



ANNUAL REPORT OF THE  
NATIONAL FORENSIC OVERSIGHT  
AND ETHICS BOARD  
(‘NFOEB’ OR ‘BOARD’)  
FOR THE PERIOD:  
1 APRIL 2015 - 31 MARCH 2016  
AND PROGRESS REPORT  
FOR THE PERIOD:  
1 APRIL 2016 - 16 NOVEMBER 2016

PRESENTED TO THE PORTFOLIO COMMITTEE ON POLICE (The ‘Committee’)  
23 NOVEMBER 2016

## INTRODUCTION

This report is made up of two sections, namely:

Part 1: Annual Report of the Board for the reporting period 1 April 2015 - 31 March 2016 which information was also reported to the Committee in May this year as part of the Board's statutory reporting requirements in accordance with the provisions of the DNA Act.

Part 2: Progress Report in respect of the work of the Board for the period 1 April 2016 to 20 November 2016.

## PART 1

Since its inception in January 2015 the NFOEB has provided ethical oversight over the National Forensic DNA Database ('NFDD'), monitored implementation of the provisions of the CRIMINAL LAW (FORENSIC PROCEDURES) AMENDMENT ACT 37 OF 2013 (the 'DNA Act') as well as provided guidance and handled questions, issues and complaints relating to the taking, retention and use of DNA samples and forensic DNA profiles for crime investigation purposes insofar as they relate to the operation of the NFDD. Also known as the 'DNA Board', or simply 'The Board', the NFOEB, comprises ten members and falls under the direction of its Chair, Justice Yvonne Mokgoro.

**The below table lists the names of the current members of the Board:**

NAME	POSITION ON BOARD	PUBLIC SERVANT/CIVILIAN
JUDGE YVONNE MOKGORO	CHAIRPERSON	RETIRED JUDGE
MS VANESSA LYNCH	DEPUTY CHAIR	CIVILIAN
CIVILIAN SECRETARY OF POLICE: MR ALVIN RAPEA	MEMBER	PUBLIC SERVICE: CIVILIAN SECRETARY OF POLICE
MS ALIDA GROVE	MEMBER	PUBLIC SERVICE: DEPT. OF HEALTH
MS THANDIWE MOTLONYE	MEMBER	PUBLIC SERVICE: DEPT. OF CORRECTIONAL SERVICES
MS OOSHARA SEWPAUL	MEMBER	PUBLIC SERVICE: DEPT. OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DR KAREN EHLERS	MEMBER	CIVILIAN
ADV. RAMS RAMASHIA	MEMBER	CIVILIAN
PROF. ZODWA DLAMINI	MEMBER	CIVILIAN
MS MANCHING MONAMA	MEMBER	CIVILIAN

## 1. MEETINGS OF THE BOARD: 1 APRIL 2015- 31 MARCH 2016:

DATE	PLACE, ATTENDANCE	KEY ELEMENTS
8 APRIL 2015	FORENSIC SCIENCE LAB. PRETORIA, 8 MEMBERS, 8 FSL	SITE MEETING AT FORENSIC SCIENCE LAB. [FSL]
3 JUNE 2015	PRETORIA, 8 MEMBERS, 3 CSP OFFICIALS	SUB COMMITTEES, OPERATIONAL REQUIREMENTS
31 AUGUST 2015	PRETORIA, 8 MEMBERS, 5 CSP OFFICIALS, FACILITATOR	STRATEGIC PLANNING WORKSHOP: GUIDELINES TO OPERATIONALISE BOARD
30 SEPTEMBER 2015	BENONI, 6 MEMBERS, 3 CSP OFFICIALS, FACILITATOR	FOLLOW UP STRAT-PLAN WORKSHOP: OBJECTIVES TO OPERATIONALISE BOARD
23 NOVEMBER 2015	PRETORIA, 8 MEMBERS, 2 CSP OFFICIALS	REVIEW OF POLICIES AND PROCESSES, URGENT MATTERS
5 FEBRUARY 2016	PRETORIA, 8 MEMBERS, 2 CSP OFFICIALS	BUDGET REVIEW, OPERATIONAL ISSUES, OVERSIGHT FUNCTIONS, PREPARATION FOR FSL MEETING
5 FEBRUARY 2016	FORENSIC SCIENCE LAB. PRETORIA, 8 MEMBERS NFOEB	OVERSIGHT MEETING WITH NFOEB, FSL, TMS, LEGAL SERVICES, SCM

## 2. SIDE MEETINGS OF THE BOARD: 1 APRIL 2015- 31 MARCH 2016:

DATE	PLACE, ATTENDANCE	KEY ELEMENTS
15 APRIL 2015	PRETORIA, TRAINING SUB-COMMITTEE	DISCUSSION OF CONVICTED OFFENDER ROLL OUT: REFERENCE SAMPLES
16 APRIL 2015	PRETORIA, TRAINING SUB-COMMITTEE	OVERVIEW OF TRAINING PROCESSES WITH SERVICE PROVIDER; REVIEW OF TRAINING MATERIAL
13 MAY 2015	CAPE TOWN, PORTFOLIO COMMITTEE, DEPUTY CHAIR	OBSERVATION OF IMPLEMENTATION PROGRESS OF DNA ACT PROVISIONS BY FORENSIC SCIENCE SERVICES [FSS]
4 NOVEMBER 2015	PRETORIA, DEPUTY CHAIR	INTRODUCTION TO NEW ACTING FSS DIVISIONAL COMMISSIONER, URGENT MATTERS OUTSTANDING, CAUSE OF DELAYS, BACKLOG ISSUES

## 3. GOVERNANCE AND SUB-COMMITTEES:

The Board has developed its own governance rules and procedures and has circulated a document which sets out the agreed parameters of its rules and procedures for the duration of its tenure. The Board has in addition established eight sub-committees from members of the Board to deal with specific matters as and when required. Each committee has at least three members where some members serve in more than one sub-committee. These sub-committees report and bring recommendations to the Board in respect of each of its areas of oversight. An agreement has been reached with the Forensic Science Services to create nodal contact persons within the Biology (DNA) Unit to liaise with each leader of the Sub-committees to help fulfill their charters.

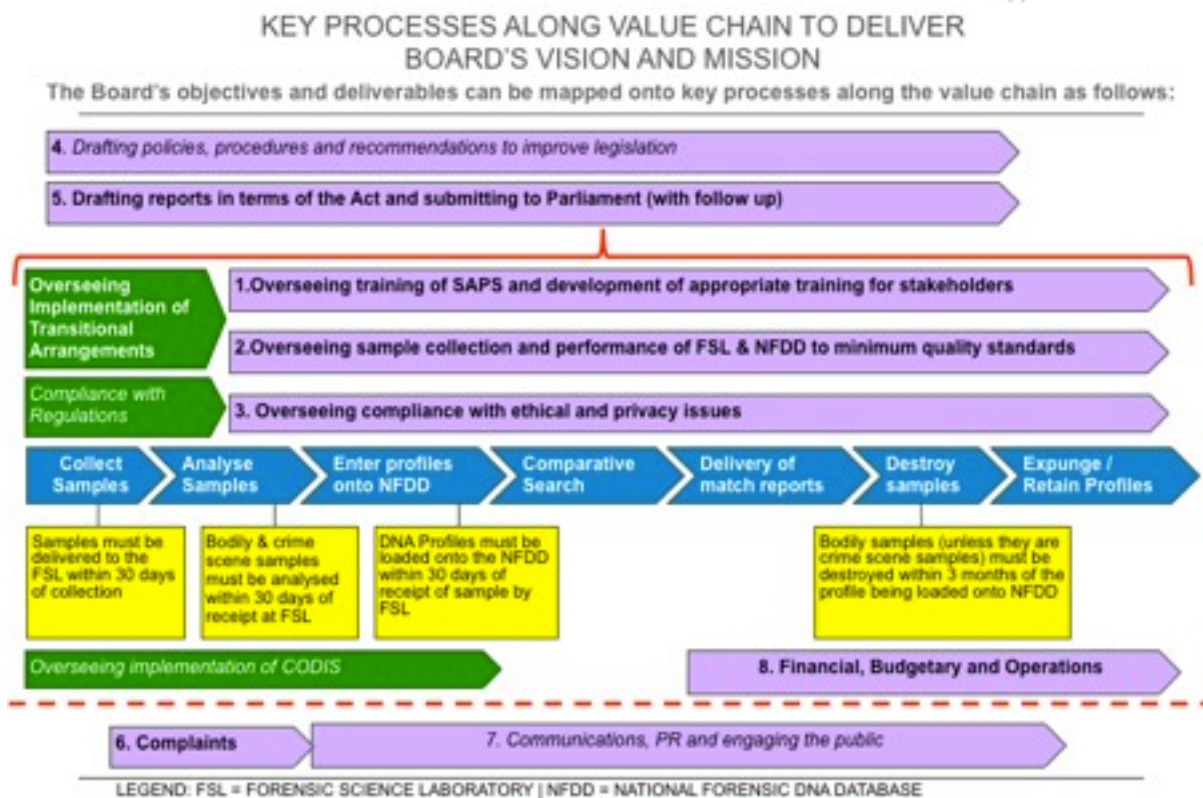
The following sub-committees have been created to help execute its duties and functions as envisioned by the DNA Act:

Sub Committee	Objectives
<b>Systems Reports &amp; Gaps Analysis:Overseeing sample collection and performance of FSL and NFDD to minimum quality standards</b>	Monitoring of # of samples entered onto and removed from the NFDD. Investigate the value chain from samples to profiles. Report quarterly on the numbers along the value chain. Complaints could also arise at this level.
<b>Public Relations: Communicating and engaging with the public</b>	Transparency, accountability, accessibility. Knowledge of Board's existing functions. A PR Resource within the DNA Secretariat reporting to the PR Sub Committee. Media awareness and online presence, online communications. An office, point of communication.
<b>Training: Overseeing training of SAPS to take buccal swabs</b>	Monitor national capacity to collect sufficient samples to populate NFDD; Oversee training is occurring and quality is maintained over 5 years Field work, random inspections, oversight.
<b>Assessment Committee (complaints):Overseeing compliance with ethical and privacy issues and dealing with complaints</b>	Protect the rights of privacy as envisaged by laws. Adherence to destruction/expungement provisions. Administrator receives complaints and feeds to DNA Secretariat who feeds the Assessment Sub Committee.
<b>Finance and Risk</b>	To operationalise the NFOEB. To ensure NFOEB operates within budget. The DNA Secretariat reporting to the Finance & Risk Sub Committee.
<b>DNA Secretariat Appointments and Infrastructure</b>	Advertise and Appoint full time DNA Secretariat to provide ongoing, high level support to the Board. Oversee implementation of operational requirements.
<b>Reports (Task)</b>	Analysis of DNA Act, breakdown of reports required, by who and by when.
<b>Transitional Arrangements (TA's) (&amp; General Operational Aspects)</b>	Overview of TA's as provided for in DNA Act.

#### 4. THE BOARD'S STRATEGIC OBJECTIVES 2015/2016:

- 4.1. To create a support infrastructure for the Board and appoint a DNA Secretariat to assist the Board to develop and implement the required policies and procedures for effective oversight and function.
- 4.2. To create Board Sub-committee's to work with DNA Secretariat to complete oversight reports as per Sub-committee charters.

- 4.3. To oversee the development of Standard Operating Procedure's in conjunction with the National Police Commissioner.
- 4.4. To finalise the policy and oversee the identification and implementation of a software solution to support Familial Searching.
- 4.5. To oversee the implementation of the DNA Database Software to support comparative searches on NFDD and manage the retention and deletion of Forensic DNA profiles therefrom.
- 4.6. To develop an outline of the Boards statutory reporting requirements.



## 5. OBJECTIVES ACHIEVED DURING 2015/2016 AS WELL AS CHALLENGES ENCOUNTERED IN ACHIEVING STATED OBJECTIVES:

- 5.1. A full time DNA Secretariat, whilst identified as a key component to assist the Board to fulfill its functions, was not appointed by the CSP, which has hampered the Board's effective oversight and function leading to Members of Board having to act in a full time capacity to facilitate the Board's decision making processes.

- 5.2. The various Sub-committees created by the Board have proven to be instrumental in the absence of a full time DNA Secretariat to complete oversight tasks and reports as per Sub-committee charters.
- 5.3. The Board has communicated with the National Police Commissioner in an effort to development Standard Operating Procedure as per the letters attached hereto.
- 5.4. Until such time as the NFDD Software Solution introduced by the FSL has developed the ability to run Familial Searches on the NFDD, the Board is unable to finalise any policy to oversee Familial Searches on the NFDD.
- 5.5. The Board has been in discussions with the FSL to monitor the progress of the development of an appropriate database software solution to support comparative searches on NFDD and manage the retention and deletion of Forensic DNA profiles in accordance with the provisions of the DNA Act.
- 5.6. The Board requires the assistance of a full time DNA Secretariat to assist it to develop an outline of the Boards statutory reporting requirements as well as ensure compliance therewith.
- 5.7. Operational Challenges:
  - 5.7.1.CSP allocated the Board's 2015/2016 budget to other urgent matters resulting in the Board having no funding to facilitate its operation for the 2015/2016 Financial Year;
  - 5.7.2.Budget requested for 2016/2017 not possible to fulfill strategic objectives of Board resulting in Board having to agree on a lower budget to accommodate its stated objectives for the 2016/2017 financial year;
  - 5.7.3.Members not yet remunerated for out of pocket expenses nor time and services provided to the Board during 2015.
  - 5.7.4.No independent office space and facilities with separate identity for Board were made available, namely:

Item	Requirement	Status	Responsible
Office space, telephone & furniture	Approximately 120m2	A challenge at the moment – CSP not yet allocated office space and facilities to the Board due to no funds being available to the Board for this FY.	Treasury / CSP
NFOEB Logo	Board agreed to use Government Logo on letterhead with reference to the NFOEB	Completed, but Board would prefer own identity separate from that of the Ministry.	Treasury / CSP
Letterhead	Board agreed to use Government Logo on letterhead with reference to the NFOEB	Completed, but Board would prefer own identity separate from that of the Ministry.	Treasury / CSP
Website	Requested <a href="http://www.dnaboard.gov.za">www.dnaboard.gov.za</a> to run on VPN as a separate website	SITA not yet allocated additional space on server to run an additional domain through the CSP server. Awaiting feedback from SITA.	Treasury / CSP / SITA
Email address	Requested to be linked to domain @dnaboard.gov.za for each member	Until an additional domain for the Board is registered by SITA, Board cannot use domain name for email. Interim measure: CSP created <a href="mailto:DNABoard@CSP.gov.za">DNABoard@CSP.gov.za</a> which links to acting secretary of Board	Treasury / CSP / SITA
Private Bag	Use of CSP Private Bag	Completed	Treasury / CSP

## 6. CHALLENGES REPORTED IN RESPECT OF THE IMPLEMENTATION OF THE PROVISIONS OF THE DNA ACT

- 6.1. SAPS has collected 126 reference samples from the sentenced offender population of 162 423, of which 117 040 are sentenced and 45 05 383 are remand detainees as at 23 February 2016.

## 7. THE BOARD'S STRATEGIC OBJECTIVES 2016/2017:

- 7.1. The DNA Secretariat appointment must be approved with support staff and operational infrastructure established to support the Board and its members.
- 7.2. The eight Sub-committee's must continue to work with the DNA Secretariat and FSL Nodal Contact Points to complete oversight reports as per the sub-committee's charters.
- 7.3. The Sentenced Offender Sampling program must be prioritised.



- 7.4. The National Forensic DNA Database Software to support comparative searches on the NFDD must be implemented to ensure that the retention framework of the NFDD as envisaged by the DNA Act is supported.
- 7.5. The Policy to support Familial Searching must be finalised and the software to support such searches must be identified and implemented
- 7.6. The Board requires the assistance of a full time DNA Secretariat to assist it to develop and implement its reporting requirements as per the provisions of the DNA Act as well as ensure compliance therewith. In the interim, a draft statutory reporting framework has been developed.
- 7.7. The Board must oversee the development of the Standard Operating Procedure's in conjunction with National Police Commissioner.

## 8. THE BOARD'S BUDGET FOR 2015/2016 FY

The below table illustrates the budget and expenditure outcome for the 2015/16 financial year allocated to the Board by the CSP:

Responsibility_Level_4	DNA & ETHICS BOARD		
Row Labels	Current_Budget	Total_Expenditure	Balance at 31/03/2016
<b>COMPENSATION OF EMPLOYEES</b>	<b>546 000,00</b>	<b>216 360,00</b>	<b>329 640,00</b>
EMPL CONTR:BARGAIN COUNCIL(RES)	1 000,00	29,00	971,00
EMPL CONTR:MEDICAL (RES)	28 000,00	14 042,00	13 958,00
EMPL CONTR:PENSION (RES)	29 000,00	18 977,00	10 023,00
S&W: BASIC SALARY (RES)	419 000,00	145 974,00	273 026,00
S&W: SERVICE BONUS (RES)	45 000,00	30 138,00	14 862,00
S&W:HOUSING ALLOWANCE (RES)	15 000,00	7 200,00	7 800,00
S&W:PERFORMANCE BONUS (RES)	9 000,00	-	9 000,00
<b>GOODS AND SERVICES</b>	<b>742 000,00</b>	<b>125 819,00</b>	<b>616 181,00</b>
CATERING:DEPARTML ACTIVITIES	24 000,00	5 599,00	18 401,00
COM:CELL CONTR(SUBSCR&CALLS)	12 000,00	-	12 000,00
COM:TEL/FAX/TELEGRAP&TELEX	24 000,00	-	24 000,00
COM:POSTAL BOX	15 000,00	-	15 000,00
CONS/PROF: BOARDMEMB/COMM	118 000,00	-	118 000,00
ASS <5000: FURNITURE	40 000,00	-	40 000,00
LEASE OFFICE ACCOMMODATION	84 000,00	-	84 000,00
CONS: STATIONARY	75 000,00	-	75 000,00
ADVERTISING/SIGNAGE	25 000,00	-	25 000,00
T&S DOM:ACCOMMODATION	42 000,00	19 746,00	22 254,00
T&S DOM:AIR TRANSPORT	196 000,00	74 714,00	121 286,00
T&S DOM:CAR RENT	-	13 760,00	(13 760,00)
T&S DOM:FIXED DAILY ALLOWANCE	-	-	-
T&S DOM:FOOD&BEVER	-	-	-
T&S DOM:INCIDENTAL COST	-	-	-
T&S DOM:KM ALL(OWN TRANSPORT)	20 000,00	-	20 000,00
T&S DOM:KM ALLOWANCE SMS	-	-	-
T&S DOM:ROAD TRANSPORT	-	-	-
T&S DOM:SPECIAL DAILY ALLOW	-	-	-
VENUES AND FACILITIES	-	12 000,00	(12 000,00)
IT AND OTHER EQUIPMENT	67 000,00	-	67 000,00
<b>Grand Total</b>	<b>1 288 000,00</b>	<b>342 179,00</b>	<b>945 821,00</b>

**Only R342 000 of original budget spent.**

**The balance was utilised by department for other spending pressures.**

## **CONCLUSION**

Throughout the world, Forensic DNA Databases have been said to have altered the landscape of criminal justice systems and reshaped the field of forensic science<sup>1</sup>. The purpose of a National Forensic DNA Database is to load as many known forensic DNA profiles onto the NFDD against which to compare those profiles for criminal intelligence purposes against the forensic DNA profiles collected from crime scenes, unidentified human remains or missing persons. In those countries which have successfully introduced DNA legislation to effectively populate their National DNA Databases, there has been an increased responsibility to monitor the administrations which are responsible for their DNA Databases. In response to meeting the commitments imposed upon it by new DNA legislation most countries have established some form of Oversight Body to take on this critical task. It is this important expansion process that needs to be closely monitored from both an operational and an ethical perspective. An oversight body furthermore creates accountability and functions as a watchdog not only to ensure ethical compliance with the provisions of the Act but compliance with the time frames within which forensic DNA profiles should be analysed and loaded onto the DNA Database. The Board understands its responsibility in regard to this crucial role imposed upon it by the DNA Act and hopes to help the Forensic Science Services achieve the purpose of the DNA Act by fulfilling its role as outlined above.

The Board's first two years of operation have not been without its challenges, most notably the lack of operational and financial support it has received to properly fulfill its functions. It is hoped that going into its third year of oversight, it will be given the infrastructure required to fully realise its charters through the work of its various subcommittees. Despite these challenges, the Board has managed to convene several meetings throughout the 2015/16 financial year wherein it was able to identify and formalise its strategic objectives and deliverables which have been clearly mapped onto the key processes along the value chain required to deliver the Board's vision and mission. Furthermore the Board has established and maintained a good working relationship with the FSS, upon which the expansion of the NFDD and its proper and ethical use rests.

### **End of Part 1**

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<sup>1</sup> Simon Walsh Simon J. Walsh,<sup>1</sup> Ph.D.; James M. Curran,<sup>2</sup> Ph.D.; and John S. Buckleton,<sup>3</sup> Ph.D. Modeling Forensic DNA Database Performance\* J Forensic Sci, 2010

## PART 2

### PROGRESS REPORT APRIL 2016 - 20 NOVEMBER 2016

#### 1. APPOINTMENT OF FULL TIME DNA SECRETARIAT FOR THE BOARD:

The Table below set out a synopsis of the progress in respect of the appointment of a full time secretariat for the Board. It is hoped that an appropriate candidate will be appointed by the 1 March 2017.

ACTIVITY	ACTION	DATE	REMARKS
Job Evaluation	<ul style="list-style-type: none"> <li>Job Analyst to interview Judge and other board members</li> </ul>	17 November 2016	Meeting has been arranged and confirmed.
	<ul style="list-style-type: none"> <li>Job Evaluation process</li> </ul>	23 November 2016	
Advertisement	<ul style="list-style-type: none"> <li>Advert drafted</li> <li>Process to source quotations has commenced</li> <li>Post advertised</li> </ul>	16 November 2016	Advert will run for two weeks- Closing date 16 December 2016
		04 December 2016	
Capturing of applications	<ul style="list-style-type: none"> <li>Applications captured as received</li> </ul>	06 January 2017	The capturing of applications will be extended to 06 January 2017 to accommodate applications received through mail, since the department will be closed from 28-30 December 2016.
Selection process	<ul style="list-style-type: none"> <li>Appointment of Selection Committee</li> </ul>	November/ December 2016	Board to provide HR with the names of panel members and the possible dates for shortlisting
	<ul style="list-style-type: none"> <li>Shortlist meeting</li> </ul>	Second week of January 2017	Date to be determined by the availability of panel members Selection Committee to provide HR with the interview date
	<ul style="list-style-type: none"> <li>Approval of shortlist</li> </ul>	27 January 2017	
	<ul style="list-style-type: none"> <li>Background check on shortlisted candidates</li> </ul>	31 January 2017	HR to prepare submission for approval from the approving authority
	<ul style="list-style-type: none"> <li>Invite candidates for interviews</li> </ul>	31 January 2017	
	<ul style="list-style-type: none"> <li>Interviews conducted</li> </ul>	First week of February 2017	Logistical arrangements (Flight and Hotel bookings if candidates are from outside the Province)
	<ul style="list-style-type: none"> <li>Competency assessment</li> </ul>	17 February 2017	
	<ul style="list-style-type: none"> <li>Process to source quotations</li> </ul>		Logistical arrangements (Flight and Hotel bookings if candidates are from outside the Province)
	<ul style="list-style-type: none"> <li>Obtain approval of service provider</li> </ul>		HR to prepare request to source quotations HR prepares submission for appointment of service provider.
	<ul style="list-style-type: none"> <li>Approval for appointment of recommended candidate</li> </ul>	28 February 2017	
Appointment process	Offer made	28 February 2017	

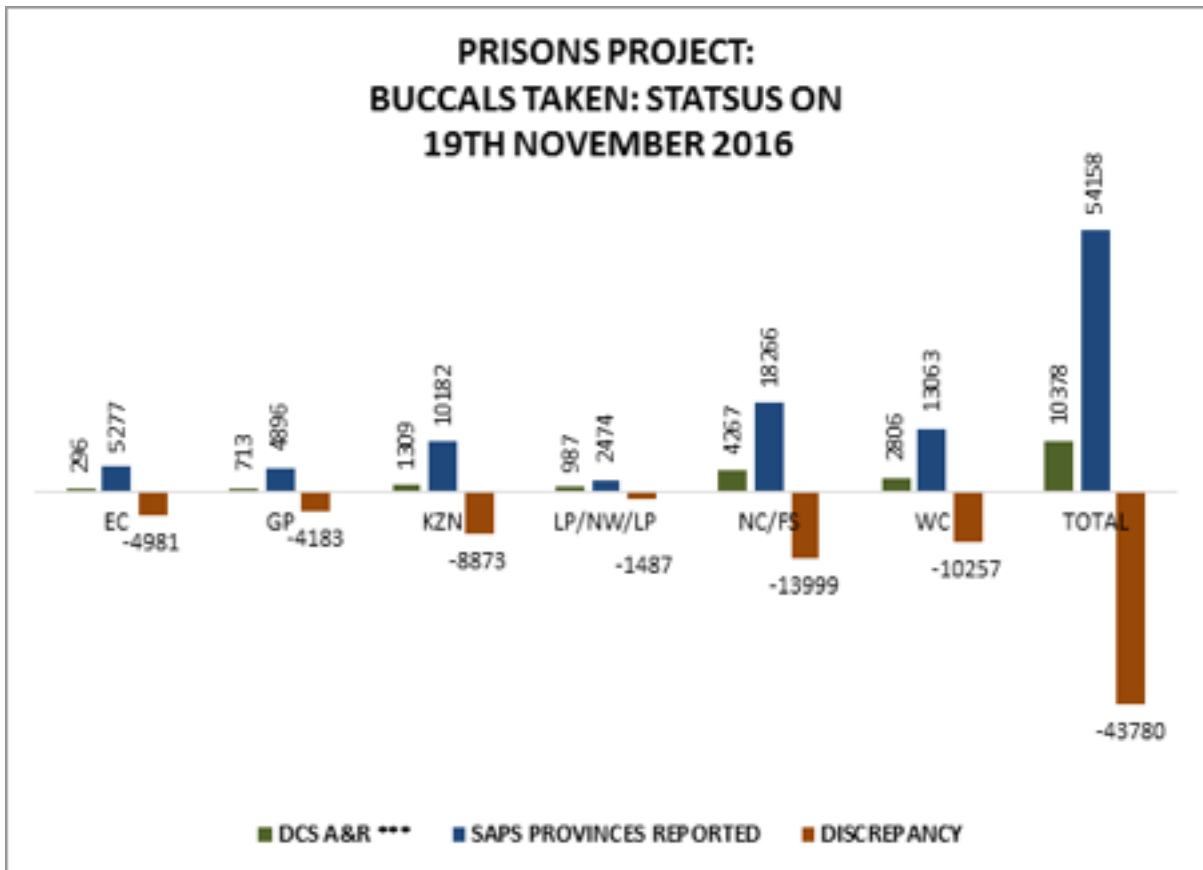
## 2. ACCOMMODATION AND RESOURCES ALLOCATED TO THE BOARD:

Item	Requirement	Status	Responsible
Office space, telephone & furniture	Approximately 120m2	CSP not able to allocate office space and facilities to the Board due to no funds being available to the Board for this FY.	Treasury / CSP
NFOEB Logo	Board agreed to use Government Logo on letterhead with reference to the NFOEB	Completed, but Board would prefer its own identity and independence as provided by the law and hope to achieve this going forward.	Treasury / CSP / Board
Letterhead	Board agreed to use Government Logo on letterhead with reference to the NFOEB	Completed, but Board would prefer its own identity and independence as provided by the law and hope to achieve this going forward.	Treasury / CSP / Board
Website	Requested <a href="http://www.dnaboard.gov.za">www.dnaboard.gov.za</a> to run on VPN as a separate website	Pending	Treasury / CSP / SITA
Email address	Requested to be linked to domain @dnaboard.gov.za for each member	Pending	Treasury / CSP / SITA
Private Bag	Use of CSP Private Bag	Completed, but Board would prefer its own identity and independence as provided by the law and hope to achieve this going forward.	Treasury / CSP

## 3. CONVICTED OFFENDER PROGRAM:

### SAMPLE COLLECTION, CHALLENGES, INTERVENTIONS AND AWARENESS

3.1 Sample Collection: According to the Convicted Offenders Index on the NFDD, the SAPS has collected and captured 11 986 reference samples from the inmate population of 160 070, of which 118 952 are sentenced and 41 118 are remand detainees as at 18 November 2016. As of 18 NOVEMBER 2016, total of 54 158 samples are reported by SAPS to have been taken (10 378 inmates DNA reference samples were captured in the Admission and Release system ( A&R ) in the DCS- excluding a backlog of 9 353 inmates samples that are being captured in the Western Cape and at other DCS facilities). Currently, some inmates are being released from correctional centres without DNA reference samples having been taken before release. The DNA Act requires completion of sample taking from any person serving a sentence of imprisonment within two years with effect from the promulgation date of the DNA Act.



3.2 The Board has been provided with legal advice in respect of instances where sentenced prisoners refuse to submit to the taking of their buccal samples. Please find attached to this report a circular that has been signed by the Acting National Commissioner which addresses this issue. The DCS have not reported any incidences of refusal to be sampled to date but the question has been raised several times and accordingly a firm legal opinion in this regard was sought.

3.3 Awareness: SAPS Operational Procedures direct that an information session (which may include pamphlets or information) should be held beforehand with the inmates on the day of taking the buccal samples explaining the reasons as to why the sample must be taken. SAPS will print an additional 300 000 pamphlets and distribute to DCS facilities through the SAPS coordinators.

3.4 Challenges:

1. Communication and collaboration between SAPS Coordinators/ PCs and the Heads of Correctional Facilities (HCC's);
- ii. Availability challenges at a few Correctional Facilities only allowing a small number of inmates to be swabbed daily;

- iii. The current DCS A&R report is only reflecting for current serving inmates and does not reflect all the buccal samples taken to date from released sentenced offenders (*this is contributing to the unreported figure on the current A&R report*);
- iv. No progress made with IJS project to integrate SAPS, DCS and NPA systems so that the buccal sample information can be shared;
- v. Progress in taking buccal samples by SAPS can improve (but during the last 4 weeks there has been a significant improvement and appears as if there is renewed effort by the Provincial Commissioners to ensure the samples are taken). The challenge is now to get these samples registered on the A& R system at all the facilities in all of the Provinces.
- vi. Buccal samples reported to have been taken by the Coordinators of the Provinces and not yet captured on the A&R system of DCS.

### 3.5 Proposed Action:

- i. Additional national internal communique to be re-sent by both DCS and SAPS Departments addressing the gaps in the work flow and defining responsibilities;
- ii. SAPS coordinators must be instructed to approach Heads of the Correctional Facilities (HCC's) and to again to provide copies of the detail lists of buccal samples taken with the prisoners' information;
- iii. Bi-monthly stats to be provided;
- iv. DCS to provide monthly lists of persons to be released to the SAPS Coordinators and the PC's must ensure that the sample is taken;
- v. IJS Board must requested to prioritise the integration between SAPS CAS/ICDMS & DCS system to share the buccal sample.

## **4. PERFORMANCE OF FORENSIC SCIENCE LABORATORY: BIOLOGY (DNA) UNIT**

The Systems Report and Gap Analysis sub-committee was created to oversee the processes relating to the collection, retention, storage, destruction and disposal of DNA samples; the retention and removal of DNA profiles on the NFDD; the security of the NFDD regarding any breach in taking, transporting, analysis, storing, use and communication of DNA samples and DNA profile. Thus far no security breach or profiles that were accidentally removed were reported.

4.1 **Number of profiles held on and expunged from the NFDD:** The total number of DNA profiles loaded onto the NFDD from 01 January 1990 to 31 October 2016 is currently at **580 230** DNA profiles. In the time frame of 01 January 2015 (when the DNA Act became operational) until 31 October 2016, a total of **272 662** DNA profiles were loaded onto the NFDD.

The expungements of persons arrested in the Arrested Index occurs through the current system management. Information is received from CRIM system (electronic tables) when a person is acquitted or a case is withdrawn. The DNA profiles is automatically expunged based on the rule configured in the NFDD Index system as per section 15(4) requirements: the forensic DNA profile may not be retained for longer than-

- (a) Three years, in the case of an adult
- (b) Twelve months in the case of a child.

For the period 01 January 2015 to 31 October 2015, a total of **125 450** forensic DNA profiles (acquitted / withdrawn status) from the Arrested Persons Index have been expunged. Thus far, no requests have been received for expungement of a DNA profile.

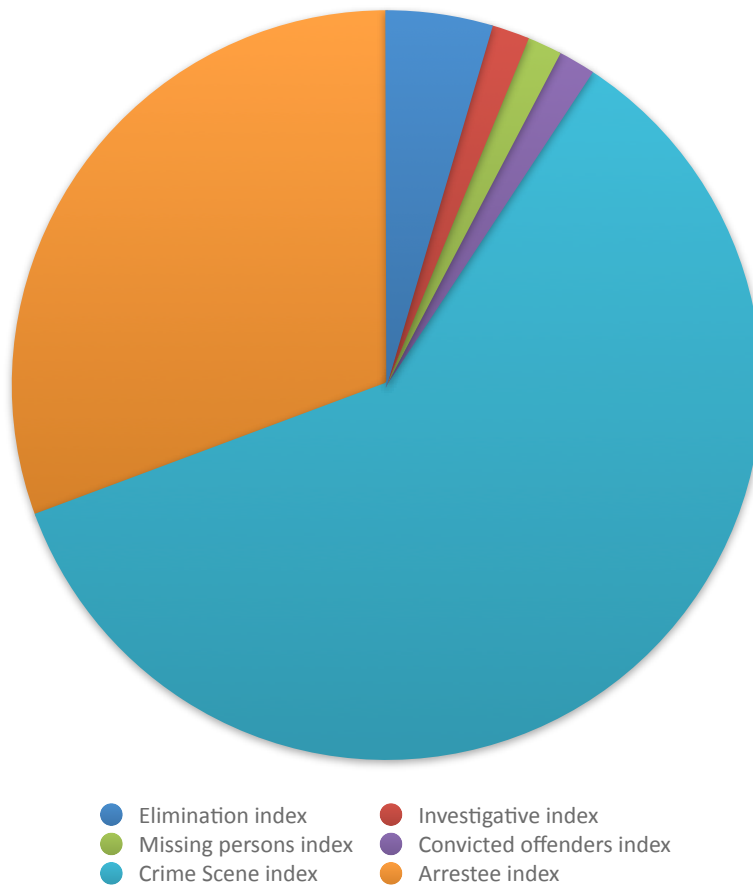
#### 4.2 **Number of profiles in various indices**

The number of DNA profiles loaded into each index is listed in Table. 2.1. The profiles added is from the period of 01 January 1990 to 31 October 2016.



NFDD index system (developed by SITA): Forensic profiles loaded: Total loaded (01 January 1900 to 31 October 2016). Information provided by NFDD. A visual representation of the table is given in Figure 1

Category	Number of samples
<b>Elimination index</b>	26 212
<b>Investigative index</b>	9 390
<b>Missing persons index</b>	8 637
<b>Convicted offenders index</b>	9 259
<b>Crime Scene index</b>	348 954
<b>Arrestee index</b>	177 778
<b>Grand total</b>	<b>580 230</b>



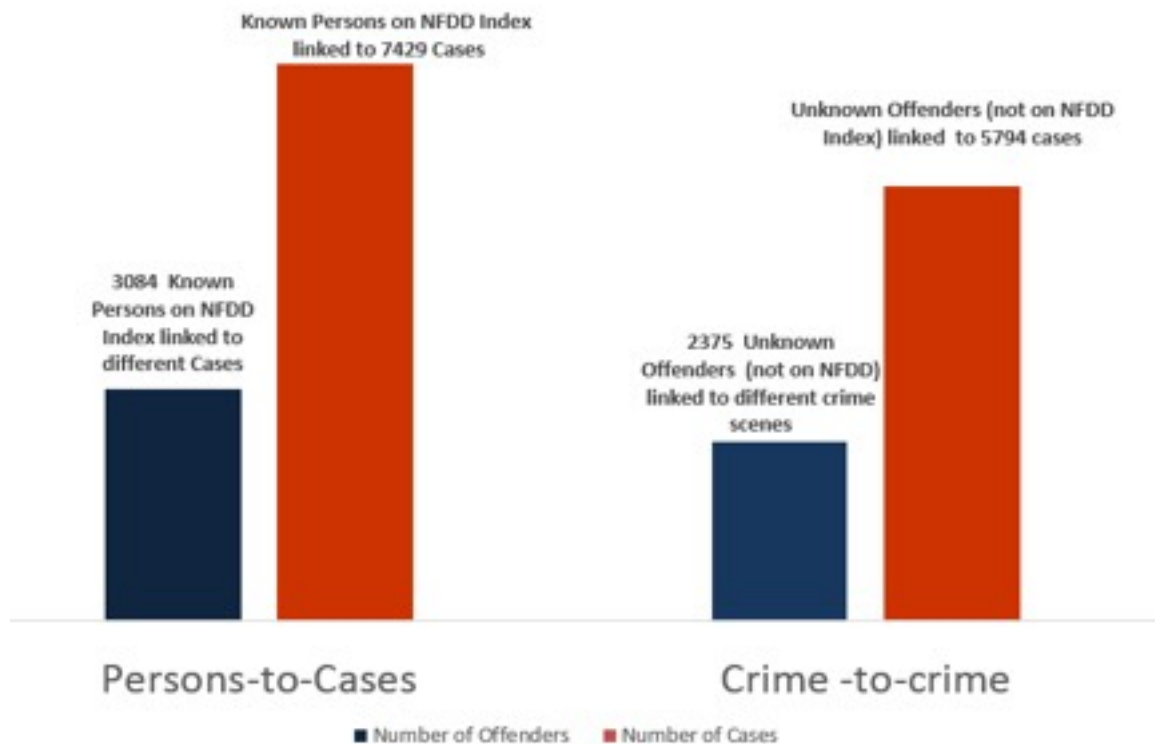
**Figure 1** Pie diagram on the number of DNA profiles contained in each index of the NFDD as obtained on 31 October 2016

According to the feedback received from provinces the number of buccal samples taken from convicted offenders are currently at **37 604** (31 October 2016). This number is however not reflected in the number of profiles in the convicted offender index which is currently at **9 259**. The reason for this discrepancy is given to the fact that even though the samples were taken, the bulk of the convicted offender samples received, still needs to be analysed. The registration step in the process has been identified as the problematic area and not the laboratory process itself. The challenge did receive the attention of the FSL. Their capacity in the registration process was expanded with the appointment of interns to assist with the registration of the samples.

The Missing persons index contains DNA profiles from unidentified bodies as well as family members of missing persons even though the software solution for familial searching is not completed yet.

#### **4.3 Investigative leads identified through the NFDD**

When a match is identified via the NFDD an investigative lead is created. The Investigating Officer will have to follow up on the lead to determine if the person of interest is linked to the crime or not. Two types of investigative leads can be generated. Firstly an investigative lead can be identified between a person to cases, in other words you can identify a link between a person who is known because a reference DNA profile exist on the database and other crime scene samples. Secondly, links between different cases can be established. You will thus be able to determine that the same person committed various crimes but the person has not been identified yet (no suspect). For the period of 01 January 2015 to 31 October 2016, 3 084 known persons on NFDD has been linked to 7 429 different cases. A total of 5 794 cases were linked which indicated that 2375 unknown offenders still needs to be identified. See Figure 2 for a schematic representation of the data received from the NFDD.



**Figure 2** Forensic DNA Investigative Leads: 1 January 2015 to 31<sup>st</sup> October 2016. Compiled by Brig. J. Smith.

## 5. DNA DATABASE SOFTWARE SOLUTION

The operational platform for the NFDD is for the interim utilising a NFDD software solution to run comparative searches between indices. The indices have been established and searches between the indices are running successfully. The process of automated expungement have also been created.

## 6. FAMILIAL SEARCHING POLICIES

There is currently no software available for familial searches in the missing person index, but this issue will be address in the near future

## 7. AWARENESS

In terms of s.15T of the DNA Act The Secretary of Police must ensure that guidelines relating to awareness programs are developed and their implementation monitored and assessed on a regular basis. It is the opinion of the Board that the National Commissioner must take appropriate measures to implement a forensic awareness program for police officials, convicted offenders and the public.

## 8. COMPLAINTS AND QUESTIONS OF INTERPRETATION OF ACT DIRECTED TO THE BOARD

8.1 The Board received a complaint from an accused person to assist with expediting of the analysis of his reference sample as he claimed he should be excluded from the investigation. The Board requested the FSS Biology Unit to expedite the matter and the Biology Unit confirmed the complainant was excluded.

8.2 A medical officer requested a legal opinion in respect of the taking of buccal samples by registered nurses and medical doctors. The interpretation of a section of the DNA Act requires a minor amendment to avoid confusion to ensure that the intention of the legislation is honoured insofar as it relates to the taking of buccal samples by registered nurses and medical doctors. The Board will submit a recommendation to the Committee for an amendment in this regard in due course.

## 9. MEETINGS OF THE BOARD: 1 APRIL 2016 - 20 NOVEMBER 2016

DATE	PLACE, ATTENDANCE	KEY ELEMENTS
12 AUG 2016	PRETORIA, 5 MEMBERS, 2 CSP OFFICIALS	MATTERS OF THE BOARD, SUB COMMITTEE REPORTS, OPERATIONAL REQUIREMENTS
14 SEPT 2016	PRETORIA, 5 MEMBERS, 1 CSP OFFICIALS, FACILITATOR	MATTERS OF THE BOARD, SUB COMMITTEE REPORTS, OPERATIONAL REQUIREMENTS
01 NOV 2016	PRETORIA, 6 MEMBERS, 1 CSP OFFICIALS	MATTERS OF THE BOARD, PORTFOLIO COMMITTEE REPORT, SUB COMMITTEE REPORTS, OPERATIONAL REQUIREMENTS

## 10. SIDE MEETINGS OF THE BOARD: 1 APRIL 2016 - 16 NOVEMBER 2016:

DATE	PLACE, ATTENDANCE	KEY ELEMENTS
8 JUNE 2016	PRETORIA, TRAINING SUB-COMMITTEE	OBSERVATION OF IMPLEMENTATION PROGRESS OF DNA ACT PROVISIONS BY FORENSIC SCIENCE SERVICES [FSS]
1 NOV 2016	PRETORIA, TRAINING SUB-COMMITTEE	OBSERVATION OF IMPLEMENTATION PROGRESS OF DNA ACT PROVISIONS BY FORENSIC SCIENCE SERVICES [FSS]

## 11. THE BOARD'S BUDGET FOR 2016/2017 FY

The below table illustrates the budget and expenditure outcome for the 2016/17 financial year allocated to the Board by the CSP:

Responsibility_Level_4	DNA & ETHICS BOARD			
Row Labels	Current_Budget	Total_Expenditure	Balance at 15/11/2016	
<b>COMPENSATION OF EMPLOYEES</b>	<b>2 399 000,00</b>	<b>372 028,60</b>	<b>2 026 971,40</b>	Budget for 1xDirector, 1xAdministrator, 1xClerk and 1xInvestigator
EMPL CONTR:BARGAIN COUNCIL(RES)	1 000,00	43,40	956,60	
EMPL CONTR:MEDICAL (RES)	60 000,00	19 663,00	40 337,00	
EMPL CONTR:PENSION (RES)	220 000,00	29 510,02	190 489,98	
S&W: BASIC SALARY (RES)	1 903 000,00	259 430,00	1 643 570,00	
S&W: SERVICE BONUS (RES)	140 000,00	32 428,75	107 571,25	
S&W:HOUSING ALLOWANCE (RES)	40 000,00	9 600,00	30 400,00	
S&W:PERFORMANCE BONUS (RES)	35 000,00	21 353,43	13 646,57	
<b>GOODS AND SERVICES</b>	<b>696 000,00</b>	<b>25 026,02</b>	<b>670 973,98</b>	
CATERING:DEPARTMENTAL ACTIVITIES	15 000,00	4 468,80	10 531,20	Catering for meetings
COM:CELL CONTR(SUBSCR&CALLS)	42 000,00	-	42 000,00	Cellphone of Secretariat of Board
COM:TEL/FAX/TELEGRAP&TELEX	24 000,00	-	24 000,00	Landline
COM:POSTAL BOX	5 000,00		5 000,00	
CONS/PROF: BOARDMEMB/COMM	130 000,00		130 000,00	Remuneration to 5 members incl backdated
ASS <5000: FURNITURE	40 000,00		40 000,00	
SITA INCL WEBSITE	140 000,00		140 000,00	
CONS: STATIONARY	20 000,00		20 000,00	
ADVERTISING/SIGNAGE	25 000,00		25 000,00	
T&S DOM:ACCOMMODATION	65 000,00	-	65 000,00	
T&S DOM:AIR TRANSPORT	70 000,00	17 469,38	52 530,62	
T&S DOM:CAR RENT	10 000,00	3 087,84	6 912,16	
T&S DOM:FIXED DAILY ALLOWANCE	5 000,00	-	5 000,00	
T&S DOM:FOOD&BEVER	5 000,00	-	5 000,00	
T&S DOM:INCIDENTAL COST	10 000,00	-	10 000,00	
T&S DOM:KM ALL(OWN TRANSPORT)	20 000,00	-	20 000,00	
T&S DOM:KM ALLOWANCE SMS		-	-	
T&S DOM:ROAD TRANSPORT		-	-	
T&S DOM:SPECIAL DAILY ALLOW		-	-	
VENUES AND FACILITIES	20 000,00		20 000,00	
IT AND OTHER EQUIPMENT	50 000,00		50 000,00	
<b>Grand Total</b>	<b>3 095 000,00</b>	<b>397 054,62</b>	<b>2 697 945,38</b>	

END OF REPORT