



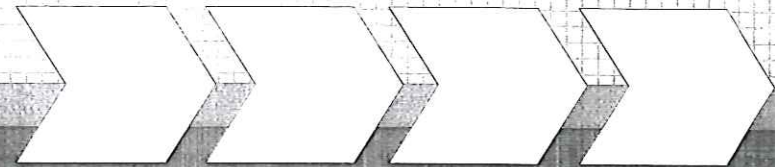
**civilian secretariat  
for police service**

Department:  
Civilian Secretariat for Police Service  
**REPUBLIC OF SOUTH AFRICA**



⊗ Speaks but delivers  
my entire  
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**NATIONAL FORENSIC OVERSIGHT AND ETHICS BOARD**



**2016/17 ANNUAL REPORT**

**BRIEFING TO THE PORTFOLIO COMMITTEE ON POLICE**

**12 JUNE 2018**

# Overview

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- Expiry of Transitional Arrangements
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# Introduction

- The National Forensic Oversight and Ethics Board (DNA Board) is an independent statutory body established in terms of section 15V of the Criminal Law (Forensic Procedures) Amendment Act, No. 37 of 2013 (DNA Act).
- The Board's statutory obligations are defined in terms of section 15Z of the DNA Act, and include:
  - providing regular, independent oversight over the overall operations of the National Forensic DNA Database (NFDD);
  - ensuring that ethical, legal and social implications of the use of forensic DNA in criminal investigations are considered; and
  - receiving and assessing complaints from any affected person regarding any alleged violations relating to the abuse of DNA samples and forensic DNA profiles and any security breaches in the database and/or processes.

# Board Composition

Name	Designation	Public Servant / Civilian
Judge Yvonne Mokgoro	Chairperson	Retired Judge
Ms. Vanessa Lynch	Deputy Chair	Civilian
Mr. Alvin Rapea	Member	Public Service: Secretary for Police Service
Ms. Alida Grove	Member	Public Service: Department of Health
Ms. Thandiwe Motlonye	Member	Public Service: Department of Correctional Services
Ms. Ooshara Sewpaul	Member	Public service: Department of Justice and Constitutional Development
Dr. Karen Ehlers	Member	Civilian
Adv. Rams Ramashia	Member	Civilian
Prof. Zodwa Dlamini	Member	Civilian
Ms. Benedicta Monama	Member	Civilian

# Governance Arrangements

- The DNA Board has developed its own Governance Rules and Procedures in accordance with section 15X (2) of the DNA Act
- This is supported by the respective Sub-committee Charters which provide a framework for the effective and efficient functioning of the Board

The following sub-committees have been established:

- System Reports and Gap Analysis
- Public Relations
- Training
- Assessment (Complaints)
- Finance and Risk
- Transitional Arrangements
- Human Resource

*Sub-committees are comprised of at least three members – some serving on more than one committee*

# Strategic Objectives

- Appointment of a DNA Secretariat with support staff – Secretariat should assist the board in developing and implementing its reporting obligations as outlined in the DNA Act
- Relevant sub-committee to continue liaising with the nodal contact point with the view to completing its oversight reports
- The sentenced offender sampling programme must be prioritised (expiry of the two year transitional period)
- The policy for Familial Searching must be finalised and implemented
- Continued monitoring of sample collection and performance of the NFDD
- Oversee implementation of the NFDD software solution to support comparative searches
- Monitor roll-out of buccal swab training

# Operational Challenges

- A full-time DNA Secretariat was not appointed during the period under review – impacted negatively on the board’s ability properly map out and implement its statutory reporting functions
- Inadequate office space and absence of supporting IT infrastructure (e.g. Website)
- Distinguishable brand identity (e.g. logo) has impacted on the board’s ability to create the necessary public awareness
- Members were not remunerated for out of pocket expenses during 2016/17 – matter was resolved through regular engagement with the Civilian Secretariat for Police Service and members’ payments were made as from May 2017.

# Implementation Challenges

## Familial Searches

- Section 15M (2) of the DNA Act prescribes that familial searches may be conducted in respect of missing persons and unidentified human remains
- The functionality to conduct familial searches on the NFDD has not yet been developed or sourced by SITA (scheduled for development or acquisition during the 2018/19 FY)
- Validation studies on a 21 loci marker kit have commenced - will be used for conducting searches against the Missing Persons and Unidentified Human Remains index

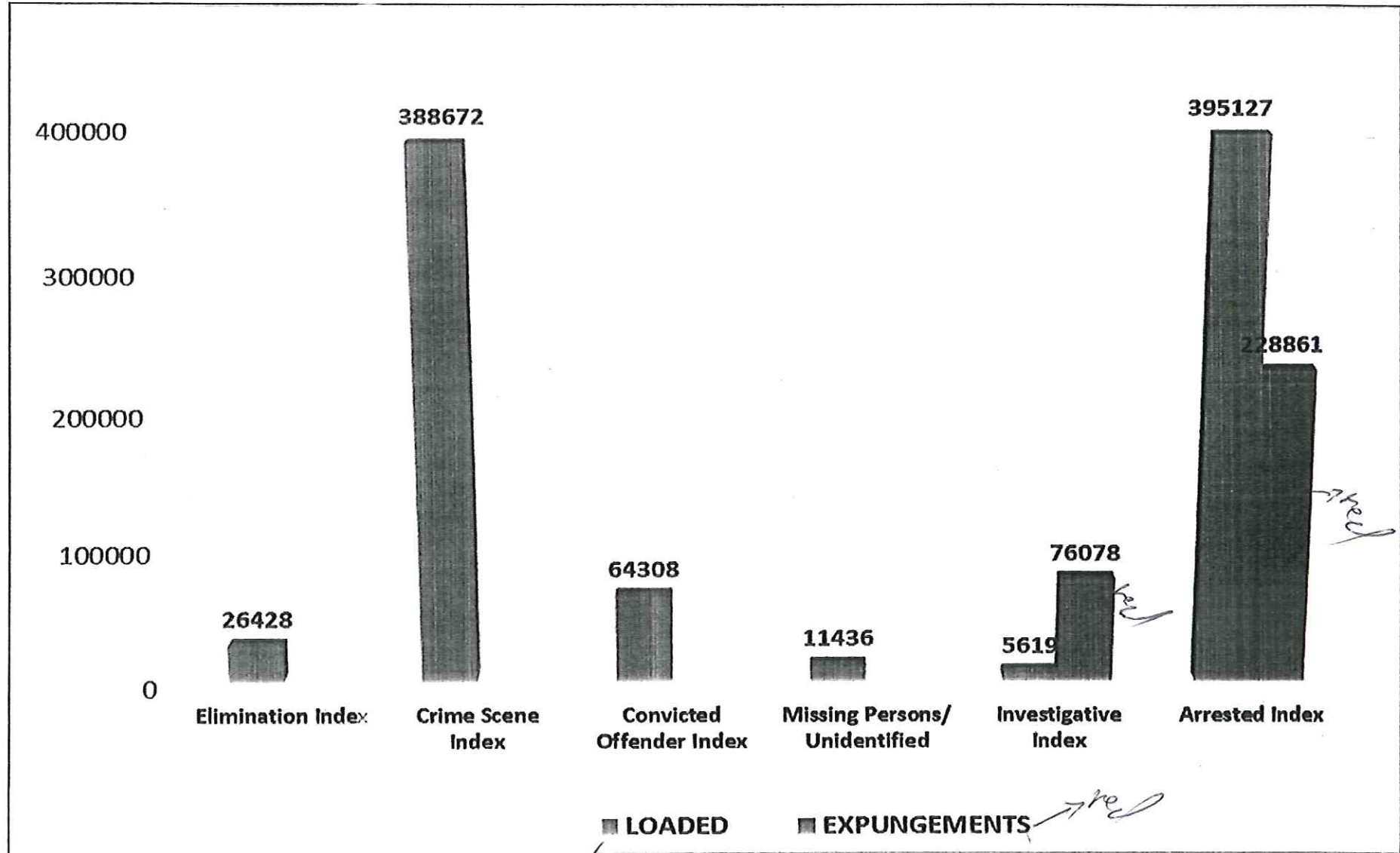
*currently using 16 loci marker kit*

## Quality Management

- Proper management of the NFDD hinges on the implementation of a quality assurance framework as a safeguard for ensuring the quality and integrity of the data generated
- The Forensic Database Management (FDM) section has been certified compliant with the ISO 9001:2015 standard



# National Forensic DNA Database



# Forensic Investigative Leads

Regulation 9 of the DNA Regulations prescribes the following in respect of following up on forensic investigative leads:

- Every Provincial Commissioner must ensure that forensic investigative leads are investigated and resolved.
- The Divisional Commissioner: Detective Service and the Provincial Commissioner must ensure that investigations and leads are communicated and coordinated across station borders and/or provincial borders.
- Every task team must consolidate all forensic investigative leads or cases which indicate links based on information such as modus operandi, DNA and fingerprints.

The Board wrote to the National Commissioner highlighting its concerns regarding the high number of outstanding leads

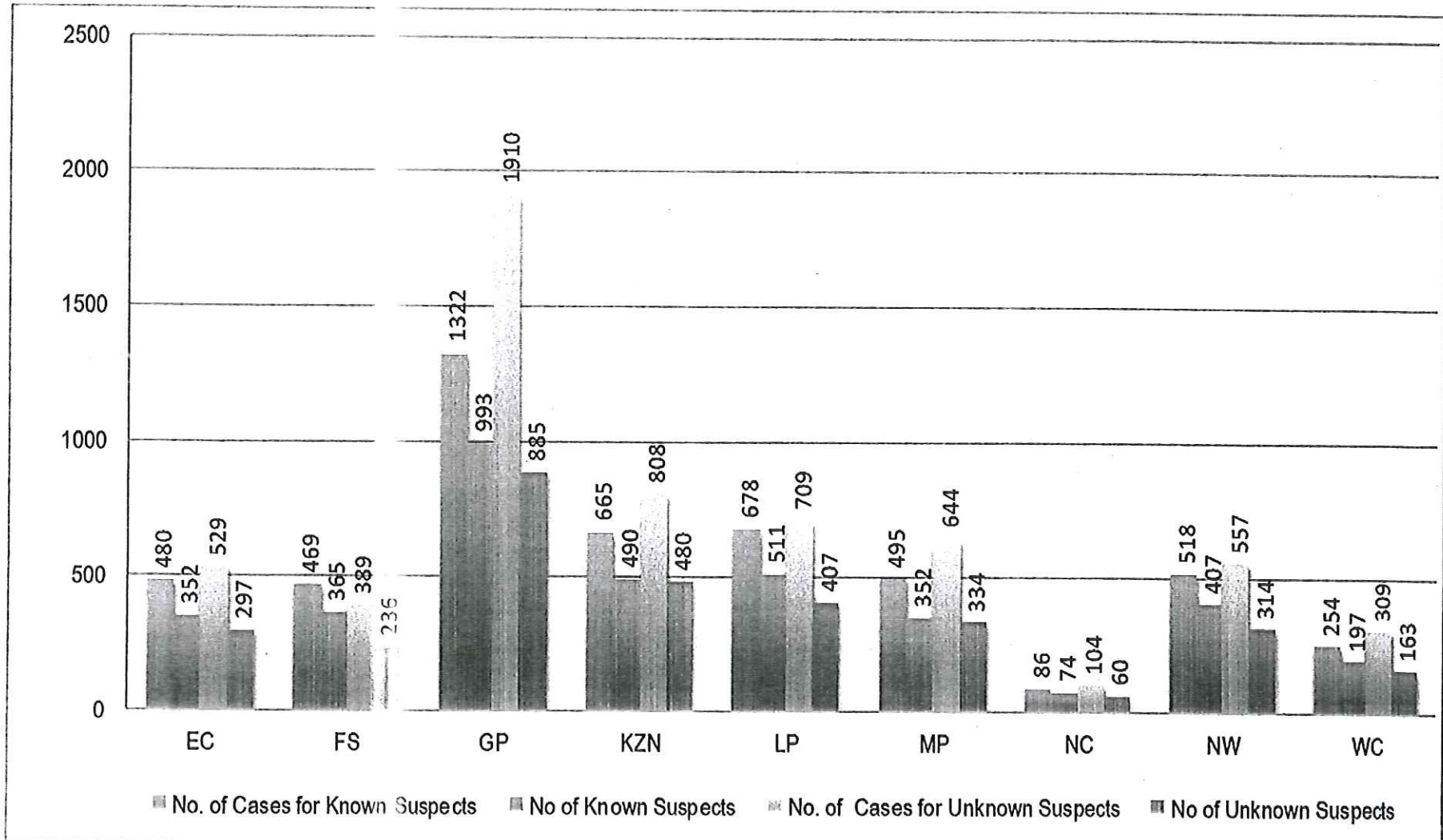
# Forensic Investigative Leads

## OUTSTANDING FEEDBACK/FOLLOW-UP OF FORENSIC DNA INVESTIGATIVE LEADS IN RELATION TO ALL OFFENCES AND APPARENT AS OF THE END OF 30 SEPTEMBER 2017

[No Result of Trial Update on CRIM System/No SAPS76 (Fingerprint form for Arrested Persons) or SAPS69 For Result Of Trial Submitted to LCRC to Capture on CRIM System]

	NUMBER OF CASES FOR KNOWN SUSPECTS	NUMBER OF KNOWN SUSPECTS	NUMBER OF CASES FOR UNKNOWN SUSPECTS	NUMBER OF UNKNOWN SUSPECTS
Eastern Cape	480	352	529	297
Free State	469	365	389	236
Gauteng	1322	993	1910	885
KwaZulu-Natal	665	490	808	480
Limpopo	678	511	709	407
Mpumalanga	495	352	644	334
Northern Cape	86	74	104	60
North West	518	407	557	314
Western Cape	254	197	309	163
<b>Total</b>	<b>4967</b>	<b>3741</b>	<b>5959</b>	<b>3176</b>

# Outstanding Investigative Leads



# DNA Analysis Performance

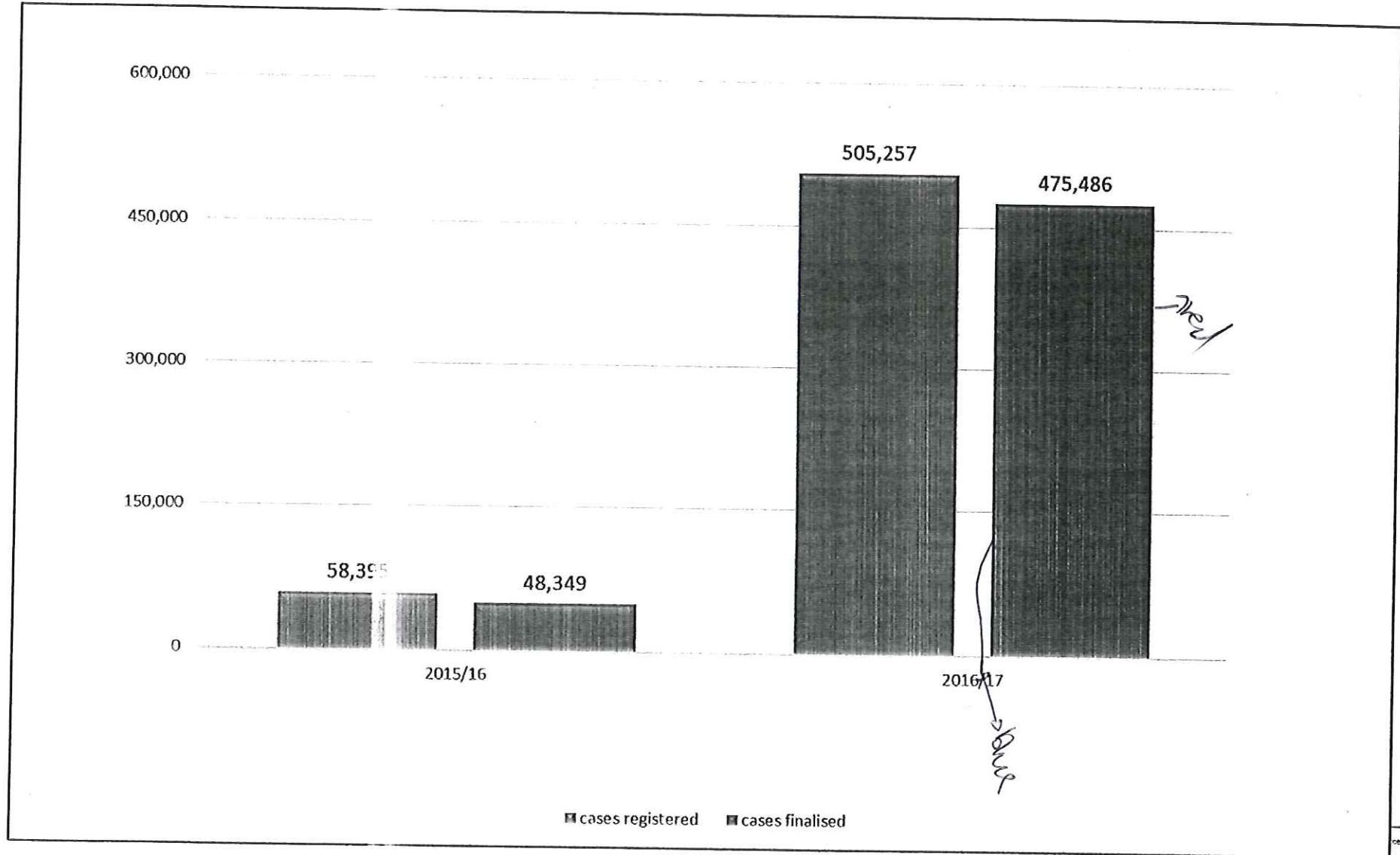
- Since the inception of the DNA Act, the number of cases registered (58 395 – 505 257) and finalised (48 349 – 475 486) has increased by 765% and 883% respectively
- The increase of 4,4% in staff over the same period is insufficient and not sustainable over the immediate to long-term
- Persistent human and financial resource constraints will negatively affect the ability of the FSL to ensure compliance with the provisions of the DNA Act
- Challenges encountered with the STRLab software – SITA doesn't have the capacity to provide the required technical support
- SLA between SITA and TMS not yet finalised

## Challenges

- Specialised equipment, consumables and collection kits will no longer be funded from earmarked CJS funding
- Funding challenges and limitations in terms of resources and staff will hamper the ability of the Biology section to deal with the significant increase (765%) in the number of cases received

SIT

# DNA Analysis Performance



# DNA Analysis Performance

	NUMBER OF CASE REGISTRATION STAFF (LEVEL 5) POSTS REQUESTED	NUMBER OF POSTS APPROVED FOR FILLING	NUMBER OF FORENSIC DNA ANALYSTS (LEVEL 7) REQUESTED	NUMBER OF POSTS APPROVED FOR FILLING
Biology Section (Pretoria)	-	-	5	9
Biology Section (FSL: Western Cape)	-	-	34	11
Biology Section (KZN)	-	-	5	5
Case Registration (Pretoria: Eastern Cape)	13	0	-	-
Case Registration (FSL: Western Cape)	58	0	-	-
Case Registration (KZN FSL)	5	0	-	-
Forensic Database Management (NFDD Index)	-	-	14	14
<b>TOTAL</b>	<b>76</b>	<b>0</b>	<b>58</b>	<b>39</b>

# Taking of Buccal Samples

- Section 36D (2) of the Act regulates the taking of buccal samples from persons arrested and charged for schedule 8 offences.
- Compliance has improved from a rate of 31% at inception of the Act to 77,6% at the end of 2016/17.
- Maintaining this increase is negatively impacted by low, and in some instances, depleted stock levels of sample collection kits.
- This is exacerbated by the lack of stock at the Division: Supply Chain Management.

## National Register for Sex Offenders

- In terms of section 36D (1) and (2), samples must be taken from persons whose name appears in the national register for sex offenders.
- Despite numerous requests to the Registrar, this information has not been provided.



# Expiry of Transitional Arrangements

- Section 7(7) prescribes a two-year period within which a sample must be taken from any person already convicted in respect of any schedule 8 offence.
- Transitional period expired in January 2017.
- Due to operational challenges such as training, refusals and systems requirements the total convicted offender population had not been sampled at the date of expiry.
- Based on the recommendation of the Transitional Arrangements Subcommittee, the Board proposed an amendment to the DNA Act to allow for a new two year period for sampling all outstanding convicted offenders.
- The Bill also provides for a penalty in respect of the refusal to submit to the taking of a buccal sample (*sentence of imprisonment not exceeding five years*).
- The Board continued working closely with the Civilian Secretariat to provide the necessary support in finalising the Bill.

# Conclusion

- Emphasis must be placed on processing the Amendment Bill to ensure the continuation of the convicted offender sampling programme
- The Board will engage all Provincial Commissioners to establish possible areas of support to unlock challenges related to the effective function of the provincial task teams
- Urgent measures must be put in place to address challenges related to the procurement of buccal sample kits and the maintenance of critical equipment

# Closure



# Thank you