Aurora, Colorado, police attack protesters after investigation reopened into 2019 death of Elijah McClain

Matthew MacEgan
30 June 2020

In the wake of the global protests against police violence sparked by the killing of George Floyd in Minneapolis on Memorial Day, Colorado Governor Jared Polis (Democrat) announced last week that his administration will reexamine the case of Elijah McClain, a 23-year-old black man who died in police custody in Aurora, Colorado, in 2019.

Polis stated Thursday that he signed an executive order directing Attorney General Phil Weiser to investigate McClain's death. "Elijah McClain should be alive today, and we owe it to his family to take this step and elevate the pursuit of justice in his name to a statewide concern." Polis said that Weiser would criminally prosecute individuals if the facts support such action.

This announcement came after more than 2 million people signed an online petition demanding that a new investigation be conducted. In a series of tweets posted on Wednesday, Polis wrote that "a fair and objective process free from real or perceived bias for investigating officer-involved killings is critical."

The three officers involved in McClain's arrest and death have now been reassigned to "nonenforcement" duties. Officers Nathan Woodyard and Jason Rosenblatt were reassigned on June 13, and Officer Randy Roedema was reassigned a week later. A spokesperson for the Aurora Police Department stated that the officers were moved for "safety" reasons due to both police and city employees purportedly receiving threats recently.

The City of Aurora told reporters that it is planning an independent investigation. An e-mail to CNN stated, "The mayor, City Council and city manager are working to initiate a new independent, external review of the actions of police, firefighters and paramedics in the Elijah McClain case. We are considering a team of experts from across the country to be involved and provide insight from different perspectives."

Mari Newman, an attorney for the McClain family, has called for officials to bring charges against the officers. "It shouldn't take millions of people signing a petition, and it shouldn't take international media attention for elected officials to do their jobs." Newman posed the question, "Why did it take almost a year…for a responsible adult to finally step up and do what should have happened right from the outset? Last year we stood on the municipal center steps demanding an investigation, and what did we hear then? Crickets."

What is known so far is that McClain was stopped by three white police officers on August 24, 2019, as he walked home from a convenience store. The officers were responding to a 911 call that described a "suspicious person." The young man was reportedly wearing a cloth mask due to respiratory problems and was singing and dancing as he walked, listening to music on headphones.

Body camera evidence includes audio of the encounter, during which McClain can be heard saying, "I'm an introvert, please respect the boundaries that I am speaking." The video also shows the young man telling the officers that he was trying to stop his music so that he could hear them. They then began to arrest him, and an officer can be heard saying, "he just grabbed your gun, dude." The police report states that McClain "resisted officer contact," after which a struggle ensued.

The video shows one officer wrestle McClain to the ground, and another can be heard threatening McClain: "If you keep messing around, I'm going to bring my dog out, and he's going to dog bite you." McClain was then placed in a "carotid" or choke hold, during which he briefly lost consciousness. During the struggle, all three of the officers dislodged their body cameras, so the remainder of the altercation does not appear on video. Officers claim that once they released the hold, McClain started struggling again.

According to an overview of the incident provided by police, paramedics arrived at the scene and administered ketamine to sedate McClain. According to a letter from the

© World Socialist Web Site

district attorney, McClain suffered a heart attack while in the ambulance, and he was declared brain-dead three days later. His autopsy did not determine cause of death but listed "intense physical exertion" and a narrow left coronary artery as contributing factors. The coroner found the amount of ketamine in his system to be a "therapeutic" amount.

At the time of McClain's death, Adams County District Attorney Dave Young declined to file criminal charges in the case. The officers in the case were placed on administrative leave but were later reinstated. In February of this year, a police review board declared that the "force applied during the altercation to include the carotid control hold and the force applied during the altercation was within policy and consistent with training."

When Young was asked recently why no one was prosecuted at the time of the incident, he responded, "I'm not here to condone their actions. In fact, I disagree with what they did on the night of August 24, 2019." He explained that the real reason was that the forensic autopsy report could not determine McClain's cause of death. "That's the question we don't know, and in my business, I can't take a case to court that we don't know the answers to those questions. I cannot take a case to the jury where I don't know what the cause of death is on a homicide case."

Newman called the autopsy report ridiculous. "The autopsy was attended by two members of the Aurora police department, two members of the district attorney's office, and it bends over backwards to say everything except the truth." Such obstacles to ascertaining the truth about the evening in question, including the dislodging of body cameras, conjure up those used to delay the arresting and indicting of the killers of Ahmaud Arbery for more than two months earlier this year.

Polis followed up his announcement last week by signing a new police accountability law on Friday. This "Enhance Law Enforcement Integrity Act" purportedly mandates body cameras, requires public reporting on policing, prevents rehiring of "bad actors," holds individual officers liable for their actions, restricts the use of chemical agents and projectiles, and establishes that officers can only use deadly force when there is an imminent risk of danger to human life if apprehension is delayed.

This new "integrity" act, however, did not stop Aurora police from disrupting and suppressing a public, outdoor violin vigil that was held in memory of McClain over the weekend. Several musicians attended, including teenagers and children, bringing violins, violas, cellos, and other instruments to a public park to honor McClain, who was known for playing his violin during his lunch break to animals waiting to be adopted at a local shelter. A separate protest march had taken place earlier that day.

Video posted on Twitter Saturday evening showed a dystopian display of dozens of police marching into the midst of the peaceful vigil in full riot gear, attempting to intimidate and break up the gathering. The crowd formed a barrier to protect the stage so that the musicians could continue to play, but police began to push people out of the public park and formed a wall.

According to one attendee who captured the events on video, "They said they would arrest us or use chemical agents if we didn't clear the area of the PUBLIC park where the vigil was being held. They advanced in a line and pushed us out." News reports and tweets emerging in the wake of the police provocation confirmed that Aurora police indeed used pepper spray and smoke grenades on the crowd attending the vigil.

Police officials claim that protesters threw water bottles at officers and armed themselves with sticks and rocks, which justified their use of chemical weapons. Two people were arrested for "failing to obey police officers," which is a misdemeanor. The Aurora Police Department also claimed that protesters were attempting to "cross the fence at the PD entrance," where a separate group had been demonstrating throughout the afternoon.

"It was a really surreal scene," one attendee, Blake Jackson, told the *Cut*. "You looked left to see all of us standing there with our hands up and the violinists continuing to play, and you look to your right and see hundreds of cops in riot gear." Jackson related, "They were intimidating and pushing up against us." Another attendee, Carlos Espino said, "There were children there, there were families there, we were there to honor and have a vigil for Elijah. I feel like [police] just abused their power. Why were they depriving all those people who were there to mourn? Why would they break that up?"

Democratic Colorado Representative Leslie Herod, who sponsored the police reform bill signed by Polis on Friday, called on Aurora Mayor Mike Coffman, a Republican, to address the use of pepper spray by police at Saturday's protest. Coffman instead thanked the "police brass" in a tweet on Sunday for "making sure that the protest today did not get out of control so that those who wanted to peacefully protest were allowed to do so."

To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact

© World Socialist Web Site