Revised policy addresses previous concerns about the rights of accused and convicted people, writes Wyndham Hartley

Police back in Parliament to recommend DNA database

MPs want DNA database bill speeded up

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A BILL that would authorise the collection of DNA samples from selected categories of people could be presented to the parliamentary portfolio committee of police for review by August.

Having a DNA database would help to identify criminals and give police more ammunition to reduce high crime rates.

The committee met last week and accepted a policy on the establishment and administration of a database in SA. The policy was accepted on condition that once Police Minister Nathi Mthethwa had signed it off, the state law advisors would be instructed to have the DNA bill ready for review by the portfolio committee by no later than the end of August or the beginning of September.

The DNA Project, a nonprofit organisation that recognises the critical importance of DNA evidence in the resolution of crime cases, was consulted in the drafting of the policy. It said yesterday everything it considered important was contained in the policy.

Vanessa Lynch, executive director of the DNA Project, said once the bill had been drafted, the organisation would argue that some time periods on the retention of DNA profiles needed to be longer than those recommended in the policy.

While the policy said convicted offender profiles should remain on the database for six years after some of the problems with the earlier legislation that samples taken would remain on the database for a long time.

The elimination profiles will remain on the database indefinitely while those of people convicted of crimes will be removed from the database six years after release, so long as there has been no further connection of their samples to other crimes.

Samples taken from crime scenes will remain on the database indefinitely while the second category of volunteer samples will be removed after three months.

Those of victims will be removed immediately after their case has been finalised.

Special swabs will be used to collect saliva samples and these do not violate human dignity or bodily integrity.

Ms Irish-Qhobosheane and her team also told the committee that the intention is to link the DNA database to the automated fingerprint identification system in order to further improve the ability to identify linkages to individuals.

The presentation to the committee concluded that efficient police investigations had to complement the use of DNA but “it is however scientifically sound and in terms of evidentiary value is especially beneficial”.

The policy also proposes that DNA sampling is performed only by accredited officers or doctors and that an (independent) board be created to oversee the accreditation of both officials and police stations where DNA sampling can take place.

It is also proposed that the legislation provides for those tampering with the database to be guilty of a criminal offence.

African National Congress MP Annelize van Wyk, while warning that DNA is not a magic wand that will solve every crime, says the creation of a DNA database is urgently required as an additional tool for crime investigation.

She says the committee is satisfied that the policy has sorted out the constitutional issues raised when the first bill came to Parliament.

Ms van Wyk, responding to a question about the current state of efficiency in forensic laboratories, says great improvements in recent years have been made in the time that it takes to process DNA samples taken by the police.