

MPD officer Lt. Richard Zimmerman testimony on April 2, 2021



Speaker 1:

You talked earlier about the training you need to do to maintain your Peace Officer's license, correct?

Richard Zimmerman:

Yes.

Speaker 1:

As a Minneapolis police officer, where do you get that training from?

Richard Zimmerman:

Well, we'll get it from our training unit. We'll also get it from outside sources, different schools that are being put on, some that are specific to homicide, some that are a one-day course, some may be a two-week course, that kind of thing.

Speaker 1:

Does that training include instruction on the use of force?

Richard Zimmerman:

Yes.

Speaker 1:

How often do you get instruction on the use of force?

Richard Zimmerman:

Once a year.

Speaker 1:

How many officers have to go through that use of force training every year?

Richard Zimmerman:

Every officer on the police department.

Speaker 1:

That includes the guy who was number one in seniority?

Richard Zimmerman:

That includes me, yes. Absolutely.

Speaker 1:

When you, well, let me ask it this way. Are there also a Minneapolis Police Department policy about the use of force?

Richard Zimmerman:

Yes, there is.

Speaker 1:

Are you required to be familiar with those policies?

Richard Zimmerman:

Yes, you are.

Speaker 1:

When you do that use of force training, does it cover the policies as well?

Richard Zimmerman:

Yes.

Speaker 1:

Do you also do some physical activity, taking people down and rolling around?

Richard Zimmerman:

Yes. We have a mat that we use at our SOC center and it's like a huge wrestling map.

Speaker 1:

Are you familiar with the use of force continuum?

Richard Zimmerman:

Yes.

Speaker 1:

Is that part of the Minneapolis Police Department use of force policy?

Richard Zimmerman:

Yes, it is.

Speaker 1:

Can you just describe in general what that means to the jurors?

Richard Zimmerman:

Yeah. Basically, the use of force continuum is guidelines, or it's policy actually, that we have to follow. It's when, for instance, when you arrive at a scene, no matter what the scene, the first level, the lowest level would be just your presence at a scene, in uniform. The next step up, maybe your verbal skills that you've learned to help diffuse a situation or learn information about whatever the situation is. The next step would be a soft technique, escorting the person by their arm, that type of thing. The next level would be a hard technique. That's where you would use your, you maybe have to use your mace or handcuffs, that kind of thing. Finally, the top level on the continuum is deadly force.

Speaker 1:

So, those levels change how, under what, or for what reasons might that change?

Richard Zimmerman:

Yeah. Well, if you're, say you arrive at a scene, and somebody's pointing a gun at you or shooting at you, of course you go to the top level, and that's how they may change.

Speaker 1:

So? It's relative to the threat?

Richard Zimmerman:

Right, yes.

Speaker 1:

Are there different kinds of force that officers can use?

Richard Zimmerman:

Yes.

Speaker 1:

Have you ever, in all the years you've been working for the Minneapolis Police Department been trained to kneel on the neck of someone who is handcuffed behind their back, in a prone position?

Richard Zimmerman:

No, I haven't.

Speaker 1:

Is that, if that were done, would that be considered force?

Richard Zimmerman:

Absolutely.

Speaker 1:

What level of force might that be?

Richard Zimmerman:

That would be the top tier, the deadly force.

Speaker 1:

Why?

Richard Zimmerman:

Because of the fact that if your knee is on a person's neck, that can kill them.

Speaker 1:

In your training with, with the Minneapolis Police Department, over the years, have you received training on restraining people?

Richard Zimmerman:

Yes.

Speaker 1:

Including the use of handcuffs?

Richard Zimmerman:

Yes.

Speaker 1:

When you are handcuffing somebody, when you handcuff them, what is your responsibility as an officer, with regard to that person?

Richard Zimmerman:

Well, could I give you an example?

Speaker 1:

Okay. Well, let me ask you this again. If you, as an officer, according to the training, you handcuff somebody behind the back, what's your responsibility with regard to that person from that moment on?

Richard Zimmerman:

That person is yours. He's your responsibility. His safety is your responsibility, his wellbeing, and is your responsibility,

Speaker 1:

Once you handcuff somebody, does that affect the amount of force that you should consider using?

Richard Zimmerman:

Absolutely.

Speaker 1:

How so?

Richard Zimmerman:

Once a person is cuffed, the threat level goes down all the way. They're cuffed. How can they really hurt you?

Speaker 1:

Well, certainly there could be certain circumstances when a cuffed person could still be combative?

Richard Zimmerman:

Oh, absolutely. Yeah. Yeah. But you getting injured is way down.

Speaker 1:

What you mean by that?

Richard Zimmerman:

Well, if you're, you could have some guy try to kick you or something, but you can move out of the way. That person is handcuffed, and the threat level is just not there.

Speaker 1:

So, by handcuffing somebody you've taken away some of their ability to harm you?

Richard Zimmerman:

Absolutely.

Speaker 1:

If somebody who is handcuffed becomes less combative, does that change the amount of force that an officer is to use under policy?

Richard Zimmerman:

Yes.

Speaker 1:

How so?

Richard Zimmerman:

Well, if they become less combative, you may just have them sit down on the curb or, the idea is to calm the person down. if they are not a threat to you at that point, you try to help them, so that they're not as upset as they may have been in the beginning.

Speaker 1:

In your 30 years of training with the Minneapolis Police Department, and your experience, have you been trained on the prone position?

Richard Zimmerman:

Yes.

Speaker 1:

What has your training been, specific to the prone position?

Richard Zimmerman:

Well, once you secure or handcuff a person, you need to get them out of the prone position as soon as possible, because it restricts their breathing.

Speaker 1:

When you handcuff somebody behind their back ... well, as part of training, have you been handcuffed behind the back?

Richard Zimmerman:

Yes.

Speaker 1:

Have you been trained on what happens to individuals when they're handcuffed behind the back?

Richard Zimmerman:

Yes.

Speaker 1:

So, when somebody is handcuffed behind their back, how does it affect them physically?

Richard Zimmerman:

It stretches the muscles back through your chest, and it makes it more difficult to breathe.

Speaker 1:

If you put somebody in the prone position ... Well, is it well-known this danger of putting somebody in the prone position?

Speaker 5:

Sustained.

Speaker 1:

How long have you had training on the dangers of the prone position, as part of a Minneapolis Police Officer?

Richard Zimmerman:

For, since 1985.

Speaker 1:

Is it part of your training regularly to learn about keeping somebody in the prone position?

Richard Zimmerman:

Yes.

Speaker 1:

What has the training band with regard to the prone position?

Richard Zimmerman:

Once a person is cuffed, you need to turn them on their side or have them sit up. You need to get them off their chest.

Speaker 1:

Why?

Richard Zimmerman:

Because of the, as I had mentioned earlier, your muscles are pulling back when you're handcuffed, and if you're laying on your chest, that's constricting your breathing even more.

Speaker 1:

In your training as a Minneapolis Police Officer, are you provided with training on medical intervention?

Richard Zimmerman:

Yes.

Speaker 1:

I assume you're not taught to be paramedics, but you receive some level of training?

Richard Zimmerman:

Yeah. We're first responders I think, is what our category would be.

Speaker 1:

Does that include doing what we think of a CPR, chest compressions?

Richard Zimmerman:

Yes.

Speaker 1:

How often is that part of your training?

Richard Zimmerman:

CPR? It's every other year or so.

Speaker 1:

As part of your training within the Minneapolis Police Department policies, is there an obligation to provide medical intervention when necessary?

Richard Zimmerman:

Absolutely.

Speaker 1:

What is the general teaching that you get with regard to medical intervention?

Richard Zimmerman:

Well, again, it's been that you need to provide medical care for a person that is in distress.

Speaker 1:

Would that be true, even if you've called an ambulance to come to the scene?

Richard Zimmerman:

Yeah, absolutely. The ambulance will get there in whatever amount of time, and in that time period, you need to provide medical assistance before they arrive.

Speaker 1:

Lieutenant Zimmerman, I want to draw your attention back to the incident on May 25th of 2020.

Richard Zimmerman:

Yes.

Speaker 1:

Earlier you told the jurors about being at the scene, finishing your work there. The next day, did you have an opportunity to review some video of that incident?

Richard Zimmerman:

Yes.

Speaker 1:

Do you recall at that video, where you saw it?

Richard Zimmerman:

Yes.

Speaker 1:

Was it the, what we've been calling the Darnella Frazier video?

Richard Zimmerman:

Yes.

Speaker 1:

Did you watch that video in its entirety?

Richard Zimmerman:

Yes, I did.

Speaker 1:

Since then, have you had an opportunity to watch other video of the incident?

Richard Zimmerman:

Yes.

Speaker 1:

Specifically, have you watched body-worn camera video of the incident from the involved officers?

Richard Zimmerman:

Yes.

Speaker 1:

Based on that, and your years of training and experience with the Minneapolis Police Department, you saw Officer, then-Officer Chauvin with his knee on Mr. Floyd's neck, correct?

Richard Zimmerman:

Yes.

Speaker 1:

Would you call what you saw there a use of force?

Richard Zimmerman:

Yes.

Speaker 1:

Did that use of force continue until the ambulance arrived?

Richard Zimmerman:

Yes, it did.

Speaker 1:

Was there any change in the level of force being used until the ambulance arrived?

Richard Zimmerman:

No.

Speaker 1:

What do you think about that use of force during that time period?

Richard Zimmerman:

I'm sorry?

Speaker 1:

What do you think about that use of force during that time period?

Speaker 4:

[inaudible] for that question.

Speaker 5:

Could you limit it to the timeframe?

Speaker 1:

Right. Okay. So, based on your review of the body-worn camera, videos of the incident.

Richard Zimmerman:

Yes.

Speaker 1:

And, directing your attention into that moment when Mr. Floyd is placed on the ground-

Richard Zimmerman:

Yes.

Speaker 1:

What is your view of that use of force during that time period?

Richard Zimmerman:

Totally unnecessary.

Speaker 1:

What do you mean?

Richard Zimmerman:

Well, first of all, pulling him down to the ground face down, and putting your knee on a neck for that amount of time is just uncalled for. I saw no reason why the officers felt they were in danger, if that's what they felt, and that's what they would have to feel to be able to use that kind of force.

Speaker 1:

So, in your opinion, should that restraint have stopped once he was handcuffed and prone on the ground?

Richard Zimmerman:

Absolutely.

Speaker 1:

And, I should add to that question then, also that it appears he had stopped resisting?

Richard Zimmerman:

I'm sorry.

Speaker 1:

And, it appeared that he had stopped putting up any resistance?

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Richard Zimmerman:

Absolutely. I would stop.

Speaker 1:

I have nothing further, your honor.

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