



NEWS RELEASE

June 25, 2020

Statement from District Attorney Dave Young Regarding the Elijah McClain Case

The tragic death of Elijah McClain has focused attention to the role of the district attorney, particularly in the 17th Judicial District. Media outlets have published widespread communication that I have “cleared the officers involved in Elijah McClain’s death of any wrongdoing.” This statement is not only incorrect, it does not adequately convey the role of the district attorney or the decision I was called upon to make. Consequently, given the degree of public interest with this investigation, it is important for me to explain the process, along with my authority and decisions with respect to the case involving the death of Mr. McClain.

I begin with my role as District Attorney of the 17th Judicial District. I am one of 22 district attorneys in the State of Colorado. The 17th Judicial District is comprised of Adams and Broomfield Counties. Generally speaking, the role of the district attorney is to review investigations of criminal activity brought by law enforcement agencies within the jurisdiction. That review is limited to a determination of whether the evidence supports the filing of a criminal charge under Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove any violation of law beyond a reasonable doubt. This review process is the same for any individual suspected of crime, whether a civilian or a law enforcement officer.

The incident with Mr. McClain occurred during the evening hours of August 24, 2019. The Aurora Police Department immediately commenced a criminal investigation that was presented to my office on October 21, 2019. The Coroner’s Office made the forensic investigation available to my office on November 8, 2019. On November 22, 2019, I issued a letter to Aurora Police Chief Metz detailing the evidence and my conclusions with respect to Colorado law. The Aurora Police Department released that letter to the public and it is posted on our office website.

Elijah McClain’s death was both tragic and unnecessary. Nevertheless, as set forth in the letter, my role in reviewing the evidence is limited to an assessment of whether criminal charges should be filed against any person involved in the death of Elijah McClain. The forensic evidence revealed that the cause of death was undetermined. Specifically, the pathologist who conducted the autopsy stated that he was unable to conclude that the actions of any law enforcement officer caused Mr. McClain’s death. In order to prove any form of Homicide in the State of Colorado it is mandatory that the prosecution prove that the accused caused the death of the victim. For those reasons, it is my opinion that the evidence does not support the filing of homicide.

Furthermore, although I may not agree with the officers’ actions in this incident, in order to prove a

crime, the evidence must demonstrate beyond a reasonable doubt that the force used was not justified. In this context, the legal question of “justification” is based on whether the involved officers held a reasonable belief that the use of force was necessary. Based on the evidence and the law applicable at the time of Mr. McClain’s death, the prosecution cannot disprove the officers’ reasonable belief in the necessity to use force. Based on the facts and evidence of this investigation I cannot prove beyond a reasonable doubt that the officers involved in this incident were not justified in their actions based on what they knew at the time of this incident.

Ultimately, while I may share the vast public opinion that Elijah McClain’s death could have been avoided, it is not my role to file criminal charges based on opinion, but rather, on the evidence revealed from the investigation and applicable Colorado law.

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