

AZ ATTY GENERAL

TURNDOWN/DECLINE Further/Follow-up Request
 Post-Filing Further/Follow-up Request

Attorney Assigned: Joseph Waters Phone No.: 602-364-0217

Detective: Stuart McGuffin Agency: Department of Public Safety
Agency Address: 2102 W. Encanto Blvd., Phoenix, AZ 85007

Departmental Report #: 2015-108053 LF# or CRP#: P0022015001284

Suspects: Brian Mackiewicz (001) and Travis Anglin (002)

Charges: Theft and Fraud.

Reasons for **TURNDOWN:** FURTHER:

Code#6113

Deadline Date: _____

VICTIMS' RIGHTS COMPLIANCE: YES NO NOT A VICTIM CASE

Additional Comments:

The investigation determined there was insufficient evidence that the suspects were not on-duty during the time of the allegations. Allegations were made that Mackiewicz was requesting overtime pay when he was not on-duty. It was alleged that Mackiewicz was on dates with women at the times he was claiming overtime.

The investigators learned that Mackiewicz had women he was dating fly to Washington to meet with him while he was there on assignment. Investigators interviewed these women and learned that the women did visit Mackiewicz, but that he continuously used his cell phone to communicate with others while they were out on dates.

Investigators obtained the cell phone records associated with Mackiewicz to determine if his use of the cell phone was for personal purposes or work purposes while with these women in Washington. A review of the records determined they were incomplete because at the time, the cell phone provider was not maintaining text message records. Investigators also obtained the cell phone that Mackiewicz used and could not obtain any information from the cell phone as it was restored to factory settings prior to Mackiewicz returning the phone to MCSO. Therefore, there was no way to corroborate witnesses statements about Mackiewicz using his phone for work purposes or for personal purposes while on the dates with women who visited him while in Washington.

The investigators also interviewed Mackiewicz's chain of command while on assignment in Washington. There are instances where Mackiewicz did not report through his normal chain of command and would report directly to Sheriff Arpaio. The investigators learned that Sheriff Arpaio had given Mackiewicz broad authority to ensure that the investigation was properly conducted and that restrictions were not defined by the chain of command for administrative concerns such as overtime pay.

Therefore, there is no reasonable likelihood of conviction at trial because of the lack of evidence to support the allegations.

PROPERTY RELEASE:

DO NOT RELEASE **RELEASE ALL PROPERTY** RELEASE ALL PROPERTY,

EXCEPT: _____

PROPERTY RELEASE DATE:

BY:

10-4-16

[Signature]
Attorney Signature/Date

[Signature] 10/5/16
Section Chief/Date

[Signature] 10/4/16
Division Chief/Date

(NO CASE CLOSE-OUT IS NECESSARY)

