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June 24, 2024

Decision Letter:

Attached is the decision letter issued by District Attorney Brian Mason related to the fatal automobile pedestrian accident involving an Adams County Sheriff's Deputy on September 13, 2023.

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District Attorney Mason assumed the oath of office on January 12, 2021. The 17th Judicial District Attorney's Office endeavors to seek justice on behalf of the citizens of Adams and Broomfield counties in felony and misdemeanor cases. DA Mason and his staff are dedicated to transforming the criminal justice system to better serve the citizens of the 17th Judicial District.

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Instagram: [@da17colorado](https://www.instagram.com/da17colorado) YouTube: [ColoradoDA17](https://www.youtube.com/ColoradoDA17)*



June 20, 2024

Sheriff Gene Claps
Adams County Sheriff's Office
4430 S. Adams County Pkwy 1st Floor, Suite W5400
Brighton, CO 80601

RE: Pedestrian accident involving Deputy Stefan Pivic

Dear Sheriff Claps:

This letter is to inform you of my legal conclusion following the 17th Judicial District Critical Incident Response Team (CIRT) investigation into the September 13, 2023, automobile pedestrian accident involving Deputy Stefan Pivic and Anthony Chavez. The 17th Judicial District Critical Incident Response Team (CIRT) conducted the investigation, led by Broomfield Police Department Detective Andrew Martinez, Brighton Police Department Detective Valerie Rolfe, and Thornton Police Department Traffic Investigator John DeHaan. The remaining investigators on the CIRT who worked on this investigation are associated with law enforcement agencies independent of the Adams County Sheriff's Office. The investigation included a comprehensive review of the facts and circumstances that led to the incident, along with a crash reconstruction analysis. The Office of the District Attorney concludes that the investigation was thorough and complete. This letter summarizes my pertinent legal conclusions from the investigation.

Just before 3:00 a.m. on September 13, 2023, Deputy Pivic struck Mr. Chavez while on patrol driving northbound on Federal Boulevard. Mr. Chavez sustained multiple blunt force trauma injuries from the impact that caused his death. During an interview regarding the incident, Deputy Pivic advised that he did not see Mr. Chavez in the roadway prior to the collision. He also explained that he momentarily looked to his right to observe a suspicious vehicle just before striking Mr. Chavez.

The area of impact was the intersection of 58th Avenue and the number one (left) northbound lane of Federal Blvd. There is no pedestrian crosswalk in the intersection here and no known reason for a person to be standing in this area of the street. Surveillance video from a nearby business captured Mr. Chavez as he walked into the northbound lanes of Federal Blvd., stopped in the left lane, and bent over at the waist. Less than a minute later, he was struck by Deputy Pivic's patrol vehicle traveling northbound. There was little information to explain why Mr. Chavez took this stationary position in the roadway. However, postmortem toxicology revealed that Mr. Chavez was under the influence of fentanyl and methamphetamine at the time of the incident which may have explained his behavior.

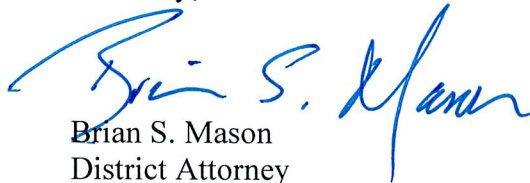
The investigation revealed that, at the time of the impact, Deputy Pivic was traveling *under* the posted 45 mph speed limit. There was no evidence of mechanical defects with the patrol vehicle that would have contributed to the incident. There was also no visible evidence on the roadway consistent with braking or evasive action taken by the patrol vehicle, confirming Deputy Pivic's statement that he did not see Mr. Chavez prior to the collision. As it was 3:00 am in the morning, it was also extremely dark. Applying standard distance-velocity equations to the circumstances of this investigation, the reconstruction analyst concluded that, even if Deputy Pivic had seen the pedestrian, a collision was unavoidable because he would not have been able to react in time to avoid striking the pedestrian. In summary, the investigation revealed that Deputy Pivic could not have avoided striking Mr. Chavez.

The investigation does not support a conclusion that Deputy Pivic operated a motor vehicle without due regard for the safety of others. As such, based on the evidence presented and the applicable Colorado law, there is no reasonable likelihood of success of proving the elements of any crime beyond a reasonable doubt against Deputy Pivic and there will be no criminal charges filed against him because of this unfortunate accident.

The District Attorney's Office review is limited to determining whether any criminal charges should be filed against any of the involved officers for a violation of Colorado law. The standard of proof for filing a criminal case is whether there is sufficient evidence to prove all the elements of a crime beyond a reasonable doubt. This independent investigation and review is not intended to take the place of an internal affairs investigation by your agency. As such, the District Attorney's Office review does not evaluate compliance with any departmental policies, standards, or procedures.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Brian S. Mason". The signature is fluid and cursive, with the first name "Brian" being the most prominent part.

Brian S. Mason
District Attorney