

# Letting the evidence speak

NADINE MOODIE

Tampering with evidence at a crime scene could result in criminals getting away with murder.

It also, inevitably, means there is no closure for loved ones.

And, police say, evidence collected at crime scenes found to have been tampered with or collected incorrectly is inadmissible in court.

Warrant Officer Frank Jaftah from the provincial Forensics Unit says police have lost many cases because of a lack of evidence in court. "People often touch the evidence or wash surfaces because they're not knowledgeable about solving crimes."

Commander at the Serious and Violent Crimes Unit Captain Henry Petersen says people want to assist the police with crimes and end up picking up evidence from crime scenes mistakenly thinking they're helping.

"Each time a different evidence sample is collected different gloves need to be used. This is to prevent DNA from being transferred and tampered with," Petersen says.

Opportunistic criminals are no help, either. He refers to a case in which a delivery truck and a security van came under fire.

"Community members got involved at the crime scene and stole the attacker's gun. The gun was later found in a neighbouring community, but the evidence from the initial crime scene was tampered with. The thief was charged with defeating justice and theft," he says.

Jaftah says the DNA Project is being rolled out to train people about the correct procedure to follow at a crime scene.

"The things we look for are not always visible with the naked eye. Sometimes we even find that police officers just walk through the crime scene," he says.

"Since 2011 I've travelled the province educating prosecutors, the public and police of-

ficers about evidence, exhibits and how to behave at crime scenes."

Veronica Cloete attended the workshop and wants to see these education drives offered to other communities, too.

"I learned where I should stand and what to do when there's a shooting," she says.

For Shereen Hendricks the highlight of the workshop was learning what to do after gunfire.

"At shootings and murders people usually only look for bullets and don't realise they're damaging the scene by not controlling the crowd," she says.

"Now I know about the importance of footprints, hair and clothing at crime scenes."

The DNA Project, an organisation which assists the police to educate the community about the preservation of evidence, was started after founder Vanessa Lynch's father was murdered and the crime scene was contaminated.

"There are a number of projects which we provide, and educating people about the importance of protecting DNA evidence found on crime scenes is just one of the facets of our organisation," she says. "It was initially difficult to convince people to let us conduct workshops, but now we're conducting awareness workshops with police

officers who arrive at the scene first, but are not qualified to collect evidence. Their job is to cordon off the crime scene, and our awareness workshops facilitate their understanding of why it is important to do this so that when crime scene investigators arrive, there is uncontaminated and valuable evidence still preserved on the scene."

Lynch says the workshops are free and all the material is provided.

Last week the much debated DNA Bill was voted into Parliament which will include a DNA database of individuals who have been arrested.

"The new law makes it mandatory to take DNA samples from suspects at the time of arrest and then before their release from prison," she says.

"All offenders convicted of serious violent crimes which include rape, murder and theft, who are in prison, as well as parolees and remand detained individuals will also have to give samples of their DNA. This law will allow police officers to take samples from arrestees and convicted offenders, which will eliminate suspects and prevent wrongful convictions. Only the sex of the convicted person will be revealed on the database."

Kathleen Dey of Rape Crisis says the window in which a rape survivor can have evi-

dence collected is 72 hours.

"Most do not know the importance of this time period and are not aware of the important steps to take to preserve as much evidence as possible," she says.

"Research which the organisation undertook last year shows a lack of understanding of the criminal justice system was the major factor stopping people from reporting and thus securing evidence immediately."

Policing and Forensic Investigation academic Professor Rudolph Zinn says courts place a large focus on DNA and science.

"Police statistics for successful investigations vary because there's a large difference in results when compared with conviction rates," he says.

The police base its 60% success rate on arrests, whereas the court's 7% success rate is based on convictions.

"This low success rate is largely based on lack of evidence pointing to perpetrators because of inadmissible evidence collected from crime scenes."

The question of inadmissible evidence has led to police recruiting an additional 900 fieldworkers to process scenes, Zinn says.

"Police also need to look at how they train their officers. There's a lack of accountability and mismanagement at middle management levels."