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Mom says police dog's attack on son, 13, in South St. Paul was unprovoked

Two agencies probing off-duty incident; boy required 16 stitches

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Mitch Fitzgerald, 13, was standing near a South St. Paul water tower Sunday night when a police dog suddenly ran up to him, knocked him down and started biting him, his mother said.

The boy recognized the German shepherd from around the neighborhood and from Animal Planet's "K9 Cops" as a St. Paul police dog, said Mitch's mother, Terri Fitzgerald. Mitch tried to remember the dog's name to tell him to stop.

"He was screaming for the cop," Fitzgerald said as she sat with her son at a St. Paul hospital Monday, where she said Mitch received 16 stitches. He was released Tuesday. "The dog didn't stop until the officer called him."

Fitzgerald said the off-duty St. Paul officer gave her a business card identifying himself as Isaac Rinehart.

Mitch didn't provoke the dog or see him until he was about to attack, Fitzgerald said. South St. Paul and St. Paul police are investigating; neither department provided information about what the boy was doing before he was bitten.

This isn't the first time the dog, Sarik, is alleged to have bitten someone by mistake. The dog slipped from Rinehart's grasp when he was responding to a fight call in downtown St. Paul in 2007 and bit a man who wasn't involved, according to a police incident report.

Hearing about the previous case made Fitzgerald even angrier about what happened to her son.

"If you're a K-9 cop, you have to have complete control of the dog," she said. "In a residential area, it shouldn't be off a leash. I can't have my dog off the leash."

Police dogs are never off duty, and it's the discretion of its handler when the dog should be leashed, said Peter Panos, St. Paul police spokesman.

"It's never a pet. It's always a working dog," he said. "These dogs are very well-trained. Do they make mistakes? Yes. We won't know what happened in this case until the investigation is done."

Panos said neither he nor Rinehart would be commenting on specifics of the case while it's under investigation.

On Sunday night, Mitch had been at a friend's house in his South St. Paul neighborhood and was walking home when he saw a female friend waiting by the water tower near 18th Avenue South and Fourth Street South, Fitzgerald said. The friend was waiting for her father to pick her up, and Mitch stayed to keep her company.

Fitzgerald said she and Mitch have seen Rinehart and Sarik in the area before — she believes Rinehart lives nearby and allows Sarik to run by the water tower after their shift is over.

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Sarik bit Mitch on his arm and face and scratched his leg, Fitzgerald said. The teen needed three stitches on his lip and 13 on his arm, she said.

Mitch called his mother from a cell phone, saying he had been bitten by a police dog. Fitzgerald went outside and heard her son screaming.

Fitzgerald said she's angry that Rinehart, who was in uniform, told her son to walk home by himself and that he would meet him at his house. Rinehart told her he was trying to reach his commander, Fitzgerald said.

When he pulled up in his squad car, Rinehart said, "I'm so sorry this happened," according to Fitzgerald.

She asked him what happened, and Rinehart said Mitch must have spooked his dog. Rinehart also asked what he and his friend had been doing by the water tower. Fitzgerald told Rinehart her son and his friend weren't doing anything wrong.

Fitzgerald said Rinehart told her that, before he let Sarik out of his car unleashed, he had turned his flashlight on and yelled, but nobody made his or her presence known. Mitch told his mother he didn't see a light or hear the officer's voice.

Fitzgerald said she asked Rinehart to call an ambulance.

"He said it would cost too much money," Fitzgerald said. "I said, 'It doesn't really matter and I have insurance.' He said it was a little puncture wound and I should go wash it off with cold water."

Fitzgerald said she did as Rinehart suggested, but she could tell the wounds were more serious than a puncture wound. She said she asked Rinehart again — this time in the presence of a South St. Paul police

officer — about calling an ambulance, and he repeated that it would be expensive.

At that point, Fitzgerald got Mitch into her car and drove him to the emergency room at Children's Hospitals and Clinics of Minnesota, she said.

South St. Paul police were called at 9:10 p.m. Sunday to a report of a domestic assault in the 400 block of 18th Avenue South. (Fitzgerald said she was told that a neighbor, who didn't know what was happening but heard screaming, reported a domestic incident.)

Responding officers stopped a car in the area and were told someone had been bitten by a police dog. The officers were directed to the 1800 block of Fifth Avenue South, said South St. Paul Police Chief Daniel Vujovich.

A St. Paul police officer told South St. Paul officers that the victim's parent was taking him to the hospital, Vujovich said. A South St. Paul officer spoke with the boy's mother briefly and told her they would talk to her and the boy more after he received medical attention, he said.

Vujovich said he didn't see anything in a police report about the boy's mother asking for an ambulance.

South St. Paul police are waiting for St. Paul police to submit an incident report with the officer's account, Vujovich said.

Rinehart's supervisor in the K-9 unit will determine whether an internal affairs investigation should be completed, Panos said. The officer and dog remain on duty, he said.

Fitzgerald said she has an attorney and is consulting him about her options.

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At the time of the Dec. 20, 2007, bite in St. Paul involving Sarik, a police spokesman said there would be an internal review. There is no record of discipline associated with the bite in Rinehart's personnel file. Panos, who wasn't the department's spokesman in 2007, said he couldn't find a record of an internal affairs investigation.

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