

Minneapolis cop claims retaliation over role in FBI probe

RANDY FURST JULY 17, 2012

A veteran Minneapolis police officer testified in Hennepin County District Court on Tuesday that he has been the victim of continuous retaliation for his role in investigating corruption inside the department.

Lt. Andrew Smith, who once commanded the high-profile Violent Offender Task Force, said that when word leaked out about the investigation in 2007, he and another investigator, Sgt. Patrick King, were falsely accused of policy violations and became "outcasts" within the department.

"Going to work felt like we were being dropped behind enemy lines," Smith said. "It was bad."

Tuesday was the first day of testimony in the trial in which Smith and King have sued the city of Minneapolis for being transferred off the task force last year.

The case reopens painful chapters in the department's recent history, including the FBI-led investigation of allegations that several police officers were on the payroll of a local gangster in 2006 and the 2009 collapse of the scandal-ridden Metro Gang Strike Force.

Among those expected to testify are most of the Minneapolis police leadership, including Chief Tim Dolan, who is retiring; Assistant Chief

Janée Harteau, whom Mayor R.T. Rybak has nominated to be Dolan's successor, and Deputy Chiefs Scott Gerlicher and Rob Allen.

At the centerpiece of Smith and King's suit is a 2010 memorandum that Dolan wrote to Smith in which Dolan thanks him for participating in the 2006 FBI-run corruption inquiry.

"There is a potential for retaliation towards you as result of this investigation. ... I respectfully ask that future Minneapolis police administrators take very seriously any allegations from you regarding possible retaliation for this case," Dolan wrote.

Assistant City Attorney Tim Skarda said in an opening statement Monday that there was no retaliation because Dolan approved the transfers of Smith and King.

Skarda said the transfers came long after the corruption inquiry ended. He said the men were transferred because of a communications breakdown between federal authorities and the two officers.

The federal relationships had become more important, because the Violent Offenders Task Force, where Smith and King worked, had been absorbed into a new Safe Streets Task Force to fight violent crime and gangs. Formed in 2010 to replace the Metro Gang Strike Force, it is headed by an FBI agent and is supported by the U.S. attorney's office.

Smith contends his relationship with the federal authorities was excellent.

A contentious issue in the trial is expected to be the amount of overtime pay that Smith and King collected during their work on the Safe Streets Task

Force. Smith earned \$65,865 in overtime in 2010 and regular pay of \$98,444. His total pay was \$15,000 more than Dolan's.

Smith testified that the overtime was needed and was authorized by Dolan. He also said Gerlicher, who oversaw internal affairs investigations, was highly critical of Smith's overtime pay.

Smith now heads the department's juvenile division, and King works in licensing. In asking for monetary damages, their attorney, Patrick Burns, is expected to argue they are no longer receiving overtime pay because of the transfers.

Smith testified Tuesday that in the wake of the corruption investigation he found himself at odds with other officers.

He recalled one instance in which Dolan asked him to investigate a threatening call made to Dolan's house that Dolan's wife answered. Through Caller ID, the number was traced to a downtown pay phone, and video provided by the building's security showed Minneapolis police Sgt. Michael Keefe near the phone, Smith said.

Keefe, formerly a lieutenant, had headed the Violent Offender Task Force and was removed in 2007. According to Star Tribune articles, Keefe had questioned the validity of the corruption investigation and made allegations that King was a racist. King was cleared of wrongdoing, and Keefe was suspended.

Attorneys on both sides in the case told Judge Philip Carruthers on Tuesday that no witnesses needed to be sequestered. Keefe sat in the courtroom when Smith testified.

In a courtroom corridor, Keefe's attorney, Al Goins, said it was "preposterous" to suggest Keefe was implicated in a threatening call. "If anything had happened, he would no longer be an officer with the Minneapolis PD and he would have been prosecuted, and that has not happened," Goins said.

Only one Minneapolis officer was charged in the corruption investigation. Michael Roberts was convicted and sentenced to a year in federal prison for public corruption and tax evasion.

As the result of an agreement by both sides in the Smith-King trial, Carruthers is hearing the case without a jury. After testimony is completed, Burns and Skarda will prepare findings of facts and conclusions of law, which will be submitted to Carruthers in several weeks. After that, Carruthers will issue his decision.

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