those in attendance, including both the Board, its Superintendent, and the media.

Because the district refuses to provide a written complaint, refuses to provide a district investigation which was supposedly conducted based on the complaint, an investigation that supposedly revealed evidence supporting the complaint, and therefore supporting the disciplinary action proposed (over Chief Arredondo's objection), the district is intentionally imposing unlawful restrictions on the manner in which Chief Arredondo conducts his name clearing hearing, which further violates his First Amendment rights to speak out on a matter of incredible public concern. And, despite knowledge of legitimate risks of harm to the public and to Chief Arredondo and all others intending to be present, the district deprives the Chief of his right to lawfully carry a weapon, while at the same time, fails to disclose any alternative and reliable safety measures. When viewing the actions of the district in the aggregate, the district has successfully gagged Chief Arredondo to the point that he cannot participate.

While the district has deprived the Chief of his name clearing hearing and infringed on his constitutional rights and will likely retaliate against him because of the statements he authorized his lawyer to make by terminating his employment.

Tuesday, May 24, 2022, will be a day of sorrow, for Chief Arredondo, and all the others impacted by this horrible event. All those impacted are in one or more stages of grief, from shock to denial, to anger, to bargaining, to depression, to acceptance and hope, to processing the grief. The grieving process will take time, and with time, we all hope to

find understanding. Those fighting with anger lash out, trying to find a means to move on, and with anger, comes the blame game.

One could blame God. Why did God let this happen? But those with faith in God, excuse such atrocities, by maintaining faith that it is all in God's plan. Certainly, and without question, **the only person responsible for this tragedy is the shooter himself.** He is the one person who could have saved everyone if he could have changed his mind and his plan to hurt the innocent and seek death from a Police Officer's bullet.

But, because the shooter was successful in hurting the innocent and obtaining "death by cop", he is no longer alive, so those grieving do not have a target to direct their anger toward. And, with the sudden loss of his life, and while the police were completely justified in taking his life, it still doesn't help anyone with the grief they are experiencing. So naturally, those affected lash out and seek more retribution by identifying a new target to focus their grief on, with the belief that it will help them stop hurting. Unfortunately, it won't. "Two wrongs do not make a right." Retribution will not bring anyone back; it is a hollow reward, and it will only spread more hurt and pain in an unjust and biased manner.

Chief Arredondo respectfully asks those who feel as if they have lost everything, and those like him, who lost family members and friends in this tragedy, to take a moment of pause to contemplate and consider the actions they are taking and determine how, whatever goal one seeks, achieving that goal is not going to change anything for those grieving, except increase their numbers.

Chief Arredondo asked me to express in this statement, his devout loyalty to the law enforcement profession and the law enforcement in his community. His respect for the officers who worked with him at the School District, and those working for the Uvalde Police Department and every other officer and agency that responded to this incident, because he knows that they all wanted to get the bad guy and save lives. Sadly, no matter how we tried, we could not save them all.

Some say that police work is 95% boredom, 5% shear terror. They are right, but the scary part is that you never know when the terror will occur. Anyone can look at a situation and in the calm of an office or living room, criticize what was done, it doesn't change the fact that based on what Chief knew, Chief did everything he knew how to save the children and school employees on May 24th. He was actively engaged in finding a means to get to the shooter while simultaneously directing other officers to remove the children and school employees that were in the "line of fire". The shooter, shot through the walls as Chief Arredondo arrived at the classroom, hitting two of the officers. Chief Arredondo noticed that the bullets that missed the officers, went through the walls on the other side of the hallway.

He immediately realized that should another burst of high velocity bullets come through the doors or walls from where the shooter was, children and employees in the rooms across the hall were in imminent danger of serious bodily injury or death, so he felt it imperative to evacuate those rooms in a safe way to save those people from the shooter, while they developed a means to get to the shooter. Would the District have preferred a

gunfight with officers in the hallway to break out again, and during that firefight, say 20 or 30 children across the hall are killed? And, what if some of them were killed by police officer fire? Chief Arredondo did the right thing.

Based on the information known to Chief Arredondo at the time, he believed that the officers could not breach the door without tools he did not have available to him. He never retreated, he stayed in the hallway, fully engaged in working the problem of getting the door open and evacuating those accessible out of harms way. Leading the officers at the scene from the front, rather than retreating to the rear to open a command center. It was his only choice, as he would have been considered a coward if, once he is engaged, he backed out and left it to the other officers to risk their lives. You have heard on audio and video, that other officers believed Chief Arredondo oversaw finding a way to get the door open to get to the shooter, not the entire incident.

The incident command allegations are patently false and are intended to distract and shift blame. The National Incident Management System (NIMS) dictates how incident command is structured throughout the country. Many comments have been made by many people about the incident command issues here. Chief Arredondo ran into that hallway as a responding officer, intent on finding and apprehending and/or shooting an unknown number of suspects and upon learning that the suspect(s) were barricaded in one classroom which was immediately inaccessible, he shifted his attention to saving as many of the accessible children in the building as possible. *It is important to note that Chief Arredondo, along with several other officers in the hallway, were completely unaware of*

any occupants in the room with the shooter until entry was made, the shooter was engaged, and the officers stopped him. He could not have served as the incident commander and did not attempt to take that role as he was at the front line of the incident. The “incident” applying NIMS protocol when the shooter shot his grandmother at their home in Uvalde, which I understand was first known only by the County Sheriff, no other law enforcement agency. That would have been the first incident to establish incident command. Even if that shooting was not yet known by all law enforcement before the shooter wrecked his truck into a city drainage ditch, and then shot at a person at a nearby funeral home, before escaping City of Uvalde police responding to the accident. It was after all of that, that the shooter entered the school grounds. Incident Command obligations applying NIMS fell upon several law enforcement agencies before and during the horrific events inside the hallway, which had nothing to do with the district of Chief Arredondo.

Because this was a crime spree by the Shooter that did not begin in the jurisdiction of the district, Chief Arredondo was free to operate under the active shooter protocol until he was physically unable to reach the shooter without putting innocent children and teachers at risk.

Director McCraw’s’ myopic viewpoint of this incident as only a school shooting, should be debunked for good. If the district provided ballistic shields capable of stopping a high velocity bullet, it could have been different. If the district had installed key card operating door access with magnetic locking plates, it could have been different. If an officer had arrived at the school before the shooter gained access into the rooms with

children in them, it could have been different. If the district erected six-foot fences around the school leaving only one entrance/exit, it could have been different. If school employees did as they were told and kept their doors always locked during periods of instruction, as the district policy dictates, it could have been different. If radios worked inside the classroom buildings, it could have been different. If the school had extraction tools available to the police, it could have been different. ***If the school district would have prioritized Chief Arredondo's request over a year prior to the incident, for key-card locks, better fencing, better training, and more equipment, it could have been different.*** You need to remember when you point your finger and someone, three fingers are pointing back at you. You cannot exonerate the principal with unlocked doors and crucify the police chief that made it known over a year before, of the poor policy enforcement on keeping doors locked. And, the information regarding Chief Arredondo's warnings, having just been released publicly today, shows how premature this proposal of discipline is.

Director McCraw's off-the-cuff comments, pointing the finger at Chief Arredondo after recognizing the faults of his own officers, was a smoke screen attempt to "blame the Mexican"! And, who was the most vulnerable? The School District Police because of the size of the department and the generally poor reputation school district police have in some communities. It clearly worked! It worked so well that the media recently posted news announcing that a \$27B lawsuit is being brought against every law enforcement agency and local government entity who responded. THANK YOU, DIRECTOR MCCRAW! The blame game you see, is still alive and well. But finally, Chief Arredondo hopes at least

those who are willing to listen, understand that he is, and has been, from the time McCraw unfairly singled him out, being forced into the role of the “fall guy”, “the sacrificial lamb”, whichever term preferred; and, this once again demonstrates that no good deed goes unpunished.

If leading from the front, after being shot at, calling for support, keys, extraction tools, SWAT, a sniper and taking action to save teachers and students located in the surrounding classrooms shows lack of leadership, then who knows what leadership is supposed to look like?

Police officers are typically judged on the question: “Would a reasonable officer, under the same or similar circumstances find the actions of the officer justified.” Looking objectively, Chief Arredondo was actively engaged in saving school employees and students, and finding a means to enter the classrooms, undoubtedly saved lives. ***Out of all the officers that were there, from all sorts of agencies and departments, not even one came to him with even a suggestion that he should take a different approach.*** If anyone felt they had a better plan, he would have been all over it. So, it appears self-evident that all the officers that responded are reasonable and the actions he took were reasonable, or none of the officers who responded are reasonable police officers.

If you take a moment to really think about it. The officers that responded included parents of students, officers’ who had spouses at the school and officers who had other family members at the school. If there was any reasonable means that any of them felt

could be used to save their family, don't you think they would have tried it, or at least raised it as an option? But no one did.

While the “talking heads” ask slanted questions to get a controversial sound bite to get clicks and sell papers, let me be clear. All of the Chief's actions are consistent with Active Shooter training, as illustrated below:

In active shooter situations where ongoing deadly force is reasonably likely to be employed by a suspect and delay in taking law enforcement action could result in injury or death, *immediate action by officers at the scene is necessary when such actions are deemed reasonable to prevent further injuries or loss of life.*

2018 Active Shooter protocol, Law Enforcement Policy Center, International Association of Police Chiefs, https://www.theiacp.org/sites/default/files/2021-07/ActiveShooter2018-UpdatedFormat%2007.16.2021_0.pdf

Any allegation of lack of leadership is wholly misplaced. The complaint that an officer should have rushed the door, believed to be locked, to open it up without a shield capable of stopping an AR-15 bullet, without breaching tools, are all reasonable expectations, when they are wholly unreasonable actions as it is tantamount to suicide. While other departments and officers apparently held shields and other equipment, not a single officer, NO ONE, offered any advice or device to Chief Arredondo, so he had to act with only the information known to him at the time, and the equipment he had available to him and he did so to the best of his capabilities and consistent with his training.

Nevertheless, before questions arose regarding the locked doors, Chief Arredondo told me that he was prepared to trade his life for the children's lives, if it came down to that.

As the House Committee Reported:

Police officers see danger and run to meet it, knowing the cost and stepping forward to pay it. In pursuing these high callings, ... police officers live in the public square—nurturing, encouraging, protecting, preserving. They render this service on behalf of us all, but especially for children, who are the most innocent and vulnerable among us. Like the rest of us, ... law enforcement officers sometimes fail at crucial moments. When they do, that does not diminish the good work and sacrificial service of their professions as a whole.”

The House Committee report describes shortcomings and failures of the Uvalde Consolidated Independent School District and of various agencies and officers of law enforcement. At the outset, we acknowledge that those same shortcomings could be found throughout the State of Texas. We must not delude ourselves into a false sense of security by believing that “this would not happen where we live.” The people of Uvalde undoubtedly felt the same way. We must all take seriously the threats to security in our schools and the need to be properly prepared to confront active shooter scenarios. 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.

Robb Elementary did not adequately prepare for the risk of an armed intruder on campus. The school's five-foot tall exterior fence was inadequate to meaningfully impede an intruder. While the school had

adopted security policies to lock exterior doors and internal classroom doors, there was a regrettable culture of noncompliance by school personnel who frequently propped doors open and deliberately circumvented locks. At a minimum, school administrators and school district police tacitly condoned this behavior as they were aware of these unsafe practices and did not treat them as serious infractions requiring immediate correction. In fact, the school actually suggested circumventing the locks as a solution for the convenience of substitute teachers and others who lacked their own keys.

As suggested by the Committee's Report, I'm sure UCISD leadership felt, there was no urgency to address Chief Arredondo's recommendations for a new fencing, key card magnetic locks, better communication equipment and more staffing, as it was not necessary because "it (the attack) would not happen here". Further, as the report states, the Committee found no "villains" and no one to whom they could "...attribute malice or ill motives" (other than the Attacker). The district should exercise the same judgment and not make Chief Arredondo out to be a villain. On the contrary, Chief Arredondo was brave, led other officers in saving lives, and took all reasonable actions to prevent further injuries or loss of life, as the Active Shooter protocol demands. As explained above, it is the Chief's understanding that the incident began as an Uvalde County Sherriff matter, which occurred in the City of Uvalde, which subsequently became a City of Uvalde Police matter, which spilled over into the hallways of Robb Elementary School. To lay blame for this horrific event on the failure of any officers' or agencies' response would truly be an injustice. There are no villains, so don't participate in a "witch hunt". One must understand that if the Chief retreated out of the hallway for any purpose, it would have been likely to demoralize the

officers risking their lives in the hallway as they watch Chief Arredondo flee to safety from the known danger. Even if it was to set up Incident Command, they would not know it in the hallway. Chief Arredondo stood by his follow officers in a rapidly evolving deadly-force situation, as he should have, which saved lives and created access to engage the shooter.

Chief Arredondo is a leader and a courageous officer who with all of the other law enforcement officers who responded to the scene, should be celebrated for the lives saved, instead of vilified for those they couldn't reach in time, and not for lack of effort. The "perfect storm" of circumstances had to culminate to cause such a tragedy. There was only one person that caused this – the shooter. Recognizing that it was the Chief, Pete Arredondo, who warned the district over a year before this event of the vulnerability of the district to such an incident, should not be waiting with his head on the chopping block because what he feared happened.

Good cause in the context of termination in school district matters is defined as "the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state." There is no evidence to support a finding of good cause to justify termination in this matter. In fact, the evidence clearly and convincingly demonstrates outstanding conduct by Chief Arredondo in one of the most horrible situations anyone could imagine law enforcement to encounter, an active shooter who barricades himself in a classroom designed to keep people out, who takes many hostages and shoots children and educators. No blame should be placed on Chief

Arredondo from this event. None of his decisions or actions demonstrate a failure to meet the accepted standards of conduct for law enforcement officers in similarly situated school districts in Texas.

Chief Arredondo will not participate in his own illegal and unconstitutional public lynching and respectfully requests the Board immediately reinstate him, with all backpay and benefits and close the complaint as unfounded.

Respectfully submitted,

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