Do police have basic skills to justify DNA Bill?

'SAPS can’t even get basics of crime scene forensics right and legislation won’t solve this’

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S CALLS FOR the long-delayed DNA Bill to be passed into law get louder, recent events have some questioning whether the police have the crime-scene and forensic basics that will allow the legislation to function.

The bill, which has been on the agenda for several years, allows for the creation of a DNA database, which will bank DNA profiles from all convicted criminals and those arrested on schedule-one offences, and allow police to use this information to solve crimes.

It was due to go before the cabinet earlier this month, but due to administrative issues, was not listed on the agenda.

DNA Project head Vanessa Lynch said it would hopefully go before the cabinet at its next sitting.

The bill has seen several delays. Last week, members of the Parliamentary Portfolio Committee on Justice questioned whether the bill would be useful, given that the SAPS was not even getting the basics of crime-scene forensics right.

"If the police do not collect it properly ensure it is properly labelled and the documentation properly completed when handed to different people in the system this... often... affects convictions."

"Training and the implementation of proper procedures are crucial. The bill on its own will not solve this," committee member Debbie Schafer said.

Earlier this month, police said they were having to re-divert stock of rape kits to areas where they had run out of supply.

The DA claimed that a R75 million machine that processes DNA samples was not used, as police had no stock of the consumables it needed.

DNA and forensic evidence, and its perceived bungling, has featured in several recent high-profile cases.

This week, police in a Grootfontein murder case testified that they had misplaced a DNA sample taken at the scene of the murder of three members of a local family. One police officer testified that he had made mistakes in labelling exhibits.

Forensic scientist David Klatzow said this week the bullet in a case he was working on, involving a shooting in Constantia, had gone missing.

"I'd love to know where it is, but even if they do find it, where is the chain of evidence?"

"We're not getting the basics right. We're not even getting the baby basics right." In the Oscar Pistorius bail hearing, the investigating officer, since removed from the case, walked into the crime scene without boot covers, while Pistorius's team, not the police, found a projectile from the gun in the toilet bowl.

Lynch says South Africa's two state-of-the-art police forensic DNA labs are being set up and staffed to deal with the new legislation. A renewed focus on forensics is also visible in this year's budget. The Department of Police re-prioritised R2.5 billion in funding to improve detective and forensic capability over the next three years.

Expenditure in these areas has grown significantly since 2009/10, as the government has increased staff numbers and invested in technology which will aid and speed up forensic science investigations. In 2009/10, R93.5m was spent on forensic sciences, which was expected to grow to R1.7bn this year.

Lynch said the DNA Bill would go hand in hand with an implementation plan "to ensure that the legislation has teeth."

She said their organisation had been training members of the public, like community policing forum members, bystanders and paramedics, not...
to interfere with crime scenes, and to conscript them off to preserve evidence.

"Crime scene experts need specialist training, more than they are being given now.

"But the legislation and implementation plan will pull all of that together."

However, a degree of urgency was associated with the legislation, she said.

"(The year) 2014 is an election year. If this is not completed by then, we are going to have to start from scratch.

"In 2008, we had legislation ready to go, but due to the change-over in Parliament, we had to start again."

Police labs have been criticised for their slow turnaround times on DNA evidence.

Klatzow questioned why the DNA for bones found under a swimming pool in Gauteng a year ago – which he believed could be linked to paedophile Gert van Rooyen – was still outstanding, and why they had been sent overseas.

Police said last week samples had been overseas for DNA sampling.

This week, two bodies believed to belong to missing activists Lolo Sono and Siboniso Shabalala were dug up at the Avalon Cemetery in Soweto.

Reports indicated that these, too, might be sent overseas.

NPA spokeswoman Bulwela Makela said the Avalon bones were with the SAPS Victim Identification Centre, which would decide which labs to use for the testing.

Makela said the choice of who did the testing usually depended on the bones’ condition.

"We have in the past used a DNA laboratory at the University of the Western Cape in Cape Town, as well as Bode Technologies in the US, the Argentine Forensic Anthropology Team DNA Laboratory in Argentina, and the International Commission for Missing Persons (ICMP) in Bosnia.

"For example, Bode has experience in working on burnt-bone material and therefore their labs were used in the case of the Mamelodi 10."

Lynch speculated that extracting DNA from old bones was a difficult and specialised task, as material degraded and only mitochondrial DNA was available.

"For example, the lab in Bosnia is recognised as a centre of excellence and can probably do this kind of testing quicker and more easily than anyone else, because they’re so specialised."

The ICMP analyses bones from areas of conflict, or where human-rights abuses are thought to have occurred.

It is currently testing bone samples from a mass grave in Libya, in which South African photographer Anton Hammerl is believed to have been buried.

The SAPS did not respond to questions regarding its forensic work.