

Parliament calls for amendments to Forensic Procedures Act

The Portfolio Committee on Police has called for the fast-tracking of the executive processes in amending the Criminal Law (Forensic Procedures) Amendment Act.



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The committee on Tuesday expressed its concerns about the “gaps” in the act, and has instructed the Civilian Secretariat of Police to fast-track processes towards the amendment of the act.

The Criminal Procedures Amendment Act provides, amongst others, for the taking of specified bodily samples (buccal samples) from schedule 8 offenders for forensic deoxyribonucleic acid (DNA) analysis. The DNA profiles are then stored in the National Forensic DNA Database (NFDD).

The purpose of the act is to strengthen criminal investigation and ensure prosecution of repeat offenders.

“The committee has called for the fast-tracking of the executive processes in amending the act to remedy challenges within the system. DNA analysis plays a central role in the successful prosecution of offenders and, as such, it must be strengthened,” chairperson of the Committee Francois Beukman said.

Beukman was responding to the DNA Board, which informed the committee that the two-year transitional period provided for by Section 7(7), which enabled the retrospective sampling of all persons convicted of schedule 8 offences, has come to an end.

Offenders are now unwilling to have a buccal sample taken, potentially rendering the South African Police Service unable to cross-reference DNA with the NFDD, which could undermine the resolution of cases.

Beukman said the amendment of the act will ensure that buccal samples are taken from all convicted offenders. This will improve the administration and management of the NFDD, and enable proper management of sexual offences data.

Meanwhile, the committee has urged the Office of the DPCI Judge to in future provide the committee with a detailed account of the expenditures within the office as part of its annual report presentation. The committee said the information provided by the office was devoid of detail, which affected the ability of the committee to analyse spending.

The committee is concerned by the lack of adequate staffing within this oversight body, which undermines the delivery of its mandate. The committee has instructed the Office of the DPCI Judge to undertake a scientific study to ascertain its staffing requirements to effectively deliver its mandate.

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