



### F43 Democratization of Justice — A Dog Bite Case Gone Viral

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After attending this presentation, attendees will gain an understanding of how social media can impact the outcome of a forensic case.

This presentation will impact the forensic science community by illustrating the increasing pervasiveness of media and public opinion involvement in forensic cases. Pressure brought to bear on public officials, law enforcement, the courts, and forensic experts can drive an investigation in many directions.

The internet is a pervasive and ubiquitous force in our lives. In particular, Facebook<sup>®</sup>, Twitter<sup>®</sup>, and YouTube<sup>®</sup> have the ability to shape public opinion and the direction of a case investigation. The power of e-opinion cannot, nor should be, ignored.

What started out as a casual play day for three young girls morphed into an “incident” that polarized a small town in Missouri and garnered national attention. It is yet another example of the transformative power of social media used as a platform to rally a cause. Close to 200,000 “experts” on Facebook<sup>®</sup> opined as to the fate of Phineas the dog. Although most expressed genuine concern for the dog, there was hearsay, inappropriate accusations, misinformation, and even threatened social disobedience to advance their cause.

So what was the issue? Several girls were playing in the yard when the family’s Golden Labrador, Phineas, allegedly, accidentally bit one of the girls on the left side and dragged her a few feet. A playmate present confirmed this version of the story although the veracity of the witness testimony and the entire incident was later challenged.

The emergency room physician, based on the history provided, diagnosed the patterned injury as a dog bite consisting of a crush injury to the trunk, contusion, laceration, and puncture wound. Treatment consisted of an antibiotic ointment.

Shot records for the dog were unattainable. Consequently, Phineas was taken into custody by the code officer. City code defined a “vicious dog” as “any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or other animals.” A hearing was required within 30 days and the mayor, with great controversy, appointed himself as the hearing examiner. Supposedly, there were two other incidents where Phineas bit both the victim in this case and her sister. The marks were described as “scrapes” and a “nibble.” Phineas was declared a dangerous dog by the court and incarcerated.

Phineas went missing from custody at least once and was housed in multiple locations for months. A local attorney involved with The Lexus Project, a dog advocacy group in New York City, intervened on behalf of the family to prevent the dog from being euthanized. Supporters of Phineas from all over the world embraced social media on a “Save Phineas” Facebook<sup>®</sup> page. The fight for Phineas became contentious and was plagued with numerous accusations and defamatory comments and even personal threats. This controversy continued for well over a year.

Bitemark analysis was conducted independently by two experts, a forensic odontologist and an expert on dog bites and behavior. There was only one photograph available for analysis. The photo did not have a scale for resizing but other objects in the photo were used to scale the patterned injury 1:1. Both experts independently agreed that the patterned injury, even allowing for resizing error, was significantly smaller than Phineas’ dentition. Based strictly on the limited evidence available, the large size discrepancy of the injury compared to the dentition, and with no credible corroboration of the event, allowed Phineas to be excluded as the biter.

In July, 2013, Phineas’ attorney filed a motion in Circuit Court for relief from euthanizing Phineas for reasons of: (1) exclusion as the biter; (2) erroneous hearsay about previous bites; (3) misrepresentation of the severity of the wound due to altered photographs; (4) prejudicial hearing by the mayor; and; (5) the girls’ family asked that Phineas be spared as he was not vicious.

This case is as much about social activism as forensics. There were many thousands of supporters trying to save Phineas from the gallows. Opinions for the most part shared genuine concern for the dog while uniting an army of arm chair experts in order to gain sympathy for the dog and his family.

The forensic community at large needs to be aware of the power of mass media public opinion influence in forensic cases. Social media activism requires social responsibility.

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#### **Dog Bite, Social Media, Facebook<sup>®</sup>**