

National Assembly has approved establishment of a DNA database, writes Wyndham Hartley

Police set to get new weapon to fight crime

THE contamination of crime scenes by SA's poorly trained detectives remains a scourge that allows many criminals to walk free, but moves to set up a DNA database and train detectives are expected to help remedy the situation and improve conviction rates.

Despite its hefty price tag, SA's Criminal Law (Forensic Procedures) Amendment Bill was approved by the National Assembly last week, meaning it has successfully completed the first stage of becoming law.

The quality of detective work in SA came under criticism in a top-level parliamentary report late last year, and the new bill forms part of a near decade-long process to raise the bar, which has recently included steps to reduce the backlog at the police's forensic services unit by improving skills and upgrading technology. The bill provides for testing of a wide range of people, from convicts to volunteers.

Police committee chairwoman Annelize van Wyk and Democratic Alliance MP Dianne Kohler Barnard, have both expressed concern over the costs associated with



PROS AND CONS: Democratic Alliance MP Dianne Kohler Barnard has voiced concern over the cost of implementing the DNA bill. Picture: TREVOR SAMSON

the implementation of the bill and were not convinced about the R1.3bn price estimate of the South African Police Service.

Speaking in the second reading debate on the bill, Ms van Wyk said "the costing and implementation plan presented to the committee was a concern. The department appeared in front of the committee three times on this issue and it was

only through persistence that we eventually got to a point that we could agree that we received something that we can work with.

"The implementation of the bill and the cost to the state is high, but we believe that SA needs this and, when properly implemented, the benefits that we as a country ... will reap from it will far outweigh the initial financial costs."

The DNA Project, launched about nine years ago by its director, Vanessa Lynch, to campaign for a new DNA bill, says a small, inadequate DNA database does exist, but the new law will "ensure the future of the current DNA database is expanded and managed in a regulated and appropriate manner".

The bill insists that DNA samples are taken from people arrested for schedule one offences at the time of arrest and from all convicts who are in prison. Specially trained police officers will take the samples, which will then be converted into DNA profiles, whereafter the samples will be destroyed.

The DNA Project says: "The DNA bill ensures the creation of a DNA database in SA that will function effectively not only as a tool for gathering inculpatory evidence but also to appropriately eliminate suspects and so safeguard against wrongful convictions or other miscarriages of justice."

One of the primary concerns during the committee's processing of the bill was that it could be on a collision course with the constitutional guarantee of the right to privacy. "The way in which the DNA

profiles are stored on the DNA database, namely by using markers from the noncoded regions of a person's DNA, ensures that no genetic disposition or other distinguishing feature may be read from that profile other than gender," the DNA Project says. "The retention of the profile in that form is the same as a fingerprint, and therefore its retention does not affect the privacy of the individual in any way whatsoever.

"The DNA bill adequately retains an appropriate balance between the rights of individuals and the respect for privacy. The new bill has been carefully drafted to ensure that the DNA database is maximised to its full potential in combating and preventing crime in SA, while ensuring that it has minimal impact on the civil rights of its citizens," the DNA Project says.

As with all legislation, everything will depend on how efficiently the police implement it once it becomes law. At present there are frequent reports of crime scenes being contaminated by poorly trained officers — most notably at Marikana and the home of murder accused Oscar Pistorius.