Do police have basic skills to justify DNA Bill?

Bianca Capazorio

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

The bill, which has been on the agenda for several years, allows for the creation of a DNA database, which will match DNA profiles from all convicted criminals and those arrested on schedule-offence offenses, 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 in its own will not solve this," committee member Debbie Schafer said.

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

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

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

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

Forensic scientist David Klaasen said this week the bal- let in a case he was working on, involving a shooting in Con-

stance, 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've got the basics right. We're not even getting the basics right."

In the Oscar Pistorius trial, the investigating officer, once removed from the case, walked into the crime scene without boot covers, while Pistorius's team, not the police, found a prostate from the gun in the toilet bowl.

But Lynch says South Africa's two state-of-the-art forensics DNA labs are being set up and staffed to deal with the new legislation.

A renewed focus on forensic science is also visible in this year's budget.

The Department of Police, in a bid to improve detection 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, R115 million was spent on forensic sciences, which was expected to grow to R175 million 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, by security and paramedics, not to interfere with crime scenes, and to contain them off to preserve evidence.

"Crime scene experts need specialist training, more than they are getting 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 2009, we had legislation ready to go, but due to the changeover in Parliament, we had to start again."

Police labs have been criti-

ised for their slow turn-around times on DNA evidence.

Lynch questioned whether the DNA for bones found under a swimming pool in Gauteng a year ago -- which he believed could be linked to Japie Gert van Rooyen -- was still outstanding, and why it had been sent overseas.

"If in 2009, we had legislation ready to go, but due to the changeover in Parliament, we had to start again."

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.

NP police spokeswoman Bulwela Makoka said the bones were with the SAPS vegetation Identification Centre, which would decide which labs to use for the testing.

Makoka 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, as well as the Bode Technologies in the US, the Argentine Forensic Anthropology Team DNA Laboratory in Argentina, and the International Centre for Missing Persons (ICMP) in Bosnia.

"Our best experience in working on human remains is with material that was used in the case of the Mandela 10."

Lynch speculated that extracting DNA from old bone 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 queries regarding its forensic work.

Police vehicles are parked outside the home of Oscar Pistorius in Pretoria after he shot his girlfriend, Reeva Steenkamp.

Picture: Bongani Makhanya

Looking for answers: National Prosecuting Authority employees dig up graves at Avalon Cemetery in Soweto. They are exhuming what are thought to be the bones of Lolo Sono and Siboniso Shabalala, who were abducted and killed 25 years ago, allegedly by members of the ANC and the Mandela Football Club. The bones are to be sent to a laboratory for DNA testing.

GRICIA: Town: Where Deon and Christel Steenkamp and 14-year-old Marthella were murdered.

PROBE: The dress that could be connected with the Van Rooyen case.