

**Deposition of Michael Hadland taken 11/25/14**

1 UNITED STATES DISTRICT COURT  
 2 DISTRICT OF MINNESOTA  
 3  
 4  
 5 File No. 13-CV-266  
 6 -----  
 7 Forest Olivier et al.,  
 8 Plaintiffs,  
 9  
 10 vs.  
 11 Karl Willers et al.,  
 12 Defendants.  
 13 -----  
 14  
 15  
 16 DEPOSITION OF MICHAEL HADLAND, 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 25th day of November, 2014,  
 21 commencing at approximately 1:30 p.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 JOHN M. BAKER and JANINE WETZEL KIMBLE,  
 7 Attorneys at Law, GREENE ESPEL, PLLP, 222 South Ninth Street,  
 8 Suite 2200, Minneapolis, Minnesota, 55402-3362, appeared  
 9 representing Defendants Nicholas Jacobson and the Olmsted  
 10 County Sheriff's Office.  
 11  
 12 STEPHANIE A. ANGOLKAR and NATHAN C. MIDOLO,  
 13 Attorneys at Law, IVERSON, REUVERS, CONDON, 9321 Ensign Avenue  
 14 South, Bloomington, Minnesota, 55438, appeared representing  
 15 Defendants Karl Willers, the Hutchinson Police Department,  
 16 Kenneth Willers, the Nobles County Sheriff's Office, Daniel  
 17 Lewis, Steve Schulz, the Kanabec County Sheriff's Office,  
 18 Michael Hadland and the Fillmore County Sheriff's Office.  
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1 HELEN R. BROSNAN, Assistant County Attorney,  
 2 DAKOTA COUNTY JUDICIAL CENTER, 1560 Highway 55, Hastings,  
 3 Minnesota, 55033-2392, appeared representing Defendant Bryce  
 4 Schuenke and Dakota County.  
 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 County of Anoka.  
 10  
 11  
 12 - - -  
 13 WHEREUPON, the following proceedings were duly had:  
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1 MICHAEL HADLAND,  
 2 After having been first duly sworn,  
 3 testified under oath as follows:  
 4  
 5 EXAMINATION  
 6 BY MR. HANSEN:  
 7 Q What is your name?  
 8 A Michael David Hadland.  
 9 Q Have you had your deposition taken before?  
 10 A No, sir.  
 11 Q Before I go into asking you questions, there's just some  
 12 ground rules. Have you testified in court before?  
 13 A Yes, sir.  
 14 Q This is kind of like testifying in court, because there's a  
 15 court reporter here and she needs to take down your answers  
 16 so there's a record. So if you could verbalize your  
 17 answers, yes or no, that would be helpful to the court  
 18 reporter.  
 19 Also, if both of us talk at the same time, that makes  
 20 it difficult for the court reporter, or impossible to take  
 21 it all down, so I would ask that -- I won't talk over you  
 22 and you won't talk over me, and mostly that's for the  
 23 benefit of the court reporter.  
 24 Also, if there's a question that you don't understand  
 25 or is not clear to you, let me know. That's fine. And

6

1 I'll try to rephrase it.  
 2 If you need to take a break for some reason, any  
 3 reason, just let me know and we can do that.  
 4 Does that make sense to you?  
 5 A Yes, sir.  
 6 Q What is your occupation?  
 7 A A deputy with the Fillmore County Sheriff's Office.  
 8 Q Fillmore County, is that a county that's adjacent to  
 9 Olmsted County?  
 10 A Yes.  
 11 Q What is the county seat of Fillmore County?  
 12 A Preston, Minnesota.  
 13 Q Do you have much interaction with the deputies from Olmsted  
 14 County?  
 15 A Very rarely, unless a case crosses.  
 16 Q Do you know Michelle Ness?  
 17 A Yes, sir.  
 18 Q How do you know her?  
 19 A She's a DRE.  
 20 Q How long have you known her?  
 21 A Since DRE class, since 2012.  
 22 Q What is your educational background?  
 23 A High school and then I went to two years of RCTC in  
 24 Rochester, Minnesota, for an Associate in Science degree in  
 25 law enforcement.

7

1 Q Is RCTC, is that Rochester Community and Technical College?  
 2 A It is now. At the time I went it was Rochester -- RCC,  
 3 Rochester Community College.  
 4 Q I'm a proud graduate of a junior college as well, in  
 5 Florida.  
 6 Do you have any medical training?  
 7 A Just your basic CPR, your first responders.  
 8 Q And when did you have that training?  
 9 A It's every year -- or every other year, renewed. It's  
 10 through Preston Ambulance Service, we renew ours.  
 11 Q You were a participant in this drug recognition evaluator  
 12 school in April 2012; is that correct?  
 13 A Yes, sir.  
 14 Q And could you tell me about that program?  
 15 A As in -- as to specifics, what are you --  
 16 Q Let's start with who put on the program.  
 17 A The state patrol put it out there and I more or less asked  
 18 my sheriff to go to that class and was granted that, so I  
 19 went up to that class.  
 20 Q Who created the DRE program?  
 21 A It's ICC or IC -- International Chiefs Association, I  
 22 believe has that, but it started down in Arizona.  
 23 Q When you were at that training, it's my understanding there  
 24 were two parts of it, that there was a classroom portion  
 25 and then a field testing portion. Would that be accurate?

8

1 A Yes, sir.  
 2 MR. HANSEN: I want to mark this as an  
 3 exhibit.  
 4 (Exhibit 1 marked.)  
 5 BY MR. HANSEN:  
 6 Q I'm showing you what's been marked Exhibit 1 for this  
 7 deposition. If I were to represent to you that this is a  
 8 curriculum for the Minnesota drug recognition expert school  
 9 in April 2012, would you agree with me that that's probably  
 10 it?  
 11 And just for the record, this was produced in  
 12 discovery. It's Bates stamped IRC 002649 to -- you can  
 13 keep that. I'm going to ask you some questions about  
 14 it. It's to IRC 002654.  
 15 Could you take a look at it and sort of page through  
 16 it. Does it look familiar to you?  
 17 A No offense, but I don't remember a lot of the time frames,  
 18 but -- because we just showed up at 8:00 and they would  
 19 start going over stuff.  
 20 Q I want to look at some of the names that are listed as  
 21 instructors.  
 22 A Okay.  
 23 Q At the top here is Munoz. Who is that?  
 24 A He was the state patrol sergeant that realistically, I  
 25 think, was in control of the -- or in charge of the

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1 Minnesota drug recognition evaluator school at the time.  
 2 Q I want to direct your attention to Thursday, April 5th,  
 3 from 1300 to 1400 hours. It says eye examinations and it's  
 4 Gomez and Michalek. Who are those instructors?  
 5 A I just know they're instructors. I wouldn't -- honestly, I  
 6 couldn't -- I just know they were instructors that day.  
 7 Q What about the thing that they taught, eye examinations,  
 8 what was that?  
 9 A It's the horizontal gaze nystagmus mostly.  
 10 Q So you learned that in one hour?  
 11 A Well, when you do a standard field sobriety test, we have  
 12 been taught it over the years, so it was just a refresher  
 13 on the horizontal gaze nystagmus, and the pupil size.  
 14 Q What was the other training you received for the HGN test?  
 15 A Vertical. And then cross your eyes. There's a specific  
 16 name for it and I don't remember right offhand.  
 17 Q When did you receive that training?  
 18 A That was probably during one of the eye exam times or --  
 19 because it wasn't taught in just one hour and one day,  
 20 there was multiple days we went over that.  
 21 Q When was that?  
 22 A That also was April 3rd, we went over eye exams. I mean,  
 23 there was -- even when we did regular sobriety tests, I  
 24 mean, that's part of it. And then the instructors stood  
 25 over us and made sure we, you know, could get everything

10

1 off to 45 degrees or off to maximum deviation.  
 2 Q The training that you received about the nystagmus test  
 3 prior to your enrollment in this school that we're talking  
 4 about, when and where was that?  
 5 A First in RCTC during the skills program, standard field  
 6 sobriety tests, and then it's every other year refreshers.  
 7 Q Were there any treatises or textbooks that were relied upon  
 8 in this school that you went to in April of 2012?  
 9 A There was.  
 10 Q And what were those?  
 11 A I do not have them with me. They're just the ones with  
 12 the -- that came with the schooling.  
 13 Q I want to switch over to when you went to this field  
 14 portion of the training and how that took place. Where did  
 15 you -- where was the base located where you were engaged in  
 16 the field and examination portion of the training?  
 17 A When we first started it was the Fifth Precinct in  
 18 Minneapolis. I couldn't tell you the streets.  
 19 Q And then what did it switch to after that?  
 20 A It switched to a location out by the airport. No offense,  
 21 I can't give you an address because I'm one of those visual  
 22 people.  
 23 Q Could you tell me in driving time, just in regular normal  
 24 traffic, how far it would be from where we're at here,  
 25 which is downtown Minneapolis, to that facility out by the

11

1 airport?  
 2 A Half hour with light traffic.  
 3 Q Who told you to obtain test subjects for your examination  
 4 portion of your training?  
 5 A That would be the instructor, Munoz.  
 6 Q And where did he tell you to go?  
 7 A He gave us specifics on known drug locations in  
 8 Minneapolis. Lake Street was one of them.  
 9 Q Can you tell me what the function of a drug recognition  
 10 evaluator is?  
 11 A It is to assist an officer if they come to an individual  
 12 that is driving impaired with no signs of alcohol, or under  
 13 the legal limit signs of alcohol. What we do is we assist  
 14 with the impairment, to show impairment of driving.  
 15 Q You assist them to see whether or not they should make an  
 16 arrest?  
 17 A If it would be -- the way we do it, if it shows that  
 18 they're under the influence of a narcotic or a prescribed  
 19 medication or if it's a medical rule-out, but show the  
 20 impairment.  
 21 Q What's a tab charge?  
 22 A A tab charge is a ticket.  
 23 Q Could you assist an officer in deciding whether or not they  
 24 should tab charge somebody?  
 25 A I have over the years, yes.

12

1 Q Have you testified in court as a drug recognition  
 2 evaluator?  
 3 A No, sir.  
 4 Q Never?  
 5 A No, sir.  
 6 MR. HANSEN: I want to mark this as an  
 7 exhibit.  
 8 (Exhibit 2 marked.)  
 9 BY MR. HANSEN:  
 10 Q Deputy, I have here what's been marked as Exhibit 2.  
 11 Please take your time to review that.  
 12 Are you done?  
 13 A Yeah. I looked through it.  
 14 Q If I were to represent to you that this is a statement that  
 15 you gave to an investigator with the Minnesota Bureau of  
 16 Criminal Apprehension, would that be accurate?  
 17 A Yes, sir.  
 18 Q I know it doesn't appear that you were sworn under oath  
 19 during this statement, but are you certain as we sit here  
 20 today that the statements you made in here are accurate?  
 21 A Yes, sir.  
 22 Q I want to direct your attention to page 2 of this document  
 23 of 7, on the bottom where it says, "He I think he leap  
 24 frogged one when we got to the point where we were having a  
 25 hard time getting our fifteen, went from two people to

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1 three, so --"

2 Could you explain what you were talking about there?

3 A What it was was some people were getting evals pretty

4 quick. I was not one of them. So my partner one day was

5 not available. He was at college. So I sat at the office

6 and when somebody brought them in, then I would, what's

7 called, shirttail or leapfrog. I would sit back and

8 witness to help get my 15 evals.

9 Q Why were you having a hard time getting people?

10 A For me, I'm not a smooth-talker, okay, and it was awkward

11 for me to not arrest these people and do the evals.

12 Q When you say "these people," you mean who?

13 A The people that we eval'd.

14 Q And who was your partner?

15 A Bryce, I'm going to say his name wrong, Schuenke, from

16 Dakota County. Schuenke.

17 Q I haven't received -- I received evaluations from some

18 other officers who were involved in this training, but I

19 haven't received any from you. Do you have your

20 evaluations?

21 MS. ANGOLKAR: Counsel, they were provided

22 two weeks ago with supplemental discovery responses. I

23 have a copy with me, if you want to -- if we want to take a

24 break and photocopy them.

25 MR. HANSEN: I would like to do that.

15

1 sign any type of consent form?

2 A No, sir.

3 Q Do you know what an institutional review board is?

4 A No, sir.

5 Q I want to direction your attention to the middle of this

6 page 4 of 7. You say to the investigator, "And we were

7 told in the beginning of the class that cigarettes, menthol

8 cigarettes was one of the things that the crack people

9 would like because it, it cools their throat I guess."

10 Were there any other instructions they gave you about

11 what people might like and who you should be looking for?

12 A No. What it came down to is it was a courtesy for us to

13 give them something to assist in our reviews -- or our

14 evals.

15 Q When you did your evaluations, did you and your partner

16 sometimes evaluate the same person?

17 A A lot of the time.

18 Q And it's my understanding that you have to do 15

19 evaluations; is that correct?

20 A Yes, sir.

21 Q And of those evaluations, four of the seven have to be of

22 different drug categories?

23 A Yes.

24 Q What are the different drug categories?

25 A You have stimulant, depressant, inhalant, cannabis,

14

1 MS. ANGOLKAR: Okay.

2 MR. HANSEN: Because I looked extensively.

3 MS. ANGOLKAR: Sure. Yeah, I think our

4 paralegal sent them out on the 18th, I think, pretty much

5 the day I came back.

6 (Recess.)

7 BY MR. HANSEN:

8 Q I want to direction your attention to Exhibit 2 again.

9 Look at the top of page 4. You say in your response, "We'd

10 ask 'em if they were high. If they're high we didn't want

11 to know their names. We'd take their first names, we'd

12 make up a last name and make up a date of birth all that.

13 We didn't want to know who they were in case they had

14 warrants."

15 For all of your evaluations did you have fake names

16 for people?

17 A Every one of them.

18 Q And fake dates of birth?

19 A Yep.

20 Q Did you check any IDs?

21 A Nope.

22 Q How would you make sure that somebody was over 18?

23 A Most of the time you can look at somebody and you have a

24 pretty good guess.

25 Q Before you did these evaluations, did you have the people

16

1 narcotic analgesic. Those are the main ones. I don't have

2 my card with me or I would be able to give you all seven,

3 but those five are the ones that really stick in my head

4 because they're the most popular.

5 Q What's an SSRI?

6 A I couldn't tell you right offhand, abbreviation-wise.

7 Q Could somebody be impaired by consuming prescribed

8 antidepressants?

9 A Yes, sir.

10 Q So if somebody was under the influence of a -- if somebody

11 had taken a drug like Paxil, how would that manifest itself

12 in your evaluation?

13 A Depends on what category Paxil falls under. If it's a

14 stimulant, it could raise their blood pressure. It could

15 raise their pulse. They could have twitches. They could

16 have -- their Romberg test, or their modified Romberg test,

17 could be quicker than 30 seconds if it's a stimulant. I've

18 never came across Paxil, so I wouldn't know offhand.

19 Q What about Prozac?

20 A It can slow you down in the same way. They can slow down

21 your blood pressure, your pulse, make you a little

22 lethargic.

23 Q So it's like a depressant?

24 A Yes.

25 Q Okay. I want to direct your attention to page 5 of

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1 Exhibit 2, in the middle, next to the initials MH, which I  
2 assume is you. It says, "We were just gonna, we were gonna  
3 how do you want to say it benefit from them doing the  
4 drugs."

5 How were you going to benefit from them doing the  
6 drugs?

7 A Get our evals.

8 Q Do you feel like there was pressure on you to go out and  
9 get these people and get your evaluations done?

10 A I guess I don't understand what you mean by "pressure."

11 Q Pressure like in the sense of what you might have, you  
12 know, in meeting a deadline in a job or something like  
13 that.

14 A Yeah, there was pressure to get four different categories  
15 out of the seven in the time frame.

16 Q So even if you only test for four, you can still test out  
17 in the field for the other three that you weren't tested  
18 on; is that correct?

19 A Correct.

20 Q Where did you come up with the idea that these test  
21 subjects should be given fake names?

22 A I guess that's what was -- I don't know how it was told to  
23 us, but that's why -- we didn't want anybody to get in  
24 trouble. Our job was to get evals. If someone had a  
25 warrant or they had, realistically, a fifth degree

19

1 Franklin, Cedar, that area, looking at this. I know those  
2 places were frequented by us driving.

3 Q How many DRE evaluations have you done since becoming  
4 certified?

5 A Probably nine.

6 Q It's my understanding that for the 15 evaluations you did  
7 for the training, that -- is it 75 percent of them had to  
8 have corroborating urinalysis or objective physical drug  
9 tests?

10 A We had to prove that we were correct on our evals, yes.

11 Q And who took those samples?

12 A We would -- if it was a female, a female went in and  
13 observed it. If it was a male, we stood there and observed  
14 it.

15 Q Do you have any knowledge as to where those samples went?

16 A They went to the BCA.

17 Q And that was the BCA that was investigating this program  
18 here, right?

19 A As far as I know, yes.

20 Q Did you ever learn what the results were of the urinalyses  
21 or drug tests and how they matched up to the field  
22 evaluations that you performed?

23 A Correct. I do.

24 Q And what was your passage rate?

25 A It was in the 90th percentile. And the only reason I

18

1 controlled substance and they were going to do it, we  
2 weren't going to arrest them for it.

3 Q Did that make you uncomfortable?

4 A At times.

5 Q Was anybody's real name used in any of your evaluations?

6 A Not in mine.

7 Q I want to direct your attention to page 6 of 7 of  
8 Exhibit 2. Toward the bottom it says -- the investigator  
9 is asking about Peavey Plaza and then you say that you went  
10 down there two days, and this is where the Occupy Wall  
11 Street people were.

12 What prompted you to go down there?

13 A I was a rider. The individual that I was with, Bryce,  
14 drove everywhere. I didn't use the car. I didn't have --  
15 no offense, I don't have knowledge of the Cities.

16 Q I was born here and even I get confused sometimes, so --

17 A Okay.

18 Q -- I understand. So it was your partner that you were  
19 assigned, Bryce Schuenke, who was making these decisions  
20 about where to drive to?

21 A He drove me everywhere in the Cities.

22 Q Were you present at any time when somebody was telling him  
23 where he should go look?

24 A I guess I really don't understand -- he just drove. That's  
25 all I know. I know -- we had information, Lake Street,

20

1 wasn't 100 percent is because my first eval was a medical  
2 rule-out.

3 Q What's a medical rule-out?

4 A It was an individual that was off her meds, so there was  
5 no -- she was -- she had high blood pressure, she had high  
6 pulse. She was just very distraught when we came across  
7 her. She just looked like she was impaired. In talking to  
8 her, she didn't mention that she had not taken her meds in  
9 a few days.

10 Q Was she supposed to be taking antidepressants or something?

11 A She was on a very large list of meds.

12 Q So if somebody had like a bipolar and anxiety diagnosis,  
13 could they be like --

14 A That was our medical rule-out.

15 Q Could they be like never able to drive?

16 A No. If they stayed on their meds, they probably could  
17 perform without being impaired, but without her meds, she  
18 was definitely, I would say, not capable of driving safely.

19 Q So somebody like that, they were supposed to be on  
20 antidepressants or something and they weren't taking them,  
21 and if they took them, then they might be able to drive?

22 A Correct.

23 Q So you were a witness to several of Deputy Schuenke's  
24 evaluations, correct?

25 A Witness or recorder, yeah.

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21

1 Q Recorder, what does a recorder do?

2 A More or less, he's going through the evaluation and he's

3 telling me what to write down on a sheet similar to that

4 one, sir, the DRE sheet.

5 Q Were any of these video-recorded?

6 A Not that I know of.

7 Q When you're way out there by the airport where these

8 evaluations were being done, did you ever become suspicious

9 about how quickly some people may have reported to you

10 that -- or how recently, rather, that they had ingested

11 illicit substances?

12 A I guess I don't understand the -- where you're going on

13 that question.

14 Q So this location out by the airport, this isn't a place

15 that's full of pedestrian traffic and people hanging

16 around, is it?

17 A No, sir.

18 Q The people that were brought there were presumably brought

19 in a vehicle by someone, correct?

20 A Correct.

21 Q And if somebody reported to you that, hey, I smoked pot

22 five minutes ago and that's a half an hour from downtown

23 Minneapolis, did it ever make you wonder logistically how

24 that occurred?

25 MS. ANGOLKAR: Objection, foundation. You

22

1 can answer.

2 THE WITNESS: What do you mean? I guess --

3 if someone said they smoked pot five minutes ago?

4 BY MR. HANSEN:

5 Q Yeah. And you're half an hour from where --

6 A Yep.

7 Q -- somebody might smoke pot. Do you understand what I'm

8 talking about here?

9 A No, I don't. That's why I'm trying to --

10 Q Okay. So I'm here and I'm doing evaluations out at the --

11 A Yep.

12 Q -- airport and I'm in DRE school, and people are coming in

13 and somebody comes in and they say, gee, I just did drugs

14 five minutes ago.

15 A Normally people -- it wasn't a walk-in process. They were

16 brought in by other officers.

17 Q Yeah, but even if they were brought in and they said, I did

18 drugs five minutes ago, did it ever make you wonder?

19 MS. ANGOLKAR: Objection, foundation.

20 Objection, calls for speculation. You can answer.

21 THE WITNESS: I guess -- I know that one

22 or -- or a couple times the individuals had the stuff on

23 them and they -- I know I watched several people smoke

24 stuff in front of me.

25 So if the other officers were doing the same thing as

23

1 I was doing, with people smoking their own stuff, then I

2 can see the time frame on how it would work in the question

3 you're asking me.

4 BY MR. HANSEN:

5 Q Where did you see them smoke it?

6 A One guy was on the curb right next to me.

7 MR. HANSEN: Can you mark this as an

8 exhibit?

9 (Exhibit 3 marked.)

10 BY MR. HANSEN:

11 Q You can just take your time to read that, Deputy.

12 A Okay.

13 Q Did you have enough time?

14 A Yep.

15 Q I want to direct your attention to the part that says

16 Notification/Interview of Arresting Officer. It says,

17 "I was on routine patrol with Deputy Mike Hadland," that

18 would be you, "when I observed a suspicious vehicle parked

19 in the parking lot of the Richfield Public Works building.

20 The vehicle was occupied by five individuals. I observed

21 one of the individuals later identified as Zachary John

22 Smith (DOB 01-06-1994) smoking marijuana with a glass

23 bowl."

24 Were you guys really on routine patrol in Richfield?

25 A No.

24

1 Q So that's inaccurate?

2 A It's made up. It's just -- you made up stuff on stops and

3 that way when you wrote out your evals, it would show how

4 you write your report. So the instructors would go over it

5 and say, okay, that's how you write your report. That's

6 how we maintain -- you're writing a correct report for this

7 documentation.

8 Q How did this test subject -- which is, for the record,

9 marked DC-538 (sic), which would be, I guess, Dakota

10 County.

11 A Where are you looking?

12 Q Just on the bottom. They Bates stamp it. It's just --

13 A Oh, okay.

14 Q -- for their records when they produce it. That's what I'm

15 referring to.

16 How did this individual with this name, Zachary John

17 Smith, come to the MnDOT transportation building by the

18 airport?

19 A I wouldn't -- I wouldn't have a clue. If we brought him

20 in, then we brought him in.

21 Q So you were with him when this -- were there actually five

22 individuals --

23 A No.

24 Q -- smoking -- no?

25 A No.

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1 Q Okay. Do you remember at all what this guy looked like?  
2 A I couldn't tell you if I saw him.  
3 Q When you made up the birth dates, did you make an attempt  
4 to at least approximate their age?  
5 A Yeah. They would tell us how old they were, you know, 18  
6 or 26. One guy was 30-something. So we just kind of  
7 estimated from there.  
8 Q So it was not -- just to be clear on this, and I'm not  
9 trying to ask the same question twice or pull any tricks.  
10 You don't know how this individual was brought to the  
11 testing facility by the airport?  
12 A Correct. If Bryce and I did the eval together, he was  
13 brought there probably by Bryce and I.  
14 Q So you guys did pick up this person?  
15 A Yeah, probably.  
16 Q Do you remember how you picked him up or if he was with  
17 anyone?  
18 A Honestly, I couldn't tell you, if he was walking the street  
19 or what.  
20 MR. HANSEN: Can you mark this as an  
21 exhibit? This is Dakota County 549 and 550.  
22 (Exhibit 4 marked.)  
23 BY MR. HANSEN:  
24 Q Did you have enough time to --  
25 A Yep.

26  
1 Q I know I've asked you this before. This is not the real  
2 name of this person, correct?  
3 A Correct.  
4 Q What about the narrative about how the person came to you,  
5 is that --  
6 A That's pretty accurate.  
7 Q That is accurate?  
8 A Yeah, pretty accurate.  
9 Q So you do remember this person?  
10 A I remember this one, yes.  
11 Q I want to ask you about -- on the second page where it says  
12 Signs of Ingestion, it says, "During an oral cavity search,  
13 May had heat bumps on the back portion of her tongue."  
14 What are heat bumps?  
15 A A lot of times when people smoke a pipe, what happens is  
16 you'll get little burns on the back of your tongue and  
17 there will be little bumps. And it's not your taste buds,  
18 but they're smaller bumps and they're red or white in  
19 color, that are way back there. They're pretty distinctive  
20 when you see them.  
21 Q So the urine samples that went to the BCA, those went to  
22 the BCA with fake names?  
23 A Correct. The identification for our evals were on the  
24 urine kit number. There should be a urine kit number on  
25 there, or it went by name.

27  
1 Q Did you have any interactions with Karl Willers during the  
2 course of your training?  
3 A Which Willers is that? Oh, the one that -- no. I had -- I  
4 seen him at one point in time when he brought somebody in  
5 and I told him to get the F out of here.  
6 Q Why did you say that?  
7 A Because that's when the videotape had started and I knew  
8 they were -- that something wasn't right.  
9 Q What videotape had started?  
10 A The Peavey Plaza videotape.  
11 Q So that came out while the training was still going on?  
12 A Yes.  
13 Q I want to be clear when I ask you any questions about who  
14 you talked to about this. I'm not asking for conversations  
15 with your attorneys. I just want to tell you that, so --  
16 A Uh-huh.  
17 Q -- think of that when you're giving me answers. Who did  
18 you talk to about -- strike that.  
19 Tell me about the time when Karl Willers brought  
20 somebody in and you said get the F out of here.  
21 A We were up there and I was talking to Munoz and I said  
22 something is not right.  
23 Q What did Munoz say to you?  
24 A He asked to explain and then Bryce and myself told him that  
25 we were getting videotaped down there. I said they were

28  
1 more or less degrading the DRE program, saying -- you know,  
2 asking us questions and stating that officers were giving  
3 people narcotics or drugs and we weren't. So we went back  
4 to Munoz and said this is what's going on, okay.  
5 At that point in time, one of the individuals that was  
6 talking to us down there was coming in with somebody and I  
7 made it perfectly clear that I did not want him in that  
8 building, because he was accusing me, or us as DREs, of  
9 giving drugs.  
10 Q You mean Karl Willers from Hutchinson?  
11 A He was bringing the guy in, but I don't know who the guy  
12 was, a puffy-haired guy, Afro.  
13 Q Forest Olivier?  
14 A If that's his name. I never dealt with him, except for a  
15 few words.  
16 Q Who did deal with him?  
17 A I don't have a clue, didn't ask him. That's someone  
18 else's --  
19 Q Did you see him get evaluated?  
20 A No, sir.  
21 Q Were some people brought in multiple times for evaluations?  
22 A Yes, sir.  
23 Q Who was Karl Willers with when he brought the Afro guy in?  
24 A I know it wasn't a trooper. It was a deputy or a police  
25 officer from another district.

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1 Q Does the name Mark Hanneman --  
2 A I honestly couldn't tell you.  
3 Q How about Andrew Mahowald from Chisago County, does that  
4 name ring a bell?  
5 A I know Chisago was up there, but I -- it's somebody I don't  
6 frequent with.  
7 Q Do you think that the evaluations that are done on people  
8 that might have been given drugs by police officers are --  
9 do you think that they're still valid?  
10 A I don't know of any law enforcement that actually gave  
11 somebody drugs.  
12 Q But if I were to represent to you that Karl Willers  
13 confessed to that and said that he did --  
14 A Then that's on Karl. I never seen anybody give anybody  
15 drugs.  
16 Q Did any of the people when they came in smell like  
17 marijuana?  
18 A A bunch.  
19 Q And how do you recognize the smell of marijuana?  
20 A It's a very distinct smell. It's -- I guess I can't  
21 describe it. If you've smelled it and have been around it  
22 long enough, you know what it smells like.  
23 Q Where did you first learn what marijuana smelled like?  
24 A When I was 17, high school.  
25 Q Did they teach you about marijuana as part of your police

30

1 training?  
2 A Yes.  
3 Q When you asked Karl Willers to leave the facility, did he?  
4 MS. ANGOLKAR: Object, misstates testimony.  
5 THE WITNESS: I didn't ask Karl to leave.  
6 BY MR. HANSEN:  
7 Q Did you tell him to get the F out of here?  
8 A I told the one guy to get the F -- to get him the F out of  
9 here.  
10 Q The guy with the Afro?  
11 A Yes.  
12 Q And why did you say that again?  
13 A He was accusing me and my partner of giving people drugs  
14 down where they were videotaping.  
15 Q I read in one of these reports that you picked up somebody,  
16 you and Deputy Schuenke, who was with a minor child. Do  
17 you recall that at all?  
18 A Yep. We didn't pick him up, someone else picked him up.  
19 Q Oh, okay. Could you tell me what you know about that?  
20 A He was at a bus stop. He just got out of HCMC, Hennepin  
21 County Medical Center, and he had gotten some prescription  
22 there and was with his nine-year-old boy, and popped  
23 about -- over the -- he had a prescription for 20 days,  
24 at 2 pills apiece, and he popped a bunch and he couldn't  
25 even get on the bus with his kid and so --

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1 I don't remember who picked him up, but I played catch  
2 with a football with that kid. That's the only reason I  
3 know of the situation.  
4 Q That's what I was going to ask is what happened with the  
5 kid.  
6 A We kept him occupied for awhile, and then I know he was  
7 taken straight to the -- whatever house or building the  
8 father lived at.  
9 Q Do you recall doing any evaluations on anybody who looked  
10 to you to be Native American?  
11 A No. I know there was one Hispanic, several black, several  
12 white.  
13 MR. HANSEN: If we could just take a  
14 ten-minute break. I'm going to look at those evals real  
15 quick and then after that I don't think I'll be very long.  
16 MS. ANGOLKAR: Okay.  
17 (Recess.)  
18 (Exhibits 5 and 6 marked.)  
19 BY MR. HANSEN:  
20 Q All right. We'll go back on the record. Let's start with  
21 what's marked as Exhibit 5. Just take a look at that.  
22 A Okay.  
23 Q Deputy Hadland, you have in front of you what's been marked  
24 as Exhibit 5. Would it be fair to say this is a drug  
25 influence evaluation report from your training?

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1 A Correct.  
2 Q The name on here, it says Alex Zander. That's not a real  
3 name?  
4 A Correct.  
5 Q On the second page, IRC 002768 is the Bates stamp.  
6 A Okay.  
7 Q Is this narrative -- this narrative about how this person  
8 was picked up, this is not something that really happened?  
9 A Nope.  
10 Q Do you know how this person was picked up?  
11 A I don't have a clue.  
12 Q You don't know? Do you know who they came in with?  
13 A I don't have a clue. What happened is -- what happened is  
14 it started getting later in the thing and they would call  
15 us and say somebody brought two guys in, if you guys need  
16 an eval, come on back. So we would come back and the guy  
17 would be sitting in a chair and you would do an eval.  
18 Q Was there really a Deputy Connor from the Lyon County  
19 Sheriff's Office?  
20 A Yes.  
21 Q Were they at the -- was somebody from the Lyon County  
22 Sheriff's Office at the DRE training?  
23 A I don't know. I think he's -- yeah, he's from Lyon  
24 County. Yeah, Adam was.  
25 Q Do you know at all how this person was picked up?



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1 A Again, sir, I don't.  
 2 Q Do you recall this evaluation at all?  
 3 A I remember a guy sitting there in a chair and I know all I  
 4 did was record because I needed to fill out my 15.  
 5 Q Well, this one is your report that you -- this is an  
 6 evaluation you did?  
 7 A Right, correct. Everybody has to write their own report.  
 8 I was a recorder, or I was the --  
 9 Q The other ones I was showing you are Deputy Schuenke's.  
 10 These are your evaluations.  
 11 A Right. The entire eval was conducted by Deputy Adam Connor  
 12 and recorded by Deputy Mike Hadland. That's right under  
 13 the witness statement, right on top.  
 14 Q Oh, okay. And then on the top it says the DRE evaluator is  
 15 Michael --  
 16 A Correct.  
 17 Q -- Hadland.  
 18 A Because these are my reports. What I'm saying is I have to  
 19 have 15 of them. So even as a recorder, it would count as  
 20 an eval because I'm assisting that individual doing the  
 21 eval.  
 22 So Adam actually did the blood pressure and the pulse  
 23 and all that, and what I did is -- this is my handwriting  
 24 here on the back page. I wrote down everything. I would  
 25 make a copy and give it to Adam and then we would write our

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1 reports as such.  
 2 Q So he would get credit for an evaluation and you would get  
 3 credit for an evaluation?  
 4 A Correct.  
 5 Q It says Zander was -- in this report it says, "Zander was  
 6 giggling with his friends." Do you remember what his  
 7 friends looked like at all?  
 8 A Honestly, sir, I don't.  
 9 Q I want to direct your attention now to what's been marked  
 10 Exhibit 6.  
 11 A Okay.  
 12 Q If you could just take a look at that.  
 13 A Okay.  
 14 Q Thank you. This is an evaluation that you conducted,  
 15 correct?  
 16 A I was the recorder, sir. Chris McCall was the  
 17 administrator, or did the eval. On the very last page,  
 18 "Miscellaneous, Evaluator McCall recorder Hadland witness  
 19 Ness." Like I said, we were trying to --  
 20 Q Okay. And this name on here is Westen South East, not a  
 21 real name?  
 22 A No, sir.  
 23 Q Here it says for the initial observation, "The writer  
 24 Westen East -- observed Westen East walk into the garage  
 25 with a large smile on his face and giggling. Writer

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1 noticed a strong smell of marijuana coming from East's  
 2 breath and person. East was very cooperative."  
 3 Is that narrative of how you initially observed him  
 4 correct?  
 5 A Yeah, because I think McCall must have brought him in.  
 6 Q I see Michelle Ness was here, too.  
 7 A Yep. She was trying to get evals done, too.  
 8 Q So did she bring him in?  
 9 A I don't believe so, because she was with a trooper when she  
 10 was -- and I don't even know his name.  
 11 Q Were you suspicious at all as to how this person smelled so  
 12 much like marijuana right out at the airport MnDOT garage?  
 13 A At that point in time it never crossed my mind. It just --  
 14 he wreaked of marijuana.  
 15 Q Who's Chad Vanhorn?  
 16 A He -- I would assume -- he's got to be a DRE instructor,  
 17 but I'm not positive.  
 18 Q Is this accurate, that at 30 hours -- "At 0030 hours,  
 19 several subjects entered the State shop on 66th Street  
 20 under the supervision of Officer Chad Vanhorn." Is that  
 21 part of this document accurate, as far as you know?  
 22 A It could be. I guess the only thing is if Vanhorn was an  
 23 instructor. That would be the only thing that I would  
 24 think -- other than that, I don't know an Officer Chad  
 25 Vanhorn. It could be a made-up name. I honestly don't

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1 remember.  
 2 Q So this might be another made-up name of an officer?  
 3 A It could be.  
 4 Q Like Officer Joe Blow on the other one?  
 5 A Correct.  
 6 Q Okay. Is there any rhyme or reason or consistency as to  
 7 what parts of these reports are accurate and contain  
 8 something that really happened and which parts do not?  
 9 A The written down part, which are the results, of pulse,  
 10 blood pressure, eye exams, nine-step walk and turn, one leg  
 11 stand, all that was documented and written down and with  
 12 the names of the DREs.  
 13 Other than that, a lot of it -- I would say 80 percent  
 14 of it, if not more, was made up because we did not -- our  
 15 intent was not to arrest anybody. It was to get  
 16 evaluations. So Officer Joe Blow, you know -- it could be  
 17 that Chad Vanhorn was a name that came across the TV at the  
 18 time.  
 19 Q So from this report we can't really tell who brought this  
 20 person in?  
 21 A Honestly, sir, I don't -- I couldn't tell you who did. I  
 22 just know there was a bunch of us at that point in time  
 23 trying to cut in line to get -- to see who was going to get  
 24 the eval and who wasn't, to get them done.  
 25 Q Do you know, what's a canine officer?

**Deposition of Michael Hadland taken 11/25/14**

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1 A An officer that has a patrol dog.  
 2 Q So if a patrol dog -- if you learned that a patrol dog had  
 3 ingested illicit drugs, what procedures would you  
 4 implement?  
 5 A I couldn't answer that. I'm not a veterinarian. I was  
 6 never trained in anything to deal with animals like that.  
 7 Q Would you bring the dog to a veterinarian?  
 8 A Oh, you bet.  
 9 Q What is a controlled experiment, to your knowledge?  
 10 A Controlled is -- to my knowledge, everything is factored in  
 11 before the experiment starts.  
 12 MR. HANSEN: I don't have anything else.  
 13 Thank you.  
 14 MS. ANGOLKAR: Anybody else? We'll read and  
 15 sign.  
 16 (WHEREUPON, the deposition of MICHAEL  
 17 HADLAND concluded at approximately 2:50 p.m.)  
 18 - - -  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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

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1 STATE OF MINNESOTA )  
 ) ss.  
 2 COUNTY OF ANOKA )  
 3  
 4 Be it known that I took the deposition of MICHAEL  
 5 HADLAND on the 25th 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 12TH DAY OF DECEMBER, 2014.  
 23 (SEAL)  
 24  
 25 Debra J. Mokszycke, Notary Public