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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.