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# Handgun-Taser mix-up not the first on record

*Similar incident happened in California*

FRONT PAGE

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Last week's incident in Rochester was not the first in which a police officer mistakenly fired his handgun instead of a nonlethal stun gun to subdue a suspect.

In March 2001, a Sacramento, Calif., police officer made the same error while struggling with an intoxicated person.

The state Bureau of Criminal Apprehension considers the shooting of Christofar Atak on Sept. 2 to be acci-

dental, Rochester Police Chief Roger Peterson announced Thursday. However, Atak's attorneys say they will conduct an independent investigation of the shooting, which took place in northwest Rochester.

According to police, Atak was being subdued by another officer when Officer Greg Siem arrived. Siem placed an electrical stun gun, called a Taser, in a cargo pocket of his pants before coming to the other officer's assistance, police said. The Taser temporarily incapacitates a combative person with a high-voltage shock.

Peterson said an investigation by the BCA found that Siem mistook his handgun for the Taser and fired it once, wounding Atak.



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**The Taser's shape, handle and trigger closely resemble the handguns carried by Rochester officers, Police Chief Roger Peterson said.**

Peterson said the nonlethal Taser had fallen out of Siem's pants pocket, perhaps during the struggle with Atak.

While the officers were trying to restrain him with handcuffs, Siem tried to draw

the Taser, but instead mistakenly drew the handgun from its holster, Peterson said.

Siem positioned the gun as a Taser is typically used and fired one shot into Atak's back, a police narrative said. Siem recognized the mistake, dropped the gun and called for medical help.

Atak was in fair condition Friday at Saint Marys Hospital. He has had surgery on a kidney.

The Sacramento incident was similar, with several officers trying to restrain an intoxicated man who was fighting officers and kicked out a window in a squad car. In that incident, the stun gun was fired once, but only had temporary effect.

During the struggle, which involved four police officers,

the man accidentally was shot in the buttocks, according to an account from the Sacramento Police Department.

The BCA's report will be reviewed by the Ramsey County Attorney's office to avoid any conflict of interest, Peterson said.

The state investigators also are asking anyone with information about a vehicle that was in the area at the time to contact police.

People in the area reported hearing loud screeching of tires in the area of 50th Street and 18th Avenue Northwest at 8:41 p.m., about five minutes before the gunshot.

The driver or passengers may be witnesses to the incident, police said. Anyone with information should call 285-8580.