

TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

SGT. PEARSON:

This is Sgt. Sheila Pearson, Investigator of the Internal Affairs Division. Today is Tuesday, March 13<sup>th</sup>, and the time is about 9:15 AM. This interview is being conducted in the office of Internal Affairs. Conducting the interview will be Deputy Commander of Internal Affairs, Lt. Jack Huelsmann, Sgt. Sue McClain and myself. Also present in the room is Officer Phil Menendez, DSN 3920, and his attorney, Jim Collie. This interview is being conducted regarding an allegation of conduct unbecoming stemming from an arrest made during a ticket scalping detail throughout the St. Louis Cardinals World Series in October of 2006. Officer Menendez, I see that you've signed the Advise of Rights form. Did your attorney explain the form to you?

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SGT. MENENDEZ:

Yes. It's Sergeant by the way.

SGT. PEARSON:

I am so sorry. Yes, correction, Sgt. Menendez.

LT. HUELSMANN:

So you understand that what the Advise of Rights allows you to do is to talk to Sgt. Pearson about the internal investigation and nothing you say to her in this internal statement could be used against you in any subsequent criminal prosecution should there be one, is that your understanding?

SGT. MENENDEZ:

Yes.

LT. HUELSMANN:

And that's the basis upon which you are making your statement?

SGT. MENENDEZ:

Yes Sir.

SGT. PEARSON:

And do you understand that if you refuse to answer any questions, give false responses or misleading responses, it will lead to Departmental charges and possibly dismissal?

SGT. MENENDEZ:

Yes.

SGT. PEARSON:

Sgt. Menendez, we'd like to draw your attention ... there's gonna be two that we're gonna talk about ... arrests that

C227



TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

you made ... but specifically we want to draw your attention right now to an arrest you made on October 25<sup>th</sup>, and that complaint number is 06-088349. Can you give us details on that arrest?

SGT. MENENDEZ: Do you know the location?

SGT. PEARSON: The location is 100 S. Broadway.

SGT. MENENDEZ: Yes ma'am ... this one here ... Det. Scheel and I were in the lobby of the Hilton Hotel. We were on the ticket scalping detail, World Series Game. I was approached by two individuals who wanted ... one individual with two tickets who had a ... two tickets to the game that day ... and was selling them over face value ... at the same time two other individuals, also having two tickets a piece, tried to beat the price of the other guys, going over the face value. We locked up all three of them and seized their tickets.

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SGT. PEARSON: Um, and again, in total, you seized in total of six tickets under this complaint number, is that correct?

SGT. MENENDEZ: Yes ma'am.

SGT. PEARSON: Okay, at the time, were all three arrested?

SGT. MENENDEZ: Yes.

SGT. PEARSON: All were arrested. So at the time of arrest, just the time of arrest, where were those tickets placed?

SGT. MENENDEZ: I had them in my possession.

SGT. PEARSON: And, after their arrest, can you kind of explain to us the path that those tickets took?

SGT. MENENDEZ: Yes. I had two family members ... I had contacted one of my uncles, who is a Cardinal fan, and asked if he wanted to go to the game and he said he did and I had met him

TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

downtown and gave him four tickets to the game and a  
cousin ... and I gave him two tickets.

SGT. PEARSON: Okay ... and the name of the uncle?

SGT. MENENDEZ: Ricky Menendez.

SGT. PEARSON: And then your cousin?

SGT. MENENDEZ: Robbie Herhold ... H E R H O L D.

SGT. PEARSON: So again, you took these six tickets, which were evidence,  
and you gave four to your uncle and two to your cousin, is  
that correct?

SGT. MENENDEZ: Yes.

SGT. PEARSON: And, what did they then do with the tickets?

SGT. MENENDEZ: They went to the game.

SGT. PEARSON: And, at the time, who was your assist on this?

SGT. MENENDEZ: Jason Scheel.

SGT. PEARSON: And where was he at during this time?

SGT. MENENDEZ: He was with me at the time of the arrest; however, he had  
nothing to do with me giving the tickets to my family  
members. When I gave em to them, he wasn't like right  
there next to me actually observing me giving the tickets to  
them.

SGT. PEARSON: When did he first learn that you had given the tickets to  
your family members?

SGT. MENENDEZ: I had told him I had to write the report and when done with  
the summons and that I was gonna call some family  
members.

SGT. PEARSON: So that day he knew?

C227

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TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

SGT. MENENDEZ: He knew it, right, but he wasn't there ...

SGT. PEARSON: ... when the exchange took place?

SGT. MENENDEZ: Correct.

SGT. PEARSON: Okay, so who's your sergeant ... or at this time ... who was your sergeant?

SGT. MENENDEZ: Sgt. Anthony Boone.

SGT. PEARSON: And, Sgt. Boone, was he aware of what took place with the tickets?

SGT. MENENDEZ: He was not.

SGT. PEARSON: When was he made aware?

SGT. MENENDEZ: When the a ... I guess ... when the complaint just came down.

SGT. PEARSON: And who was your lieutenant at that time?

SGT. MENENDEZ: Lt. Michael Deeba.

SGT. PEARSON: And when was he made aware of this?

SGT. MENENDEZ: At the same time.

SGT. PEARSON: When the complaint came down?

SGT. MENENDEZ: Yes ma'am.

SGT. PEARSON: So with these six tickets ... your uncle ... what did your uncle give you in exchange for these tickets ... monetary ... ?

SGT. MENENDEZ: Nothing.

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Released to: [Signature]

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C227

TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

SGT. PEARSON: You received nothing in exchange for the six tickets ... or the four tickets from your uncle?

SGT. MENENDEZ: Correct.

SGT. PEARSON: And your cousin ... what did you receive in exchange for those?

SGT. MENENDEZ: Nothing.

SGT. PEARSON: So, prior to you doing this on this day, what prompted you to give these tickets to your family members?

SGT. MENENDEZ: It was the World Series and I knew they liked the Cardinals and the opportunity was there, so I called them and waited until they got to the baseball game.

SGT. PEARSON: And had you heard of doing something like this before?

SGT. MENENDEZ: No ma'am.

SGT. PEARSON: Before this game, you never heard of using tickets that were evidence and giving them to a friend, a family member or something like that?

SGT. MENENDEZ: No.

SGT. PEARSON: Have you ever received a phone call or any requests at all from a commander, or any other person at this Department, requesting tickets?

SGT. MENENDEZ: No ma'am.

SGT. PEARSON: When did you receive these tickets back from your uncle first?

SGT. MENENDEZ: He actually ... there was a rain delay that day ... a rain out ... so I just told him to keep them until after they came back, after game five, and then after game five which they had ended up winning this document is being produced by IAD pursuant to: and then after the game, I met up with him outside of the ballpark and I got them back.  
MO Open Records Law / Court Order

C227

Date Released: 12/15/09

Page 5 of 13

Released to: Ray

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TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

SGT. PEARSON: And ... when ... how far in advance had you made arrangements with your uncle and your cousin?

SGT. MENENDEZ: I had called them after I got the tickets.

SGT. PEARSON: Had you already talked to them before to let them know that you would be calling them with tickets?

SGT. MENENDEZ: No.

LT. HUELSMANN: For the record, a few minutes ago, Sgt. Menendez, you had the opportunity to glance through this police report that we're talking about ... 88349 for 2006 ... what was the answer to the question ... did Det. Scheel ... am I pronouncing that correctly ... Jason ... knew about what you did with the tickets ... did he know?

SGT. MENENDEZ: He did know. I had asked him ... I told him that I'd write the report and do all the paperwork and that and I was gonna to give them to family members.

LT. HUELSMANN: Okay, so he knew some time after the seizure ... and before the game ... that you were going to give them away ... or to give them out ... is that clear? He's listed as being the seizing officer on the three property segments concerning the six tickets ... there's three ... you know ... two tickets each on each property screen ... as him being the seizing officer ... and I'm just wondering if that is not correct or if he's the one that ultimately packaged them ... and does he ... how did that come about ... that he's designated as the seizing officer instead of you?

SGT. MENENDEZ: It states on the ... because I did the seizure on the night that (inaudible)

LT. HUELSMANN: So ... that box where it says seizing ... should really be you ...

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TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

SGT. MENENDEZ: It should be my name, yes sir, and my DSN. It even says here I marked, packaged and placed the property ... it says in the narrative that I was the seizing officer of the tickets.

LT. HUELSMANN: Because you have the same issue ... on the other reports ... you're the arresting ... oh I'm sorry ... wait ... yeah that's right ... no ... I'm sorry ... yeah ... you're the arresting and the seizing on the next issue we're gonna talk about ... the next ... that's correct ... alright ...

SGT. PEARSON: Um ... contact with the uncle ... and the cousin ...

LT. HUELSMANN: I didn't get that number ... we're gonna ask you to provide contact information for your uncle and cousin ... and we'll make telephone contact with them and ...

SGT. PEARSON: Have you already spoken ...

LT. HUELSMANN: Have you spoken to either one of them that there's an investigation going on regarding these World Series tickets?

SGT. MENENDEZ: I have.

LT. HUELSMANN: You have?

SGT. MENENDEZ: Correct. Yes sir.

LT. HUELSMANN: What did you tell them?

SGT. MENENDEZ: I advised them that you guys were gonna make contact with them and talk to them and to cooperate. I didn't give them any details or say anything else, just if they are contacted by anyone from the Internal Affairs Division to cooperate and talk with them.

LT. HUELSMANN: I'm gonna order you to not speak to these two individuals and any other individual on this next case ...

SGT. MENENDEZ: Yes sir.

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Released to: [Signature]  
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TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

LT. HUELSMANN: ... regarding Sgt. Pearson is going to be in contact with them.

SGT. MENENDEZ: Yes sir.

LT. HUELSMANN: And then we'll advise you, perhaps by e-mail, once we do make contact with these individuals ... at this point my order for you not to ... I mean ... if you bump into your uncle and cousin, you can go ahead and talk about whatever you want, but not this issue, that's the order, okay?

SGT. MENENDEZ: Yes sir.

LT. HUELSMANN: The point is, that when we talk to these individuals, we want them to tell us the truth about the events.

SGT. MENENDEZ: Sure ... I didn't want you to call and have some resistance or ... hey, I'm not talking to you ... or you know ... if they're not sure ... so that's why I called and told them to just cooperate and answer all the questions.

LT. HUELSMANN: I forgot to prep the beginning of this interview with ... a ... advising you that this is a serious issue and that I wanted you ... and I hoped that up to this point you've told us the truth ... and the rest of this interview I expect you to tell the truth ...

SGT. MENENDEZ: Yes sir.

LT. HUELSMANN: ... so that you don't get a false reporting charge placed on you ... This document is being produced by IAD pursuant to:

SGT. MENENDEZ: Yes sir. MO Open Records Law / Court Order

LT. HUELSMANN: Alright. Date Released: 12/15/09

SGT. MENENDEZ: Yes sir. Released to: [Signature]

SGT. PEARSON: Sgt. Menendez, next we're gonna talk about the second arrest that you made on ... this was on October 25<sup>th</sup> ... and

C227



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OF

Open Records Law / Court Order

SERGEANT PHIL MENENDEZ, DSN 3920

Released: 2/15/09

DATED

MARCH 13, 2007

Released to: [Signature]

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Complaint # 06-088715 ... and in that one, you're the arresting officer and your assisting is Jason Scheel ...

SGT. MENENDEZ:

Scheel ... yes ma'am ...

SGT. PEARSON:

Can you tell us a little about that arrest?

SGT. MENENDEZ:

This one, a gentleman was standing in the park ... Market Street ... 4<sup>th</sup> Street. He was selling baseball tickets for the World Series Game #5 for over face value. He approached me and offered me the tickets over the face value and he was arrested.

SGT. PEARSON:

At the time of arrest, how many tickets were seized from him?

SGT. MENENDEZ:

Four.

SGT. PEARSON:

And those four tickets ... was this gentleman arrested or summonsed and released?

SGT. MENENDEZ:

He was summonsed and released because he was actually from St. Louis.

SGT. PEARSON:

Okay ... and after the summons and release, what was done with those tickets ... those four World Series tickets?

SGT. MENENDEZ:

Again, I contacted my Uncle Ricky and gave him the four tickets.

SGT. PEARSON:

Okay, so all four tickets that were seized as evidence were given to your Uncle Ricky?

SGT. MENENDEZ:

Ricky Menendez, yes ma'am.

SGT. PEARSON:

Okay ... and what did Ricky do with those tickets to your knowledge?

SGT. MENENDEZ:

He went to the game.

SGT. PEARSON:

And when did you get those tickets back from Ricky?

C227

TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920

DATED MARCH 13, 2007 This document is being produced by IAD pursuant to:

MO Open Records Law / Court Order

Date Released: 12/15/09

Released to: [Signature]

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SGT. MENENDEZ: After the game.

SGT. PEARSON: That day after the game?

SGT. MENENDEZ: Right.

SGT. PEARSON: And on this, your assisting was Jason Scheel, was he there at the time of the exchange with your Uncle Ricky?

SGT. MENENDEZ: Again, as I said the last time, he wasn't physically there watching and observing, but he was my partner that day and he knew what was going on.

SGT. PEARSON: When you say knew what was going on ... um ... how did he physically know what was going on?

SGT. MENENDEZ: (Inaudible) I told him I was gonna call my Uncle Ricky to give him the tickets.

SGT. PEARSON: Had you already spoken with your uncle and made pre-arrangements prior to the arrest?

SGT. MENENDEZ: No I did not.

SGT. PEARSON: So these tickets, you said your partner was aware, was your sergeant aware?

SGT. MENENDEZ: No ma'am.

SGT. PEARSON: And when did he become aware of it?

SGT. MENENDEZ: When the complaint came out.

SGT. PEARSON: And your lieutenant, was he aware at the time?

SGT. MENENDEZ: No ma'am.

SGT. PEARSON: And ... for these four sets of tickets ... did you receive anything in exchange for them ... for these tickets ... money ... or anything of value?

C227

TAPED INTERVIEW

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DATED MO Open Records Law / Court Order

MARCH 13, 2007 Date Released: 2/15/09

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SGT. MENENDEZ: No I did not.

LT. HUELSMANN: Do you know who accompanied your uncle ... who used the other three tickets on these two games that we're talking about ... with you uncle ... and then I'm gonna ask you about your cousin ... the individuals that they took with them?

SGT. MENENDEZ: The individual my cousin took was his wife, Jan ... and my uncle ... he took ... he's living with his sister ... my aunt ... who married a gentleman who has kids already ... and I believe he took one of his sons and his wife and a friend of hers ... I don't know the people ...

LT. HUELSMANN: I'm sorry ... did you say you believe ... is that what he told you ... or ... in other words ... what's the possibility of your uncle selling those tickets to other individuals and not having gone to the game himself? Here's the question ... if I asked you ... did you actually see him go into Busch Stadium?

SGT. MENENDEZ: No, but I got the tickets back and I know he went to the game because he said he did. It wasn't like, if he sold them, then I wouldn't have got them back

LT. HUELSMANN: Alright. Okay. So your cousin took his wife ...

SGT. MENENDEZ: Correct.

LT. HUELSMANN: And then Ricky took other relatives of his?

SGT. MENENDEZ: Yes sir.

LT. HUELSMANN: What conversations did you ... is it Scheel ... is that how you pronounce Jason's last name?

SGT. MENENDEZ: Shell.

LT. HUELSMANN: What conversations ... or what did he tell you when you told him you were going to loan these tickets out to

TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

relatives ... did he ask ... you know ... I don't want to put words in your mouth ... but ...

SGT. MENENDEZ: Right, no he didn't.

LT. HUELSMANN: Did he say okay or (inaudible) Did he protest, saying, no don't do that?

SGT. MENENDEZ: No, just passive, just okay.

LT. HUELSMANN: Did you hear any conversation ... let me ask you this ... did Lt. Deeba and/or the ... I believe there were what three sergeants involved in this detail ... right ... Morici, Boone and Kruse?

SGT. MENENDEZ: Yes sir.

LT. HUELSMANN: Did Lt. Deeba or any one of these three sergeants or all four people combined at the beginning of the detail or everyday have a roll call with the unit to talk about issues regarding how to do this detail ... to say for the lack of a better term of roll call ...

SGT. MENENDEZ: I believe we met at the office, and after we had been at the office and got out equipment, we were just gonna go out there and get scalpers ... to get tickets and scalpers ... to do out job that we were supposed to do and the detail.

LT. HUELSMANN: During this period of time of the days leading up to the World Series, or perhaps even the play-offs, did you hear, recall hearing any talk around the office about the concept that since these tickets were bar-coded and given back to the fan going to the game, that the possibility exists of doing what you did, give those tickets away that you seized, with the idea that you could get them back and later package them ... did you overhear any conversation in the office about ... you know ... that ... that's a possible thing that could occur?

SGT. MENENDEZ: I heard, you know, you hear talk amongst the detectives (inaudible) what they're saying concepts that it probably

C227

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TAPED INTERVIEW  
OF  
SERGEANT PHIL MENENDEZ, DSN 3920  
DATED  
MARCH 13, 2007

could be done if you get them back after work and package them.

LT. HUELSMANN: Did you initiate this idea? In other words whose idea was it?

SGT. MENENDEZ: What I did I initiated what I did with our tickets.

LT. HUELSMANN: On your own you mean?

SGT. MENENDEZ: Yes.

LT. HUELSMANN: I don't have any more questions.

SGT. PEARSON: Um prior to you leaving the office today we're gonna need the contact information of all people involved to you came (inaudible) and uh Sgt. McClain do you have any questions?

SGT. MCCLAIN: No.

SGT. PEARSON: Well alright. We're ending this interview at 9:32.

END OF INTERVIEW

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