



## Odontology Section - 2015

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### **G10 Bitemarks From the Emergency Room to the Courtroom: The Importance of the Expert in Forensic Odontology**

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After attending this presentation, attendees will be aware of how forensic odontology plays a vital role in many arenas, especially when crimes against children are involved. By identifying victims of child abuse as well as their abusers, forensic odontologists provide valuable services at every phase of the criminal justice process.

This presentation will impact the forensic science community by communicating how, through forensic case examples and legal case citations, forensic odontology aids in the detection, prevention, and prosecution of child abuse and other serious crimes.

Lost in the debate over bitemark testimony is the undeniable fact that forensic odontologists provide vital information at every phase of a criminal investigation and prosecution. This is especially true for cases involving society's most vulnerable victims, the children who are all too frequently abused in the unwitnessed privacy of their homes by their own caregivers.

Case examples will demonstrate the importance of fast response by a well-trained forensic odontologist to a pediatric Emergency Room (ER) or more tragically, the morgue, where evidence of both old and new bites and other abuse may be visible. Forensic odontologists can examine suspected bitemarks and determine whether they are human or animal or not bitemarks at all.

The ability to quickly include or exclude a suspected biter, or to reliably identify a biter, especially in the closed population of a family or daycare group, is of vital importance. Sometimes, the "usual suspect," who is often the mother's boyfriend or other adult male in a household, might be charged and jailed, or at a minimum, barred from the home during the investigation. A timely examination, analysis, and comparison can determine that the culprit is actually a child who might be large for his age. Once the bite is recognized as non-criminal, the initial suspect is exonerated. Similarly, when a child in the ER with human bites comes under the care of a forensic odontologist and the perpetrator is identified as the mother, the victim and other children in the household can be removed from the specter of further harm.

While critics of bitemark testimony cite the 2009 National Academy of Sciences (NAS) Report, *Strengthening Forensic Science in the United States: A Path Forward*, as authority for keeping forensic odontologists out of the courtroom, federal and state court judges reject that approach. A survey of both federal and state court opinions confirms that courts have not read the NAS Report as authority to scuttle long-accepted forms of forensic evidence, including forensic odontology. Judges, especially at the trial level, appreciate the value well-trained and careful forensic odontologists bring to the fact-finding process.

Just like fingerprint analysts who can match a latent to an inked print, a forensic pathologist who can determine cause and manner of death, or a forensic psychiatrist who retroactively evaluates a defendant's state of mind at the time of a past crime, forensic odontologists bring crucial expertise into a courtroom. A jury faced with 8"x10" color photos of a child grievously injured with bitemarks and the daunting responsibility of determining whether the charged defendant inflicted them, deserves every item the criminal justice toolbox has to offer.

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#### **Forensic Odontology, Criminal Justice, NAS Report**