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ARTICLES

Whisked Out of Jail, and Back to the N.F.L.

N.F.L. Teams' Ties to Police Put Victims of Domestic Violence in a Bind

By **STEVE EDERNOV.** 16, 2014

Photo



Kristen Lennon said Phillip Merling had continued to harass her in the four years since she left him. There is a thick file on their case. Credit Andy McMillan for The New York Times

Even after sheriff's deputies arrived at her Weston, Fla., home, Kristen Lennon remained in the bathroom, afraid to leave. Minutes earlier, she had fled there for safety as she called 911, telling the

operator that her fiancé had thrown her on the bed and hit her in the face and head. She was two months pregnant.

“Please help,” Ms. Lennon said, her voice shaking. “He’s way bigger than me.” The couple’s first child was nearby in their bedroom.

On the other side of the bathroom door was Phillip Merling, a 6-foot-5, 305-pound defensive end for the [Miami Dolphins](#). When deputies from the Broward County Sheriff’s Office arrived at about 1:30 a.m. on May 27, 2010, they found Ms. Lennon with redness and swelling on her face and a cut on her lip.

What happened next illustrated how relationships between [National Football League](#) teams and local law enforcement agencies can lead to special treatment for players.

Minutes after Mr. Merling was taken into custody, Stuart Weinstein, the Dolphins’ longtime security director, was working his contacts in the Sheriff’s Office, trying to confirm the arrest and get information on Mr. Merling’s status. At one point, Mr. Weinstein asked a commander who worked side jobs for the Dolphins to notify him when Mr. Merling’s bond was posted. The commander said he would, according to an internal affairs investigation.

Photo



When sheriff’s deputies arrived at Ms. Lennon’s home, they found her with redness and swelling on her face and a cut on her lip. Credit [Broward County Sheriff’s Office](#)

Mr. Merling was booked on charges of aggravated domestic battery on a pregnant woman. Almost all inmates are required to leave the jail through the public front door and arrange their own transportation home, but Mr. Merling was granted an unusual privilege: He was escorted out a rear exit by a deputy, evading reporters. The commander, who was off duty and in uniform, drove Mr. Merling in an unmarked car to the Dolphins’ training complex 20 minutes away.

After Mr. Merling met with team officials, the commander drove him home to get his belongings — even though a judge had ordered Mr. Merling to “stay away” and avoid any potential contact with Ms. Lennon.

N.F.L. teams, which have their own robust security operations, often form close relationships with local law enforcement agencies, say people familiar with the procedures. Teams routinely employ off-duty officers to be uniformed escorts or to help with security, paying them, providing perks and covering costs for them to travel to away games. When allegations of crimes such as domestic violence arise, the bond between officers and team security officials can favor the player while leaving the accuser feeling isolated.

In California, for instance, the San Jose Police Department is investigating why one of its officers who worked part time for the [San Francisco 49ers](#) was at the home of defensive lineman Ray McDonald around the time of his arrest on domestic violence charges in August. Prosecutors said last week that there [was insufficient evidence](#) to charge Mr. McDonald but noted that the officer “was working for the 49ers while being paid by the citizens of San Jose.”

The treatment of players involved in domestic violence cases has become an inflammatory issue for the N.F.L. after a video emerged showing Ray Rice, at the time a Baltimore Ravens running back, knocking his fiancée unconscious. Amid heavy criticism, Commissioner Roger Goodell acknowledged that his initial two-game suspension of Mr. Rice was insufficient and that the league had fallen short in its handling of domestic abuse. In light of the Rice case, the N.F.L. has promised to overhaul its personal conduct policy.

Long before the Rice controversy, however, the Merling case served as an example of how N.F.L. players can receive lenient treatment not only from local law enforcement agencies but also from a league that has taken an inconsistent approach to domestic violence — despite a pledge in 2007 to strictly enforce its personal conduct policy. Through interviews with Ms. Lennon and a review of documents obtained through public record requests, The New York Times found a pattern of continuing harassment by Mr. Merling — while he continued to play in the N.F.L.

Tony Sparano, the Dolphins’ coach then, [told reporters](#) “it really is a league situation right now, the league is handling this.” Mr. Merling was never suspended by the league or the Dolphins, and he returned to the field in 2010 after his arrest. “He went right back into minicamp,” Ms. Lennon, 25, said in an interview last month in

Columbia, S.C., where she now lives. “I saw pictures of him stretching.”

He played parts of four more seasons for the Dolphins, the Green Bay Packers and the Washington Redskins. Ms. Lennon, speaking publicly for the first time about her experiences, said she had never been contacted by the league or any of the teams.

“I wasn’t surprised,” she said. “The players are the only ones they care about.”

Ms. Lennon said the harassment continued into this year, including threatening text messages and angry outbursts that left dents in her car and front door.

In an email, an N.F.L. spokesman, Brian McCarthy, said: “We would not be aware of allegations that may have been made and determined by the police to be unfounded or which did not result in any formal police action unless the player or alleged victim notified us. Typically, the police do not notify the N.F.L. independently.”

Prosecutors dropped the case against Mr. Merling when Ms. Lennon did not appear to testify. She told The Times she could not return to Florida because she was eight months pregnant.

The special treatment of Mr. Merling caught the attention of the Broward County sheriff at the time, Al Lamberti, who initiated the internal affairs inquiry.

In a recent phone interview, Mr. Lamberti said that deputies who were caught up in the glamour of a big-time sports franchise could lose sight of their allegiances.

“In some of these cases, my opinion is that they were more loyal to the Dolphins than they were to the agency,” he said. “To me, that’s where the line was crossed.”

A Relationship Deteriorates

Photo



Mr. Merling, in December 2010. He was released on bail after being booked on charges of aggravated domestic battery on a pregnant woman. Mr. Merling continued to play for the Dolphins and was never suspended. Credit J Pat Carter/Associated Press

Ms. Lennon was 19 when she met Mr. Merling in the pool hall at Clemson's student union in February 2008. She was studying mechanical engineering on an R.O.T.C. scholarship and did not know that he was a star defensive end who would soon enter the N.F.L.

Their relationship progressed rapidly, and when Mr. Merling was drafted in the second round by the Dolphins, he asked Ms. Lennon to go with him to Miami. They had been together for only a few months, and she insisted they had to be engaged first, so Mr. Merling bought a ring and proposed.

Ms. Lennon said their relationship began to deteriorate once they moved to South Florida. Mr. Merling had a four-year, \$7 million contract, Ms. Lennon said, and he was not prepared for how the money and the N.F.L. lifestyle would affect him.

His emotions swung back and forth, and he became increasingly controlling, she said. On one occasion, he shoved her in front of his cousin. Another time he pushed her head into a window of their car.

“It was a hard push,” she said.

The problems persisted, physically and emotionally. Sometimes Mr. Merling became angry, drove her to a hotel or the airport, and left her there, she said.

“I had never been around abuse, and I had no idea how to handle it,” Ms. Lennon said in the interview, adding that she began using sleeping pills at night to cope.

But it was not until a Thursday morning in May 2010 that Ms. Lennon called the authorities.

Mr. Merling had come home late and gone to bed, she said. Ms. Lennon, according to the Sheriff’s Office report, told deputies that she became irate and confronted Mr. Merling when a used condom fell from a pocket of his jeans. She began throwing his belongings out of the house. As they fought, he threw her on the bed. That was when he began to hit her, she said.

Efforts to reach Mr. Merling — through his agent; through two of his former lawyers; through Clemson, where he worked until recently as a graduate assistant for the football team; and through Facebook and phone messages — were unsuccessful. One of the lawyers, Edward O’Donnell IV, who represented Mr. Merling in his criminal case, told *The Times* that Ms. Lennon had instigated the confrontation.

“She attacked him,” Mr. O’Donnell said. “He’s a big, giant guy. Who are they going to arrest?”

After the deputies took Mr. Merling to jail, Ms. Lennon began packing her belongings in a friend’s car. Within 48 hours, she was back in South Carolina for good.

“I didn’t have a choice,” she said. “When the cops got there and I looked at that mirror, I was like: ‘This is a turning point. This ain’t happening.’”

Questionable Treatment

Mr. Weinstein, the Dolphins' security chief, told internal affairs investigators that six deputies from the Broward County Sheriff's Office were employed by the Dolphins at the time of Mr. Merling's arrest.

One was Alvin Pollock, a commander who had been a familiar face around the Dolphins for 14 years, helping with security tasks like monitoring the sidelines. In his internal affairs interviews, he said he also acted as a "liaison" between the Sheriff's Office and various players.



Document: Broward County Sheriff's Office Internal Affairs Report

Mr. Weinstein, a former private investigator who has worked for the Dolphins for about three decades, said that deputies were paid \$50 for home games and \$200 for away games, and that the team paid for their hotels, flights and meals on the road.

Other teams have had similar arrangements. In San Jose, [internal police emails](#) first obtained by The San Jose Mercury News showed that officers viewed aspects of their off-duty work with the 49ers as a potential "cash cow" laden with perks.

The police chief has indefinitely suspended off-duty work for the 49ers, which is facilitated through a third party, in light of the McDonald case. According to prosecutors, an investigation showed that Sgt. Sean Pritchard made three visits to Mr. McDonald's home around the time of the arrest, twice while on duty. Mr. McDonald had phoned the 49ers' security chief, who put him in touch with Mr. Pritchard, prosecutors found.

In 2010, the Pennsylvania State Police [investigated the conduct](#) of one of its off-duty troopers, who was with Pittsburgh Steelers quarterback Ben Roethlisberger in Georgia when he was accused of sexually assaulting a 20-year-old college student. The trooper had been doing side work as a personal assistant for the quarterback, including answering his fan mail. Mr. Roethlisberger was not charged in the case.

In a 2008 memoir, “Bodyguard to the Packers,” Jerry Parins, a police officer who eventually became security director for the Green Bay Packers, recounted how his connections with the police often came in handy when players were in trouble. “Most of the local law enforcement agencies have access to me at home for issues that are good, bad, or whatever,” Mr. Parins wrote.

Mr. McCarthy, of the N.F.L., said there were no league-wide policies on employing off-duty police officers.

In Broward County, records show that throughout the day of Mr. Merling’s incarceration, there were conversations inside the Sheriff’s Office about the arrest of a “high-profile” football player and how to release him.

Mr. Pollock told investigators that he was following the instructions of a sergeant, Luis Galindez, in allowing Mr. Merling to use the back exit; Mr. Galindez denied that, suggesting that Mr. Pollock had insisted on it. Three deputies in the office and one lieutenant told investigators they had never before seen someone released out the rear exit.

Mr. Pollock also said he searched Mr. Merling’s home, to make sure Ms. Lennon was not there, before allowing him to collect his belongings.

Mr. Lamberti, the sheriff, was infuriated by Mr. Merling’s special treatment. “We’re not in the business of giving people arrested for felonies rides home — not going to be tolerated,” he told reporters at the time.

(Mr. Lamberti himself was the subject of complaints that he misused his position to get his teenage son a credential to the 2010 Super Bowl, but state inquiries cleared him.)

The investigation of the case led to the discovery of other transgressions, Mr. Lamberti said in an interview, calling them “indefensible.” Mr. Lamberti temporarily barred deputies from working for the Dolphins but also faulted the team for fostering a relationship with his office that was “too cozy.”

For his part, Mr. Weinstein, the Dolphins' security chief, seemed to realize he had erred by not simply picking up Merling himself. "You know, there's a lot of things that happen in your life that you wish you could take back," he told investigators. "Well, believe me, this is at the top of my list."

A Dolphins spokesman, Jason Jenkins, said the team had no comment. Through the team, Mr. Weinstein also declined to comment.

As a result of the inquiry, Mr. Pollock was demoted, suspended without pay for 15 days and barred from off-duty employment indefinitely. He later filed a discrimination complaint, claiming he had been singled out for harsh discipline because he was African-American. He said that white deputies, in other cases, had not been punished for giving preferential treatment to the Dolphins, including driving a player away from a crime scene in an unmarked patrol car.

In 2013, Scott Israel, who defeated Mr. Lamberti in a 2012 election, selected Mr. Pollock, a 37-year employee, to be colonel of the Sheriff's Office's Department of Law Enforcement and later agreed to pay him a \$15,000 settlement. A spokeswoman for the office, Dani Moschella, said Mr. Israel and Mr. Pollock declined to be interviewed. In a statement Friday, Mr. Israel called Mr. Pollock "someone who has had a long, stellar career that benefits the agency and our county."

Photo



Ms. Lennon hid in a bathroom while calling 911 to say that Mr. Merling, who was then a Miami Dolphins player and her fiancé, hit her in May 2010. Credit Andy McMillan for The New York Times

Mr. Pollock is not currently working off duty for the Dolphins. The Sheriff's Office said in a statement that there had been structural changes to the special details unit. There are five sheriff's employees who work for the Dolphins in an off-duty, civilian capacity, the office said. The office can "restrict or revoke an employee's outside relationship with the team at any time."

Trouble Continues

Soon after Ms. Lennon returned to South Carolina, she said, members of Mr. Merling's family contacted her, pressuring her not to proceed with the criminal case. They told her it would ruin his career.

Ms. Lennon said she ultimately let the case go because she was late in her pregnancy, could not travel and was not up to the pressures of testifying.

Standing near his locker in November 2010, Mr. Merling told reporters that he was relieved the case was behind him, according to [a Sun Sentinel article](#). "We had just an altercation in the house,"

he said. “It wasn’t physically. It was hardly even verbal. Something I did. I broke her trust.”

He added, “We’re going to get through it, and we’re going to be better for it.”

In a February 2012 family court filing, Mr. Merling described himself as a loving father who wished to play a more active role in his children’s lives. He also raised various concerns about Ms. Lennon, saying she had used his money and credit cards without his permission.

Ms. Lennon was beginning to make her own life in Columbia with her children. She eventually enrolled at the University of South Carolina, where she is finishing her mechanical engineering degree.

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But Mr. Merling has continued to harass her, she said.

In July 2011, neighbors called the police at 4 a.m. when they heard commotion at an apartment she was in. When officers arrived, Ms. Lennon told them that Mr. Merling had been banging on the door before he put numerous dents in her car.

That allegation and others were documented in police records and a thick family court file, raising questions about whether the N.F.L., with a commitment to a strict personal conduct code, had monitored Mr. Merling and was aware of the problems.

Mr. Merling was out of the N.F.L. by October 2013. This fall, he enrolled at Clemson and worked with the football team, but he left the university last month, an athletic department spokesman said.

Ms. Lennon, in the meantime, had sued Mr. Merling for child support. A year ago, a judge in South Carolina issued a final order demanding that he pay tens of thousands of dollars. When Mr. Merling arranged a meeting with Ms. Lennon to give her a check, she ended up calling the police, saying he punched her in the chest, according to a police report. The next day, she told a judge that he had also crushed her cellphone.

Three weeks ago, a warrant was issued for his arrest over nonpayment of child support.

Ms. Lennon said that she still received text messages from him and that she had changed her number many times. One message in July read, "I hate u."

Also in July, Ms. Lennon called the police, saying Mr. Merling had come to her home late at night and tried to break in the front door. The dents in the door are visible.

She has since added an extra lock.

Elisa Cho contributed research.

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