



ABOVE: Lieutenant-General Khomotso Phahlane spoke to DRUM in his office in Pretoria. He says the new Act will benefit police and society.

# SAPS ARMED WITH DNA

Nabbing criminals has just become a lot easier. South Africa's new DNA Act and database are here to help our law enforcement officers

BY **NOMZAMO NGCOBO** PICTURES: **SHARON SERETLO**

**I**T'S BEEN a long time coming but now, for the first time, South African Police Service (SAPS) officers are empowered by law to collect deoxyribonucleic acid (DNA) samples from suspects and prisoners to be stored in a database for investigation of crimes.

The collection of these DNA samples will allow the SAPS to increase the number of profiles entered on its National Forensic DNA Database, which will increase the chances of finding a match and linking a DNA profile found at a crime scene to a suspect.

The Criminal Law (Forensic Procedures) Amendment Act 37 of 2013 – commonly known as the DNA Act – was passed into law earlier this year and is expected to be implemented over the next five years.

The Divisional Commissioner responsible for forensic services at SAPS, Lieutenant-General Khomotso Phahlane, says the legislation sets out the circumstances under which DNA samples should be taken from people charged with serious crimes and offences.

It also provides for the voluntary contribution of DNA samples to help police in missing persons' cases and to identify human remains. He says the legislation makes it mandatory for the DNA samples to be collected by trained police officers from those arrested for Schedule 8 offences, which he says the police were not empowered to do before the Act was passed.

Schedule 8 offences include treason, sedition, public violence, murder, culpable homicide, rape, robbery, kidnapping, arson and theft, just to name a few.





**MAIN PICTURE:** Crime scene experts in South Africa will now be able to obtain DNA samples from offenders who commit minor crimes. **INSET:** Vanessa Lynch, Deputy Chairperson of the National Forensic Oversight and Ethics Board. **ABOVE:** Five thousand SAPS officers have already been trained in DNA sample collection.

“This Act provides us with the required legal framework to ensure that forensic DNA examination contributes in the successful and effective investigation of criminal casework,” says Phahlane.

“The DNA Act makes provision for several safeguards and defining penalties to ensure that forensic exhibit material and samples are collected, stored and used only for purposes related to the detection of crime, the investigation of an offence or prosecution.”

Phahlane says police look for evidence at crime scenes, which will include the DNA that is left behind. SAPS members will be required to submit their DNA in order to exclude them from crime scenes.

Phahlane notes that DNA evidence is critical in helping the police track down perpetrators and secure convictions.

“The Act is expected to increase the conviction rate,” he says. “DNA legislation will provide capacity especially with regards to investigations and convictions on rape cases.

DNA results will be obtained after 28 days from the laboratory.”

**VANESSA** Lynch, Deputy Chairperson of the National Forensic Oversight and Ethics Board helped craft the Act. She is also the founder and Executive Director of The DNA Project, a non-profit organisation that lobbied for the new law.

According to her, the new Act outlines specific time frames for the delivery of DNA evidence collected at a crime scene to the forensic science

labs for analysis. It also provides for specially trained police officers to be allowed to take non-intimate DNA samples such as buccal swabs (rubbing a swab on the inside of a person’s cheek) from arrestees and convicted offenders.

Phahlane predicts the Act will make the police’s job less complicated. “It’s giving us additional authority to obtain DNA for purposes of investigating crimes,” he says.

Lynch agrees. She says, in the case of rape, even if the first search does not match a known offender in the database it might match other profiles collected from other rapes, thereby linking seemingly unrelated cases and revealing that a serial rapist has been identified.

“Rapists tend to be serial criminals, which is why it is accepted worldwide that when it comes to fighting back against them there is nothing better at protecting young girls and women from rape than DNA databases,” Lynch says.

The Act will do more than enable the police to investigate and be able to identify those responsible for crimes.

“It’s not only for the purpose of securing convictions but it means that in investigations of crimes, DNA samples taken will also allow us to exonerate innocent people,” Phahlane says.

“The Act will therefore not only benefit police, but society as well – it will enable us to ensure justice for all.”

**ALREADY,** 5 000 police officers have been trained to collect DNA samples

and many more will be trained in the future. Phahlane says they will first train detectives, investigators and first responders after which they will slowly expand to the rest of the force.

At the time of going to print the 5 000 officers had just finished their training and were ready to make the streets a safer place, now that the long arm of the law has been given more muscle. ■

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“The Act is expected to increase the conviction rate”



**RIGHT:** The DNA samples and database might also help capture serial rape offenders.