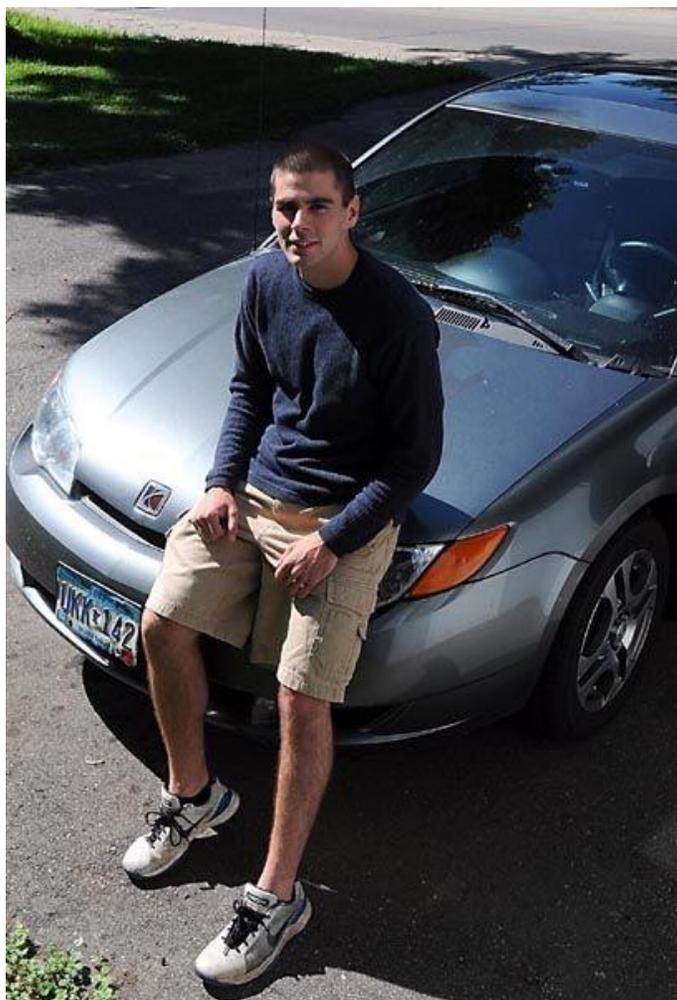


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## Cop pleads in bizarre crash

By Dan Nienaber  
Free Press Staff Writer  
Jul 2, 2011



Dan Sweeney's Saturn was damaged when a wheel from an off-duty police officer's car flew off during a collision with a nearby retaining wall. The officer left the scene of the crash.

Pat Christman  
The Free Press



An already odd story about a hit-and-run driver has taken another twist for Dan Sweeney.

Sweeney remembers well what happened the morning of May 27 when he was jarred awake by a crash outside his home at about 2:20 a.m. A vehicle had hit a retaining wall at the intersection of Cedar Street and Warren Street, sending one of the wheels from the crashed car through the back window of Sweeney's car. There were actually two parked cars damaged as a result of the crash.

The hit-and-run driver left, but a bumper from the car was still in the road. As Sweeney, his roommate and neighbors were surveying the damage, a man they

didn't recognize wandered by and started asking questions.

"He looked like a younger guy, a college-aged guy," Sweeney said. "He looked me in the face, looked me right in the eye, and said, 'Did you see anything?'"

"Now it makes sense that he was a cop. He knew exactly what to do."

What the guy did next doesn't sound like something a police officer should do. As everyone was in a commotion trying to figure out what happened, the guy nobody knew — the guy Sweeney learned last week was an off-duty cop — grabbed the bumper from the road and started

running up the hill. The license plate from the missing hit-and-run car was still attached to the bumper.

A neighbor gave chase and watched the guy put the bumper in the back seat of a white sedan. Then the man who had been running with the bumper drove away in the car, which was missing one of its wheels.

### **Local investigation**

The incident was reported to Cmdr. Jeremy Clifton of the Mankato Department of Public Safety at 2:22 a.m. An officer already at the scene showed Clifton a grill from an Oldsmobile and paperwork that had been left behind. The paperwork had 35-year-old Kenneth Conrad Baker's name on it.

"Commander Clifton was aware of a Ken Baker, whom he knew to drive a white Oldsmobile," a criminal complaint, filed against Baker on June 7, said.

The reason Clifton was likely aware of Baker and the car he drove is because Baker was hired as a patrol officer for the Mankato Department of Public Safety on Nov. 16, 2009. Prior to being hired in Mankato, Baker served as a deputy in Rock County.

Clifton and other officers followed a fluid leak from the scene of the crash to Baker's Savannah Court residence, which is more than two miles away from the intersection of Warren and Cedar streets. Clifton attempted to contact Baker by "knocking loudly on the back door" and by "leaving a voice mail," the complaint said. There is no discussion of a search warrant in the complaint, but it does say Baker eventually called Clifton and said he would provide a statement later that day.

It was about 1 p.m. when Det. Cmdr. Matt DuRose met with Baker and an attorney at Baker's house. Baker admitted to being at three downtown bars — Rounders, South Street Saloon and Red Rocks — before leaving for home around bar closing time. He said his cellphone had fallen to the floor of his car and he was reaching for it when he crashed.

The Oldsmobile was in Baker's garage, DuRose reported. It had severe front-end damage, was missing its right front tire, had a broken windshield and both airbags had been deployed. The rear bumper was in the passenger section of the car.

Sweeney had to pay a \$500 insurance deductible out of his pocket to have \$1,400 in repairs completed on his car. He said an officer didn't call him until about two weeks after the crash to tell him the driver had been identified.

"I asked him how they found him and he said they couldn't discuss it," Sweeney said.

Baker, who is on paid administrative leave from the Department of Public Safety, was charged with careless driving and hit-and-run, both misdemeanors. The hit-and-run charge was dismissed in a plea agreement June 24 before District Court Judge Bradley Walker. Baker received a stay of imposition, was fined \$350 and was ordered to pay restitution.

Christopher Kennedy, Lake Crystal city attorney, acted as a special prosecutor for the case to avoid a conflict of interest with the city. Kennedy said he didn't know why Baker wasn't arrested and required to take an alcohol test after police officers tracked the car to his house. He also didn't know why an agency other than the Mankato Department of Public Safety wasn't asked to investigate to avoid a conflict of interest.

Mankato investigators didn't realize they were going to be looking for another police officer when they were first called to the hit-and-run incident, said Trudy Kunkel, Department of Public Safety deputy director. Once they found the documents linking Baker to the missing car, they just continued the investigation, she said.

An alcohol test wasn't administered because it was too late by the time an officer spoke to Baker, Kunkel said. It was more than 10 hours after the crash was reported when DuRose met with Baker and the attorney.

It's not clear if Clifton considered getting a search warrant for Baker's property once they suspected the car was in his garage because the police reports from the incident are sealed from public view. Normally, once a case is resolved in court as Baker's case has been, the police reports from an incident become public.

Police reports from Baker's incident have been placed on a "restricted" status, meaning they cannot be viewed by the public or some Department of Public Safety employees. Kunkel said the reason for that is another agency has been asked to do an internal investigation of the incident. Baker will remain on paid administrative leave until that investigation is completed, she said.

### **Rock County case**

In at least one case where Baker followed a suspected drunken driver to his home, the incident was handled much differently than when he was under investigation. That case, involving a Rock County farmer named Tim Kimmel, eventually resulted in a federal lawsuit being filed against Baker.

The lawsuit, which was eventually dismissed, accused Baker of violating the civil rights of Tim Kimmel's father, Kim Kimmel, while Baker was a deputy with Rock County. The case had not been resolved before Baker was hired by the city of Mankato.

According to the lawsuit, Baker followed Tim Kimmel home after receiving a report that Kimmel had been driving erratically. He followed Tim Kimmel onto the property of Kim Kimmel's farm and into Kim Kimmel's garage.

When Kim Kimmel came out of the house and into the garage, barefoot and wearing only pajamas, he was ordered to the floor of the garage. Kimmel claimed he complied but was hit in the head by Baker's fist or a police baton. Kimmel said he was handcuffed and Baker's police dog, Tarzan, was biting him on the neck, head and shoulder when he regained consciousness.

Baker denied the allegations, saying he was pursuing a suspected drunken driver who failed to stop. The incident didn't become physical, Baker reported, until after both Tim and Kim Kimmel resisted arrest.

That incident happened on July 14, 2007, and the lawsuit was filed by Kim Kimmel in April 2009. Baker left Rock County after being hired by the Mankato Department of Public Safety in November 2009. The case was settled through a "stipulation for dismissal" that was filed by attorneys for both sides a month after Baker left Rock County. Kimmel's attorney for the case, Lawrence Crosby, said he couldn't comment on the terms of the settlement.

Baker's attorney for the Mankato hit-and-run case, Deborah Ellis of St. Paul, said Baker declined to comment for this story.

"That matter is still under investigation by the department, so he won't be making any comment," Ellis said.

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