DNA bill could deal a serious blow to crime

‘Improvements’ supported at parliamentary hearing

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Despite some lingering concerns at the public hearings on the “DNA bill” in Parliament this week, most speakers supported the legislation, which they said was “vastly improved”.

The Criminal Law (Forensic Procedures) Amendment Bill B09-2013 will make it mandatory for the DNA of everyone arrested, as well as convicted offenders, to be entered into a DNA database so they can be checked against profiles found at crime scenes.

This week, several parties made submissions to Parliament on the bill, among them private forensics companies and Durban rape survivor Jessica Foord. All threw their weight behind the legislation.

In a statement after the hearings on Wednesday and Thursday, acting head of the portfolio committee on police, Annelize van Wyk, outlined some of the remaining concerns, including the issue of “familial searches” which would allow for the testing of family members’ DNA in order to make matches and links. There are human rights concerns surrounding the matter, and the bill makes no mention of familial testing.

But Van Wyk said it was the information technology structure supporting the bill that would “make or break it”.

“Key concerns have been raised on the information technology support to the bill, and this is regarded as the ‘make or break’ of the bill if the IT support is not available to properly implement the bill upon enactment,” she said.

Other matters of interest included oversight and ethics around the use of the system, as well as the implementation of a possible complaints mechanism for the legislation, which was described as “world class”.

The legislation has been on the cards for several years. The DNA database is made up of profiles obtained from samples such as cheek swabs and blood. Samples are destroyed once the profile is stored on the database. If a conviction is not secured, it is removed.

The bill will increase the chances of matching perpetrators to their crimes, and as well as identify serial offenders earlier.

It will also confirm or rule out suspects immediately, based on the DNA evidence.

Vanessa Lynch, founder of the non-profit DNA project, which has been pushing for the bill since 2006, said it would dramatically improve on the current legislation.

“South Africa has one of the highest crimes rates, and one of the lowest conviction rates. It also has one of the highest re-offending rates. With the DNA database in place we will deal a serious blow to crime, and finally match up to the global standards of DNA use in crime fighting,” she said.

Even if the DNA taken from a crime scene did not match a known profile in the database, it could be used to identify serial offenders.

“For example, if we enter an unknown profile into the database which has been collected from a rape survivor, even though we aren’t able to link that profile to a known profile on the database, it can still provide us with valuable intelligence.”

Serial killer expert Piet Byleveld said the bill would make it much easier to catch criminals.

“In the past we had to go to the mortuary to get a DNA sample, and if the body wasn’t handled properly we could lose a chance to identify the killer. Being able to take a sample and store the DNA profile on a database saves a lot of time and money. My only concern is whether the police will be trained properly.”

Forensic scientist David Klatzow said he was uncertain about the effects of the bill and would watch with interest.

“The bill has the potential for much good, but also for disaster. There are too many unknowns at this point. Labaratories are already backlogged as it is. If we can’t cope as we stand now, how will we cope with even more work?” – Additional reporting by Bianca Capazorio