HEALTH INSIGHT

BY KIM BELL

DNA IS A BILL THAT CAN MAKE A DIFFERENCE, AND IT ALL STARTED WITH ONE WOMAN.

There was a lot of evidence left behind by his murderer and, as such, there were many sources of DNA evidence that could have been collected which would have linked the perpetrators to the crime scene," says Lynch. "The wire cutters they used to get through the fence, shoeprints in the flowerbed, blood on the razor wire where they must have cut themselves while fleeing, skin or tissue under my dad's fingernails from fighting them off. There could have been skin cells or hairs on his clothes, transferred during the struggle. They had also left a bottle in the back garden where they had been drinking just prior to breaking in.

Lynch, the co-founder of the DNA Project, tells how her mother, scared and frantic, managed to console her father John in his family home in Johannesburg. He died during an armed robbery, like many that occur in our country every day. The brutal price: a life taken too soon. Despite the deluge of evidence that should have been enough to convict, his killers have never been apprehended.

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However, adds Lynch, the heroic efforts of neighbours, security guards and paramedics who tried to save John resulted in justice for his death being denied. "The crime scene and any possible evidence left behind were obscured by the number of people trampling through it; the house was later churned up by well-meaning people thinking that signs of murder, such as blood, would offend the family. Critical evidence such as the bottle containing saliva was discarded. Blood and skin weren't collected from under my dad's nails at the autopsy, and his clothes were thrown away at the hospital.

None of these actions was deliberate. All of this was done out of ignorance, because no one knew what it's doing. "Rather than

A ctivist and lawyer Vanessa Lynch is a woman with a mission – one that started 14 years ago with the murder of her father John in his family home in Johannesburg. He died during an armed robbery, like many that occur in our country every day. The brutal price: a life taken too soon. Despite the deluge of evidence that should have been enough to convict, his killers have never been apprehended.

Lynch, the co-founder of the DNA Project, tells how her mother, scared and frantic, managed to call for help from her hiding place in the bedroom. Within minutes, neighbours, security guards and emergency services were on scene. John was rushed to hospital, where, despite valiant efforts from the surgeons on duty, he died from his wounds. A struggle had taken place in and through the home between John and the perpetrators, as he ferociously tried to protect his wife. Several shots were fired before the armed robbers grabbed his cellphone and fled.

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forensic evidence plays a crucial role in the criminal justice system, especially in the early apprehension and identification of suspects and perpetrators. When a crime scene is not disturbed, forensic evidence collection could have a significant impact on the outcome of the case. Disturb the crime scene, and you may lose valuable evidence that could exonerate an innocent person or convict the guilty.

Create change they have. Lynch, a dedicated and knowledgeable team, along with its supporters, has been instrumental in convincing the South African government to make changes to the law that governs DNA evidence. The Criminal Law (Forensic Procedures) Amendment Bill, known as the DNA Act, was passed in January 2014 (10 years after the DNA Project started lobbying for it). This now makes it mandatory for DNA samples to be collected from those who are arrested and convicted of Schedule 8 offences, and these are added to a National DNA Database. Schedule 8 offences include treason, public violence, murder, rape, culpable homicide, sex trafficking, robbery, theft, kidnapping and arson.

“Means that once a DNA sample (such as blood, semen or hair) has been collected from a crime scene and analysed for a DNA profile, it is entered into the National DNA Database, where it may match someone on the database. If there is a match or a hit, that links an offender to that crime scene immediately. One person may be linked not only to one, but to many crimes that may have been committed in the past. It is going to have a huge impact on the criminal justice system, especially in the early apprehension and identification of suspects and perpetrators,” Lynch says.

DNA AND THE OSCAR TRIAL: During the closing arguments of the #OscarTrial, the DNA Project launched a new campaign: http://dnaproject.co.za/oscartrial/, using social media.

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It’s important to ensure that all processes are put in place so that the system can work. Joe Blois, a retired NYPD detective, agrees. Speaking at the TEARS Foundation DNA Bill Panel, held in Johannesburg in February, he explained that DNA is a powerful law-enforcement tool, one he has seen working. He explains that in September 2003, the New York City Police Department (NYPD) implemented a pilot project. The programme, known as BioTracks, was funded by the president’s DNA Initiative Program, and was administered through the National Institute of Justice (NIJ) and the New York City’s Division of Criminal Justice Services. The NYPD recovered DNA evidence from no-suspect burglary scenes in Queens, vetted them, and sent the samples to selected private vendors for analysis. These were then sent to the Office of the Chief Medical Examiner, who would then upload applicable DNA profiles to the Combined DNA Identification System (known as CODIS). By generating DNA profiles from evidence collected at burglary scenes and uploading them into local, state and national DNA databases, perpetrators of no-suspect cases were identified and links between otherwise unrelated burglaries were established, he wrote in his report for Evidence Technology Magazine.

He adds that in 2005, the BioTracks programme was expanded to the entire New York City. Within five years, 1 558 profiles had been generated, resulting in 692 case-to-offender matches involving 548 offenders. The vast majority of offenders pled guilty when confronted with the evidence, and have been incarcerated.

Blois says many of the offenders were recidivists and that burglary was a stepping stone to more serious crimes, and even to homicide. The programme became a model for how all crime scenes are now processed.

Today, adds Blois, the NYPD forensically investigates all applicable crime scenes, including homicides, sexual assaults, robberies, property crimes, gun possession and auto theft. The recovered DNA is submitted on a daily basis and uploaded to CODIS: “New York City’s crime rate remains at record lows,” he adds.

Lynch says that along with training and processing, there are already two fantastic DNA forensic labs that have set up systems to cope with the demand the DNA Bill will create, and through these labs, seemingly unrelated cases have already been linked through the database. This, says Lynch, will increase exponentially as more profiles are loaded.

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Of course, your natural reaction at a crime scene is to help. “The best way they can assist is by preserving any evidence and keeping the area clear of anyone who is not involved with the investigation. If victims need to be questioned, they shouldn’t be comforted, if possible that should happen away from the crime scene.”

The crime scene needs to be secured as quickly as possible. Lynch says we also need to be mindful that if a victim of a crime has been assaulted, their body is a crime scene too and must also be protected from contamination.

“Everyone has a role to play – members of the public affected by or witnesses to crimes, security personnel, paramedics, the police, prosecutors. We’re all in this together, and we all have power in our hands to make a difference.”

To date, around 30 000 members of the first responding community, ranging from paramedics to security guards, community protection forums, members of the public and police, have been trained. Concurrently, a training programme for members of the criminal justice system has also been set up, educating magistrates, prosecutors and even law students on the effective use of DNA evidence in conjunction with the provisions set out by the DNA Bill.

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THE DNA PROJECT’S INNOVATIVE ACTIVATION AT CAPE TOWN STATION, FIRED IN 2012, DREW ATTENTION TO THE ISSUE OF THE PRESERVATION OF CRIME SCENES AND DNA AS A MEANS OF FIGHTING CRIME. COPY THIS LINK TO WATCH: WWW.YOUTUBE.COM/VIDEO?V=MB8058ZXVCS&FEATURE=YTUBE