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Miami-Dade County Commission on Ethics and Public Trust

Memo

To: Mike Murawski, independent ethics advocate
From: Karl Ross, ethics investigator
Date: Sept. 11, 2012
Re: K12-074, Maj. Angel Vazquez

BACKGROUND: An investigation was opened into possible exploitation of official position on the part of Miami Beach police Maj. Angel Vazquez, who allegedly attempted to improperly influence a Miami Beach patrol officer who had arrested his former brother-in-law for suspected drunk driving in March 2010. COE was referred the matter while an investigation was being conducted by the Miami Beach Police Department's Internal Affairs Unit. Upon the conclusion of said investigation, Maj. Vazquez was cited for violating police department regulations – specifically DRR 6.9.1 – relating to the improper influence of police matters relating to an employee's relatives, friends or business associates. A letter of reprimand was issued.

INVESTIGATION: The MBPD Internal Affairs investigation largely corroborated the allegations brought forward by Officer Steven Cosner regarding alleged attempts by Maj. Vazquez to get him to fix a DUI case against his former brother-in-law. Officer Cosner had alleged that Maj. Vazquez approached him at the Gerstein Justice Center the day the case was scheduled for hearing, and asked him if he could find a way to have the charges dismissed or reduced. The alleged encounter took place on Nov. 10, 2010, and was partially corroborated by witness statements from other Miami Beach officers who were present during a conversation between Officer Cosner and Maj. Vazquez at the courthouse cafeteria. Following the exchange, Officer Cosner said he felt "pressured and very uncomfortable." He added that he felt Maj. Vazquez was "basically asking me to lie to the State Attorney."

Officer Cosner said he told the assistant state attorney handling the case about the incident and the prosecutor told him the case was strong and should not be dismissed and that he should disregard Maj. Vazquez's alleged request. Cosner said he later looked up the statute for witness tampering and said he felt Maj. Vazquez's actions that day could be construed as a violation of said statute. COE spoke to the prosecutor, Aryeh Lev Kaplan, and confirmed the incident in question.

Officer Cosner advised internal affairs officers that he later became fearful of retaliation by Maj. Vazquez, who was subsequently transferred to oversee the Patrol Division where Officer Cosner is assigned. He said that he went to speak to Maj. Vazquez to share his concerns and Maj. Vazquez told him not to worry, saying he only asked him to help because he thought Cosner was "QRU" and that he could ask the officer him for a favor. (Note: QRU is a Miami-Dade Police dispatch code meaning "okay," or not wanted by authorities.) Officer Cosner told investigators that Maj. Vazquez allegedly told him that he did not have to worry about retaliation but that he should not expect to receive any favors from him. He said he remained fearful of retaliation and subsequently filed a complaint with Internal Affairs.

The matter in question stemmed from the March 13, 2010, arrest of Jason McFarland (MBPD Case #2010-24669R) for suspicion of drunk driving. It was noted in the DUI test report that McFarland "asked several times to be allowed to call his (former) brother-in-law," Maj. Vazquez, to seek advice as to whether he should take a sobriety test. He eventually refused to take the test and was arrested and charged. Maj. Vazquez was notified about the incident the night of the arrest, but there is no indication he attempted to intervene at that time on McFarland's behalf.

CONCLUSION: The Miami Beach internal affairs probe shows that Maj. Vazquez did approach Officer Cosner on the day of the DUI hearing, and that Vazquez did initiate a conversation about the pending case. While Maj. Vazquez disputes the nature of the exchange and claims he made no inappropriate request for intervention, the fact that a high-ranking police officer approached a patrol officer regarding a matter of personal interest in construed, in and of itself, as exploitation. Other witnesses noted that whether Maj. Vazquez was seeking a personal favor or not, he is still a major and "carries the weight of that office" in all his dealings with MBPD staff.

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