In Chapter 2 Burger analysed the problems experienced by the emergency services – often the first port of call for victims. This chapter takes us into the next part of the process, which is the management of a crime scene and the investigation carried out by the police after a crime has been committed.

Management of a crime scene is the process of ensuring the orderly, accurate and effective collection and preservation of physical evidence so that the evidence can be used to take legal action. Further scientific analysis of evidence may become the responsibility of the police’s forensic laboratory. According to McCartney, ‘forensic science can be considered broadly as the application of natural and physical sciences to the resolution of legal conflicts’.1

This chapter describes the procedure for collection of physical evidence at crime scenes and identifies those involved. It also describes the investigative
process followed by detectives in solving the crime, as well as the procedure followed at the forensic science laboratory once evidence has been forwarded for analysis. It outlines the training that crime scene technicians and detectives need to receive, and the problems experienced in the real world of investigation and analysis. Expert opinion on facts pertaining to the case study of Anna Juries in Chapter 1 is offered. The chapter concludes with a set of recommendations aimed at policy-makers.

COMMAND STRUCTURE FOR AN INVESTIGATION

Figure 1 and 2 below illustrate the command and control structures of the Detective Service and the Criminal Record and Forensic Science Service divisions of the SAPS. Each division has its own command and control structure, with no horizontal command structure connecting them. Operational cooperation between the two divisions does take place and is guided by national instructions and policies.

Figure 1 demonstrates the command structure of an investigation undertaken by a detective at a police station. Figure 2 demonstrates the command structure of an investigation undertaken by a laboratory or crime scene technician. The detective’s role in an investigation differs from that of the laboratory or crime scene technician. While the detective is tasked to open a case docket for a particular crime, take down witness statements and continue further investigations on the case, a crime scene technician is tasked to collect physical evidence at a crime scene. (A detailed discussion on the two processes is provided later in this chapter).

COLLECTION OF PHYSICAL EVIDENCE

The procedure for the management of all crime scenes – irrespective of the scale and nature of the crime – is set out in SAPS Policy 2 of 2005. The policy provides guidelines to ensure that crime scenes are properly controlled, managed, and documented; and that the integrity of items with potential evidential value is unquestionable. Here we describe ten phases for managing a crime scene: 1) reporting and activation, 2) responding, 3) controlling, 4) hand-over, 5) planning, 6) investigation and processing, 7) debriefing, 8) restoring, 9) releasing and 10) evaluation.
**Figure 1: Command and control structure of the SAPS Detective Service**

SAPS Head Office
National Commissioner

Detective Service
Divisional Commissioner

Provincial Detective Head

Police Station
Station Commissioner

Visible Policing
- Social Crime Prevention
- Client Service Centre
- Community Policing
- Sector Policing

Crime Intelligence
- Statistical Analysis
- Crime Threat Analysis
- Crime mapping

Detective Unit
- SVC Detectives
- FCS Detectives
- General Investigation

Support Service
- Human Resources
- Financial Services
- Legal Services
- Communication Services

Source: Adapted from SAPS organogram
Figure 2: Command and control structure of the SAPS Criminal Record and Forensic Science Service

Source: Omar in SA Crime Quarterly no 23, 2008
Reporting and activation

The reporting phase is the first contact between a witness to a crime and the police.

The policy stipulates that any member of the police to whom a crime is reported (whether at a Community Service Centre, 10111 Centre, or Operational Room), must be trained to manage the actions that are required to respond to crimes reported to their offices. These members of the police must have up-to-date contact details for relevant units involved in crime scene management in the SAPS.\textsuperscript{4}

The call taker and/or dispatcher who receives a report of an incident must enter necessary and accurate information on a SAPS 297 form or on the SAPS computer system. S/he must also dispatch a member of the police (referred to as a first member) to the crime scene and continue to monitor the situation and provide support for as long as required.\textsuperscript{5} The monitoring and support provided by the call taker or dispatcher includes maintaining open lines of communication with the first member and activating back-up from other police members if necessary.

Responding

This phase refers to the actions taken by the first member at the scene of a crime. The correct management of the crime scene is one of the key determinants for the successful resolution of a case.

The prescribed procedure is for the first member on the scene to assess the situation, make arrests if required, remove unauthorised persons from the scene, and begin compiling a report.

Controlling

The first member must then take control of the physical area where the crime took place. S/he must secure the crime scene with physical barriers, such as SAPS-identifying tape, to prevent the destruction, disturbance or contamination of physical evidence. The SAPS recommends an inner and outer cordon.\textsuperscript{6}

Exit and entry routes to and from the crime scene must be identified and the first member must identify and begin to interview witnesses.\textsuperscript{7} An Access Log must be used to record the names of those who have access to the scene.

During this controlling phase the First Member must also record the particu-
The first member on the scene must also establish a command centre for administrative functions and communication, identify potential witnesses, and gather information on suspects. These actions must be continued until the first member is able to hand the scene over to the crime scene manager.

A crime scene manager, according to SAPS Policy 2, is a ‘specifically trained member of the relevant investigation unit who manages the crime scene team on the crime scene’. She or he will be a senior ranking member of either the Serious and Violent Crimes (SVC) unit, or the Family Violence, Child Protection and Sexual offences (FCS) unit, depending on the nature of the crime.

Table 3: Relationship between type of crime committed and relevant SAPS response units

<table>
<thead>
<tr>
<th>Crime committed</th>
<th>SAPS crime investigating units*</th>
<th>SAPS forensic science lab units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder with gun</td>
<td>SVC</td>
<td>Biology unit &amp; ballistics</td>
</tr>
<tr>
<td>Child rape</td>
<td>FCS</td>
<td>State pathologist and biology unit</td>
</tr>
<tr>
<td>Rape and murder of a family, including survivors</td>
<td>SVC, FCS</td>
<td>Biology and ballistics units</td>
</tr>
</tbody>
</table>

*Note that these units have been decentralised to police station-level since 2006.

**Hand-over**

This phase refers to the devolution of responsibility and control of the crime scene by the first member to the crime scene manager. When the crime scene manager from the relevant unit, either, ballistics, biology or any other unit, depending on the type of crime, arrives on the scene (see Table 3), the first member must complete the ‘first member report’ and hand it to the crime scene manager. The first member must also give the crime scene manager any other documentation and logs relating to the crime, and must brief the manager about the crime and what action has been taken.
The crime scene manager now assumes control and responsibility of the crime scene. S/he must assign a command centre commander and an investigating official (also known as detective) to the crime scene.

Planning

The planning phase calls for an evaluation of the crime scene to determine what further actions need to be taken. The crime scene manager, crime scene technician (CST) and detective do this by taking a ‘first walk’ through the crime scene. They take note of the route used by the perpetrators and victims, and any evidence that might need to be processed prior to or after the walk through. The crime scene manager then decides on the direction the investigation should take. S/he determines the way and order in which resources must be used and the methods to be used during the investigation and processing of evidence. The crime scene manager must keep a report of all these planning decisions and processes.11

This phase is important in determining the level of priority given to a particular crime. If the call taker or dispatcher who received the initial information does not determine the priority of the crime based on the information received, then the investigating official or the crime scene manager, based on guidelines and experience, can do so. Crimes against women and children and serious and violent crimes are two of the SAPS four operational priorities for the period 2005-2010.12

The Local Criminal Record Centre (LCRC) in whose jurisdiction the incident occurred must provide a crime scene technician specially trained in his/her field, from a specific unit such as the biology unit or the ballistics unit. The technician, who reports to the crime scene manager, must evaluate the situation; decide on and appoint a crime scene processing team; identify, note and protect all possible physical evidence; determine what resources are required for the processing of the crime scene (for example, evidence collection kits, equipment to identify blood that has been cleaned up, or calling in other experts like blood spatter technicians); and must keep a record that will form the basis of a report about how the scene was managed.13

Investigation and processing

During this phase, the detective begins conducting the actual investigation or gathering of information about the crime. His/her role continues until the case is finalised in court or withdrawn. (Later in this chapter under the heading ‘Invest-
tigating a crime’ there is a detailed account of the procedure for investigation).

The crime scene manager meanwhile continues to coordinate the processing of the crime scene where physical evidence is collected. The crime scene technician plays a vital role during this phase as s/he is the expert tasked to do the actual collection of the physical evidence.

These tasks are the responsibility of the crime scene technician:

- Ensure that the crime scene is photographed before it is altered and that the physical evidence is in its original position.
- Coordinate the processing of the scene for physical evidence, including ensuring that all evidence has been logged and handled according to the directives for the collection of exhibits, and ensure the continuity of possession and integrity of the evidence. The Locard-principle is used when searching for physical evidence. According to this principle, some or other clue is usually left behind when two objects or persons come into contact with each other. For example, when a person touches a windowpane his/her fingerprints are transferred to the windowpane. Investigators may therefore assume that there will always be physical evidence at the scene of the crime – they must simply search for it.
- Coordinate the gathering of information for event construction.
- In the case of a death, authorise the removal of the corpse in consultation with the pathologist.
- In the case where a suspect is known and/or arrested, a control sample of saliva and/or hair fibre should be taken for comparative purposes, so that the evidence found at the scene can be compared with known data on the SAPS database.
- Evidence collected must be preserved in evidence collection kits and forwarded to the forensic science laboratory for analysis.

The full resources of the necessary investigation agencies are not always available for every crime scene, so inevitably some evidence will not be collected, some will not be processed, and some will deteriorate before it can be secured. The critical duty of the investigator in charge is to ensure that the most valuable evidence is collected, so that good forensic reconstruction is possible.
Debriefing

During this phase, the crime scene manager conducts a final survey of the crime scene, reviews all activities that took place, determines if all objectives were met, and debriefs all members involved. S/he must identify all persons from whom control samples should be taken in order to eliminate or identify them, and ensure that all reports and documents are handed over to the detective for further investigation.

The crime scene technician must attend to any additional tasks identified, determine responsibilities and procedures for the gathered exhibits and evidence, and ensure that the crime scene technician’s report is completed and handed over to the crime scene manager.

The detective updates the investigation diary to reflect decisions made at the debriefing session, obtains all relevant documentation, and deals with exhibits that are his/her responsibility. For example a set of keys found at a crime scene would probably not require analysis at a lab but would need to be kept in the evidence room at a station.

Restoring

This phase refers to returning the crime scene to an orderly manner. The crime scene manager and the detective must ensure that all equipment used at the crime scene is removed, that photographs of the crime scene are taken, that all evidence is accounted for and logged in the evidence management system, and that all documents are in the possession of the detective.

Releasing

In this phase the crime scene must be handed back to the owner of the premises or a person identified as responsible for the premises by the crime scene manager.

Evaluation

In the evaluation phase the crime scene manager, and all other SAPS members involved, make an assessment of the process followed at the crime scene and make recommendations for improvement.

The phases described complete the process of collection of physical evidence and the management of crime scenes. Table 4 lists the documentation that must be completed by the responsible SAPS member at a crime scene.
Table 4: Documents used during crime scene management

<table>
<thead>
<tr>
<th>Document</th>
<th>Person responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAPS 297</td>
<td>Call taker and/or dispatcher</td>
</tr>
<tr>
<td>First member report</td>
<td>First Member</td>
</tr>
<tr>
<td>Access log</td>
<td>First member and/or Commander of Joint Operational Centre (CJOC) or Command Centre Commander (CCC)</td>
</tr>
<tr>
<td>Casualty log</td>
<td>First member and/or CJOC or CCC</td>
</tr>
<tr>
<td>Exhibits log</td>
<td>First member or Crime scene technician</td>
</tr>
<tr>
<td>Witness log</td>
<td>First member and/or detective</td>
</tr>
<tr>
<td>Crime scene manager report</td>
<td>Crime scene manager</td>
</tr>
<tr>
<td>Crime scene technician report</td>
<td>Crime scene technician</td>
</tr>
</tbody>
</table>

Source: SAPS Policy 2 of 2005

**FORENSIC ANALYSIS**

The physical evidence collected is forwarded to the police biology laboratory for analysis. The laboratory administrative assistant receives the evidence, issues a lab number, and then registers the case on the Exhibit Management System (EMS), which manages and controls case files and items in storage. In this way the tracking of files and items to other storage areas and persons is simplified.

An analyst then begins the process of evaluating the evidence. This excludes DNA, which is only analysed when requested by a state prosecutor, or if a particular case has been prioritised. Recently, police labs have begun requesting prosecutors to furnish them with court dates when evidence will be reviewed.

If a request is made to analyse DNA, it is extracted from blood, semen, or tissue, and a match is sought. The result is then interpreted and the reporting officer compiles a report, which is reviewed by another senior reporting officer. The administrative staff will then dispatch the report and the exhibits.

An affidavit is then forwarded to the prosecutor or the investigating officer which may suffice to prove the state’s case. However, there are many instances where analysts have to be available to testify in court.
INVESTIGATING A CRIME

Investigating a crime requires particular expertise and dedication. Here we outline the nine stages that have to be followed by all those involved in the process:

1. Opening a case docket

The Detective must open and maintain a case docket. Each docket is divided into three divisions – A, B and C – so as to provide easy access to information for a Prosecutor or Detective Commander.

Documents filed under ‘A’ are evidence material pertaining to the case – statements by complainants and witnesses, arrest warrants and search warrants, identity parade forms, bail information, reports from evidence analysts, J88 or examination form of district surgeon, photographs, and fingerprint forms.

Correspondence and administrative documents are filed under ‘B’. These include information on stolen property, wanted persons, replies from other police stations and media clippings relating to a case.

Investigation diary details are filed under ‘C’. These include the first member report, details of the crime scene, modus operandi, clues pertaining to the case, search of premises, victim and suspect details and whether the victim was insured.

2. Registering case docket

The case docket must be registered in the Crime Register or on the Crime Administration System (CAS) at the Community Service Centre (CSC) by the official on duty in the CSC. In some instances, a case is registered by the detective who attended a crime scene or attended to a complaint in his office.

3. Transfer of case docket

The case docket must immediately be forwarded to the Crime Office or the Detective Unit by the official on duty at the CSC or the detective who registered the case docket.

4. First information inspection

The Crime Office Commander or Detective Commander must acknowledge receipt of the case docket by signing for it. He/she must then conduct the First Information of Crime Inspection.
5. Assigning the case to a detective

The Crime Office Commander or Detective Commander must assign the docket to a detective – either the detective who attended the crime scene and registered the docket, or another detective – depending on various factors such as the experience of the detective or the number of cases a particular detective is investigating. A docket can be re-allocated when a detective takes leave or when his/her position has been changed.32

6. Investigation commences

The detective assigned to the case leads and manages the investigation. Depending on information required for a particular case, such as a suspects’ record of previous convictions that would be obtained from the Criminal Record Centre (CRC). General practice within SAPS is to allocate one detective per case. In complex cases such as one involving a criminal syndicate, a team of detectives is involved.

7. 24-hour docket inspection

After the detective begins the investigation, a 24-hour docket inspection takes place. Over the course of the investigation further docket inspections (monthly and six monthly) may also take place.33

8. Dockets sent to court

The docket is forwarded to a senior public prosecutor for a decision on whether to prosecute or not.34 There is no time limit with regard to the preliminary investigation and the prosecutor receiving the docket. The duration is determined by merits of each case, such as whether the detective has obtained all the witness statements, the case-load of the detective, and the priority of a particular case being investigated by the detective. The docket is then placed on the court roll and the court case ensues.

9. Further investigations and feedback

During the investigation process, the complainant must be provided with feedback on the case by the detective investigating the case. As mentioned above, general practice within SAPS to allocate one detective per case.
IDENTITY PARADES
Jerome Chaskalson and Ynze de Jong

Identity parades are one of the investigative tools available to detectives. South Africa's law of evidence recognises the use of identity parades as a legitimate method for establishing the identity of alleged offender. There is a set of principles which govern their use. These principles have mostly been established in the course of criminal proceedings by South African courts.

Generally identity parades are used in criminal matters where there is a single witness. Since in these cases there is often no other corroborating evidence to link the accused to the offence, the courts need to be satisfied that the identification process itself was inherently fair.

The courts will assess the fairness of the identification process on the basis of a number of factors.35

- The witness should be told that the suspect might not be on the identity parade. The intention is to avoid the scenario where a witness makes the assumption that one of the people on parade must be the alleged offender and therefore feels a pressure to select a person from the line-up.
- The witness should give a description of the suspect before the identity parade takes place. Normally this description is given in a statement taken shortly after the incident. If for some reason this information was not recorded, a new statement must be taken prior to the identity parade being held. This check allows for a comparative analysis between the description that was first given by the witness and the offender who is identified during the line-up.
- There should be at least eight individuals in the line-up, reasonably similar in appearance to the suspect. Similarities, for example, include height, weight, complexion and hair colour.
- The suspect should not wear distinctive clothing. In other words all of the people on the line-up should be dressed similarly.
- The witness should not see the suspect in custody before the parade takes place. This is because the witness might make the assumption that the person is the alleged offender simply because they are in custody.
- No one may tell the witness whom to point out, or in any other way encourage the identification of a particular suspect. It is for this reason that the investigating officer should not be in charge of the identity parade. Ideally an officer who is not aware of the facts of the case should manage the identity parade.
• If there are several witnesses, they should be kept separate before the parade, and each witness should undertake the identification individually. This is done to avoid witnesses influencing each other.
• The suspect should be allowed to choose his or her place on the parade. This is to ensure that there is an element of randomness to each identity parade.
• If a witness knew the suspect before the identity parade this fact should be noted and subsequently disclosed.

While identity parades are a useful and important method of establishing the identity of a suspect it is important that the procedures followed during this process are inherently fair and that there is no attempt to influence the identification of a suspect by a witness.

Unfortunately these standard procedural checks, which are relatively simple to comply with, are often not followed in practice. This lack of attention to procedural requirements often prejudices the state's case.

In the case of Anna Juries, the admissibility of the identity parade was compromised in a number of ways. Firstly it was arranged and conducted by the investigating officer. It is somewhat ironic that his colleagues were scathing about him not arranging it properly, since in fact he should never have been involved. Also, the victim should never have been able to see the offender at the police station prior to going into the identification room. We assume that he was kept in an isolated area, but had requested permission to use the public telephone located at the front of the charge office. If that was the case, an SAPS official should have ensured that the victim had been moved.

TRAINING

Crime scene technician training

The crime scene technician places a vital role in evidence collection (see ‘Collection of Physical evidence; Investigation and processing, and Debriefing’ page 75, 65, 67). Training for this position should be intensive and provide sufficient knowledge and skills to:
• Correctly and thoroughly process a crime scene
• Correctly record and visually represent the crime scene
• Assist investigating officers to reconstruct the event and correctly identify role-players
SAPS Policy 4 of 2003 governs the training procedure for crime scene technicians. According to the policy recruits have to complete the Basic Police Training Course and must attend a two-week in-service induction programme where new recruits are exposed to the LCRC environment, organisational culture and operational procedures.

Recruits then attend a 10-week Advanced Crime Scene Course. If the recruit successfully completes the course, s/he will be qualified as a crime scene technician and can commence duties at the LCRC. At the LCRC s/he is expected to work and gain a year’s practical experience, which includes close supervision and regular assessments by the Commander of the LCRC. Members who do not complete this course and the one-year practical training are not allowed to investigate cases or carry dockets.

A crime scene technician must then attend a 2-week forensic training programme. A time-frame for commencement of the training is not stipulated, apart from the requirement for completion of the one-year practical training for the advanced crime scene course. The aim of the forensic training programme is to train the technicians to interact with the forensic science laboratory and to recognise, collect, preserve, pack and dispatch crime exhibits for forensic analysis. The programme also trains them to assess fingerprints. If any trainee technician fails to reach the required competency level in the training course, s/he is given an opportunity for one more re-assessment. If s/he fails the re-assessment, s/he has to repeat the course.

After qualifying, a crime scene technician is required to attend a refresher course every five years. Regular reviews of training procedures are undertaken to keep pace with knowledge and scientific advances locally and internationally.

Detective training

Training for detectives includes a Basic Training course, a Detectives Learning Programme, and (for managers) a Detective Commanders Learning Programme.

The Detectives Learning Programme is a 14-week outcome-based programme ‘designed to train investigating officers in the SAPS to enable them to police in a way that is consistent with crime investigation principles and to render a profes-
sional service to the community they serve." The course is comprehensive and includes a broad range of subjects: criminal law, law of evidence, the Criminal Procedure Act, statement taking, docket administration, inquest investigation, crime scene management, hints for investigation of specific crimes, management of exhibits, investigative interviewing, witness protection, tracing resources, missing and wanted persons, crime information gathering, Interpol, informer handling, surveillance, pointing out, identification parades, granting and opposing of bail, and giving evidence.

Although the formal training of detectives appears to be very detailed and comprehensive, almost a quarter of those fulfilling the roles of detective have not undergone the requisite training. This is confirmed by the Policy Advisory Council report of 2007 which states: ‘The greatest problem with ensuring an effective detective service nationally is that 24 per cent (3 574) of investigators have not undergone the basic training in order to qualify as a detective.’

WHERE IS IT GOING WRONG?

A well-processed crime scene, good investigation, and successful conviction are dependent on a well functioning criminal justice system. Police policies and training are of a high standard and if they were implemented as directed, policing would be more effective and more crimes would be solved. In practice, however, there is a disparity between policy and practice within the police and within the Criminal Justice System as a whole.

Police

Policy versus implementation

SAPS Policy 2 of 2005 clearly defines the roles and responsibilities of members involved in a crime scene – from the call taker at the early stages to the crime scene technician at the closing stages.

Policy 2 has two serious shortcomings. Firstly, it is intended for very serious crimes and does not make realistic suggestions about dealing with less serious crimes. Secondly, it does not accommodate the realities of daily police work. For example, the policy requires a designated and separate crime scene manager, whereas in fact it is more likely that an individual police member will fulfil the function of two or more of the role-players laid down in the policy. Human re-
source constraints within SAPS, along with the high number of violent crimes in the country, means that in reality not all the functions envisaged in the policy are fulfilled. In fact it is rare for South African crime scenes to be processed in complete adherence to policy requirements as in the Anna Juries case.

Policy 2 accords the first member a great deal of responsibility at the crime scene; from taking statements, to keeping three different logs, to establishing a command centre. Uniformed police from police stations or the Flying Squad generally are first responders to crime scenes. Their functions should be limited: they should be tasked only with cordoning off crime scenes and identifying and restraining suspects and witnesses, after which they should hand over to a detective or crime scene manager (this is also discussed in Chapter 2).

Shortage of detectives and inadequate resources

The police service's problems are exacerbated by a shortage of detectives. There are currently approximately 24 600 detectives nationally—about 13 per cent of the total SAPS personnel. This is insufficient. The figures for 2007 showed that each detective was carrying some 150 dockets at any one time. Added to this burden are insufficient resources such as vehicles, computers and furniture, allocated to detective units by station commissioners.

Furthermore, the inadequate training of many detectives as well as a lack of mentorship and in-service training raises questions about the ability of some detectives to perform their duties.

Detectives and the collection of physical evidence

While Policy 2 of 2005 says the role of detectives at a crime scene does not include collection of physical evidence, in practice this is often the case. The primary responsibility of detectives assigned to a crime scene is to investigate and manage the case, while collection of physical evidence is the function of suitably qualified crime scene technicians only.

However subsection 20 of the Criminal Procedure Act 51 of 1977 states that the ‘State may seize anything...’ at a crime scene and seize certain articles in order to obtain evidence for the institution of a prosecution. Act 51 is not specific enough and implies that any government official can seize any property, while failing to specifically address the collection of physical evidence at crime scenes. National Instruction 2 of 2002 on ‘Search and Seizure’ is just as vague and does not address specifically the collection of physical evidence at crime scenes.
There are several factors that compel detectives to collect evidence; namely:

- **Too few trained and qualified crime scene technicians**
  In South Africa’s 92 LCRCs during 2006/07, there were 1691 crime scene experts (tasked to collect physical evidence at crime scenes) and 92 forensic experts (working at labs analysing DNA samples).\(^{47}\) Table 5 shows the number of crimes requiring the expertise of Crime Scene Technicians in the same period.\(^{48}\)

**Table 5: Crime statistics per category of crime for 2006/7**

<table>
<thead>
<tr>
<th>Crime Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murders</td>
<td>19,202</td>
</tr>
<tr>
<td>Rapes (between April and December 2006)</td>
<td>39,304</td>
</tr>
<tr>
<td>Attempted murder</td>
<td>20,142</td>
</tr>
<tr>
<td>Robbery with aggravating circumstances (not including street robberies)</td>
<td>35,537</td>
</tr>
<tr>
<td>Arson</td>
<td>7,858</td>
</tr>
<tr>
<td>Burglary at residential premises</td>
<td>249,665</td>
</tr>
<tr>
<td>Robberies at residential premises</td>
<td>12,761</td>
</tr>
</tbody>
</table>

Source: SAPS Annual Report 2006/07

Given the high number of cases, it is apparent that not every case will receive the necessary attention required, as there are simply too few crime scene technicians. If one takes into account the number of technicians on leave or attending training courses, the number is further reduced. The capacity concern regarding crime scene technicians was endorsed by the previous Deputy Minister of the Department of Justice and Constitutional Development, Johnny De Lange, to the Portfolio Committee on Justice and Constitutional Development and Safety and Security in 2008, in a review of the South African criminal justice system.\(^{49}\)

- **Inaccessibility of crime scene technicians**
  Crime scene technicians are often simply not available, which means detectives are frequently compelled to collect crime scene evidence otherwise the evidence may become contaminated or degraded. Many rural areas in South
Africa have no LCRCs, and the distance that members of the local LCRCs have to travel means that it is simply not feasible for them to reach many crime scenes.

• *Processing of less serious cases*
  In less serious cases in which there is no victim, but where there is, for example, a weapon at the crime scene that needs to be secured, a detective is permitted to process the crime scene and file the weapon as an exhibit at the local police station.

Cleary there are compelling reasons for detectives to step in and collect physical evidence. While this *de facto* situation is unlikely to change, the policy remains that officially detectives should not be collecting physical evidence at crime scenes at all. Assistant Commissioner Moonoo – at the time of writing Detective Service head of General Investigations – agreed that ‘detectives should not collect evidence at crime scenes’. The implication being that the policy should remain in place. If that is to be the case, these other problems have to be addressed.

*Custody of evidence*
Maintenance and custody of the chain of evidence is an area of concern. There seems to be a general problem with evidence collection kits not being stored in a cool place, or the kits not being sent to laboratories as quickly as they could be, leading to a deterioration of the samples. Advocate Retha Meintjes, Gauteng Director for Public Prosecutions, says while the procedure for sending evidence to laboratories is not difficult, the problem seems to be that ‘there is no proper control at station level in this regard. Police need only prove that the exhibit was in safe custody and maintained until it reaches the court’. Senior Superintendent Anneke Pienaar states that control at station level is the responsibility of the commanding officer at the station who is overseeing the case. She also states that it is the responsibility of the police to maintain the chain of evidence and ensure the prevention of contamination of the exhibit.

*Inspections of dockets*
Docket inspections are undertaken by the Detective Commander or Crime Office Commander in order to guide the detective during the investigation proc-
Docket inspections take place on registration, after 24 hours, monthly, six-monthly and pre-court. If inspections do not take place as prescribed, vital information can be overlooked leading to a case being lost in court. According to the Policy Advisory Council report, inspections are often not done in accordance with required standards and policies.55

Lack of coordination
SAPS members working in the different sections of stations, such as the Detectives Unit, VISPOL (members who do patrols and visible policing) and crime prevention, work in silos and do not share information, with the result that vital information that could have been used to solve a case is lost.56 UNISA senior lecturer in Police Practice, Marilieze van Zyl, contends that station level managers do not monitor and provide mentoring for junior members.57

Audits
The SAPS does not specifically monitor cases withdrawn by prosecutors or cases that are unsuccessful and struck off the court roll as a result of poor evidence collection or weak investigations. This makes it difficult to get a clear idea of the extent of weak investigation, and of which specific areas that may be problematic. (See Chapter 5: The National Prosecuting Authority).

Other problems
Other problems hindering effective investigations include the fact that police members are required to testify in court about investigations, and many members fear this task, mostly because of aggressive cross-examination by the defence.58 UNISA’s Marilieze van Zyl contends that there is the ‘problem of some members having a lack of pride in their jobs; lack of motivation to do better; feeling apathetic and having generally bad attitudes, which contributes to poor policing. There is no culture of walking the extra mile’.59

FORENSIC LABORATORY
Management of forensic fieldworkers at the 92 LCRCs that are tasked to collect physical evidence is inadequate. Prior to 2007, the LCRCs were decentralised and accountable to provincial commissioners. Since then, the centres have been cen-
centralised and fall under the national office of the Criminal Record and Forensic Science Service (CRFSS).

Weak management of forensic fieldworkers impacts on the evidence collection process. Some concerns are:

- Insufficient training
- Poor quality samples due to degradation (exposure to environmental factors)
- Health care practitioners submitting incomplete crime kits
- Evidence collection kits not being stored in a cool place
- Kits not being sent to the laboratories as quickly as they could be

Advocate Retha Meintjes contends that a further concern is confusion about who is responsible for collecting reports from laboratories, once the evidence has been sent off for analysis. She says that it is a police function to keep track of results from laboratories. She adds that previously there was a functioning system at police stations whereby supervisors checked up on the status of cases and lab results, but that this is no longer happening.

**COURTS**

General practice regarding physical evidence processing requires a prosecutor to fill in a request form once evidence is collected. This form has to be attached to the samples, and forwarded to the laboratories. The form serves as a checklist for evidence that is forwarded to the laboratories and it also informs the lab of the date on which the results are required in court.

According to Advocate Meintjes, laboratory results are not always produced on the specified court days, with the result that matters have to be rolled over. She mentioned that there is a backlog of results from the laboratories, but at the same time it seems that prosecutors were not making requests on time, leading to laboratories not meeting their deadlines.

The court cycle time, from when a case is first put on the court roll to when a resolution has been reached (verdict of withdrawal), is nine months. However magistrates are becoming increasingly stringent in this regard – demanding that cases not be kept on the roll for more than six months. Reasons advanced for the change are that court and case flow management are the responsibility of magistrates, who are accountable for the time a case is kept on the roll. However, as the case study shows (and as discussed in Chapter 5) cases sometimes take much longer than this to be processed.
HOW WELL WAS THE CASE STUDY CRIME SCENE INVESTIGATED?

In the light of all the above, we can now ask how well the crime scene in the Anna Juries case was investigated. Experts consulted identified the following shortcomings:

The detective and LCRC members should have visited the crime scene to look for physical evidence that could be used in court against an offender.

The table and chairs that the suspects ‘helped’ the victim move into the shop before the attack were not dusted for fingerprints. Cigarettes could have been collected for evidentiary purposes.

The knife found should have been processed at a laboratory. The knife should have been left as found – LCRC members should have been contacted, photographs should have been taken and the exhibit should then have been collected and placed in an official evidence collection bag. A unique seal number for this bag should have been recorded in the member’s docket as well recorded in the crime docket by the investigating officer.\(^{69}\) The LCRC member should then have registered the knife as an exhibit at his/her respective offices (Forensic Register) and the exhibit should have been forwarded to the forensic science laboratory for analysis, such as DNA profiling.\(^{70}\)

According to Superintendent Pienaar, the accused pointed out that the knife was the particular knife that was used in the assault of the victim, and there was no need to have it processed at the laboratory.\(^{71}\) However, if the accused had at a later stage denied or disputed having pointed out the knife, then a laboratory report would have assisted in counteracting his denial.\(^{72}\) Furthermore, the commander inspecting the docket could have advised the investigating officer of the benefit of having the knife analysed at the laboratory.

Concerning the blood sample taken from Anna Juries, the office of the provincial head of Gauteng CRC is of the opinion that the idea was excellent, but that ‘unfortunately the idea was not followed through and there was a change of investigators as well. The prosecutors could have advised the process’.\(^{73}\)

According to the office of the Gauteng Provincial Head: Criminal Record Centre, if the LCRC were contacted, members investigating the crime scene would have taken full control of all physical and forensic evidence.\(^{74}\) Furthermore, even though detectives were contacted to investigate the crime scene, the LCRC could have still been summoned later to the crime scene and conducted all necessary fingerprint and forensic investigations.\(^{75}\)
RECOMMENDATIONS

The following recommendations are offered with a view to constructively assisting the South African Police Services.

- Policy 2 of 2005 is clearly intended for an ideal police service and is unrealistic in the South African situation, for two reasons. Firstly, it is aimed almost exclusively at serious crimes and does not consider the management of less serious crimes. Secondly, the shortage of expert staff makes adherence policy to the impossible. We urge SAPS management to realign Policy 2 to the country's de facto realities.

- The role of detectives in collecting evidence at crime scenes needs to be clarified by SAPS management. Particular expertise is required to process a crime scene and detectives should not be undertaking this task. If the service continues to allow detectives to collect physical evidence, policies and national instructions should clearly reflect this, and extensive training in this regard must be provided.

- Human resource shortages within the detective service, laboratories and LCRCs have been an ongoing issue for many years. Low salaries and skills retention of scientists at LCRCs and labs, while having improved slightly since 2007, have not been addressed to any convincing extent. Given the speciality of detectives’ and technicians’ jobs, more attractive remuneration packages are needed to attract and retain suitable people. The training backlog of detectives must be addressed, and more importantly, new detectives must be provided with regular mentoring by senior detectives.

- SAPS detectives, laboratory staff and prosecutors should meet on a regular basis to iron out issues of concern in the crime scene process. While Policy 2 addresses this through a ‘debriefing phase’, in practice this is not done. In the same vein, new policies should be written in conjunction with the relevant criminal justice system departments and with other SAPS divisions, especially when there is an overlap in functions and responsibilities.

- Station Commissioners have to ensure that dockets are inspected regularly to ensure high quality investigation and detection. Commissioners also need to address the lack of coordination among station members and ensure that members talk to each other and share vital information. In addition, Commissioners should undertake audits of cases lost in court as a result of poor investigations so as to measure the performance of station members and detectives.
• The SAPS must begin using the existing oversight and accountability structures of Provincial and Divisional Commissioners, as well as the National Inspectorate and the provincial and national Departments of Community Safety, to address internal operational and organisational issues.
NOTES

2. This figure was taken from various SAPS structures and adapted by the author.
5. Ibid, 7-8.
6. Ibid, 10.
7. M van Zyl, senior lecturer, Department of Police Practice, University of South Africa, personal interview, Pretoria, 7 November 2008.
10. This table was created by the author.
15. M van Zyl, senior lecturer, Department of Police Practice, University of South Africa, e-mail correspondence, Pretoria, 26 November 2008.
16. Ibid.
20. Ibid.
22. Ibid.
26. Ibid.
27. Ibid.
28. Ibid.
29. Ibid.
30. Ibid.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
37. Ibid.
38. R Behari-Ram, Director, SAPS Detectives Training Division, e-mail communication, 23 March 2009.
40. Ibid.
41. Ibid.
42. Ibid.
43. Ibid.
45. Du Toit et al, *Commentary on the Criminal Procedure Act*.
49. De Lange, Presentation to the Portfolio Committees.
53. Pienaar, personal communication, 10 February 2009.
54. Ibid.
57. Ibid.
58. Ibid.
59. Ibid.
60. Omar, The SAPS Criminal Record and Forensic Science Service.
62. Ibid.
63. Ibid.
64. Ibid.
65. Ibid.
66. Pienaar, personal interview, 10 February 2009.
68. Ibid.
70. Ibid.
71. Pienaar, personal interview, 10 February 2009.
73. Singh and Lambert, e-mail correspondence, 30 November 2008.
74. Ibid.
75. Ibid.