

NATIONAL FORENSIC OVERSIGHT AND ETHICS BOARD

REPUBLIC OF SOUTH AFRICA

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0001



Ensuring Integrity and Ethics in the operations of National Forensic DNA Database

NATIONAL FORENSIC OVERSIGHT & ETHICS BOARD (DNA BOARD) ANNUAL REPORT 2021/22

OFFICIAL SIGN-OFF


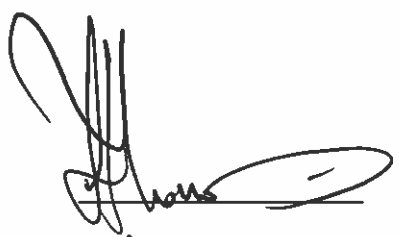


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The annual report of the National Forensic Oversight and Ethics Board describes and details the activities of the DNA Board for the period 1 April 2021 to 31 March 2022.

This report has been prepared for submission to the Executive Authority and the Parliament of South Africa in line with the requirements of the Public Finance Management Act (No 1 of 1999) and the Criminal Law (Forensic Procedures) Amendment Act (No 37 of 2013). The National Forensic Oversight and Ethics Board ("**DNA Board**") is a statutory body mandated to provide regular oversight over processes and systems related to the use of forensic DNA as a means of strengthening criminal investigations.

FOREWORD BY THE MINISTER OF POLICE



I am pleased to present the 2021/22 Annual Report for the National Forensic Oversight and Ethics Board (DNA Board). The report covers the Board's activities from 1 April 2021 to 31 March 2022.

Throughout the world, particularly in modern democracies, it is generally accepted practice that governments play a leading and effective role in ensuring that societies are protected by the swift administration of justice. The goal is best achieved, *inter alia*, through the early detection, arrest and conviction of perpetrators, which are facilitated by way of the ethical, legal, and transparent use of forensic DNA profiling in criminal investigations.

During the period under review, the DNA Board continued working to ensure the effective execution of its oversight mandate. The key to successfully implementing the Plan of Action to assess the Division's turnaround strategy has been the establishment of an ad-hoc sub-committee to develop and implement the plan. In the long term, the DNA Board will be concerned with whether the objectives of the strategy have been met.

Through regular engagement with the Division, the sub-committee was able to identify key issues that are hindering the effective implementation of the Act. For example, the DNA Board identified concerns about an increase in the number of forensic investigative leads that should be followed

up as well as the challenges relating to obtaining necessary consumables for the DNA Act's effective operation.

The DNA Board provides ethical oversight of the NFDD and manages grievances related to the collection, storage and use of all DNA samples and forensic DNA profiles. During the reporting period, the DNA Board conducted an investigation into an alleged DNA infringement complaint from the Eastern Cape and this led to the gruesome discovery of the body of a GBV victim, found buried under a bathtub in their marital home. This underscores the important role of the DNA Board's oversight function over the use and handling of DNA samples in criminal investigations.

Emphasis was also placed on overseeing the clearing of the earmarked backlog over a period of eighteen months, as well as finalising the amendment to the DNA Act, which is aimed at addressing deficiencies related to retrospective sampling of offenders serving a penalty for offences set out according to Schedule 8. This amendment was necessitated by the expiry of the two-year transitional period of the Act. Continuing the convicted offender sampling program is essential because the convicted offender index on the National Forensic DNA Database (NFDD) provides an important link for resolving cold cases and apprehending repeat offenders. The amendment further makes provision for dealing with refusals by convicted offenders to having their buccal sample taken.

I call on the DNA Board to continue implementing its oversight mandate and focus on all substantive issues that would enhance the overall implementation of the DNA Act. I hereby formally present this report to Parliament.



HON B H CELE, (MP)

MINISTER OF POLICE

DATE:

21/09/2022

LIST OF ABBREVIATIONS/ACRONYMS

AOP	Annual Operational Plan
CSPS	Civilian Secretariat for Police Service
CODIS	Combined DNA Index System
DNA	Deoxyribonucleic Acid
DNA Act	Criminal Law (Forensic Procedures) Amendment Act (No. 37 of 2013)
FBI	Federal Bureau of Investigations
FSL	Forensic Science Laboratory
FS	Forensic Services
FDM	Forensic Database Management
FY	Financial Year
GBVF	Gender Based Violence and Femicide
JCPS	Justice, Crime Prevention and Security
NFDD	National Forensic DNA Database
POA	Plan of Action
SAPS	South African Police Service
SCM	Supply Chain Management
SLA	Service Level Agreement
QMS	Quality Management System

1. INTRODUCTION

The National Forensic Oversight and Ethics Board (hereafter referred to as the 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* (hereafter referred to as the DNA Act).

The Board was appointed by the Minister of Police on 01 May 2020. The Board is currently chaired by a Senior Advocate of the High Court of South Africa, and comprises of four public and six private sector representatives who collectively possess sound knowledge and experience within areas of forensic sciences, human rights and constitutional law, among others. The Board is required to determine and monitor the strategic direction, while the DNA Secretariat is required to oversee the subsequent implementation thereof.

The Board's statutory obligations are defined by section 15Z of the DNA Act and include:

- a. Providing regular independent and effective governance and oversight over the overall operations of the National Forensic DNA Database (NFDD);
- b. Ensuring that ethical, legal, and social implications of the use of the forensic DNA in criminal investigations are considered; and
- c. 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.

The current Board membership is highlighted in Table 1, while Board meetings accordingly attended are reflected in Table 2 hereafter.

Table 1: Composition of the Board

NAME	DESIGNATION	PUBLIC SERVANT / CIVILIAN
Adv. Lindi Nkosi Thomas SC	Chairperson	Advocate of the High Court of South Africa
Mr. Raymond Sono	Deputy Chairperson	Civilian member
Mr. Alvin Rapea, later replaced by Mr. Takalani Ramaru*	Member	Public Service member: Secretary for Police Service
Ms. Alida Grove	Member	Public Service member: Department of Health. Note: Ms. Grove tendered a resignation on 31 March 2022*
Mr. Lucky Mthethwa	Member	Public Service: Department of Correctional Services
Ms. Ooshara Sewpaul	Member	Public Service member: Department of Justice and Constitutional Development
Dr. Karen Ehlers	Member	Civilian member
Dr. Nkosinathi Myeza	Member	Civilian member
Adv. Rehana Rawat	Member	Civilian member
Mr. Daniel Morema	Member	Civilian member

During the reporting period, in December 2021, Mr. Alvin Rapea's tenure as the Secretary for Police Service came to an end. Mr Takalani Ramaru was appointed to act in the position of Secretary for Police Service, and this automatically positioned him as a Board member representing the Civilian Secretariat for Police Service ("**CSPS**").

Ms Alida Grove resigned from her position as a Board member representing the Department of Health. The DNA Board is awaiting a nomination of a representative from the relevant department.

Table 2: Meetings of the Board for the period commencing 1 April 2021 to 31 March 2022:

NO	DATE	MEETING DESCRIPTION	ATTENDANCE
1	22 April 2021	<ul style="list-style-type: none"> Ad-hoc meeting to discuss an alleged GBV/DNA violation complaint received from Mr. Nonkwelo in Eastern Cape 	Five members / Two DNA Secretariat officials.
2.	15 May 2021	<ul style="list-style-type: none"> Members joined the Portfolio Committee delegation on an oversight visit to the Forensic Science Laboratory in Pretoria. 	Two members/One DNA Secretariat official
3.	03 June 2021	<ul style="list-style-type: none"> Meeting with the Minister of Police and Gender Based Violence Activists. 	Five members/ Two DNA Secretariat officials
4.	05 August 2021	<ul style="list-style-type: none"> Board Meeting Joint meeting with Division: Forensic Science Service 	Eight members/ Two DNA Secretariat officials
5.	26 November 2021	<ul style="list-style-type: none"> Board Meeting Joint meeting with Division: Forensic Science Service 	Eight members/Two DNA Secretariat officials
6.	16 February 2022	<ul style="list-style-type: none"> Introduction of the Criminal Law (Forensic Procedures Amendment) Bill [B25-2021] by the CSPS, State Law Advisor, and Parliamentary Legal Advisor 	Two members/ Two DNA Secretariat officials
7.	18 February 2022	<ul style="list-style-type: none"> Board Meeting Joint meeting with Division: Forensic Science Service 	Six Board members / Two DNA Secretariat officials
8.	18 March 2022	<ul style="list-style-type: none"> Briefing to the PCOP on the SAPS Capacity in the Forensic Science Laboratories' environment 	Five members/ One DNA Board Secretariat official
9.	23 March 2022	<ul style="list-style-type: none"> Committee deliberations on the Criminal Law (Forensic Procedures) Amendment Bill 	Five members/ Two DNA Board Secretariat official

2. GOVERNANCE AND SUB-COMMITTEES

The DNA Board has developed its internal governance rules and procedures as provided for in Section 15X (2) which are supported by the respective Sub-Committee Terms of Reference (TORs) and in turn provide a framework for the effective and efficient overall functioning of the operations of the DNA Board. During the period under review, the sub-committees and the Board's Secretariat have continued to play a central role in ensuring that the Board realises its functions as prescribed in section 15Z of the DNA Act. The respective objectives of each Sub-Committees are listed in Table 3 below.

Table 3: List outlining the respective Sub-Committee functions:

SUB-COMMITTEE	FUNCTIONS
The Ad-hoc Committee: Established on 07 November 2021 <i>Establish and implement a Plan of Action following the inaugural of the new Board</i>	<ul style="list-style-type: none">• Develop an interim POA to monitor and oversee the eight (8) objectives of the Turnaround Strategy of the Division: Forensic Services.• Over the longer term, the imperative of the Board will be to determine whether the purpose of the strategy has been realised.
The Public Relations Committee: Established on 18 February 2022 <i>Communicating and engaging with the Public</i>	<ul style="list-style-type: none">• Ensuring transparency and accountability;• Promoting awareness of the Board's existing functions;• Broadening media awareness, as well as expanding an online presence and communication services from a central point of communications.

3. OPERATIONAL PLAN

During the period under review, the DNA Board has continued to work closely with the Forensic Science Laboratory's (FSL) nodal contact points with a view to completing all oversight reports in ensuring an effective DNA database that enhances criminal investigations of the South African Police Service.

Key initiatives of the Board included establishing an ad-hoc sub-committee, immediately after the Board's introduction to the National Assembly, and the objectives of the committee was to amongst others, develop a Plan of Action ("PoA") to address the crippling challenges that have negatively affected the performance of the FSL and the NFDD during the past few years. The identified areas of concern that the Board aimed to monitor in an incremental approach included addressing the following:

- DNA casework backlog down management.
- Poor demand planning and ineffective contract management systems and processes which include the management of stock levels.
- Delays in the approval of DNA amendment Bill.
- Delays in the signing of SLA between SAPS and FBI in respect of acquiring CODIS to conduct familial searches.
- Delays in the establishment of dedicated units to follow up and investigate forensic investigative leads.
- Delays in the rollout of awareness campaigns.

The Division: Forensic Service's turnaround strategy of bringing stability to the environment has been underpinned by some activities such as:

- Ensuring that backlog cases have been 'ring-fenced' with quarterly updates provided.
- Increasing its operational capacity.

- Development of an equipment replacement strategy.
- Increasing the batch capacity of machines.
- Entering into public-private partnerships in respect of procurement of consumables and infrastructure.
- Moving to a defined shift system to allow for uninterrupted operations twenty-four hours, seven days a week.

Table 4 below highlights the objectives of the Board's Plan of Action in overseeing the aforementioned turnaround strategy, and it further determines whether or not the objectives of the strategy were realised.

Table 4: Progress on the Objectives of the Board's Plan of Action

NO	2021/22 OBJECTIVES (AS PER THE PoA)	ACHIEVED / NOT ACHIEVED
1.	Overseeing the reduction of DNA casework backlog within a period of 18 months.	With the intervention of the Board, a special project was established and it aimed at isolating the existing backlog at the time, to treat it as priority and be able to effectively track progress and report on it. The project commenced in June 2021 with a total of 180 191 backlog matters. On 31 March 2022, the ring-fenced backlog had been reduced by 138 651 (76.95 %). Effectively translating to 41 540 remaining backlog at the end of 2021/22 FY. The 76.95% has been completed within 10 months, therefore the Board foresees achieving the total eradication of the specified ring-fenced cases at the expected turnaround time i.e. November 2022.
2.	Monitoring and improvement of supply chain and contract management systems and processes	The contract management challenges have not been completely resolved; however, there is a commendable improvement compared to the previous financial years e.g. a total of (13) bids were awarded during the reporting period, including a contract for the construction of the Eastern Cape FSL for DNA processing, which will have an overarching impact on the decentralisation of services.

		<p>The Division has also put some systems in place to ensure continuous improvement in supply chain processes particularly in relation to the availability of consumables e.g</p> <ul style="list-style-type: none"> ▪ Weekly priority committee meetings for consideration of critical procurement files to support the need for forensic products and address the DNA backlog. • Monthly stock-taking by store managers as a means to enhance management of forensic items and consumables. The Board will continue to monitor the effectiveness of these systems.
3.	Ensuring the adoption of the DNA Amendment Bill	The Board has worked closely with the CSPA in ensuring that the DNA Bill was tabled before the National Assembly for enactment. The DNA Bill was adopted by the PCOP on 11 May 2022 and referred to the National Assembly for deliberations.
4.	Monitoring of progress in the signing of SLA between SAPS and FBI in respect of acquiring CODIS to allow for conducting familial searches.	The Board has been monitoring the progress with regards to acquiring of CODIS. The latest update on the progress is that it is currently being processed by the National Commissioner of Police for finalisation. We will follow through on this progress with timeliness.
5.	Monitoring progress on the establishment of dedicated units to follow up and investigate forensic investigative leads.	The Board has been advised by Forensic Services that SAPS's Organisational Development Unit is undertaking a work-study to assess the efficient means of establishing and operationalising these Forensic Investigative Units. The Board will continue to monitor progress on this matter.
6.	Ensuring rollout of awareness campaigns	The logo for the Board has been sourced and approved. The DNA Board Secretariat is working with the Communication Directorate at CSPA to procure relevant marketing material to create necessary awareness about the Board's existence and its mandate. The DNA Board Secretariat is also planning a public event to launch the DNA Board formally.

4. COMPLAINTS HANDLED BY THE BOARD

Section 15Z (1) (d) of the DNA Act relates to the Board's mandate in handling complaints from the public.

The delays in the rollout of awareness campaigns mean that the Board has been operating as an unknown entity to the general public and as such affected individuals may not have been familiar with the Board's mandate or their right to lodge complaints.

Despite this limitation, the Board received two complaints in relation to the alleged unethical use of DNA samples, one from the Eastern Cape and one from KwaZulu-Natal. One matter has been successfully resolved while one is still under investigation.

Background to the complaint

The CSPS received a missing person's complaint from Mr. Andile Nonkwelo, pertaining to the victim Mrs. Noluvuyo Ndema.

The CSPS resolved to investigate the matter jointly with the DNA Board because:

The complainant and his family were dissatisfied with the quality of SAPS's investigation; pertaining the missing person and DNA results of the body that had been found in Ngqeleni; The integrity of the DNA samples had allegedly been compromised by the laboratories in Port Elizabeth & Cape Town.

There had also been an alleged failure by the investigating officers to consider and follow up on the evidence or leads provided by the family in Ngqeleni and Msombovu. Specifically, these complaints were made:

- Poor chain of custody of evidence;
- Statements had not been taken from potential witnesses; and

- No thorough search had been conducted by SAPS at the missing person's marital home, despite a red flag having been raised by the missing person's husband's removal of the bath tub and its later replacement.

DNA Board's response to the complaint:

In response to the complaint, the Board engaged other relevant stakeholders within the Justice Crime Prevention and Security (JCPS) cluster namely, SAPS, CSPA, FSL, and Department of Justice and Constitutional Development, Department of Community Safety, and formulated a task team. This culminated in a unanimous agreement on a number of remedial activities that SAPS had to undertake and the timelines were set and agreed upon for each activity.

The most critical of these directives was the DNA examination of the deceased body that had been found, and when it became apparent that the body could not be scientifically linked to the complainant's family; police were redirected to the missing person's family to conduct a thorough investigation. An urgent application was made to the Magistrate of the jurisdiction with the intent to search and excavate the family bathroom. This was motivated by the allegation that the missing person's husband had removed and later replaced the bathtub.

Outcome

The Board's intervention into the matter resulted in a successful discovery of the missing person's body that was found buried under a bathtub in her marital home in Butterworth. The husband was arrested and charged in connection with the murder of his wife. The deceased remains were subjected to a DNA examination and the results were released on time, confirming that the deceased body, indeed, was that of the complainant's missing family member.

5. DNA ANALYSIS PERFORMANCE

Performance levels of the country's forensic science laboratories have been on a steady decline since the 2019/20 and 2020/21 financial years. This was attributed to, amongst other things, poor demand planning and ineffective contract management systems and processes, exacerbated by the impact of COVID-19 on operational capacity. However, an analysis of data for 2021/22 as

per the below table shows an improvement with the finalisation of 24.85% of the total DNA backlog from 241 152 at the beginning of 2021/22 FY to 154 204 at the end of the financial year.

At the beginning of the financial year the backlog number of cases against the incoming number of cases was at 378% (241 152/63868). At the end of the financial year the workload had reduced to 50.09 % (154 204/ 307 826). Whilst this is a commendable progress, the numbers are still far exceeding the set international standard of keeping the backlog below 10%.

The special project in respect of the ring-fenced backlog that commenced in June 2021 has also resulted in the finalisation of 76.95% of the ring-fenced backlog at the end of the financial year. In context, 180191 backlog matters that were ring-fenced at the beginning of June 2021 have been effectively reduced to 41540 at the end of 2021/22 FY.

However, despite the notable improvement in backlog reduction, some of the systemic challenges relating to staffing constraints i.e. functional support personnel as well as the absence of a 24/7 shift system and supporting analysts continue to affect the DNA analysis performance of the Division: Forensic Science Services. An analysis of the following case categories clearly demonstrates a sharp decline in backlog.

- Finalisation of buccal samples from receipt.
- Finalisation of buccal samples from registration.

The Board draws an inference that the slow pace at which buccal samples are being analysed is more likely to have a ripple effect on cases being struck off the court roll e.g. as depicted in Table 5 below, only 2.7% 'buccal samples were analysed from receipt' and 3.9% "buccal samples were analysed from registration within the prescribed 30 calendar days respectively.

However, as a counter measure to these foreseeable challenges, the Forensic Services together with the NPA have established a nodal point at which cases on the court roll are clustered as per the court dates and communicated to the laboratory via an email. The laboratory then prioritises the analysis of related exhibits as per the court dates that are imminent. The Board commends this initiative and will continue to monitor its effectiveness. For the reporting period, 10 493 DNA match report were prioritized and issued for the courts.

The actual percentage and number of cases completed per case category as determined by the Authorised Officer (Divisional Commissioner: Forensic Services) is highlighted in Table 5 as follows:

Table 5: DNA Analysis Performance

Case Category	Case finalisation targets	Actual percentage & number completed
Routine Case Exhibits	75% completed within 35 working days	FY 2019/20: 68% [22 769 / 33 481] FY 2020/21: 41% [3 840 / 9 379] QTR 1: 2021/22: 17% [687 / 3 972] QTR 2: 2021/22: 15.52% [895 / 5 767] QTR 3: 2021/2022: 10.28% [762 / 7412] QTR 4: 2021/2022: 26.20% [3 414/13 033]
Non-Routine Case Exhibits (entries)	70% completed within 113 calendar days	FY 2019/20: 97% [1 946 / 2 001] FY 2020/21: 91% [268 / 293] QTR 1: 2021/22: 61% [33 / 54] QTR 2: 2021/22: 84% [139 / 165] QTR 3: 2021/2022: 83.93% [246 / 293] QTR 4: 2021/2022: 94.81% [384/405]
DNA Intelligence Case Exhibits	80% completed within 90 calendar days	FY 2019/20: 60% [29 152 / 48 694] FY 2020/21: 15% [706 / 4 838] QTR 1: 2021/22: 4% [394 / 9 694] QTR 2: 2021/22: 3% [1 346 / 41 181] QTR 3: 2021/2022: 3.35% [3147 / 94068] QTR 4: 2021/2022: 15.99% [17 357/108 485]
DNA Backlog	Not to exceed 10%	FY 2019/20: 33% [49 674 / 149 844] FY 2020/21: 85% [300 722 / 355 648] QTR 1: 2021/22: 378% [241 152 / 63 868] QTR 2: 2021/2022: 220.99% [251 603/113850] QTR 3: 2021/2022: 120.08% [204 779 / 170549] QTR 4: 2021/2022: 50.09% [154 204/307 826]
Ring-fenced Backlog crime scene related cases (as of 1 June 2021)	Finalisation status of ring-fenced backlog (crime scene related cases)	QTR 2: 2021/22: 23% [41 303/ 180 191] QTR 3: 2021/2022: 60% [107 885 / 180 181] QTR 4: 2021/2022: 76.95% [138 651/180 191] finalised
Buccal samples analysed from receipt	30 calendar days	FY 2019/20: 60% [11 591 / 19 735] FY 2020/21: 2% [50 / 2 383] QTR 1: 2021/22: 1% [79 / 5 940] QTR 2: 2021/22: 1% [346 / 33 689] QTR 3: 2021/2022: 0.63% [725/ 115 816] QTR 4: 2021/2022: 2.7% [2 433/91 796]

Buccal samples analysed from registration	30 calendar days	FY 2019/20: 63% [12 481 / 19 735] FY 2020/21: 5% [124 / 2383] QTR 1: 2021/22: 2% [82 / 5 940] QTR 2: 2021/22: 1% [346 / 33 689] QTR 3: 2021/2022: 0.63% [725/ 115 816] QTR 4: 2021/2022: 3.9% [3 544/91 796]
Number of DNA cases with matches (inclusions for suspects arrested and exhibits that have the same station case number) finalised		FY 2018/19: 2306 serials FY 2019/20: 4 780 FY 2020/21: 1 302 QTR 1: 2021/22: 341 QTR 2: 2021/22: 681 QTR 3: 2021/2022: 1028 QTR 4: 2021/2022: 1 778
Number of DNA Serial Case reports issued		FY 2019/20: 1 763 serials QTR 1: 2021/22: 18 QTR 2: 2021/22: 138 QTR 3: 2021/2022: 241 QTR 4: 2021/2022: 382 serials

6. QUALITY MANAGEMENT SYSTEM

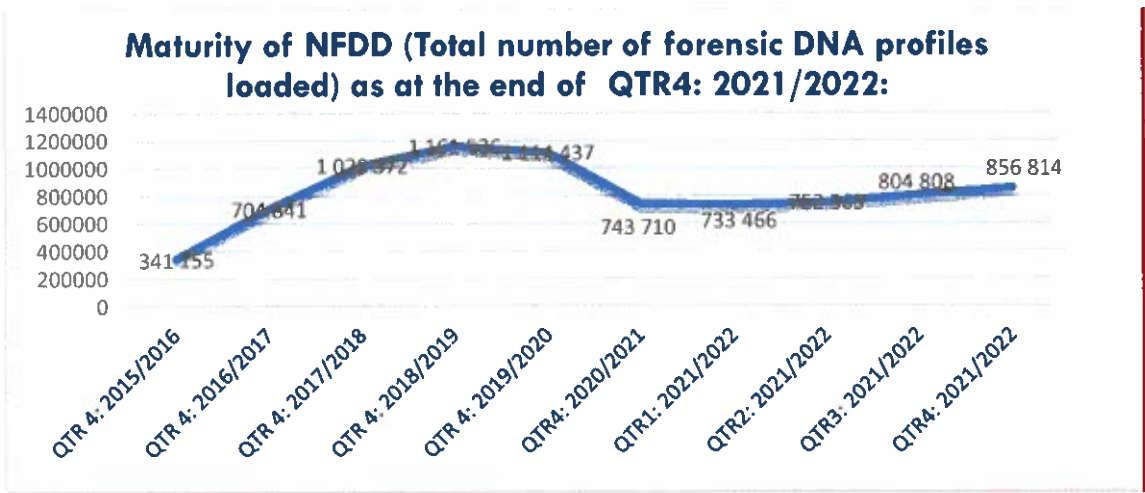
An accredited Quality Management system (QMS) plays a vital role in achieving, maintaining, and improving the accuracy and reliability of Forensic DNA profiles produced. Despite the fact that accreditation is only a best practice and not a legislative obligation, the Division: Forensic Services has embarked on a phased-in approach towards the accreditation of its services, backed by internal and external quality controls. The FSL reported to the Board that the environment is currently re-aligning the QMS to the new ISO 9001 standard of 2017. This standard prescribes the general requirements for the competence of testing and calibration of laboratories. Adhering to these standards enables laboratories to demonstrate their ability to operate competently and to deliver trusted results, thereby promoting confidence in their work.

7. THE NATIONAL FORENSIC DNA DATABASE (NFDD)

The National Forensic DNA Database is established in terms of section 15G (1) of the DNA Act to facilitate and enable the management and coordination of comparative searches. The maturity (overall size) of the NFDD has shown a significant improvement by 13,2% in the number of

forensic profiles loaded into the database from 743,710 in 2020/21 FY to 856,814 forensic DNA profiles stored at the end of 2021/22.

Fig 1: NFDD Maturity: Loading of Forensic DNA profiles



The overall performance and efficacy of the NFDD is judged by a number of profiles loaded into the various indices. In particular, the goal is to ensure higher loading rates on the convicted offender, arrestee, and crime scene indices.

An analysis of data presented in table 6 below demonstrates a significant uptick in the number of forensic DNA profiles loaded onto the various indices of the NFDD vis-à-vis those expunged which is quite encouraging. This increase in the overall loading rate for the period under review appears to be in line with the gradual roll-out of outstanding contracts for consumables and reagents, as well as the maintenance and calibration of key machinery and equipment. The Board is expecting a significant growth in the convicted offender index, once the process of sampling of convicted offenders is implemented. A total of 166 894 profiles were loaded into various indices whilst 49 653 profiles were expunged.

Table 6: Various Indices of the National Forensic DNA Database (NFDD) Loaded for 2021

INDICES	LOADED	EXPUNGEMENTS
Elimination Index	3 866	n/a
Crime Scene Index	26969	n/a
Convicted Offender Index	1 236	n/a
Missing Persons/ Unidentified	3 146	n/a
Investigative Index	9 293	775
Arrested Index	138 779	48 878
TOTAL	166 894	49 653

8. TAKING OF BUCCAL SAMPLES FOR PRIORITISED SCHEDULE 8 OFFENCES BY DETECTIVES

The taking of buccal samples for prioritised schedule 8 offences is an obligation prescribed by section 36D (1) of the DNA Act. This was not a legislated mandate until 31 January 2022.

The ability of detectives to collect buccal samples is critical to the success of the NFDD, and ultimately the goal of the police to optimally utilise forensics in criminal investigations. However, one of the key stumbling blocks to achieving this in the past years has been the low compliance rates by detectives nationally in taking buccal samples from arrested schedule 8 offenders due to the fact that buccal sample kits were not available in 2018/19 and 2019/20 financial years.

As per the below table, during the period under review (2021/22 FY) the laboratory recorded an 83% compliance rate against the AOP target of 70% in terms of sampling and processing of buccal samples from persons arrested and charged for schedule 8 offences.

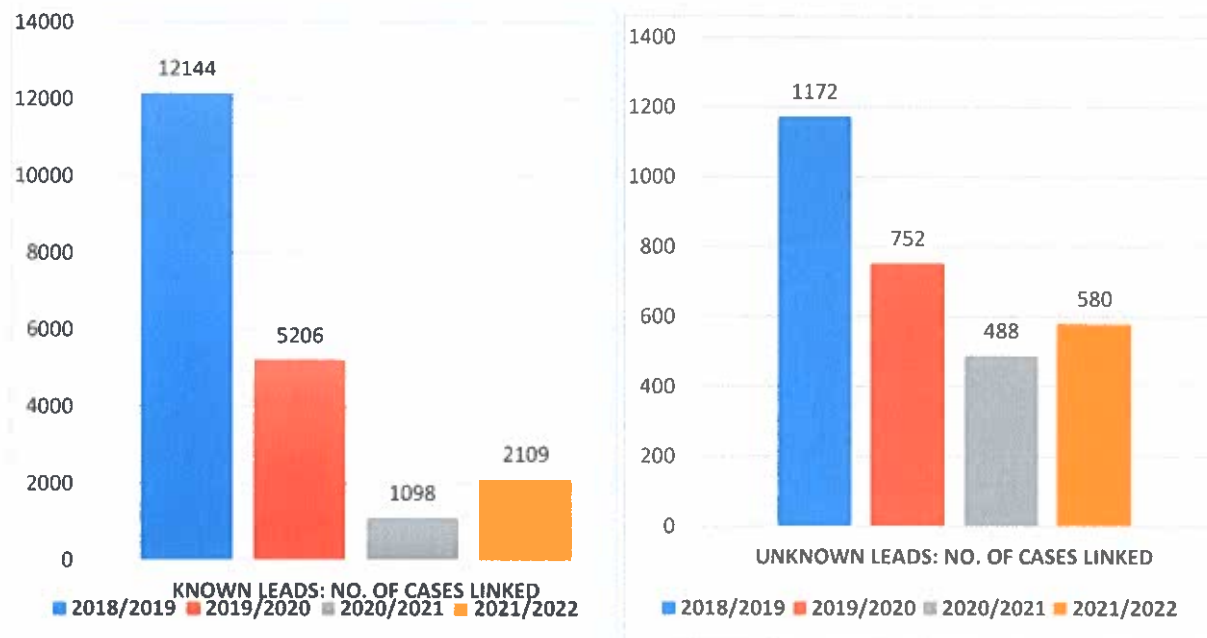
Table 7: Breakdown of the number of schedule 8 offenders arrested vs. the number of buccal samples taken

PROVINCE	No. of Persons arrested and charged in Prioritised schedule 8 offences	Buccal samples taken	% Compliance 2021/22 FY
WC	19614	15242	77.7%
EC	11103	9541	85.1%
MP	33013	31913	96.7%
NC	24141	19378	80.3%
KZN	10839	8715	80.4%
FS	9339	7445	79.7%
LP	9334	6850	73.4%
GP	6324	6033	95.4%
NW	31172	23488	75.3%
TOTAL	154879	128515	83.0%

9. FORENSIC INVESTIGATIVE LEADS

Regulation 12 of the DNA Regulations 2015 as supported by the policy on the "Investigation and Management of Serial Rape and Serial Murder" prescribes that *"every Provincial Commissioner must establish special task teams in ensuring that forensic investigative leads, multiple offenders and serial cases involving murder, rape, sexual assault and psychologically motivated crimes are successfully investigated and resolved"*.

Figure 2: Forensic Investigative Leads reported for Person -to - Crime (Known Leads) and Crime – to – crime (Unknown persons)



The above figure demonstrates that a total of 2109 known persons were linked to criminal cases in the 2021/22 FY. In 580 cases, criminal cases were linked but the persons were still unknown. It is thus important that the forensic investigative units are established to follow up on these investigative leads indicated in figure 2 which will lead to improvement of the detection and conviction rate.

The Board has been advised by Forensic Services that SAPS is undergoing a work-study to assess the efficient means of establishing and operationalising these Forensic Investigative Units. As an interim measure, the SAPS has prioritised the follow-up and investigation of forensic investigative leads and this is included in the performance technical indicators of the SAPS's Annual Operational Plan (AOP). Table 8 hereafter depicts the finalised forensic DNA investigative leads, as well as those that are still outstanding as of 31 March 2022 as per the SAPS's AOP Technical indicator.

Table 8: Finalised Forensic DNA Investigative Leads

PROVINCES	DNA PERSON TO CRIME FORENSIC INVESTIGATIVE LEADS			DNA CRIME TO CRIME FORENSIC INVESTIGATIVE LEADS		
Province	BASELINE	FINALISED	OUTSTANDING AT END OF 2021/2022	AOP BASELINE	AOP FINALISED	AOP OUTSTANDING AT END OF 2021/2022
Eastern Cape	67	21	46	107	13	42
Free State	53	25	28	25	6	8
Gauteng	146	69	77	122	21	31
KwaZulu- Natal	82	31	51	34	4	10
Limpopo	59	9	50	27	3	6
Mpumalanga	48	24	24	20	3	1
North West	42	15	27	18	1	8
Northern Cape	18	6	12	4	2	1
Western Cape	46	17	29	67	20	12
TOTAL	561	217	344	424	73	119

10. BUDGET

Table 9: The following table illustrates the budget allocation and expenditure for the 2021/22FY

Row Labels	Sum of Current Budget	Sum of Total Expenditure	Balance
NATIONAL FORENSIC OVERSIGHT AND ETHICS BOARD	3,723,000.00	2,367,763.95	1,355,236.05
PAYMENTS	3,614,000.00	2,339,365.49	1,274,634.51
COMPENSATION OF EMPLOYEES	2,715,000.00	1,861,551.56	853,448.44
SALARIES AND WAGES	2,370,000.00	1,689,453.91	680,546.09
SOCIAL CONTRIBUTIONS	345,000.00	172,097.65	172,902.35
GOODS AND SERVICES	899,000.00	477,813.93	421,186.07
ADMINISTRATIVE FEES: PAYMENTS	2,000.00	1,569.00	431.00
AUDIT COST:EXTERNAL	35,000.00	34,748.00	252.00
CATERING:DEPARTML ACTIVITIES	3,000.00	2,700.00	300.00
COMMUNICATION	7,000.00	6,600.00	400.00
COMPUTER SERVICES	129,000.00	129,481.95	(481.95)
CONSULT:BUSINESS&ADVISORY SERV	159,000.00	159,045.03	(45.03)
FLEET SERVICES(F/SER)	6,000.00	5,793.00	207.00
CONS:STA,PRINT&OFF SUP	6,000.00	6,480.01	(480.01)
TRAVEL AND SUBSISTENCE	552,000.00	131,396.94	420,603.06
TRANSFERS AND SUBSIDIES	28,000.00	28,398.46	(398.46)
HOUSEHOLDS (HH)	28,000.00	28,398.46	(398.46)
H/H:EMPLOYEE SOCIAL BENEFITS	28,000.00	28,398.46	(398.46)
PUR/CONST CAPITAL ASSETS	81,000.00	-	81,000.00
MACHINERY AND EQUIPMENT	81,000.00	-	81,000.00
OTHER MACHINERY & EQUIPMENT	81,000.00	-	81,000.00
Grand Total	3,723,000.00	2,367,763.95	1,355,236.05

An analysis of the budget for the DNA Board for 2021/22 FY indicates underspending on Compensation of Employees alongside with Goods and Services. A considerable under-expenditure on Compensation of Employees has been the result of funded positions of an Administrative Officer that had been vacant and was only filled during the last quarter of the financial year; and similarly, the DNA Secretariat Head that became vacant during the same period. The under-expenditure on Goods and Services was occasioned by the limitations imposed by COVID-19, as the majority of DNA Board and its Secretariat field operations and activities were mostly undertaken virtually.

11. CONCLUSION

An analysis of data presented in the current report demonstrates that the Board's interventions are yielding notable positive results with regards to bringing stability to the Division: Detective and Forensic Services. Notwithstanding that there are areas that require regular oversight, particularly, strengthening the systems on the management of contracts by the Division: Forensic Services, a great deal of strides and gradual improvement have been noted in the operations of both the FSL and the NFDD particularly in the following areas:

- Down management of Ring-fenced backlog by 76.95 %.
- Finalisation of backlog against the incoming number of cases for the reporting period has also shown a significant improvement by 24.85 compared to the previous financial year.
- The maturity and overall performance of the NFDD in relation to loading of profiles on various indices has improved by 13.2 % from the previous financial year.
- Eighty-three percent (83%) compliance rate by detectives nationally in sampling of persons arrested and charged for Schedule 8 Offences.

The Board has also continued focusing its efforts at initiating some new interventions as well as sustaining those that were initiated by the previous Board during 2018/19. These include continuously supporting the CSPS in finalising the amendments to the DNA Act which has now been submitted to the National Assembly for deliberations. Amendment of the DNA Act will have far reaching implications towards the full implementation of the Act.

12. RECOMMENDATIONS

The Board will continue to intensify its oversight and monitoring mechanisms over the Division: Detective and Forensic Services to improve efficiency and promote optimised supply chain and contract management systems and processes.

Down Management of DNA casework backlog remains a matter of priority for the Board until such time the FSL backlog would be below an acceptable international standard i.e. below 10%.

The deadline for the initial project was November 2022. The Board will continue to oversee the project until the backlog is totally eradicated.

The forensic leads are a cornerstone of our Criminal Justice System because a comparative search conducted on the NFDD can lead to forensic DNA investigative leads which can aid effective tracking, apprehension and ultimately a successful prosecution of offenders. This is very crucial in a country such as South Africa where the rate of recidivism is at its peak.

The Board acknowledges the work of the task teams that is currently being performed by the detectives in following up the forensic investigative leads, however, it is important to the Board to see the establishment of the Forensic Investigative Units as permanent structures, with dedicated resources (both human and material) in every province to follow up on investigative leads. The Board will continuously engage the National Commissioner in respect of timeliness for the establishment of forensic investigative units at provincial level.

Further, addressing the issue of a delay in the establishment of Forensic Investigating Units would be best served by amending Regulation 9 of the DNA Regulations, which would mandate the establishment of permanent structures (Forensic Investigative Units) with dedicated resources, both human and material, to effectively follow-up on all investigative leads.