

## DNA PROJECT ENVISAGES NATIONAL CRIMINAL DATABASE

## Father's murder sparks

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BLOOD on a barbed wire fence and a bottle of brandy and Coke. Enough evidence for identification, and maybe for conviction. Except it wasn't. No one swabbed the fence and the police threw away the bottle and the dead man's clothing. Blank slate for the killers and the police. And no closure for the victim's family - ever.

Had the soon-to-be-implemented DNA bill been in place in March 2004, the criminals who murdered Vanessa Lynch's father John might have been tracked down. There is even a possibility that her father was not even killed. Several other murder victims may also perhaps have been spared, because the bill allows suspects and criminals to be tracked by identifying them earlier in their "careers" - when they often start out with less serious crimes.

John Lynch was shot seven times in his home in Bryanston as he tried to defend his wife. There was substantial contact between him and his attackers in the process. The suspicion at the time was that the well-known Bryanston Gang could have been involved.

Vanessa had just that morning said goodbye to her parents after their visit to Cape Town, and could barely comprehend the news that she would never again be able to hug her dad or ask his advice. When the police closed the murder file after less than two weeks, citing lack of evidence, Vanessa decided enough was enough.

A commercial lawyer by profession, Vanessa was ideally placed to implement her plan: to lobby Parliament to create a national DNA database. "I know nothing can bring my dad back, but I want his death to achieve something positive. I know his journey did not end with his death, and for me it had only just started."

And so began what has been almost a decade of campaigning for the amendment of South African criminal law, which does not currently make

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specific provision for the creation and expansion of a national DNA database for criminal intelligence purposes.

At the time of John Lynch's killing, which was treated as just another statistic, as so many are, the kidnap and murder of 21-year-old Leigh Matthews was making headlines. In this case the killer was caught relatively easily. Vanessa was struck by the difference in the way the two cases were treated: "There had been 15 investigators sent to the scene, they had cordoned it off and a lot of resources had been allocated to her case. I said to my mother at the time: 'Why is that case being treated differently to our case?'"

Vanessa contacted Leigh Matthews's father Rob, saying: "You have been given a voice for whatever reason and you have to use that voice, and you have to use that platform to do something." His response was: "I agree absolutely, what can we do?" Vanessa proposed they work together to improve and expand South Africa's criminal database to radically reform the way we keep track of suspects and criminals by identifying them at an earlier stage.

With dedication, Vanessa took on the challenge of lobbying to change South African law. Together with a geneticist, Dr Carolyn Hancock, Vanessa and Rob set up a registered public benefit organisation called The DNA Project.

Not everyone was in agreement with them, and there have been many obstructions and detours, but for the past

few months the portfolio committee on police has been working hard on what is now hoped to be the final draft of the DNA bill, formally known as the Criminal Law (Forensic Procedures) Amendment Bill.

The portfolio committee on police members' votes are due to be cast next week, and thereafter they will await costing from the State Information Technology Agency (Sita). If that is approved they will take it to their caucuses and thereafter vote it in.

The bill will allow DNA to be taken from all current prisoners, parolees, and detainees and suspects in respect of schedule 8 offences.

In an effort to ensure that the most serious violent criminals are put on the DNA database, a list of offences has been agreed upon by the committee, which ranges from rape to human trafficking to murder and theft.

The test itself is non-invasive and will not require a medical expert to conduct. The buccal swab is a simple procedure involving the collection of buccal cells from the inside of the cheek, and it takes less than a minute.

The results of the DNA profile will be entered into the database, and the sample destroyed within 30 days.

There has been very little opposition to the bill, mostly from organisations who fear the results could be misused by the state, but Vanessa has worked at quelling such concerns. "There are currently no guidelines for the use of DNA,

so the present situation is one that is open to abuse.

"Once the bill is law, there will be strict protocols to follow that will regulate the taking, storage and use of DNA profiles. If you aren't guilty, why would you object to anything that could help solve crime?" says Vanessa.

"DNA testing is used in most First World countries and the biggest challenge we face is ensuring that crime scenes are secure and not contaminated. Often what happens is that neighbours attempt to clean the scene to lessen the trauma for the victim and the family.

"But it is of the utmost importance that every possible source of DNA, be it a fibre of hair, spots of blood, semen, sweat, cigarette butts and anything that may contain the perpetrator's fingerprints, be preserved.

"Scientifically speaking, about 70 percent of the perpetrator's DNA is found on the victim's clothing, and had my father's clothes been saved for forensic testing, the murderers may have been identified then.

"Research worldwide points to the fact that once you have committed a crime, you are more likely to commit more crimes than someone who has not, and South Africa's rate of recidivism is one of the highest in the world. Criminals also begin with relatively minor crimes which gradually become more serious.

"Therefore, it would make more sense to profile a criminal at the earliest opportunity of their criminal career. And it is well worth bearing in mind that DNA evidence can serve the innocent by immediately excluding them if there isn't a match."

"Perhaps the fulfilment of the objectives of the DNA Project will ensure that all those lives in SA that have been violated and taken from us so violently may, too, be given the respect that they and their families deserve - it's time the majority took back from what the small minority in this country have taken away from us."

# ambitious legal lobby

## A simple process of elimination

BECAUSE individual DNA is as personal as a fingerprint, DNA collected from a crime scene can either link a suspect to evidence or eliminate him as a suspect. DNA can be extracted from hair, skin cells, bone, teeth, sweat, blood, semen and any other bodily fluid.

Five percent of all our DNA is virtually the same, and contains all the genes necessary for coding for the proteins we need to grow and function, but the other 95 percent (called "junk" DNA because the purpose of much of it is still unknown) that differs is extremely variable, and the chromosomal locations chosen for DNA analysis are termed short tandem repeats. The final result is a sequence of nine numbers and one sex marker (X or Y chromosome).

The only personal attribute to be determined from the result is whether the sample comes from a man or a woman. The sequence is then compared to the profile retrieved from the individual concerned.

The buccal swab involves a lollipop-shaped device that is used to collect cells from the inside of the cheek and takes less than a minute to complete.

The SAPS aims to train 20 000 officers a year in performing the buccal swab.



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