



D 2020 267

EXECUTIVE ORDER

Amending Executive Orders D 2020 115 and D 2020 246 to Designate State's Prosecutor

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Orders D 2020 115 and D 2020 246 to further define the breadth and scope of the Attorney General's authority to investigate and prosecute offenses arising from the August 24, 2019 encounter with Elijah McClain in the City of Aurora, Adams County, Colorado and/or his subsequent death.

I. Background and Purpose

On June 25, 2020, I issued Executive Order D 2020 115, finding that the death of Elijah McClain is a matter of statewide importance and that it is necessary for the Attorney General to act as the State's prosecutor, investigate, and—if the evidence permits—prosecute potential criminal activity by individuals that caused the death of Elijah McClain.

On November 10, 2020, I issued Executive Order D 2020 246, which amended Executive Order D 2020 115 to further define the breadth and scope of the Attorney General's authority to investigate and prosecute offenses arising from this matter.

This Executive Order amends Executive Orders D 2020 115 and D 2020 246 to clarify the amendment in Executive Order D 2020 246.

II. Amendment

Section II.A of Executive Order D 2020 115, as amended by Executive Order D 2020 246, is amended as follows:

1. Replace Section II.A. with the following:

I appoint Phil Weiser, Attorney General for the State of Colorado, or his duly authorized successor, to be the State's prosecutor and direct him to take all necessary actions to investigate, on behalf of the State of Colorado, offenses, including criminal offenses, arising from the August 24, 2019 encounter with Elijah McClain and/or his subsequent death, and, if deemed necessary, prosecute any persons, including law enforcement or any other individual, for such offenses.

The Attorney General may utilize a State grand jury pursuant to C.R.S. § 13-73-101(2) if and as he deems appropriate, and may appoint special assistant attorneys general, and utilize other resources to assist in the fulfillment of this Executive Order. To the greatest extent possible, the Attorney General may work with the City of Aurora on any independent investigation it undertakes into the death of Elijah McClain to ensure accountability and learn critical lessons so that we can prevent these tragedies in the future.

III. Duration

Executive Order D 2020 115, as amended by Executive Order D 2020 246 and this Executive Order, shall expire upon completion of the Attorney General's investigation and any prosecution related to the matters herein, unless modified or terminated by further Executive Order of the Governor. In all other respects, Executive Order D 2020 115, as amended by Executive Order D 2020 246, shall remain in full force and effect as originally promulgated.



GIVEN under my hand and the Executive Seal of the State of Colorado, this second day of December, 2020.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor