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Handgun-Taser mix-up not the first on record

*Similar incident
happened in
California*

FRONT PAGE

By Bob Freund

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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.

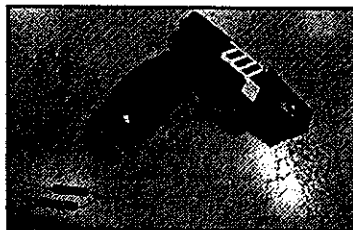
In March 2001, a Sacramento, Calif., police officer made the same error while struggling with an intoxicated person.

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.



Police armed with new Taser guns

FRONT PAGE

By Janice Gregorson

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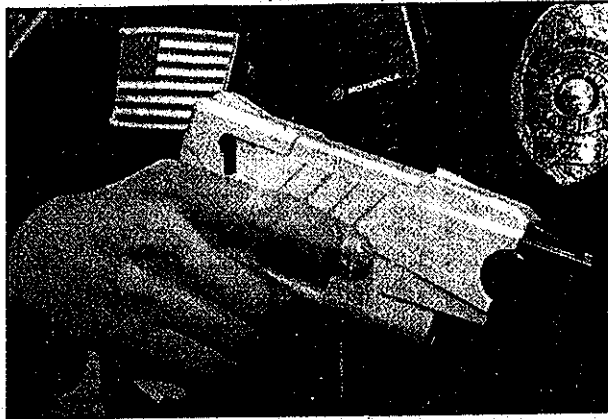
A new policy and new Taser stun guns are now in use by the Rochester Police Department.

The changes follow a review of department procedures and equipment made after a city man was shot by a police officer who thought he had fired his electric stun gun instead of his handgun.

That shooting occurred Sept. 2 when officers were responding to a call about an intoxicated man who was fighting and damaging property.

Christofar Atak, 31, ended up being shot once in the back and spent several weeks in the hospital. Authorities said the officer, Greg Siem, was trying to subdue an intoxicated Atak who was scuffling with another officer when he used his handgun instead of his Taser.

The Minnesota Bureau of Criminal Apprehension investigated the shooting and has ruled it an accident. The matter is still under review by the Ramsey County Attorney's Office to determine if



Scott Jacobson/Post-Bulletin

The Rochester Police Department has switched to a different model of the Taser Gun.

charges will be filed against the officer or Atak. The Atak family also has hired civil trial lawyers to investigate the incident.

Police Chief Roger Peterson said at the time that the Taser stun gun in use by the department looked and felt identical to handguns used by the officers. In this case, he said, Siem mistakenly grabbed his handgun, thinking it was the stun gun.

While the shooting was

ruled accidental, the incident automatically triggered an internal review of department policy and the equipment.

Police Capt. Jim Pittenger said Wednesday that the goal is to make the gun more distinguishable and still make it a safe option for officers to use in emergency situations.

The new Taser stun gun is yellow as opposed to black, and has a slightly different grip.

"That means that visually

"Visually it is identifiable as a Taser as opposed to being a handgun."

— Police Capt. Jim Pittenger

it is identifiable as a Taser as opposed to being a handgun," Pittenger said. That benefits the officer and citizens who immediately know it is not a real gun.

Policy changes also have been made, Pittenger said.

Each officer now must carry the stun gun on the opposite side of where the officer's handgun is carried. Siem was carrying both his handgun and Taser on the same side the night Atak was shot.

When not in use, the stun gun must be carried in a fanny-pack type compartment.

Electric stun guns became standard equipment in all city squad cars in June 2001 as a tool to help officers subdue violent people without causing permanent injury.



BCA: Gun mixup led to man's being shot by Rochester officer

Stun gun was intended weapon

Associated Press

ROCHESTER — A Rochester police officer thought he was using a stun gun when he fired a bullet into the back of a man he was trying to subdue, the state Bureau of Criminal Apprehension has concluded.

Rochester Police Chief Roger Peterson said the BCA investigation found that officer Greg Siem, a six-year veteran with the department, was trying to subdue Christofar Atak on Sept. 2 when he accidentally used his handgun instead of his Taser, a nonlethal device that uses an electric shock to incapacitate a person.

Peterson said Siem shot Atak once, then dropped his pistol and called for medical help.

Atak was listed in fair condition Friday at St. Marys Hospital. Peterson said he spoke Thursday with Atak to explain the BCA's findings and formally apologize.

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

ready.

William L. French, an attorney hired by Atak's family, declined to comment Friday on the results of the BCA investigation. French said he and another attorney, Steven Fuller, will do their own investigation.

Atak, 31, is a refugee from Sudan.

The police chief said Siem and officer Doug Remling responded the evening of Sept. 2 to a report of an intoxicated man fighting and damaging property.

Peterson said Remling was trying unsuccessfully to restrain Atak, and Siem became involved in the scuffle. Both officers told Atak an estimated 10 times to place his hands on the squad car. The chief said that each time the officers tried to handcuff Atak, the man fought back.

Siem grabbed what he thought was the Taser, Peterson said. Instead, he had grabbed his handgun, with which he shot Atak once.

The Taser was found on the ground near the squad cars.

