

Aurora, Colorado police officers and paramedics charged in 2019 death of Elijah McClain

Kevin Reed
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Three Aurora, Colorado, police officers and two paramedics have been charged by a grand jury in a 32-count indictment for the brutal death of 23-year-old Elijah McClain in August, 2019.

The three members of the Aurora Police Department—Nathan Woodyard, Jason Rosenblatt and Randy Roedema—and Aurora Fire Rescue paramedics Jeremy Cooper and Peter Cichuniec have each been charged with numerous offenses including manslaughter, criminally negligent homicide and a raft of other violent assault charges.

The 25-page grand jury indictment was returned last Thursday and unsealed on Wednesday after it was filed in Adams County District Court. Colorado Attorney General Phil Weiser, who was named as a special prosecutor in the case, announced the indictment eight months after the convening of the state-wide grand jury and two years after the death of McClain.

The indictment describes in detail how, on the evening of August 24, 2019, the African-American McClain was “walking home from a convenience store” and carrying “a plastic grocery bag and listening to music using earbuds connected to his phone” when he was set upon by the three white police officers who were responding to a 911 call from a driver who reported an individual who was “wearing a ski mask and jacket and acting strangely.”

The officers were joined by the Aurora paramedics who injected McClain with the anesthetic drug ketamine after which he went into cardiac arrest and, three days after arriving at the hospital, was declared brain dead and removed from life support.

The indictment says the police stop “quickly turned physical” as the officers “grabbed Mr. McClain’s arms

then forcibly moved Mr. McClain over to a grassy area near where the officers first contacted Mr. McClain and pushed him up against the exterior wall of a nearby apartment building.”

The officers then applied “a carotid control hold” on McClain twice. The hold is when “an officer uses his or her bicep and forearm to apply pressure to the carotid arteries on the sides of a subject’s neck, thereby cutting off blood flow to the subject’s brain and causing temporary unconsciousness for the purpose gaining compliance or control.”

As a result, McClain “suffered bodily injury” and “was rendered unconscious, suffered hypoxia, and his physical and mental condition were impaired.” Hypoxia is a condition whereby the body is deprived of adequate oxygen. The officers also placed McClain in “a bar hammer lock” which is a “defensive tactic whereby a subject’s arm is held back behind their back to gain control of the subject.”

According to audio recordings of the stop, McClain told the police, “I can’t breathe. I have my ID right here. My name is Elijah McClain. That’s my house. I was just going home. I’m an introvert and I’m different. That’s all. That’s all I was doing. I’m so sorry.”

At the time of his death, Elijah McClain had been a massage therapist for four years and had never been arrested or charged with a crime. His coworkers would sometimes find him playing violin or jamming on guitar in a back room or working out, doing push-ups, compulsively jumping rope and doing handstands in front of the store. Friends and family described him as a “spiritual seeker, pacifist, oddball, vegetarian, athlete, and peacemaker who was exceedingly gentle.”

During the assault on McClain, all three officers dislodged their body cameras and the final moments of the incident do not appear on video. The officers claimed that McClain began struggling against them once they released him from their violent carotid and arm bar holds.

The officer's police report claimed that McClain "resisted officer contact" and a struggle ensued. Adams County District Attorney Dave Young refused to file criminal charges in the case. The officers were initially placed on administrative leave but were later reinstated. In February 2020, a police review board found 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."

In the midst of the mass demonstrations around the world against police violence triggered by the murder of George Floyd by Minneapolis police in May 2020, the campaign for justice in the death of Elijah McClain gained significant support. After more than three million people signed a petition demanding an independent investigation, Democratic Party Colorado Governor Jared Polis announced on June 25, 2020 that Weiser would reexamine the case and prosecute it if the facts supported such action.

In July 2020, officer Jason Rosenblatt was fired by the Aurora Police Department after he responded with the comment "HaHa" to a texted photograph of three other officers who were imitating the carotid choke hold used on Elijah McClain. The four other individuals involved in McClain's death had remained employed by the city of Aurora until they were fired immediately following the unsealing of the indictment.

Even though the number of Americans murdered by police has averaged three people per day for at least the last six years, less than 2 percent of the officers are ever prosecuted, and convictions are virtually nonexistent. Even in the case of the conviction and sentencing of the former Minneapolis officer Derrick Chauvin—whose murder of George Floyd was captured on a smartphone camera and was seen by hundreds of millions of people around the world—there was a deliberate effort to drag out the process so as to dissipate the seething social and political anger within the population toward police violence against working class and poor people of all ethnicities that is so much a part of American capitalist

society.



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