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Scott Jacobson/Post-Bulletin

Rochester Police Chief Roger Peterson demonstrates the similarity in size and shape of the Tasers and handguns issued to Rochester police.

FRONT PAGE

# Wrong gun

Police chief: Officer thought he was using a Taser

By Joshua Lynch

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The Bureau of Criminal Apprehension has concluded a Rochester police officer thought he was using a stun gun when he fired a bullet into the back of Christofar Atak on Sept. 2.

Rochester Police Chief Roger Peterson said Officer Greg Siem, a six-year veteran with the department, was trying to subdue an intoxicated Atak when he accidentally used his handgun instead of his Taser, a non-lethal device that uses an electric shock to incapacitate a person.

Peterson said Siem shot Atak once before realizing his mistake. Siem then dropped his pistol and called for medical assistance.

"I think the issue for the community has always been whether this was accidental or intentional," Peterson said. "We know now that this was accidental."

William L. French, an attorney hired by Atak's family, declined to comment this morning on the results of the bureau's investigation. French said he and another attorney, Steven Fuller, will be doing their own investigation.

"It's a very unfortunate incident," French said. Atak came to the United States as a refugee of civil war from Sudan. "This family moved to get away from violence and they find them-

## INDEPTH

### Shooting

• Family's attorneys want to talk to officers  
— Page 3A

seives right back in it."

Peterson said both Siem and Officer Doug Remling responded the evening of Sept. 2 to a report of Atak fighting and damaging property at 1601 50th St. N.W.

Remling was the first on the scene. As Remling drove up, Peterson said, Atak, 31, jumped in front of the squad car. Remling stopped, got out of his car and approached Atak. Peterson said Remling then heard the man threaten suicide.

From another squad car, Siem watched as Remling and Atak started scuffling. Peterson said that as Siem left his vehicle, he took a Taser from the vehicle and placed it in his right-hand pants pocket.

The Tasers used by Rochester police are similar in shape to handguns.

Peterson said Remling continued to try to restrain Atak, but was unsuccessful. Siem then became involved in the scuffle, Peterson said, and both officers told Atak an estimated 10 times to place his hands on the squad car. Peterson said that each time

the officers tried to handcuff Atak, the man fought back.

At one point, Siem grabbed what he thought was the Taser, Peterson said. Instead, Siem had grabbed his handgun and removed it from its holster. Believing the handgun to be the Taser, Siem pointed it at Atak's back while Atak was being held against a squad car.

Peterson said Atak was then shot once in the back by Siem.

Peterson said it is possible the Taser that Siem had earlier placed in his pocket was knocked from him during the scuffle. The Taser was found on the ground near the squad cars.

Atak, who remains hospitalized, was listed in fair condition this morning at Saint Marys Hospital.

Peterson said he spoke Thursday with Atak to explain the BCA's findings and formally apologize.

"While officers had no intent to cause injury to Mr. Atak, we deeply regret the fact that this occurred," Peterson said. "We extend our sincere apologies to Mr. Atak and his family and our thoughts and prayers go out to them as well as to the officers involved."

Peterson said both officers, who have been on administrative leave since the shooting, can return to work when they are ready.