

# Elijah McClain's legacy



Elijah McClain was walking home from a convenience store on Aug. 24, 2019, when he was restrained, choked and given a sedative. He died six days later.  
*Courtesy of the McClain family*

Two years later, his mother is working to make sure his death helps bring positive change

By Noelle Phillips  
*The Denver Post*

The mom wears her son's picture on homemade shirts. Everyone has seen the photograph — the clean-cut young Black man with his plaid shirt buttoned to the top. His dark-framed glasses. Lips slightly curved into a soft smile.

The image of Elijah McClain was splashed across television screens and websites in 2020 at the height of protests against police brutality in Denver and across the nation. His name was printed on T-shirts, buttons, posters, murals and sports uniforms.

But this is Sheneen McClain's son. The young man she raised as they bounced between homes, scraping together a life through public benefits, charity and whatever jobs she could find.

And she will control his legacy.

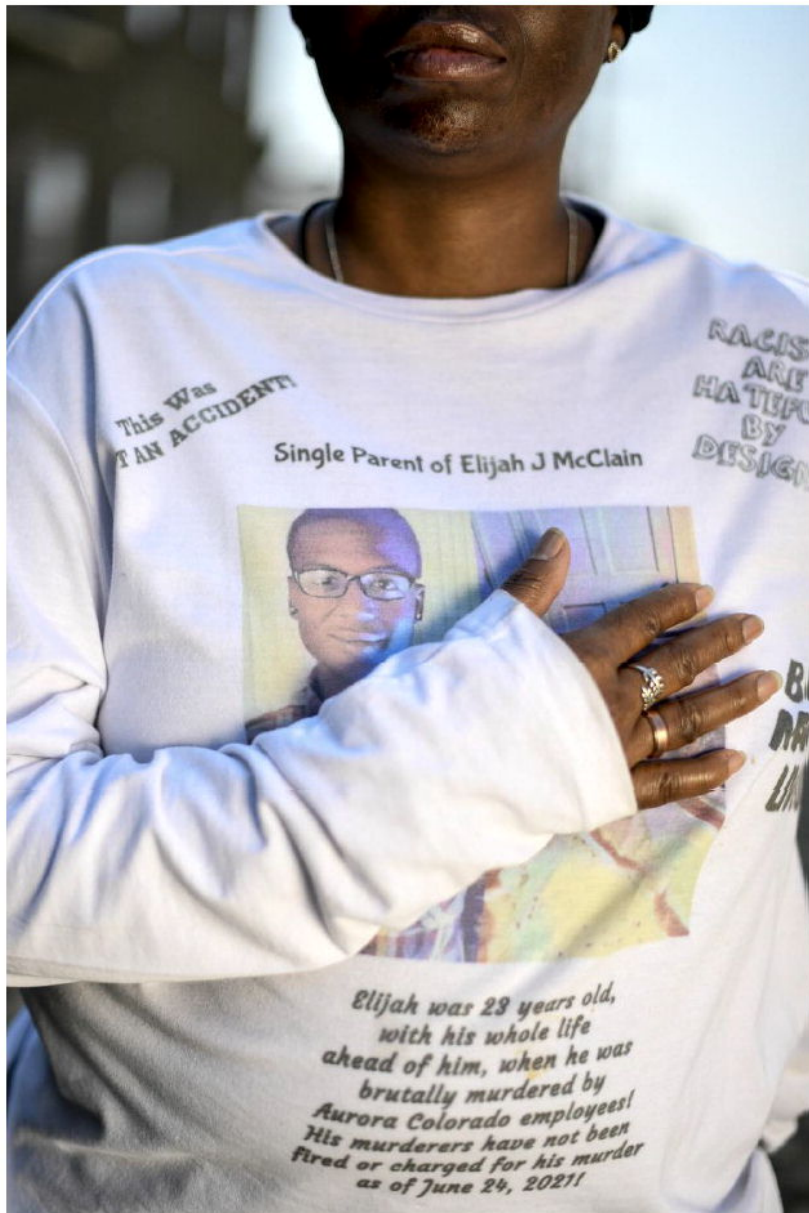
"His legacy has to be about what's right in this world, but, unfortunately, his death is highlighted by what is wrong in the world," Sheneen McClain said during one of three interviews with *The Denver Post* in anticipation of the anniversary of her son's death. "Elijah's legacy is about how humanity matters, how our lives matter."

Tuesday will mark two years since Elijah McClain's fatal encounter with Aurora police officers.

His death outraged millions of Americans and helped lead to major police reform in Colorado.

It also sparked investigations into the Aurora Police Department's use-of-force policies and its training and hiring practices, and a federal lawsuit filed by Sheneen that blames police for her

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Sheneen McClain, wearing a homemade shirt, stands at the site where Elijah was confronted by Aurora police officers. She was offended that others would sell products that profited on her son's death and is determined to shape how he is remembered. "Elijah's legacy is about how humanity matters, how our lives matter."

*AAron Ontiveroz, The Denver Post*



# ELIJAH

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son's death. Now as those investigations and the lawsuit near their conclusion, Sheneen is looking forward, beyond the marches and protests, to figure out what she can do in her son's name.

Elijah's story, by now, is well-known.

The 23-year-old was walking home from a convenience store on Aug. 24, 2019, when someone called 911 to report that a man was acting strange.

Aurora police arrived, and they quickly went hands-on when Elijah questioned why he was being stopped. They took him to the ground and put him in a carotid control hold, and paramedics injected Elijah with the sedative ketamine. He blacked out.

Elijah went into cardiac arrest in an ambulance on the way to the hospital, where he was placed on life support for six days before he died.

None of the police officers or paramedics involved in Elijah's arrest was charged with a crime. The Adams County coroner's office ruled the cause and manner of his death to be undetermined.

### "I am just different"

Elijah's last words are now famous because crowds began chanting them during last summer's protests.

"My name's Elijah McClain. I was just going home. I'm an introvert. I'm just different. That's all."

But that's one reason Sheneen now makes those homemade T-shirts.

During the height of the protests, people started selling things bearing her son's name, his picture and his dying words. Some even asked if she wanted to purchase items. She was offended that people would try to make money off her dead son.

So Sheneen learned to make shirts herself. She wears them when representing her son at public events.

On this day, while meeting for an interview in her lawyer's office, Sheneen wore her favorite — a long-sleeved white T-shirt with the iconic picture and slogans such as "Black Lives Matter" surrounding Elijah's face.

She recently posted a statement on her GoFundMe online fundraising page asking people to stop buying these products.

"Our humanity matters," she wrote. "So do not buy products or items that are profiting from my son's murder and his name! Please respect my wishes and my family's privacy at this emotional time in our lives!"

This year, Sheneen let it be known that she does not want rallies or ceremonies held in her son's memory.

"There's no way to celebrate this anniversary. It's not like a wedding or his third year at the massage place. He lost his life," she said.

Instead she wanted to reflect on what happened and how her son's death will bring change.

And more change is coming. Colorado Attorney General Phil Weiser is overseeing an investigation into the Aurora Police Department's policies and practices. He also convened a grand jury to investigate whether the officers involved in Elijah's death should be charged criminally.

Lawrence Pacheco, Weiser's spokesman, said no deadline for either investigation is set, and no one from the office would comment on those investigations.

Sheneen's lawsuit against the Aurora Police Department is pending in federal court. Documents filed in that case indicate a resolution is near. However, par-



Sheneen McClain, center, mother of Elijah McClain, speaks during a news conference in front of the Aurora Municipal Center on Oct. 1, 2019. Family, friends, legal counsel, local pastors and community organizers were calling for justice for the officer-involved death of her son. *Andy Cross, The Denver Post*



Protesters stand in front of the Aurora Police Department's headquarters on July 25, 2020. Elijah McClain's name became known across the nation in the protests and calls for racial justice after George Floyd's death in May 2020. *Andy Cross, The Denver Post*

comment on any settlement.

In the two years since Elijah's death, Sheneen has raised awareness through legislative testimony, social media and her appearance at rallies.

"For them to go completely after Elijah and bully him and murder him, it was like a calling," she said. "I feel like I was forced into this position where I was going to create some change. I didn't know how I was going to do that, but I knew I had to be available to those who were going to make something happen."

### "He has healing hands"

Elijah Javon McClain was born on Feb. 25, 1996, to Sheneen McClain and LaWayne Mosely.

Sheneen raised Elijah, his three sisters and two brothers alone, moving so often, she said, that all these years later it's impossible to count the number of places they lived.

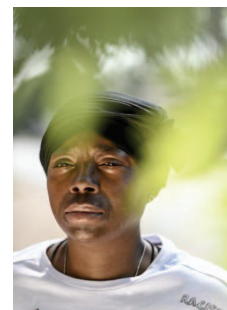
They lived with family and friends. In motels. In shelters.



Protesters stand outside the Aurora Municipal Center on June 27, 2020. *Andy Cross, The Denver Post*

Through it all, Sheneen held her family together. Elijah was a quiet boy who enjoyed drawing, cartoons and music.

While also helping other people." As he studied massage therapy and the human body, Elijah made changes. He became a vegetarian. He started jogging and doing cal-



Sheneen McClain does not want rallies or ceremonies held in her son's memory this year. "There's no way to celebrate this anniversary. It's not like a wedding or his third year at the massage place. He lost his life," she said. *Aaron Ontiveroz, The Denver Post*



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# “I was proud of him for being true to himself, for not letting me or anyone else define who he was.”

Sheneen McClain, speaking about her son, Elijah

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brain would respond to the sounds.

She was convinced he was responding and would heal. Doctors told her differently.

“Honestly, I was in shock. It was like a big ol’ movie scene that I didn’t know about, and I was just led onto the set. I didn’t know what was happening,” she said. “I thought, ‘They killed my son. Why? Why? Why?’ I couldn’t figure it out.”

When Elijah died, there was no money for a funeral or cemetery plot. His body was cremated, and Sheneen keeps his remains in her home.

Sheneen started looking for answers.

She hired a lawyer. She watched body camera footage. She created social media accounts to tell the world what happened to her son.

The body-camera video showed what Sheneen expected all along — her son did nothing wrong.

“He had done so many things right. I can’t imagine grown men were afraid or intimidated by him,” she said. “It’s crazy they were so insignificant within themselves that they would want to take that out on someone else.”

For months, though, the case gained little attention aside from local newspaper headlines and television reports. Only a handful of people showed up for protests at Aurora’s City Hall.

Then in May 2020, George Floyd was murdered by a Minneapolis police officer, and videos that showed the killing of a Black man by a white police officer launched massive civil rights protests across the country.

And suddenly Elijah McClain’s name was being chanted along with the names of Floyd and Breonna Taylor, a young Black woman shot and killed by Louisville, Ky., police officers in March 2020.

In Denver, thousands marched around the state Capitol and throughout downtown. They stretched facedown on the 16th Street Mall, chanting Elijah’s final words.

In Aurora, protesters gathered at City Hall, marched in the middle of Interstate 225 and surrounded a police precinct one night while officers anxiously waited inside.

While Sheneen spoke at one protest and attended a couple of others, she didn’t like what she saw as protesters turned to vandalism and violence.

“Once they got chaotic and they got out of hand, I was not OK with that,” she said, referring to smashed windows at Aurora City Hall and someone firing a gun at a Jeep that rolled through a crowd. “That’s not who Elijah was, and it’s not who I am.”

### “A dramatic change”

While the protests roiled outside, however, work was being done inside the state Capitol.

Sheneen found herself in a position she never dreamed would happen — she was speaking to legislators about laws and testifying before committees about what happened to her son.

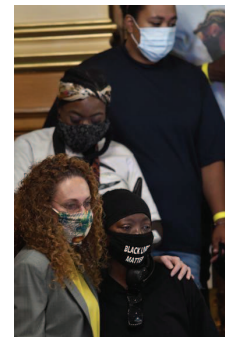
Her voice was powerful, said state Rep. Leslie Herod, D-Denver. “We need real-life experiences



People raise their fists to show solidarity during a candlelight vigil for Elijah McClain at Utah Park in Aurora on July 11, 2020. Rachel Ellis, The Denver Post



Sheneen McClain, left, works with daughter Naomi, 21, to take down a tent they had set up at a memorial site for Elijah in Aurora on Aug. 1, 2020. The tent had been damaged. Rachel Ellis, The Denver Post



Attorney Mari Newman, bottom left, supports Sheneen McClain as she, family members and supporters stand in the balcony of the state House chambers to watch the passage of a police reform bill in June 2020. Kathryn Scott, The Denver Post

to shape public policy,” Herod said. “Her truth and honesty and her passion were important to pass that bill.”

Elijah’s death and his mother’s courage to speak out changed the conversation in Colorado, she said.

“Her taking her experience and her pain and advocating not only for Elijah McClain but also others in the future is not only very brave but impactful,” Herod said.

The Rathod Mohamedbhai law firm has represented families in some of the most high-profile police deaths in the metro area — Jessica Hernandez, Naeschylus Carter-Vinzant, Richard “Gary” Black.

In those cases, negotiations during lawsuits resulted in changes at individual police departments. But none led to statewide police reform that will change how de-

partments address misconduct and how victims of police violence can redress their wrongs, Quasir Mohamedbhai said.

“It’s a dramatic change, and it will change disputes between police and community forever,” he said of the legislation. “Now it’s more balanced.”

The impact already has been seen in Aurora, where two police officers in July were arrested after one pistol-whipped a man and another watched.

In the wake of that beating, Aurora Police Chief Vanessa Wilson announced Officer John Haubert faced three felony charges in connection with the beating and Officer Francine Martinez faced a criminal charge for failing to intervene and stop Haubert’s actions. She also released body camera footage within days of the attack.

That case unfolded differently because of the police reform bills inspired by Elijah’s death, Mohamedbhai said.

The law, signed by Gov. Jared Polis in 2020, made it a crime for police to stand by and watch their colleagues use excessive force. It also set a timeline for when police departments and sheriff’s offices must release video footage from use-of-force investigations.

This year Colorado also changed its law to restrict how first responders administer ketamine to people. And on the national level, U.S. Rep. Joe Neguse, D-Lafayette, has introduced a bill that would withhold federal funding for agencies that don’t ban the sedative’s use.

“It’s unfortunate it takes a tragedy of this magnitude to change the system,” Mohamedbhai said. “All of this is driven because of Elijah and who he was in his likeness, in his energy and in his kindness.”

### “His death has purpose”

Since Elijah’s death, Sheneen has taken steps to stabilize her family so they can climb out of the

She has donated money to seven agencies that help homeless people. All provided food, shelter and housing vouchers to her family over the years.

One check went to Comitas Crisis Center in Aurora, where she found assistance when she and her children were homeless. They lived there for almost a year when Elijah was in his preteens, and the center provided food, clothes and counseling for the family.

Michael Marsico, chief clinical officer for Mile High Behavioral Health Care, which is the parent agency of Comitas, said the donation meant the world to him and the staff.

“Being in a shelter is a person’s lowest moment,” he said. “To go back is hard. She’s made a point to come back to us. For us, it was just huge to see.”

As the second anniversary of Elijah’s death approached, Sheneen said she was still figuring out where she would dedicate her time and energy. A potential financial settlement from Aurora is on the horizon, and she plans to do something in honor of Elijah with the money.

