

FOR IMMEDIATE RELEASE

March 31, 2022

On March 3, 2022, Dunkirk Police Chief Dane Mumbower and Officer Erica Post were dispatched to 223 Mount Auburn St., Dunkirk, Indiana. The nature of the call was that Kevin Zimmerman believed that someone was trying to harm him. Upon arrival at the residence, the officers determined that the house was locked. Dunkirk Dispatch relayed to the officers that someone inside the residence called to report that Kevin Zimmerman was armed with two different knives. A relative on the scene advised that Kevin Zimmerman may have been suffering from some sort of mental health issue. During the encounter, Chief Mumbower and Officer Post fired shots at Kevin Zimmerman that resulted in his death.

After an investigation by the Indiana State Police, it has been determined that Chief Mumbower and Officer Post were justified in using deadly force against Kevin Zimmerman. Investigators from the Indiana State Police interviewed ten different witnesses and collected extensive forensic evidence from the scene. The Dunkirk Police Department does not utilize body worn cameras, so there was no 'body cam' footage to review.

Some relevant details of the State Police investigation:

- Kevin Zimmerman refused all commands to exit the home. Chief Mumbower and Officer Post knocked on the door multiple times and announced themselves as police officers. The officers did not receive a response to a request that Kevin Zimmerman open the door. Knowing that Kevin Zimmerman was armed with two knives and not knowing the status of the safety of the other occupants of the home, the officers determined that they needed to enter the home
- After breaching the door, Chief Mumbower, who was armed with his Taser, entered first and Officer Post followed behind with her duty weapon drawn. The officers announced themselves as police officers after entering the home and Chief Mumbower heard Kevin Zimmerman respond by saying "OK, OK, come on in", although neither officer could see where Kevin Zimmerman was located. The officers began to command Kevin Zimmerman to come out and show his hands.
- As Chief Mumbower continued his entry into the home, he observed Kevin Zimmerman crouching down in the kitchen area of the home. Chief Mumbower made eye contact with Kevin Zimmerman and asked Kevin to come out and talk to the officers. Kevin Zimmerman then immediately leaped up from his position and came running toward Chief Mumbower with both arms raised and a knife in his hand. The knife was a large butcher knife with an 8 inch blade.
- As Chief Mumbower began to retreat, Kevin Zimmerman was on top of him. Chief Mumbower deployed his taser at Kevin and it had no effect. Kevin tackled Chief Mumbower into a corner of the room and wrapped his arms around Chief Mumbower and

began striking Chief Mumbower in the back with his hands and arms. Chief Mumbower believed that he was being stabbed by the knife that he saw in Kevin's hand.

- After knocking Chief Mumbower to the floor, Kevin Zimmerman immediately began attacking Officer Post, knocking her to the floor and began slashing at her back. At this time, both Chief Mumbower and Officer Post fired their service weapons at Kevin Zimmerman as they were in fear that their lives were in danger. Officer Post and other responding officers attempted to provide aid to Kevin Zimmerman, including CPR. Despite those efforts and those of the emergency responders, Kevin Zimmerman was pronounced deceased at the scene. The autopsy of Kevin Zimmerman found that he had been shot four times and the cause of his death was multiple gunshot wounds.
- Chief Mumbower received a deep knife wound to his hand that required medical attention. Officer Post received minor puncture wounds and small cuts and abrasions that did not require medical attention.

Indiana Code 35-41-3-2 provides that a person is justified in using deadly force against another person and does not have a duty to retreat if the person reasonably believes that deadly force is necessary to prevent serious bodily injury to the person or a third person. That statute further provides that no person, employer, or estate of a person in this State shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by all reasonably necessary means.

Also, under Indiana law, a police officer may make entry into a home without a warrant if there are exigent circumstances present to justify the entry. Indiana law provides that concern or the fear for the safety of the occupants of the home is justified to prevent harm to the occupants of the home.

In this particular case, were justified in entering into the home: a caller from inside the home had notified police that Kevin Zimmerman was armed with two knives and was refusing to leave the home. The officers were told that Kevin Zimmerman was suffering from a mental health issue and he refused to their commands to come out of the home.

Upon entering the home, despite the officers identifying themselves as police and giving commands to Kevin Zimmerman to come out and show his hands, Kevin charged at Chief Mumbower armed with a knife and tackled him to the floor. He then slashed at the Chief's back with the knife. After knocking the Chief to the floor, Kevin turned to Officer Post and began attacking her armed with the knife. Both Officer Post and Chief Mumbower stated they feared not only for their own lives, but for the life of each other when they fired their weapons at Kevin Zimmerman. In fact, Officer Post believed that Chief Mumbower might have already been dead after having been tackled to floor and seeing Kevin Zimmerman slashing at the Chief's back with the knife. Under these facts and circumstances, both officers were justified in using deadly force against Kevin Zimmerman as they had a belief that deadly force was necessary to prevent serious injury or death and other non-lethal methods were employed that were ineffective.

Determining that the officers were justified in using deadly force does not diminish the tragedy of the loss of human life my sincere condolences go out to Kevin Zimmerman's family and friends for that loss. I appreciate the public's patience in awaiting the outcome of this investigation. Additionally, I would like to thank the Indiana State police for their thorough and professional investigation.

END OF RELEASE