

Deposition of Daniel Lewis taken 11/20/14

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MINNESOTA  
3  
4 File No. 13-CV-266  
5  
6 -----  
7 Michael Bounds et al.,  
8 Plaintiffs,  
9  
10 vs.  
11 Karl Willers et al.,  
12 Defendants.  
13 -----  
14  
15  
16 DEPOSITION OF DANIEL LEWIS, taken pursuant  
17 to Notice of Taking Deposition and taken before Debra J.  
18 Mokszycke, a Notary Public in and for the County of Anoka,  
19 State of Minnesota at 222 South Ninth Street, Suite 2200,  
20 Minneapolis, Minnesota, on the 20th day of November, 2014,  
21 commencing at approximately 11:00 a.m.  
22  
23  
24  
25

3  
1 APPEARANCES:  
2 NATHAN M. HANSEN, Attorney at Law, HANSEN LAW  
3 OFFICE, 2440 North Charles Street, Suite 242, North St. Paul,  
4 Minnesota, 55109, appeared representing the Plaintiffs.  
5  
6 ALAN C. MILSTEIN, Attorney at Law, SHERMAN,  
7 SILVERSTEIN, KOHL, ROSE & PODOLSKY, P.A., 308 Harper Drive,  
8 Suite 200, Moorestown, New Jersey, 08057, appeared representing  
9 the Plaintiffs.  
10  
11 JOHN M. BAKER and JANINE WETZEL KIMBLE,  
12 Attorneys at Law, GREENE ESPEL, PLLP, 222 South Ninth Street,  
13 Suite 2200, Minneapolis, Minnesota, 55402-3362, appeared  
14 representing Defendants Nicholas Jacobson and the Olmsted  
15 County Sheriff's Office.  
16  
17 STEPHANIE A. ANGOLKAR and NATHAN C. MIDOLO,  
18 Attorneys at Law, IVERSON, REUVERS, CONDON, 9321 Ensign Avenue  
19 South, Bloomington, Minnesota, 55438, appeared representing  
20 Defendants Karl Willers, the Hutchinson Police Department,  
21 Kenneth Willers, the Nobles County Sheriff's Office, Daniel  
22 Lewis, Steve Schulz, the Kanabec County Sheriff's Office,  
23 Michael Hadland and the Fillmore County Sheriff's Office.  
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2  
1 INDEX  
2  
3 EXAMINATION PAGE  
4 By Mr. Milstein . . . . . 5  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
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22  
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1 HELEN R. BROSNAHAN, Assistant County Attorney,  
2 DAKOTA COUNTY JUDICIAL CENTER, 1560 Highway 55, Hastings,  
3 Minnesota, 55033-2392, appeared representing Defendant Bryce  
4 Schuenke and the Dakota County Sheriff's Office.  
5  
6 ANDREW T. JACKOLA, Assistant County Attorney,  
7 GOVERNMENT CENTER, 2100 Third Avenue, Suite 720, Anoka,  
8 Minnesota, 55303-5025, appeared representing Defendant Chris  
9 McCall and the City of Anoka.  
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12 - - -  
13 WHEREUPON, the following proceedings were duly had:  
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**Deposition of Daniel Lewis taken 11/20/14**

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1 DANIEL LEWIS,  
2 After having been first duly sworn,  
3 testified under oath as follows:  
4  
5 EXAMINATION  
6 BY MR. MILSTEIN:  
7 Q What's your title?  
8 A Police officer.  
9 Q All right. Officer Lewis, I'm Alan Milstein. Along with  
10 Mr. Hansen, we represent the plaintiffs in this case.  
11 You participated in the DRE training?  
12 A Correct.  
13 Q And when did you do that?  
14 A The year 2012, the beginning, April or May.  
15 Q And as part of that participation, did you give any of the  
16 subjects that you evaluated marijuana or any other drug?  
17 A No.  
18 Q Did you see any other officer give any of the subjects that  
19 they evaluated marijuana or any other drug?  
20 A No.  
21 Q How many people did you evaluate?  
22 A Seven, approximately.  
23 Q Didn't you have to evaluate 15?  
24 A Between my partner and I, we had to do 15. So I would do  
25 one and then I would watch him do one and then --

7

1 Q You must have heard the scuttlebutt that some officers had  
2 given marijuana to the people that they evaluated, correct?  
3 A I did hear that.  
4 Q And who did you hear that from?  
5 A The news.  
6 Q Just the news?  
7 A Right.  
8 Q You didn't hear it from any other officer?  
9 A Nope. I haven't talked to anybody else about it, to be  
10 honest.  
11 Q Well, how about while it was going on, while --  
12 A No.  
13 Q -- you were there? So until it hit the news, you had no  
14 idea that any officer in any of the counties had either  
15 supplied marijuana or any other drug to a participant or  
16 witnessed any participant smoking marijuana or taking  
17 another drug?  
18 A Correct.  
19 Q So you are from what county?  
20 A At the time?  
21 Q Yes.  
22 A Kanabec County.  
23 Q What was that?  
24 A Kanabec.  
25 Q Kanabec?

6

1 Q I see. And who was your partner?  
2 A Troy.  
3 Q Officer Troy?  
4 A Yes.  
5 Q Did you ever see Officer Troy give marijuana to any of the  
6 people he evaluated?  
7 A No.  
8 Q Or any other drug?  
9 A No.  
10 Q Did you ever see any of the participants that you evaluated  
11 smoke marijuana?  
12 A No.  
13 Q How about the ones that Officer Troy evaluated?  
14 A Nope.  
15 Q So all those participants, I take it, were presumably high  
16 when you evaluated them?  
17 A Correct.  
18 Q And they had gotten high outside of your presence?  
19 A Correct.  
20 Q Did they get high before you even confronted them or  
21 recruited them?  
22 A They would have had to have.  
23 Q So none of them, to your knowledge, got high after you made  
24 contact with them?  
25 A Correct.

8

1 A Yeah, or Kanabec. Depends on if you live there or not how  
2 you pronounce it.  
3 Q And where is that in relation to Hennepin County?  
4 A Where's Hennepin County? From the Cities area, an hour  
5 north, hour and 20 minutes north.  
6 Q North of here?  
7 A Yeah, north of the Minneapolis-St. Paul area.  
8 Q And how did you first hear about the DRE program?  
9 A Just being a police officer.  
10 Q But who told you about it?  
11 A I don't know. College maybe, when I went to college. I  
12 don't know.  
13 Q But how did you hear about whether you could be in the DRE  
14 program?  
15 A I just -- I looked into it.  
16 Q Was it on ongoing -- I mean, was there a time where your  
17 superior officer said if anybody wants to be in the DRE  
18 program, here's how you sign up?  
19 A No, quite the opposite. I had to go and ask if I could  
20 participate in it.  
21 Q When did you become an officer?  
22 A 2009, 2008.  
23 Q And where did you do your training?  
24 A Vermilion Community College.  
25 Q And then did you go to any kind of police academy after

Deposition of Daniel Lewis taken 11/20/14

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1 that or --  
2 A It was all incorporated there.  
3 Q At the community college?  
4 A Yep.  
5 Q So when you graduated from the community college, you had  
6 enough education and training to become a police officer in  
7 your county?  
8 A Correct, in the state.  
9 Q So you became a police officer sometime in 2008?  
10 A Correct.  
11 Q And sometime in 2012 you thought about joining the DRE  
12 program?  
13 A Uh-huh.  
14 Q Yes?  
15 A Sorry. Yes.  
16 Q I didn't give you any instructions. I figured you had been  
17 deposed before, but the one thing you have to --  
18 A No, I haven't.  
19 Q You haven't been deposed before?  
20 A No.  
21 Q The one thing you have to make sure you do is answer yes or  
22 no, or --  
23 A Yes.  
24 Q -- verbally.  
25 A Correct, yes.

10

1 Q How did you know this DRE program even existed?  
2 A I guess it's just kind of a known thing amongst police  
3 officers. I mean, it's just a training opportunity you can  
4 partake in.  
5 Q Were you the first person from your county to be in the DRE  
6 program?  
7 A I don't know. I can't say that for sure.  
8 Q Did you know anybody else from your county who was in the  
9 DRE program?  
10 A Nope. But prior to me, I don't know if anybody else had or  
11 not.  
12 Q And how about after you?  
13 A Nope, not that I'm aware of.  
14 Q You're the only one that --  
15 A At the time.  
16 Q -- you're aware of?  
17 A At the time, yeah.  
18 Q How about as of now?  
19 A I guess I don't know.  
20 Q And how many officers are in your police department?  
21 A 15.  
22 MS. ANGOLKAR: Counsel, I just want to ask  
23 for clarification. Are you asking about his current  
24 department or --  
25 THE WITNESS: Or at the time?

11

1 MS. ANGOLKAR: -- his former department?  
2 BY MR. MILSTEIN:  
3 Q At the time, yeah.  
4 A 15, yeah.  
5 Q Which department are you in now?  
6 A What's that?  
7 Q Are you in a different department now?  
8 A Yeah, Granite Falls Police Department.  
9 Q What was it?  
10 A Granite Falls.  
11 Q Granite Falls?  
12 A Yep.  
13 Q How many are in the Granite Falls Police Department?  
14 A Five.  
15 Q Do you have to be a -- in Minnesota do you have to be a  
16 resident of the county in which you're a member of the  
17 department?  
18 A Nope.  
19 Q So you don't recall specifically how you learned of the DRE  
20 program. It just was something you believe you had heard  
21 about one way or the other.  
22 A Correct, yeah.  
23 Q Was there any advantage to you professionally to have the  
24 DRE program training?  
25 A Not -- you know, I didn't get a raise or anything like

12

1 that. It's an additional training and it's kind of  
2 prestigious, in a way. Not very many people get the  
3 opportunity to do it. Like I said, at the time, I was the  
4 only one in my county that had done it, so it was kind of  
5 an honor and privilege to be able to do it.  
6 Q But you don't get any money?  
7 A Nope.  
8 Q And you don't get any promotion as far as status?  
9 A Nope. It just makes me a better officer and makes me do my  
10 job better.  
11 Q How does it do that?  
12 A I'm better trained in being able to recognize when people  
13 are under the influence of something, possibly.  
14 Q And what does that allow you to do?  
15 A Just read people.  
16 Q Do you believe that the training you received in the DRE  
17 program allows you to determine if somebody is high on  
18 marijuana?  
19 A Absolutely. That's what it's for.  
20 Q Well, I know that's what it's supposed to be for, yeah.  
21 And what makes you think it allows you to determine when  
22 somebody is high on marijuana?  
23 A Because they've developed the program to look for certain  
24 indicators that can lead you to that determination.  
25 Q And have you used that training to determine whether

Deposition of Daniel Lewis taken 11/20/14

13

1 anybody was high on marijuana?  
2 A Yes.  
3 Q Give me an example of what you saw in somebody that led you  
4 to believe they were high on marijuana, based on the  
5 training that you received --  
6 A Which specific --  
7 Q -- from the DRE program?  
8 A -- person?  
9 MS. ANGOLKAR: Just wait until he's done  
10 asking the question and then you can --  
11 THE WITNESS: Sorry.  
12 BY MR. MILSTEIN:  
13 Q Just give me an example of a time when, based on the  
14 training you received in the DRE program, you were able to  
15 determine that somebody was high on marijuana.  
16 A Can you be more specific? Like are you asking what --  
17 Q What characteristics did the person exhibit?  
18 A Increased pulse rate, increased blood pressure, pupil  
19 dilation, bloodshot -- red, bloodshot eyes, marked  
20 reddening of the conjunctivae, lack of convergence in the  
21 eyes. There's a number of things. Impaired hand-eye  
22 coordination, impaired motor functions.  
23 Q So they trained you to believe that someone who has smoked  
24 marijuana would have increased blood pressure?  
25 A Not always.

14

1 Q Would have an elevated heart rate?  
2 A Not always.  
3 Q Would have bloodshot eyes?  
4 A Not always.  
5 Q Would have, what did you say, conjunctive eyes?  
6 A Reddening of the -- marked reddening of the conjunctivae.  
7 It's the whitening of the eye. It's similar to bloodshot  
8 eyes, but it's different.  
9 Q They would have impaired hand-eye coordination?  
10 A They can.  
11 Q All right. So you decide to be in the DRE program. What  
12 did you have to do to sign up?  
13 A Just fill out like a one-page application form.  
14 Q And what did the application form ask?  
15 A Just what your interest was in doing it, you know. Why do  
16 you want to become a DRE, basically.  
17 Q Do you remember what you said?  
18 A Just so that I can have better knowledge of people that are  
19 under the influence and driving.  
20 Q Was that mainly the focus, that is, under the influence and  
21 driving?  
22 A Primarily it's what it's used for in law enforcement.  
23 Q So not under the influence for any other purpose?  
24 A No, but that's what it's -- it was designed for, is for DWI  
25 enforcement, DUI enforcement.

15

1 Q So you filled out the form. Did it cost the county any  
2 money for you to be in the training?  
3 A My hourly wage.  
4 Q So the time you spent in the training replaced the time you  
5 spent on active duty, so --  
6 A Correct.  
7 Q -- to speak?  
8 A Correct, yep.  
9 Q Okay. So how long after submitting the application did  
10 you -- did you start the training?  
11 A Several months. I guess I'm not exactly sure when I filled  
12 out the application.  
13 Q What was the delay? I mean, I wasn't quite sure how it  
14 worked. Were there set times when the program would begin,  
15 the classroom program would begin?  
16 A Yes.  
17 Q So it wasn't like you could start on day one and then your  
18 partner could also start day one, but two months later?  
19 A Nope. It's just once a year.  
20 Q Once a year?  
21 A Correct. So it was April and May, if I recall, and that  
22 was --  
23 Q So where did you have to go?  
24 A The Cities.  
25 Q Where?

16

1 A The Cities. I think it was White Bear Lake.  
2 Q And how far away was that from where you were an officer?  
3 A An hour, an hour and 20 minutes, roughly.  
4 Q So you fill out the application. I take it you get some  
5 notice saying, Officer Lewis, you're admitted to the  
6 program. The date of the start is X date.  
7 A Yes.  
8 Q And you drove the hour and you went to the first class,  
9 right?  
10 A Yep.  
11 Q Now from what I understand, there was a classroom period  
12 and then after the classroom period came the period when  
13 you had to evaluate people, right?  
14 A Correct.  
15 Q So how many classes did you attend?  
16 A All of them.  
17 Q But how many were there?  
18 A I don't know the exact number.  
19 Q Were they once a week, once a day, once a month?  
20 A Every day and I believe it was two weeks, maybe three  
21 weeks. Yeah, at least two weeks, so I suppose ten, five  
22 days a week.  
23 Q So it was Monday through Friday?  
24 A Yes.  
25 Q Not on the weekend?

Deposition of Daniel Lewis taken 11/20/14

17

1 A Nope.  
2 Q And how long on each day, approximately?  
3 A A full day, 8:00 to 5:00 or 7:00 to 5:00, I suppose.  
4 Q And you did this in the 2012 semester?  
5 A Correct.  
6 Q How many people were in your class?  
7 A Over 20.  
8 Q All officers from different counties in Minnesota?  
9 A Correct.  
10 Q Did you know any of them?  
11 A I did not, not at the start of it.  
12 Q On the very first day of the class, how was it introduced  
13 to you?  
14 A I don't recall.  
15 Q Well, who was in front of the room that first day?  
16 A There was a lot of people.  
17 Q Just give me some --  
18 A They brought in other instructors.  
19 Q Well, was Officer Munoz the main --  
20 A Yep.  
21 Q -- guy?  
22 A Yep.  
23 Q Was he the first person to speak?  
24 A I don't even know. It was two and-a-half years ago.  
25 Q Did they give you a book or something?

19

1 A Police officers.  
2 Q All police officers?  
3 A No. They had some attorneys come in. They had a  
4 representative from the BCA come in. They had --  
5 Q What's the BCA?  
6 A The Bureau of Criminal Apprehension, like lab people.  
7 Q Is that a Minnesota department, Bureau of Criminal  
8 Apprehension?  
9 A Uh-huh.  
10 Q Yes?  
11 A Yes. Sorry.  
12 Q And what do they do there?  
13 A Just testing, evidence.  
14 Q So there were police officers -- I'm talking about who the  
15 instructors were. There were police officers?  
16 A Correct.  
17 Q There were people from the Bureau of Criminal Apprehension?  
18 A Correct.  
19 Q And were those people not police officers?  
20 A Correct. And they weren't there the entirety, but --  
21 Q I understand.  
22 A -- different aspects of the --  
23 Q And you understood these people in this bureau did what?  
24 A Like lab technicians.  
25 Q I see.

18

1 A Yep.  
2 Q A binder?  
3 A I don't know about a binder.  
4 Q What?  
5 A I don't know about a binder, I guess. I don't --  
6 Q Well, I mean, did they give you a notebook, a binder, just  
7 sheets of paper?  
8 A All sorts of stuff, yeah.  
9 Q And do you have any of that? Did you retain any of that?  
10 A I think I probably still have like the original book or  
11 manual they gave us.  
12 MR. MILSTEIN: Do you know if you produced  
13 the manual?  
14 MS. ANGOLKAR: Uh-huh.  
15 THE WITNESS: I think I had sent that to  
16 you, didn't I? Yeah.  
17 MS. ANGOLKAR: Yeah, those were scanned and  
18 then produced. The book we didn't replicate for every  
19 single one, but --  
20 MR. MILSTEIN: But you represent it was the  
21 same for every one?  
22 MS. ANGOLKAR: Yeah.  
23 BY MR. MILSTEIN:  
24 Q So Munoz or somebody started you off in the morning. And  
25 what kind of people were there who were instructing you?

20

1 A From my understanding.  
2 Q And there were attorneys there?  
3 A Yes.  
4 Q Do you know the names of any of the attorneys?  
5 A No, I don't. I don't even know any of the instructors, to  
6 be honest with you.  
7 Q Other than Munoz?  
8 A Correct.  
9 Q Did you ever know anybody who has smoked marijuana? Before  
10 that, when you were in college, did you ever -- or in high  
11 school, had you ever seen anybody that smoked marijuana?  
12 A Occasionally.  
13 Q And did they tell you anything in this two-week period that  
14 you didn't learn just by being in high school or in college  
15 or going to a rock concert?  
16 A Did they teach me anything other --  
17 Q Yeah.  
18 A How do you mean?  
19 Q Well, I would think I've seen as many people high on  
20 marijuana as any police officer.  
21 A Uh-huh.  
22 Q I don't know why I would need to be trained to -- to  
23 characterize what somebody high on marijuana would look  
24 like. That's what I'm trying to figure out, what it is  
25 they told you that you wouldn't have known just from, you

Deposition of Daniel Lewis taken 11/20/14

21

1 know, being in everyday life.  
2 A Lots of stuff.  
3 Q Like what?  
4 A I don't even know where I would start. I mean --  
5 Q Just give me one thing that --  
6 A Just the internal working of the body they go through, you  
7 know, all the different systems of the body. How stuff can  
8 affect you, you know, stuff like that, the blood pressure,  
9 the pupil stuff. In high school I wouldn't know if  
10 somebody has elevated blood pressure, what that means, you  
11 know.  
12 Q So they actually told you that somebody who smoked  
13 marijuana had elevated blood pressure?  
14 A Not always, but it's something that --  
15 Q Is there any --  
16 A -- you check.  
17 Q Did they say there was any scientific basis for concluding  
18 or even hypothesizing that somebody who would be high on  
19 marijuana would have an elevated blood pressure?  
20 A Yes.  
21 Q So they talked to you for eight hours a day, for five days  
22 a week, for two weeks?  
23 A Roughly, yes.  
24 Q And then what happened at the -- then there was a test,  
25 right?

22

1 A Yes.  
2 MR. MILSTEIN: Did we get a copy of the  
3 test?  
4 MS. ANGOLKAR: I don't know that.  
5 MR. HANSEN: We can just go off the record  
6 for a minute.  
7 (Discussion off the record.)  
8 BY MR. MILSTEIN:  
9 Q So you didn't get a copy of the test back?  
10 A No.  
11 Q Was the test multiple choice or essay?  
12 A Both.  
13 Q Both?  
14 A (Nodding head.)  
15 Q What kinds of questions were there?  
16 A I couldn't even tell you.  
17 Q How about on the essay? Do you remember what the essay  
18 questions were?  
19 A I don't.  
20 Q Had most of the officers in the class smoked marijuana  
21 before, do you know?  
22 MS. ANGOLKAR: Objection. Calls for  
23 speculation. You can answer.  
24 BY MR. MILSTEIN:  
25 Q I mean, did anybody say --

23

1 A Not a clue.  
2 Q What?  
3 A Not a clue.  
4 Q Nobody -- I mean, there wasn't anybody -- I don't know if  
5 you saw the movie with Al Pacino when they're learning about  
6 marijuana in the police academy and the officers are  
7 talking about how they smoked.  
8 Did anybody talk in the class about how they had  
9 smoked marijuana and maybe some of the stuff they were  
10 being taught was a little ridiculous or anything?  
11 A Nope.  
12 Q Nobody in the class said to you, I've smoked marijuana?  
13 A Nope.  
14 Q Did you have any firsthand knowledge of what it was like to  
15 be high on marijuana?  
16 A Nope.  
17 Q So how did you do on the test?  
18 A I passed.  
19 Q Did they give it back to you or --  
20 A Yeah.  
21 Q Do you remember what the grade was?  
22 A I don't.  
23 Q What did you have to do in order to pass, do you know?  
24 A Get a passing grade. I don't know what the criteria was.  
25 Q And then after the class, then you guys were supposed to go

24

1 out and, I take it, as a team evaluate 15 people who  
2 presumably were high on marijuana, correct, or some other  
3 drug?  
4 A Correct.  
5 Q And when did they tell you that that's what you had to do?  
6 A I don't know, I guess.  
7 Q I mean, did you know -- from day one did they say the first  
8 two weeks is classroom and --  
9 A Yep.  
10 Q -- then we're going to send you out?  
11 A Yes.  
12 Q And how did you -- how was it that you teamed up with Troy?  
13 A They just paired me up with him.  
14 Q Who paired you up with him?  
15 A I don't even know who did.  
16 Q And where was Officer Troy from?  
17 A Coon Rapids.  
18 Q What's that?  
19 A Coon Rapids.  
20 Q Coon Rapids?  
21 A Correct.  
22 Q And where were you and Officer Troy supposed to find these  
23 15 people?  
24 A Anywhere.  
25 Q Anywhere in the state?

Deposition of Daniel Lewis taken 11/20/14

25

1 A Yeah.  
 2 Q How far is -- did you go back and forth each day to home?  
 3 A Nope.  
 4 Q You stayed down in the -- down or up or wherever this other  
 5 place was?  
 6 A Down.  
 7 Q And how about Troy, did he stay down also?  
 8 A Yes.  
 9 Q Did they give you guys a police car?  
 10 A No.  
 11 Q You had to use your own car?  
 12 A Correct.  
 13 Q Were you in uniform?  
 14 A Yes.  
 15 Q And was he in uniform?  
 16 A Yes.  
 17 Q And how does it work in Minnesota? Did you have any  
 18 jurisdiction in the county where you were then riding  
 19 around?  
 20 Suppose you had seen somebody committing a crime,  
 21 would you have had any jurisdiction to apprehend him?  
 22 A Yes.  
 23 Q Even though you're not from that county?  
 24 A Yes.  
 25 Q Okay. So you and Troy finish your two weeks. You take

27

1 they're high on pot and having them give me a truthful  
 2 answer?  
 3 A No.  
 4 Q It didn't cross your mind?  
 5 A Nope.  
 6 Q You thought you could easily do that?  
 7 A Yeah.  
 8 Q Why would anybody tell a police officer they were high on  
 9 marijuana in a state where marijuana is against the law?  
 10 MS. ANGOLKAR: Object to --  
 11 THE WITNESS: Internal --  
 12 MS. ANGOLKAR: Hold on.  
 13 THE WITNESS: Sorry.  
 14 MS. ANGOLKAR: Object to form, speculative,  
 15 argumentative. You can answer.  
 16 BY MR. MILSTEIN:  
 17 Q Go ahead.  
 18 A Internal possession is not against the law. So you can be  
 19 high on the street as long as you're not possessing  
 20 anything.  
 21 Q No, I understand that.  
 22 A So it's --  
 23 Q But why would anybody admit to a police officer that they  
 24 were high on marijuana?  
 25 MS. ANGOLKAR: Same objection, and also

26

1 your test. You both pass. When did you find out that Troy  
 2 was who you were going to be hooked up with?  
 3 A Prior to -- or after the classroom portion was over.  
 4 Q Okay. So then you met with Troy and arranged for how you  
 5 were going to do this, right?  
 6 A Yes.  
 7 Q So what did you and Officer Troy say to each other?  
 8 A I don't know.  
 9 Q I mean, did they give you any instruction of how you were  
 10 supposed to find these people?  
 11 A Just to go and talk to people.  
 12 Q That was it?  
 13 A Well, I'm sure there was other instructions, but --  
 14 Q I mean, you guys are police officers, in uniform, in a  
 15 state where -- I take it marijuana is against the law in  
 16 this state?  
 17 A Correct.  
 18 Q Possession of any amount?  
 19 A Correct.  
 20 Q Smoking in any amount?  
 21 A Correct.  
 22 Q Did they give you any kind of instruction as to what --  
 23 strike that.  
 24 Did you think that, you know what, it's not going to  
 25 be that easy going around in uniform asking people if

28

1 asked and answered. You can respond.  
 2 BY MR. MILSTEIN:  
 3 Q Go ahead. You can answer.  
 4 A Because it affects your judgment.  
 5 Q Because -- say that again.  
 6 A Because drugs can affect your judgment.  
 7 Q But if somebody is a pothead, somebody enjoys marijuana and  
 8 wants to make sure they don't get arrested, and the police  
 9 officer knows they smoke marijuana on a regular basis, did  
 10 the thought occur to you that why would anybody admit to me  
 11 that they're high on marijuana?  
 12 MS. ANGOLKAR: I think he's answered the  
 13 question.  
 14 BY MR. MILSTEIN:  
 15 Q Okay. You can answer again.  
 16 A Nope.  
 17 Q How about to Officer Troy, did the thought occur to him?  
 18 MS. ANGOLKAR: Objection, calls for  
 19 speculation. You can answer.  
 20 THE WITNESS: I don't know his thoughts.  
 21 BY MR. MILSTEIN:  
 22 Q Well, did you and he talk about it?  
 23 A No.  
 24 Q Okay. So you finish your -- you get your test and now you  
 25 and Officer -- who decided whose car you're going to use?

Deposition of Daniel Lewis taken 11/20/14

29

1 A We did.  
2 Q And whose car did you decide to use?  
3 A Both.  
4 Q Well, you obviously couldn't use both at the same time,  
5 right?  
6 A Correct.  
7 Q So how did you work that out?  
8 A I don't know. I mean --  
9 Q I mean, the first day did you say I'll drive or did he say  
10 he'll drive?  
11 A I don't remember.  
12 Q Over what period of time did you and Officer Troy evaluate  
13 15 people high on drugs?  
14 A Can you ask me that again?  
15 Q Over what period of time did you and Officer Troy evaluate  
16 15 people high on drugs?  
17 A Three weeks, I believe.  
18 Q And when they told you what you guys were supposed to do,  
19 did they give you any kind of period that you had to do it  
20 by?  
21 A Nope.  
22 Q Did you stay home for the whole -- did you stay down for  
23 the whole three weeks?  
24 A Yes.  
25 Q Were you anxious to get back home?

30

1 A Sure.  
2 Q Do you know whether your three-week period was quicker or  
3 longer than most of the other guys, any of the other pairs?  
4 A Not a clue.  
5 Q You didn't talk with anybody else about how they were doing  
6 and what they were doing?  
7 A We wanted to do what we needed to do and be done.  
8 Q But that wasn't my question. You didn't talk to anybody  
9 else, any of the other officers and their pairs, about how  
10 they were doing and what they were doing?  
11 A I probably did at some point.  
12 Q Do you remember what any of them told you?  
13 A No.  
14 Q Okay. So take me through the first day. Do you remember  
15 whose car it was the first day? Did you drive or did he  
16 drive?  
17 A We were in the classroom the first day.  
18 Q No, the first day that you went out looking for people.  
19 A Okay. What was the question?  
20 Q Did you drive or did he drive?  
21 A I don't remember. I believe he did.  
22 Q Okay. Were you guys staying at the same hotel?  
23 A Nope.  
24 Q Where were you staying?  
25 A I don't even know the name of it, to be honest. Off of

31

1 Highway 65 and County Road 10.  
2 Q Now how did you decide to meet up? Depending on whose car  
3 it was, would the other person pick the guy up at his  
4 hotel?  
5 A Correct.  
6 Q So you obviously had to each day plan who was going to  
7 drive the next day, right?  
8 A He came to my hotel because he lived down here. Coon  
9 Rapids is in the Cities.  
10 Q Coon Rapids is -- when you say -- I'm not sure what you're  
11 saying when you say "the Cities." Does the Cities mean  
12 the --  
13 A Minneapolis-St. Paul.  
14 Q Okay.  
15 A Coon Rapids is within there.  
16 Q So the Cities is Minneapolis-St. Paul?  
17 A Correct.  
18 Q Okay. I just didn't --  
19 A Sorry.  
20 Q I'm not from here, so --  
21 A Right.  
22 Q Okay. So the training was down here?  
23 A Correct.  
24 Q Where was the training? I mean, where was the classroom?  
25 A White Bear Lake.

32

1 Q Is White Bear Lake in the Cities?  
2 A Yes, yes.  
3 Q Okay. Where is it in the Cities? Is it like -- where is  
4 White Bear Lake?  
5 A I don't even know what --  
6 MR. MILSTEIN: Where is White Bear Lake?  
7 MR. HANSEN: Just north of me.  
8 MR. MILSTEIN: Okay.  
9 MR. HANSEN: North of where my office is.  
10 BY MR. MILSTEIN:  
11 Q So it's a town near the Cities?  
12 A Yes.  
13 Q Okay. And he's Coon -- what is it?  
14 A Rapids.  
15 Q Coon Rapids?  
16 A Yes.  
17 Q Is also down here?  
18 A Yes.  
19 Q So he was able to go home each day?  
20 A Yes.  
21 Q But you were in the hotel?  
22 A Yes.  
23 Q And he would come to your hotel every morning?  
24 A Yes.  
25 Q And either you would drive or he would drive?



Deposition of Daniel Lewis taken 11/20/14

33

1 A Yes.  
2 Q All right. So what time did he come to the hotel about?  
3 A Whatever time we started.  
4 Q Obviously he would come when you started.  
5 A Yes.  
6 Q About what time? 8:00 in the morning?  
7 A No.  
8 Q Because it's tough to find people high on pot walking  
9 around the city --  
10 A Afternoon.  
11 Q -- at 8:00 in the morning, right?  
12 A Afternoon.  
13 Q So what time?  
14 A In the afternoon.  
15 Q Like noon?  
16 A No, afternoon, 3:00 or 4:00.  
17 Q 3:00 or 4:00?  
18 A I don't know what the start time was set for.  
19 Q Was the expectation that you would drive around the Cities  
20 and find people who were high on marijuana walking around?  
21 A Other drugs, too.  
22 Q And other drugs?  
23 A Correct.  
24 Q Just walking around?  
25 A Yes.

34

1 Q Okay. So he comes to your hotel at 3:00 or so in the  
2 afternoon. Where did you say your hotel was? Was it in  
3 the place where the training -- where the classes were or  
4 was it in Minneapolis?  
5 A No. I would say the west side of the Cities.  
6 Q Okay. And you had said they didn't give you any  
7 instruction on how to find these people, right?  
8 A Not that I can recall.  
9 Q So he comes and picks you up at 3:00 p.m. and -- I mean, if  
10 Nathan came and picked me up at 3:00 p.m. and we were going  
11 to find people with marijuana, we would sit there and we  
12 would go, where are we going to go? Where are we going to  
13 go? What did you decide to do?  
14 A I don't know what we decided.  
15 Q And you're not --  
16 A I'm not even from here.  
17 Q You're not even from here.  
18 A Correct. That's why --  
19 Q How many times did --  
20 A -- I was partnered up with somebody from here.  
21 Q Oh, I see. And how many times had you been in  
22 Minneapolis-St. Paul?  
23 A Maybe 15, 20 times in my life maybe.  
24 Q Had you ever seen anybody who you thought was high on  
25 drugs?

35

1 A I don't recall.  
2 Q Okay. So he comes and picks you up at 3:00 p.m. and what  
3 do you do?  
4 A Ride around with him.  
5 Q But where? What do you do?  
6 A In the Cities.  
7 Q But where?  
8 A Anywhere.  
9 Q Where? Tell me where. Where did you go?  
10 MS. ANGOLKAR: Objection, asked and  
11 answered. He's answered --  
12 THE WITNESS: I don't know.  
13 MS. ANGOLKAR: -- the question.  
14 MR. MILSTEIN: I don't think "anywhere" is  
15 the answer to the question.  
16 BY MR. MILSTEIN:  
17 Q Where did you go the first time you --  
18 MS. ANGOLKAR: That's the answer to the  
19 question. I would ask you to move on. You don't need to  
20 give him another answer or a substitute answer.  
21 MR. MILSTEIN: Since when?  
22 BY MR. MILSTEIN:  
23 Q Where did you go the first day?  
24 A I don't know.  
25 Q You have no idea?

36

1 A No.  
2 Q Did you find anybody the first day?  
3 A I don't recall if we did or not.  
4 Q How about the second day?  
5 A I don't recall when was the first time we found somebody.  
6 Q All right. So you don't recall which day was the first  
7 time you found somebody?  
8 A Correct.  
9 Q When you did find somebody, where did you find them?  
10 A I don't remember. On the street, the sidewalk.  
11 Q What sidewalk?  
12 A I don't know.  
13 Q Were you guys driving around or --  
14 A Yes.  
15 Q -- were you walking around?  
16 A Both.  
17 Q But when you found the first person, were you driving  
18 around or walking around?  
19 A I don't remember.  
20 Q Who said, well, that guy looks high?  
21 A I don't know if anybody did.  
22 Q Did you just confront, like, strangers on the street and  
23 ask them if they're high?  
24 A Yes.  
25 Q Total strangers, people that look like me, or --

## Deposition of Daniel Lewis taken 11/20/14

37

1 A I didn't know anybody.  
2 Q -- people that look like the other lawyers in the room, or  
3 people who look like our clients, whoever it was, you would  
4 just ask them, are you high?  
5 MS. ANGOLKAR: Object to form, compound. Go  
6 ahead and answer, if you understand.  
7 BY MR. MILSTEIN:  
8 Q Is that what you did?  
9 A Yeah.  
10 Q And what did most people say when you said -- and you're  
11 dressed like a police officer, right?  
12 A Correct.  
13 Q And what did most people say when you said, are you high?  
14 A It varied. Some people just --  
15 Q Varied from what to what?  
16 A -- ignored us and kept walking to, yeah, I am. I mean, it  
17 varied.  
18 Q Okay. So somebody -- you confront somebody -- I mean, did  
19 anybody who looked like me say they were high?  
20 A I don't recall. I don't know that I met anybody that  
21 looked like you before.  
22 Q Did anybody who was 60 years old with gray hair say they  
23 were high?  
24 A I don't recall.  
25 Q Did you ask people who were 60 years old with gray hair?

39

1 evaluations anyone high on any drug? I'm sorry. Strike  
2 that. That you could evaluate anyone who had taken any  
3 drug?  
4 A I don't know if they told us that.  
5 Q Well, what makes you think that they told you if someone  
6 had taken Paxil or any of the other SSRIs, that that would  
7 count in your 15 evaluations?  
8 A I guess I don't know what Paxil does specifically.  
9 Q Paxil is an antidepressant. It's what called a selective  
10 serotonin reuptake inhibitor.  
11 A Okay. So what's the question?  
12 Q What is the basis for your saying that they told you that  
13 you could ask somebody whether they had taken Paxil and  
14 that that would count in your evaluation?  
15 A It's a drug.  
16 Q Well, so is caffeine. So is --  
17 A Depends on your definition of a drug.  
18 Q So is nicotine.  
19 A Yes.  
20 Q So is aspirin.  
21 A Yes.  
22 Q So is acetaminophen.  
23 A You take two bottles of aspirin, it's going to show some  
24 outward signs of impairment, so it depends on how much of a  
25 certain drug you're talking about taking.

38

1 A If I would have found a 60-year-old guy with gray hair, I  
2 would have asked him. We could also evaluate somebody that  
3 may be on, you know, properly prescribed medication from a  
4 doctor as well.  
5 So if you were on an antidepressant or a painkiller,  
6 that would qualify, too. So just because I don't think  
7 you're a pothead, doesn't mean that you might not be able  
8 to be used for our training purposes.  
9 Q But I thought the purpose of the training was so you could  
10 evaluate if somebody was guilty of DUI?  
11 A No.  
12 Q Isn't that what you said before?  
13 A I said that's what it's geared towards.  
14 Q Right. So if somebody is taking Paxil, that's not  
15 against -- and driving, that's not against the law in  
16 Minnesota, is it?  
17 A If it's impairing their driving it is.  
18 Q But not by -- I mean, just driving erratically is against  
19 the law, but not driving under the influence of Paxil, is  
20 it?  
21 A It is if it's impairing your driving. Spray paint is not  
22 illegal, but if you huff that and drive, that's going to be  
23 a DUI, if it impairs your driving.  
24 Q So let me see if I've got this right. You're telling me  
25 that they told you that you could evaluate in your 15

40

1 Q Well, could you evaluate somebody who had taken two aspirin  
2 for a headache in the morning? Would that count?  
3 A You could.  
4 Q Did that count in your 15?  
5 A I don't know if it would count or not. I never tried it.  
6 Q What drugs in your 15 evaluations had the people taken?  
7 A I don't know.  
8 Q I don't understand what you mean by you don't know.  
9 A I don't know what --  
10 Q You evaluated 15 people.  
11 A Yeah.  
12 Q You and your partner evaluated 15 people, correct?  
13 A Yes.  
14 Q And that passed as far as you being certified as a DRE  
15 evaluator, correct?  
16 A Yes.  
17 Q What drugs did the 15 that you and your partner evaluated  
18 supposedly take?  
19 A I don't know.  
20 Q Give me one drug that you remember that one of the 15  
21 took.  
22 A I never observed anybody take any drugs, so I can't say  
23 what they did or didn't take.  
24 Q Well, give me one drug that any of the 15 told you they had  
25 taken.

Deposition of Daniel Lewis taken 11/20/14

41

1 A Antidepressant.  
2 Q An antidepressant?  
3 A Uh-huh.  
4 Q So one of the 15 people said -- you confronted them on the  
5 street --  
6 A Uh-huh.  
7 Q -- and they said, I have taken an antidepressant.  
8 A Uh-huh.  
9 Q You have to say yes or no.  
10 A Yes. Sorry.  
11 Q And then you filled out the evaluation form?  
12 A If they did an evaluation for us.  
13 Q Did you include anybody who had taken an antidepressant in  
14 your 15 evaluations?  
15 A I believe so, yes.  
16 Q And what did you say about that?  
17 A Whatever I observed, or they stated.  
18 Q And was that helpful?  
19 A Yes.  
20 Q Why? Do you think what one person told you about how they  
21 were feeling after taking an antidepressant in any way  
22 could tell you what another person would feel like or  
23 exhibit having taken an antidepressant?  
24 A They could tell me --  
25 MS. ANGOLKAR: Just hold on. I just want to

43

1 answer, so what would your prompting him "if you recall"  
2 have to do with anything?  
3 BY MR. MILSTEIN:  
4 Q Let me give you a little more instruction. If you don't  
5 remember something, then don't tell me what you don't  
6 remember. Okay?  
7 A (Nodding head.)  
8 Q Because if you don't remember it, you can't tell me what  
9 you don't remember, right?  
10 A Right.  
11 Q I mean, I only want you to tell me things that you  
12 remember --  
13 A Yes.  
14 Q -- or recall, or know.  
15 Other than an antidepressant, what drug did any of the  
16 15 that you evaluated tell you that they had taken?  
17 A That's what I was trying to think of.  
18 Q And?  
19 A I was thinking. I got sidetracked.  
20 Q All right. Let's do this. Let's take a five-minute  
21 break.  
22 A Okay.  
23 Q You think and then I'll come back.  
24 A Okay.  
25 (Recess.)

42

1 make an objection that there's two questions pending.  
2 MR. MILSTEIN: No, it's just one question.  
3 THE WITNESS: What's the question?  
4 BY MR. MILSTEIN:  
5 Q Do you think asking one person what characteristics they  
6 might -- what symptoms they may have, having taken an  
7 antidepressant, would in any way be helpful in determining  
8 what another person would feel or exhibit taking another  
9 antidepressant?  
10 A Yes.  
11 Q Why?  
12 A Because then I learned what it makes them feel.  
13 Q So if one person takes Paxil and another person takes  
14 Wellbutrin, you are going to conclude they're going to be  
15 acting the same?  
16 A No.  
17 Q Did you conclude that the person who took the  
18 antidepressant was in any way impaired?  
19 A I don't recall if we did or not.  
20 Q All right. Give me another drug that one of your 15 said  
21 that he or she had taken?  
22 MS. ANGOLKAR: If you recall.  
23 THE WITNESS: Yeah, I --  
24 MR. MILSTEIN: Well, I don't understand  
25 that, really. If he doesn't recall, then he wouldn't

44

1 BY MR. MILSTEIN:  
2 Q Officer Lewis, I was a little confused about the automobile  
3 you were in. Were these private cars or were they squad  
4 cars?  
5 A Squad cars.  
6 Q So you each had a squad car?  
7 A Yes.  
8 Q And you both were in full uniform?  
9 A Yes.  
10 Q Badges?  
11 A Yes.  
12 Q Carrying firearms?  
13 A Yes.  
14 Q Handcuffs?  
15 A It's all part of the uniform.  
16 Q So did you remember any of the other drugs that any of the  
17 15 you evaluated had taken?  
18 A Not that I recall.  
19 Q Not a single one? So you don't remember whether any of  
20 them you evaluated said they were high on marijuana?  
21 A I don't recall.  
22 Q Whether anyone that you evaluated was high on crack  
23 cocaine?  
24 A I don't recall if there was or not.  
25 Q Do you recall whether any of them were high on any illegal

Deposition of Daniel Lewis taken 11/20/14

45

1 substance?

2 A I would assume that there was.

3 Q Why would you assume that?

4 A Because there's a select few, I guess, where you wouldn't

5 want to say they were legal substances.

6 Q Well, I would think --

7 A It's possible.

8 Q -- if I walked around Minneapolis, I would find a heck of a

9 lot more people who had taken an antidepressant that

10 morning than I would find who were walking around high on

11 marijuana.

12 A I don't know if you would or not.

13 Q But you're telling me that if you had filled out 15

14 evaluation forms of people who had taken one tablet of

15 Paxil in the morning, that that would have completed your

16 requirement to evaluate 15 people?

17 MS. ANGOLKAR: Object to form, hypothetical,

18 and calls for speculation. You can answer.

19 THE WITNESS: I don't know if it would have

20 qualified or not.

21 BY MR. MILSTEIN:

22 Q But I had asked you, what made you think if you -- if

23 somebody had taken one Paxil in the morning that you --

24 that that would even qualify for even one evaluation? What

25 made you think that?

46

1 A Because it's what the training is for, is to evaluate

2 people that have taken different substances.

3 Q Including a single pill of Paxil?

4 A Yes. I don't know if it would have qualified or not, but

5 we certainly could have done an evaluation on them, the

6 same as for alcohol.

7 Q Who told you that?

8 A Whoever told us --

9 Q They told you that a police officer somehow, because of the

10 two weeks of classroom training, could evaluate whether a

11 person had taken a single pill of Paxil, and that would

12 yield any kind of meaningful answer?

13 MS. ANGOLKAR: Object to form. You can

14 answer.

15 THE WITNESS: The two weeks of classroom

16 didn't qualify us to do that. We were still training to be

17 able to do that.

18 BY MR. MILSTEIN:

19 Q But do you think a psychiatrist trained in prescribing

20 antidepressants would have the slightest idea of

21 determining whether a person randomly picked on the street

22 had taken an antidepressant that morning?

23 MS. ANGOLKAR: Object to form, calls for

24 hypothetical, and speculative. You can answer.

25 THE WITNESS: I'm not a psychiatrist.

47

1 BY MR. MILSTEIN:

2 Q I know you're not. You're a police officer. You don't

3 have the training in pharmaceuticals, so I don't understand

4 why you would evaluate someone who had taken a single

5 antidepressant that morning.

6 MS. ANGOLKAR: There's no question pending.

7 BY MR. MILSTEIN:

8 Q I mean, can you just fill me in on that?

9 MS. ANGOLKAR: Object to form. What is the

10 question?

11 BY MR. MILSTEIN:

12 Q I just find it hard to believe you evaluated somebody who

13 had taken an antidepressant and that that counted in your

14 15.

15 A Okay.

16 Q But that's your testimony under oath?

17 A What's the question?

18 Q It's your testimony under oath that you evaluated someone

19 who had taken an antidepressant and that was part of your

20 15 evaluations that qualified you to graduate from this DRE

21 program?

22 A I recall somebody telling me that they had taken an

23 antidepressant throughout the course of my training.

24 Q But is that somebody that you evaluated?

25 A I don't recall if it was or not.

48

1 Q Oh, I see. And you don't recall whether anybody you

2 evaluated had told you they had taken any illegal

3 substance, like marijuana?

4 A I don't recall.

5 Q Do you know whether -- I mean, obviously, you know about

6 this lawsuit, correct?

7 A (Nodding head.)

8 MS. ANGOLKAR: You need to verbally answer.

9 THE WITNESS: Yes.

10 BY MR. MILSTEIN:

11 Q Do you know whether you evaluated any of the plaintiffs in

12 this lawsuit?

13 A No.

14 Q Did you take any of the people that you evaluated anywhere?

15 MS. ANGOLKAR: Object to form, vague.

16 MR. MILSTEIN: I don't know what's vague

17 about it.

18 THE WITNESS: Where is anywhere?

19 BY MR. MILSTEIN:

20 Q Did you put anybody that you evaluated in your squad car

21 and take them anywhere?

22 A I don't --

23 MS. ANGOLKAR: Again, object to form. Go

24 ahead.

25 THE WITNESS: I don't recall if I did or not.

Deposition of Daniel Lewis taken 11/20/14

49

1 BY MR. MILSTEIN:  
2 Q Well, either you evaluated every person on the street or  
3 you took them to the warehouse where other officers  
4 evaluated people. Do you remember whether you took them to  
5 a warehouse?  
6 A I don't believe I did.  
7 Q Do you believe you took the people that you evaluated  
8 anywhere?  
9 A I don't recall if I did or not.  
10 Q Did you ever go to the warehouse?  
11 A What warehouse?  
12 Q The warehouse where officers were evaluating subjects in  
13 the DRE study.  
14 A Yes.  
15 Q So you know what I'm talking about when I say "the  
16 warehouse," right?  
17 A I don't recall it being a warehouse.  
18 Q Okay. What do you recall it being?  
19 A A building.  
20 Q A building. Okay. What was in the building?  
21 A I don't recall.  
22 Q Did you go to the building?  
23 A Yes.  
24 Q Why did you go to the building?  
25 A To do our evaluations.

51

1 A Tell them.  
2 Q Who told them? You told them?  
3 A I don't know where it was.  
4 Q As a police officer, are you trained to observe and report  
5 what you see?  
6 A Sure.  
7 Q Are you good at that?  
8 A Define good.  
9 Q Are you a good -- are you a good witness who can observe  
10 and report what he sees?  
11 A I think so. It depends on --  
12 Q And you don't remember anything specific about any of the  
13 people you evaluated, what drugs they were on, whether you  
14 put them in a car, whether you took them to the warehouse,  
15 or what happened --  
16 MS. ANGOLKAR: Objection.  
17 Q -- when you took them there; is that right?  
18 MS. ANGOLKAR: Argumentative. Don't answer  
19 that question. That's a compound question. You need to  
20 break it down.  
21 MR. HANSEN: Let the record reflect that the  
22 witness was shaking his head no.  
23 BY MR. MILSTEIN:  
24 Q You don't remember anything about whether any of the people  
25 you evaluated took any specific drug, correct?

50

1 Q What do you mean to do your evaluations?  
2 A That's where people went.  
3 Q That's where what people went?  
4 A Officers.  
5 Q Like you?  
6 A I was one of them.  
7 Q I thought you said you don't remember whether you took  
8 anybody anywhere. Did the people that you evaluated just  
9 happen to walk to the building by themselves or show up  
10 there or did you bring them there?  
11 A It could have been both. I don't recall.  
12 Q Come on. I mean, I'm just asking you questions. You have  
13 to answer honestly.  
14 A I am.  
15 Q If you evaluated anybody at the warehouse --  
16 A Uh-huh.  
17 Q -- doesn't that mean you took them to the warehouse or to  
18 this building?  
19 A No.  
20 Q How could they get there?  
21 A Other means.  
22 Q How?  
23 A Other people bring them there. Private parties could bring  
24 them there. They could walk there.  
25 Q How would they know where it was?

52

1 A I don't remember.  
2 Q You don't remember whether anybody you evaluated you put in  
3 your squad car, correct?  
4 A Correct.  
5 Q You don't remember --  
6 MS. ANGOLKAR: Let's take a break. We need  
7 to take a break.  
8 MR. HANSEN: There's a question pending.  
9 MS. ANGOLKAR: No, he said --  
10 MR. BAKER: No, there isn't.  
11 MS. ANGOLKAR: He answered. Let's take a  
12 break for a second.  
13 MR. MILSTEIN: Go ahead. Take a break.  
14 (Recess.)  
15 MS. ANGOLKAR: Officer Lewis would just like  
16 to clarify a couple answers to your earlier questions.  
17 BY MR. MILSTEIN:  
18 Q Okay. Do you want to change any of your answers?  
19 A No.  
20 Q No?  
21 A I was just going to clarify.  
22 Q By clarify, you mean change?  
23 A No.  
24 Q Okay. What do you mean then?  
25 A You asked if I brought anybody to a warehouse that I

Deposition of Daniel Lewis taken 11/20/14

53

1 evaluated and I don't recall if I evaluated them or not.  
2 Q Okay.  
3 A We did bring people to the testing facility, the  
4 volunteers, but I don't know if I was the one that  
5 evaluated them or not.  
6 Q And who did you bring to --  
7 A But that clarifies it.  
8 Q So who did you bring to the testing facility?  
9 A I don't recall who I brought.  
10 Q How many people did you bring there?  
11 A I don't recall.  
12 Q More than one?  
13 A Yes.  
14 Q More than two?  
15 A Yes.  
16 Q More than three?  
17 A Yeah.  
18 Q More than four?  
19 A Probably.  
20 Q More than five?  
21 A Possibly.  
22 Q More than six?  
23 A I don't recall the number.  
24 Q And why did you bring them there?  
25 A Because they volunteered to do an evaluation for us.

54

1 Q And when you say they volunteered, what was that process?  
2 A What process?  
3 Q How did they volunteer? Did you ask them whether they  
4 would volunteer?  
5 A Yes.  
6 Q Did you have them sign anything?  
7 A Nope.  
8 Q Did you tell them what they were volunteering to do?  
9 A Yes.  
10 Q But you don't recall whether you actually evaluated any of  
11 the -- you or your partner, evaluated any of the people  
12 that were brought there?  
13 A No, we both evaluated people that were brought there.  
14 Q So you brought people there, then you evaluated people who  
15 you brought there?  
16 A Some of the people we brought there we evaluated.  
17 Q So you brought people there and some of the people that you  
18 brought there you evaluated?  
19 A Yes.  
20 Q And do you recall what drug the people that you brought  
21 there and evaluated had taken?  
22 A I don't recall.  
23 Q Were they young people or old people?  
24 A All different ages.  
25 Q All different ages?

55

1 A Correct.  
2 Q So what was the oldest person that you brought there,  
3 about?  
4 A I don't recall.  
5 Q Older than 25?  
6 A Yeah.  
7 Q Older than 40?  
8 A I don't recall.  
9 Q But you said they were all different ages. If they were  
10 all different ages, then --  
11 A Yeah.  
12 Q -- they would be old people, young people, middle age  
13 people.  
14 A Yes.  
15 Q You're telling me you brought an old person there?  
16 A No.  
17 Q So you didn't bring an old person there. Did you bring a  
18 middle age person there?  
19 A What's middle age?  
20 Q Middle age is anyone from 35 to 55.  
21 A It's possible there was somebody within that age range.  
22 Q Isn't it true that most people you brought there were young  
23 people, 18 to 25?  
24 A I don't recall.  
25 Q Did you go to Peavey Plaza at all where Occupy Minnesota

56

1 was?  
2 A I believe we were.  
3 Q And why did you go there?  
4 A To drop somebody off.  
5 Q Did you go there to -- did you go there to find anybody?  
6 A Nope.  
7 Q So none of the people that you evaluated you picked up at  
8 Peavey Plaza?  
9 A No, I didn't say that.  
10 Q You didn't say that. Did you pick some people up at Peavey  
11 Plaza and take them to the building?  
12 A I believe one person got in our car at that location, yes.  
13 Q And how is it that you got that one person to get in your  
14 car at that location?  
15 A Because the people we were dropping off at that location  
16 said they knew somebody else that wanted to do the  
17 evaluation for us, so we dropped the one person off and the  
18 other guy came running over and got in.  
19 Q Do you know who that was?  
20 A I don't.  
21 Q The person that you dropped off, how old was that person,  
22 about?  
23 A I believe it was a male and a female. I don't --  
24 Q So you dropped two people off there?  
25 A Correct.

**Deposition of Daniel Lewis taken 11/20/14**

57

1 Q And where had you found these two people?  
2 A They were already at the testing facility.  
3 Q But had you brought them to the testing facility?  
4 A Nope.  
5 Q Had your partner brought them?  
6 A Nope.  
7 Q Had you evaluated them?  
8 A I don't recall if I did or not. My partner might have.  
9 Q And then how was it that you took them back to Peavey  
10 Plaza?  
11 A Another group had brought them there and then when they  
12 were done, they said that they would do another evaluation  
13 for us, so they were still under the influence of whatever  
14 it was enough to do more than one test, basically.  
15 Q So they were evaluated by one group and then your group?  
16 A Yes. And then --  
17 Q So you did evaluate them. So you or your partner evaluated  
18 this --  
19 A One of the two of us.  
20 Q -- male and female?  
21 A Correct.  
22 Q And another officer team also evaluated this male and  
23 female?  
24 A I believe so, yes.  
25 Q Do you know whether that male and female had actually

58

1 gotten high at the building?  
2 A I don't know.  
3 Q Do you know whether they were high?  
4 A I don't recall if they were or not.  
5 Q Do you know what signs or symptoms they exhibited?  
6 A I don't.  
7 Q And then you and your -- and Officer Troy volunteered to  
8 take them back to Peavey Plaza, right?  
9 A We said that when we were done with them, we would bring  
10 them to wherever they wanted to go.  
11 Q Do you know whether they had been picked up at Peavey Plaza  
12 by these other officers?  
13 A I do not, no.  
14 Q All you knew is that they wanted to go back to Peavey  
15 Plaza?  
16 A That's where they said to drop them off. I didn't even  
17 know it was called that.  
18 Q Okay. And then you -- before that, had you been to Peavey  
19 Plaza before?  
20 A No.  
21 Q You hadn't seen anybody in Occupy Minnesota before?  
22 A Nope.  
23 Q So now they're in your car and you -- they're both in the  
24 back of your car, right?  
25 A Correct.

59

1 Q Is your siren on?  
2 A No.  
3 Q You drove them to Peavey Plaza and dropped them off and  
4 either the male or the female said to you, there's somebody  
5 else who would like to be in your evaluation?  
6 A Yes.  
7 Q And they went and got that person?  
8 A Yes.  
9 Q And that person came to your car?  
10 A Yes.  
11 Q And then you drove that person to the building?  
12 A Yes.  
13 Q And did you -- before you drove the person to the building,  
14 did you ask the person whether they were -- whether they  
15 had taken any illegal drug or any drug whatsoever?  
16 A Yes.  
17 Q Where did you do that, in the car?  
18 A Yeah.  
19 Q And what did they tell you?  
20 A I don't recall what he said.  
21 Q Well, if he had said, I have not taken any drug today, then  
22 what would have happened?  
23 A We would have said we're not able to use you.  
24 Q So they must have said, yes, I've taken a drug today.  
25 A Yes.

60

1 Q And then you drove them to the building?  
2 A Yes.  
3 Q And did you and your partner then evaluate that person?  
4 A I believe so.  
5 Q Was that person a male or a female?  
6 A Male.  
7 Q How old?  
8 A I don't recall his age.  
9 Q 60?  
10 A No. I would say younger than that.  
11 Q 40?  
12 A No, not that old.  
13 Q 25?  
14 A To 30 maybe.  
15 Q And do you recall anything about the symptoms that that  
16 person exhibited?  
17 A I don't recall.  
18 Q Were the evaluations -- after that, did you ever go back to  
19 Peavey Plaza?  
20 A I don't believe we did.  
21 Q Did the evaluations that you conducted at the building,  
22 were they videotaped?  
23 A No.  
24 Q Were they tape-recorded?  
25 A I don't believe so.

**Deposition of Daniel Lewis taken 11/20/14**

61

1 Q How many of the 15 evaluations that you completed did you  
 2 do at the building?  
 3 A I don't know how many we would have done there.  
 4 Q Didn't you do them all there?  
 5 A No.  
 6 Q Where did you do the others?  
 7 A At a precinct down in St. Paul, because that building was  
 8 only available for the majority of it.  
 9 Q Say that again.  
 10 A The building we were using was only available to use for a  
 11 certain period of time, and then for a couple nights or a  
 12 couple days we went to some other place. It was a police  
 13 department.  
 14 Q So you took them to --  
 15 A We just used a conference room kind of like this.  
 16 Q You took them to a police station?  
 17 A Yeah.  
 18 Q Did you arrest any of these people?  
 19 A Nope.  
 20 Q And you didn't have them sign any kind of consent form,  
 21 correct?  
 22 A Nope.  
 23 Q Did you take down their names?  
 24 A Whatever name they told us.  
 25 Q Did you tell them to give you a fake name or a real name?

63

1 STATE OF MINNESOTA )  
 ) ss.  
 2 COUNTY OF ANOKA )  
 3  
 4 Be it known that I took the deposition of DANIEL  
 5 LEWIS on the 20th day of November, 2014, at Minneapolis,  
 6 Minnesota;  
 7 That I was then and there a Notary Public in and for  
 8 the County of Anoka, State of Minnesota, and that by virtue  
 9 thereof, I was duly authorized to administer an oath;  
 10 That the witness before testifying was by me first  
 11 duly sworn to testify the truth and nothing but the truth  
 12 relative to said cause;  
 13 That the testimony of said witness was recorded in  
 14 stenotype by myself and transcribed into typewriting by myself  
 15 and that the deposition is a true record of the testimony given  
 16 by the witness to the best of my ability;  
 17 That I am not related to any of the parties hereto nor  
 18 interested in the outcome of the action;  
 19 That the reading and signing of the deposition by the  
 20 witness was not waived.  
 21  
 22 WITNESS MY HAND AND SEAL THIS 3RD DAY OF DECEMBER, 2014.  
 23 (SEAL)  
 24  
 25 Debra J. Mokszycke, Notary Public

62

1 A No. We just asked them their name.  
 2 Q And then you took it down?  
 3 A Yep.  
 4 Q And you didn't tell them to give you a fake name?  
 5 A No.  
 6 Q Were there any physicians at the building that you took  
 7 these people to?  
 8 A Not that I'm aware of.  
 9 Q Just cops?  
 10 A I believe so.  
 11 Q Do you know what the name of the building was?  
 12 A I don't.  
 13 MR. MILSTEIN: All right. That's all I've  
 14 got.  
 15 MS. ANGOLKAR: Can we go off the record for  
 16 just a moment?  
 17 (Discussion off the record.)  
 18 MS. ANGOLKAR: We'll read and sign.  
 19 (WHEREUPON, the deposition of DANIEL LEWIS  
 20 concluded at approximately 12:20 p.m.)  
 21 - - -  
 22  
 23  
 24  
 25

64

1 Michael Bounds et al. vs. Karl Willers et al.  
 2  
 3 ADDITIONS, OMISSIONS AND CORRECTIONS  
 4 Page Line Addition, Omission or Correction Reason  
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 16 \_\_\_\_\_  
 17 DANIEL LEWIS  
 18  
 19 The above-named individual, before me, read said  
 20 deposition and made the additions, omissions and corrections as  
 21 indicated.  
 22  
 23 \_\_\_\_\_  
 24 Notary Public  
 25 My Commission Expires \_\_\_\_\_ (DJM)