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# Challenges in the collection and processing of physical evidence for sexual offences cases in Gauteng Province

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***ABSTRACT:*** *According to the United Nations' Office on Drugs and Crime (UNODC, 2010) the existence of effective and efficient forensic services to support the Criminal JusticeSystem is a necessity. The application of scientific techniques on investigation enhances the police's ability to solve complex crimes (Farrokhi, 2012). Dintwe (2009) contends that the use of forensic services in investigation does not only enhance the detection rate, but also heightens the credibility of evidence to ensure fair justice. Similarly, the use of forensic techniques helps in the "insulation from both internal and external interferences in the investigation of sexual offences' cases" (Dintwe, 2009). A convergent parallel mixed-method research design was adopted for this study. Random sampling technique was applied to allSAPSparticipants (FCS, LCRC and police stations) in Gauteng. Document analysis was applied to examine various documented data sources including legislative framework related to the investigationof sexual offences cases. Furthermore, simple random sampling was applied in 104 sexual offences dockets that were closed as undetected. These dockets were sampled from the province's 30 national contributors on sexual offences cases in the financial year 2020/21. The study looked at the process that should be followed during the initial reporting of sexual offences cases. The study also examined the basic investigation protocols with respect to the management of the chain of evidence in the collection and processing of physical evidence in sexual offences cases. In context, the researchers examined the different factors that contributed to the delays in processing physical evidence at the FSL. Thus, the study acknowledged that the FSL's capacity in processing physical evidence for sexual offences cases is a challenge within Gauteng.It is evident that the policies that should enhance the successful reporting and processing of biological evidence for sexual offences cases are not properlyexecuted.*

***KEYWORDS:*** ***Scientific techniques, Forensic services, Sexual Offences, Biological evidence, Criminal Justice System.***

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## I. INTRODUCTION

The South African Police Service (SAPS) experienced a significant decline in the reporting rate of sexual offences cases in the country between 2011 and 2021 (SAPS, 2021). The reporting rate decreased by 23.7%, from 60539 to 46214 (SAPS, 2021). However, the Gauteng province experienced a 15.3% decline in registered sexual offences complaintsduring the same period(SAPS, 2021). The conviction rate of sexual offences in the province remainsvery low. During the same period Gauteng recorded an increase of 2.8% in sexual offences cases (Gauteng Department of Community Safety, 2022). The key question that needs to be asked,lies in understanding factors that impact the value chain of collecting physical evidence in sexual offences cases. The delay in processing physical evidence by the SAPS Forensic Science Laboratory (FSL) are a key factor contributing to the "attrition of the progression of sexual offences cases in the Criminal Justice System (CJS)" (Machisa et al., 2017;Walterworth, 2020; and Omar, 2008). Bobbert, 2021; Machisa et al., 2017 and Omar, 2008 believe thatthe challengesthat impact on the delay of analysis of physical evidence at the FSL include the following: (i) inconsistent adherence to evidence collection procedures at the crime scene by health practitioners; (ii) lack of capacity in the FSL; and (iii) poorcommunication between SAPS detectives,Prosecutors, and the FSL in fast tracking the processing of DNA evidence as required by law. Section 205 of the Constitution of the Republic of South Africa (Act 108 of 1996)specified that the SAPS is a crucial agency in providing justice to victims of crimes as well as in protecting human rights (Dintwe, 2009). Therefore, in order to augment its capacity for effective detection of perpetrators and conviction rates, in 2015, the SAPS merged the Division: Forensic Services by integrating the FSLand Criminal Record Centre (CRC) to create the Criminal Record and Forensic Science Service (CRFSS) (Omar, 2008). The main laboratory is located at Silvertonin Pretoria with decentralised offices in Cape Town, Port Elizabeth, and Durban (SAPS, 2014).

The delays at the FSL in processing sexual offences cases continue to hinder progress in the criminal justice process (Omar, 2008). A study by the Medical Research Council (MRC) in 2017 revealed that 18.5% of rape cases in 2012 did not progress to the trial stage, while 8.6% resulted in successful convictions(Machisa et al., 2017).Furthermore, 46.3% of the cases which were placed on court rollswere later withdrawn (Machisa et al., 2017). This is largely due to the absence of physical evidence to enhance circumstantial evidence in sexual offences cases (Bobbert, 2021; Swemmer, 2020 and Machisa et al., 2017). Capacity challenges at the FSL are attributed to insufficient training offered to forensic workers leading to shortages of skilled analysts to process physical evidence (Omar, 2008).Additionally, financial challenges have led to temporary halting of some functions in 2020 due to a lack of maintenance services (Waterworth, 2020). It is evident that despite all efforts to enhance FSLcapacity in processingphysical evidence, the number of sexual offences cases that are yet to be processed by the courts are still exceptionally high. For example, the 2021/2022 study by the Gauteng Department of Community Safety (GDCS) found that the sexual offences conviction rate in Gauteng is still under 10%. The low conviction rate aggravates lack of confidence in the justice process by victims of sexual offences and the community at large. The GDCS dedicated its efforts through a scientific study of examining the underlying factors that contribute to delays in the collection and processing of physical evidence of sexual offences cases in Gauteng,in order to enhance its oversight role over theservice. This article looked at the factors that contribute to the challenges experienced during the collection of evidence at the crime scene, how such evidence is preserved and later packaged and referred to the FSL. In this context, the researchers also examined issues that cause delays in the processing of physical evidence for sexual offences at the FSL, policy shortcomings with respect to the management of chain of evidence, and the measures put in place to enhance the handling of evidence in sexual offences cases.

In the end, this article proposes a need for training and development, the review of policies, monitoring sexual offences case dockets and future research to understand the circumstances that encumberinvestigating officersin the submission of biological evidence. This will assist in evidence management and role players to understand their positions and responsibilities in terms of the challenges that contribute to the delays in the processing of physical evidence of sexual offences cases.

### 1.1 The aim of the article

The aim of this article is to highlight the factors that contribute to delays in the collection and processingof physical evidence of sexual offences cases at the FSL.

### 1.2 Research objectives

This article sought to achieve the following objectives:

- To determine the factors that contribute tochallenges in the collection of evidence at the crime scene, its storage and packaging to the FSL.
- To highlight areas of improvement in handling the chain of evidence in sexual offences cases in Gauteng.
- To provide an empirical account of the policy gaps with respect to the processing of physical evidence.

## II. METHODOLOGY

This study adopted convergent parallel mixed-method research design. This design is known for completing distinctively different data in a topic by integrating information for the purpose of analysis and interpretation. A convergent parallel design is the most well-known approach to mixing methods which are intended to bring together the varying strengths of quantitative and qualitative methods (Creswell and Clark, 2011).

In this article, 17 participants from SAPS (FCS, LCRC and stations) in Gauteng and 104 sexual offences case dockets that were closed as undetected, constituted the target population. Due to unforeseen circumstances the Department of Health and the FSL employees did not take part in the study.

A random sampling technique was appliedto all SAPS participants in Gauteng. Document analysis was also preferred in order to examine various documented data sources such as,the legislative framework related to the investigation of sexual offences cases. Furthermore, a simple random sampling technique was followed in all 104 sexual offences dockets that were closed as undetected. These dockets were sampled from the province's 30 national contributors of sexual offences cases in the financial year 2020/21.

### 2.1 Data collection

Qualitative data was gathered through a semi-structured research guide. A semi-structured guidecomprisesof several questions that assist in the identification of areas to be explored, while also allowing the interviewer to deviate from or to pursue responses in more detail (Minhat,2015). Moreover, the quantitative

data for this study was gathered througha questionnaire. A questionnaire comprises of a set of questions or items used to gather data from respondents and it can be used to collect quantitative/qualitative information (Maree,2012).

**2.2 Data analysis**

The Statistical Package for Social Science (SPSS) was used to analyse quantitative data. Descriptive data tables and graphs were developed.The relationship between variables was determined and later explained.Descriptive statistics was used to present the findings of the analysed case dockets. Furthermore,descriptive thematic analysis was used to analyse the qualitative data. A variable narrative analysis was used to describe and clarify themes.

## III. FINDINGS AND DISCUSSION OF THE STUDY

The following section presents the findings and discussion of this study. The study revealed that there are several factors that led to the delays in the collection and processing of physical evidence for sexual offences cases in Gauteng. These factors hinder the performance of theCJS which is designed to assist victims of sexual offences. It is important to note that the FSL's capacity challenges are the main cause of its inability to collect and process physical evidence promptly.

**3.1 Qualitative findings**

**3.1.1 The investigation process flow**

The process followed in the investigation of sexual offences cases consist of three critical phases during the gathering of physical evidence. Namely,phase 1: preliminary investigation, Phase 2: collection and phase 3: packaging of physical evidence as well as recording and facilitation of the transportation of physical evidence to the FSL.

**a) The inceptionstage**

The inception stage involves reporting a complaint to the Client Services Centre (CSC) at a police station either physically or telephonically. The reporting of a complaint is accompanied byobtaining the initial statement.This will help the CSC officer to determine whether an offence was committed or not. The officer will also determine if the complaint satisfies all four elements of a crime. If the complaint meets all elements of the crime, it is then registered on the Crime Administration System (CAS) for future tracking. Moreover, the complaint is allocated a case number, and the CSC Commander inspects the docket to ensure compliancewith quality standards. The case is transferred to the Family Violence, Child Protection and Sexual Offences Unit (FCS), where the Investigation Officer (IO) facilitates the investigation process. This process includes evidence collection, obtaining witness statements, and preparation of all related evidence as well as the docket for court proceedings. Some IO's may need to rewrite initial statements upon receiving case dockets from CSC due to poor quality statements.

**b) Collection and packaging of physical evidence**

After the initial interview with the victim, the IO must commence immediately with evidence gathering in order to strengthen the case against the perpetrators. For sexual offences case dockets to be presented to court,it is necessary to determine its nature and location. Crime scenes in sexual offences cases vary due to the alleged incident's location, which may include public transport, public parks or instances where the victim cannot remember. In sexual offences cases, the victim's body should be treated as the crime scene. In addition, the IO must visit the crime scene to facilitate the collection of evidence, organise forensic investigators from the Local Crime Record Centre (LCRC) and other stakeholders. The IO shouldcollect, package, and record any relevant physical evidence found in the crime scene. The collected evidence should be registered in the exhibit store (SAPS 13 store) at the station. The physical evidence is kept at the SAPS 13 storeuntil it is transported to the FSL. The SAPS 13 store clerksare not involved in the handling of physical evidence for sexual offences cases. Their only duty is to ensure that all exhibits are properly recorded in the SAPS 13 store book. They are also responsible for the monitoring of compliance including the transfer of exhibits to the FSL within 7 days. The IOs are responsible for taking victims to health facilities for medical examinations as soon as possible. This process involves interacting with the victim and explaining the type of evidence that should be extracted from their body. The victim is then asked to complete the SAPS 308 form, which requests a medical practitioner to conduct an examination. Rape kits provide guidance on the nature of tests to be conducted on the patient in line with the 2009 National Directives from the Department of Health on the collection of forensic evidence (Jina et al., 2011). The following samples are collected from a sexual offences patient using a Sexual Assault Evidence

Collection Kit(SAECK): oral specimens, clothing, evidence on the patient's body, fingernail clippings, saliva on the body, semenor other stains on the body, head hair, pubic area specimens, anorectal specimens, genital specimens, and reference blood samples as per instruction in the SAECK (Bobbert, 2021 and Jina et al., 2011).The kit also includes evidence sealing bags and tamper evident seals to maintain the chain of custody as well as prevent potential contamination, quick reference instruction pamphlet, and J88 form for record keeping (Bobbert, 2021 and Jina et al., 2011). Health practitioners must exercise maximum care while packaging the SAECKs, taking note of the unique barcoded numbers in all items which arelabelled systematically according to the collected biological evidence (Department of Health, 2009). After the examination, the medical practitioner seals all evidence bags from the rape kit and notifies the FCS IO in question to collect the sealed evidence.

**c) Recording and facilitation of biological samples to the FSL**

FCS members are responsible for facilitating evidence recording and transportation to the FSL. While the IO is responsible for collection, recording and transportation of all evidence, including registering the biological samples together with the medical report (J88) in the SAPS 13 store book for record keeping at the police station.The shift commander registers samples and ensures compliance with all Operational Standards requirements. It is advisable that physical samples must be submitted to the FSL as soon as possible, within the seven-day time frame stipulated in their standard operational procedures. It should be noted that the SAPS focuses on minimising personnel handling physical evidence samples.

### 3.1.2 Policy guidelines

Sexual-related offences remain anunescapable issue in South Africa, because it impacts negatively on the CJS (Bobbert, 2021). Over the past twenty years, the investigation of these offences faced challenges when it comes to the processing of biological samples at the FSL (Jina et al., 2011 and Bobbert, 2021). The policy framework designed to manage the investigation value chain of physical evidence in sexual offences cases is necessary. Section 205 subsection 3 of the Constitution (Act, 108 of 1996), section 36 of the Criminal Procedure Act (Act, 51 of 1977), Criminal Law (Forensics Procedure) Amendment Act (Act, 37 of 2013), and the Forensic DNA regulation in compliance with the requirements of the Criminal Law (Forensic Procedure) Amendment Act (Act 3 of 2013) provide guidelines for the establishment of a National Forensic Service in South Africa in order to manage the collection of forensic evidence. The Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act 32 of 2007) guides efforts to deal with rape and other sexual-related crimes in South Africa, by ensuring the state's obligation to protect victimsof sexual offences(FDP, 2016). The Act sets out requirements for coordinated post-rape service delivery, requiring the establishment of specialised services for sexual offence survivors, including forensic services responsible for the collection, submission, and analysis of biological samples (Machisa et al., 2017). The Service Charter for Victims of Crime (2004) demonstrates the government's commitment to providing post-rape support services, defining service standards that the Criminal Justice System should comply with when providing support to survivors of rape and other sexual offences (Bobbert, 2021). The Department of Health's National Directives and Instructions (Number 2 of 2009) on conducting Forensic Examination on survivors of sexual offences cases set out standardised procedures for conducting forensic examinations on sexual offences survivors in all health facilities in South Africa (Department of Health, 2009). The Department of Health's National Sexual Assault Policy, National Management Guidelines for Sexual Assault Care, the Victims' Charter, and the National Health Act, ensure the provision of a full range of services to survivors of sexual offences by healthcare providers (Machisa et al., 2017). According to directive 5,healthcare providers are required to assist in the investigation and prosecution of sexual offences (Department of Health, 2009). The SAPS National Instruction (3 of 2008) was developed in line with the Criminal Law (Sexual Offences and related matters) Amendment Act (Act 32 of 2007), in order to ensure that the SAPS renders a professional post-rape service to survivors. The Instruction outlines the responsibilities of all SAPS personnel involved in the investigation value chain of sexual offences cases(Bobbert, 2021). The 2014 Regulation adopted by the Department of Police provides guidelines on how to process DNA samples. It also prioritises certain exhibits as a result of special conditions surrounding the specific cases(Department of Police, 2014). For example, Section 7 (3) of the Regulations states that DNA casework with fixed court dates and known suspects must be prioritised and completed within agreed time frames with the prosecutor(Department of Police, 2014). DNA profiles must be submitted for loading onto the National Forensic DNA Database of South Africa (NFDD) within 30 days after the case has been received (Department of Police, 2014). Policy procedures were promulgated to regulate the CJS's handling of sexual offences under the Criminal Procedure Act (Act 51 of 1977)(Department of Police, 2014). However, the effectiveness of these guidelines in improving management of sexual offences cases remains a challenge due to numerous factors affecting the system's performance.

### 3.2 Quantitative findings

#### 3.2.1 Docket audit

A total number of 104 sexual offencescase dockets that were closed as undetected were audited to assess the IOs' compliance with the regulations that govern the collection and management of physical evidence in sexual offences cases. The findings presented below revealed significant disparities in the investigation process of some dockets. It was found that IOs do not comply with directives by commanders. As well as non-adherence to basic investigative requirements as reflected in National Instruction 3 of 2008. It was also found that some case dockets were left with incomplete information.

**A. Basic investigation protocols**

One of the aspects that are of significance in the investigation process for sexual offences cases is the collectionof physical evidence from victims to corroborate their oral testimony in court. Below is the presentation of missing information identified during the auditing of dockets.

**(i) Medical examination report**

Paragraph 10 of the National Instruction 3 of 2008 emphasises that key evidence collected in the investigation of sexual offences are biological samples. Moreover, paragraph 10.2 states that victims must be taken for medical examination as soon as possible after receiving the complaint from the CSC. In addition, the National Instruction further stipulates that thismust be complied with irrespective of the circumstances (Department of Police, 2008). Figure 1 below, demonstrates the differences in the way investigation officers complied with the set requirements.

***Figure 1: Was the medical assessment conducted***

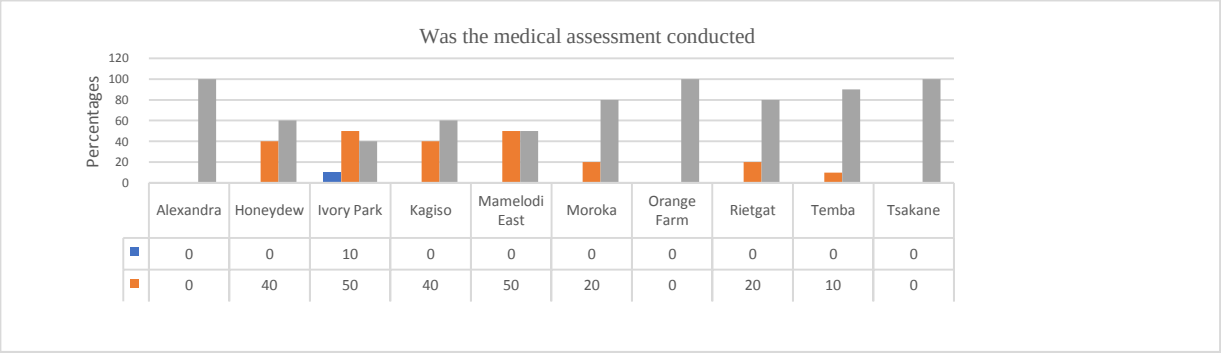
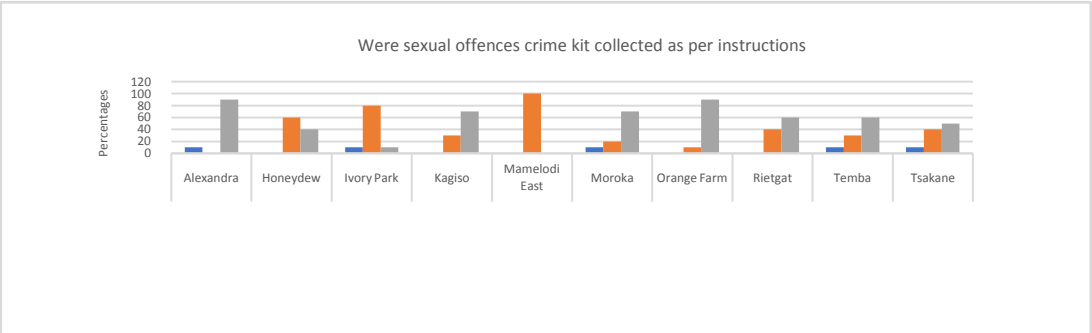



Figure 1 shows that investigating officers complied with this requirement, with an average of 77% of the total sampled dockets reflecting that the medical examination was conducted. In three of the 10 sampled stations, all dockets showed that a medical examination was conducted on all victims who reported cases. The chart also showed that 90% of the sampled dockets in Temba, Rietgat and Moroka reported that victims were also taken for medical examination. However, Ivory Park and Mamelodi East only took 50% of the victims for medical examination. Furthermore, in some dockets crucial information was missing, such as statements from the victim, witnesses, and a medical report. Additionally, some information was not properly completed in the docket, including actions of the IO in relation to instructions from the commander, no recording of the reason why the docket was closed as undetected, and no indication of any correspondence with the victim.

***Figure 2: Were sexual offences crime kits collected as per instructions***




It is worth indicating that not all dockets had an instruction that required the IOs to collect medico-legal evidence from the medical practitioners. Having said that, it is interesting to note that in certain instances there were no reflections in the dockets that rape kits were collected from the medical practitioners. Despite the fact that paragraph 10 of the National Instruction does not provide for an exceptional condition where the IOs may not collect medico-legal evidence. Furthermore, some of those cases were later closed as undetected with no clear indication of the reasons that led to such a decision. In Mamelodi East, all dockets had no indication of the collection of SAECKs, while 10% of Ivory Park dockets had a reflection of the collection of the SAECKs. Honeydew had only 40% of dockets withSAECKs collected from Health Practitioners. Alexandra and Orange Farm SAPS had the highest number of SAECKs collected, with 90% each.

**(ii) Collection of physical evidence**

The National Instruction outlines three possible crime scenes for sexual offences: physical location, vehicles, and the victim's body (Department of Police, 2008). In some cases, the victim's body becomes the only place to obtain evidence. The chart below shows the distribution of sampled dockets per police station where the crime scene had to be visited to collect forensic evidence.

***Figure 3: Was the crime scene visited***

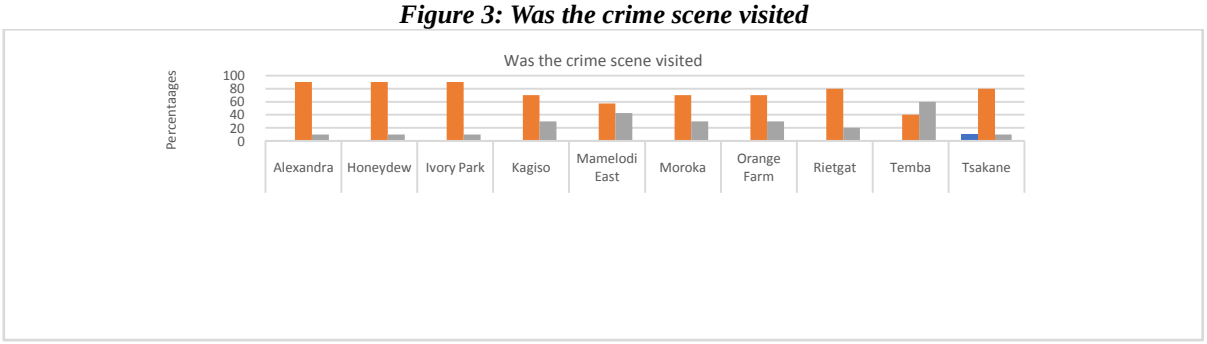



Figure 3 shows that the majority of the sampled dockets did not require IOs to visit the crime scene. For instance, 90% of the dockets from Alexandra, Honeydew and Ivory Park police stations as well as 80% at Tsakane and Rietgat stations did not require IOs to visit the crime scene. Contrarily, Temba had the largest percentage of dockets (60%) requiring visits to the crime scene, followed by Mamelodi East, Kagiso, Moroka and Orange Farm, each with 30%.

***Figure 4: Was there physical evidence collected***

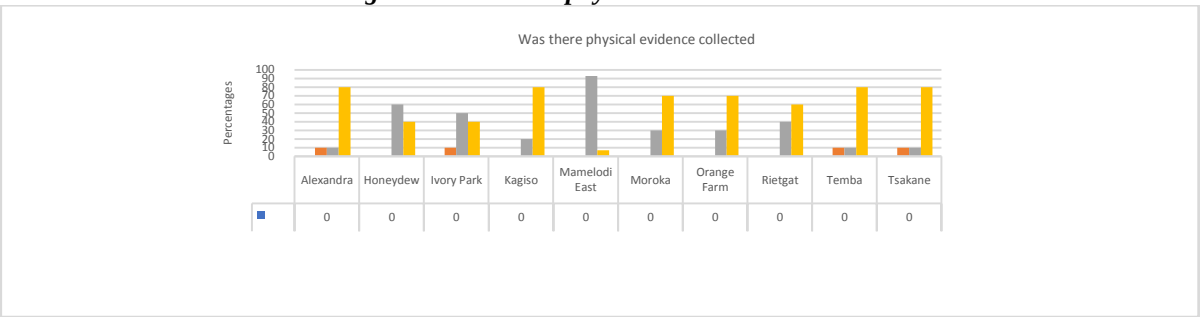



Figure 4 shows that Temba, Tsakane, Kagiso, and Alexandra each had 80% of cases where physical evidence was collected, with Orange Farm and Moroka coming in second with 70% and Rietgat coming third with 60% of cases, respectively.

The biggest percentage of incidents where physical evidence was not collected, however, was in Mamelodi East (93%), followed by Honeydew (60%) and Ivory Park (50%). Notably, Tsakane, Temba, and Alexandra each had the lowest percentage of incidents where physical evidence was not collected (10% each). On average, 61% of audited dockets had physical evidence collected.

**(iii) Submission of evidence to FSL**

It was discovered that in 47% of the cases which were audited, the evidence was submitted to FSL for analysis. It is therefore concerning to note that in about 53% of the dockets which were audited the evidence was not forwarded to FSL. Moreover, there was no indication on the dockets why the evidence was not submitted to FSL for analysis. The below figure reflects the breakdown of the submission of evidence to FSL.

***Figure 5: Was the evidence submitted to the FSL***

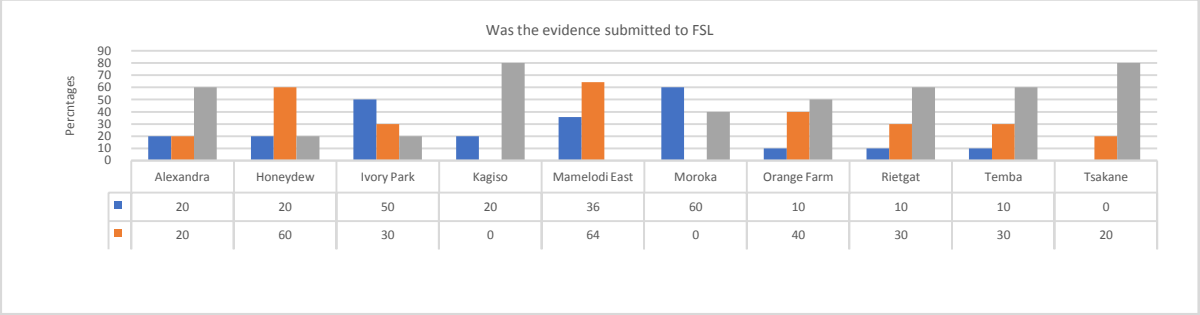
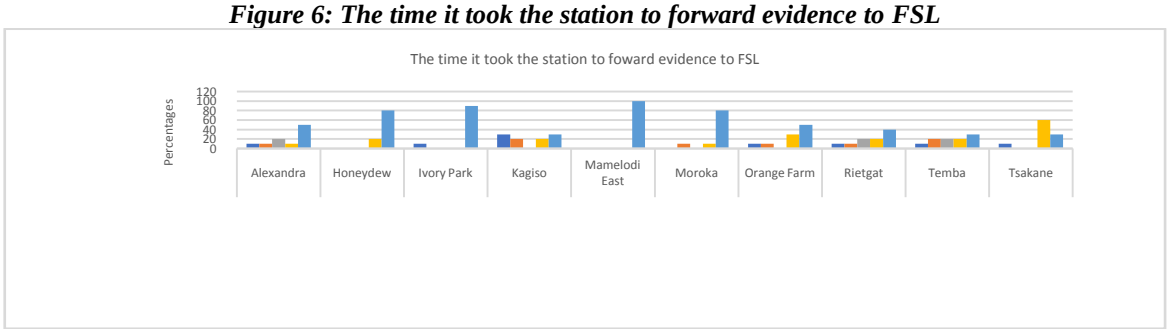



Figure 5 illustrates that Kagiso and Tsakanehad 80% of cases where physical evidence was submitted to the FSL, followed by Alexandra, Rietgat and Temba with 60% each. Mamelodi East with 0% had the least percentage of cases whereevidence was submittedto the FSL, followed by Honeydew and Ivory Park with 20% respectively. Furthermore, Mamelodi East had 64% of cases whereby evidence was not submitted to the FSL, followed by Honeydew with 60% and Orange Farm with 40%. On average, 61% of audited dockets had physical evidence submitted to the FSL.

***Figure 6: The time it took the station to forward evidence to FSL***

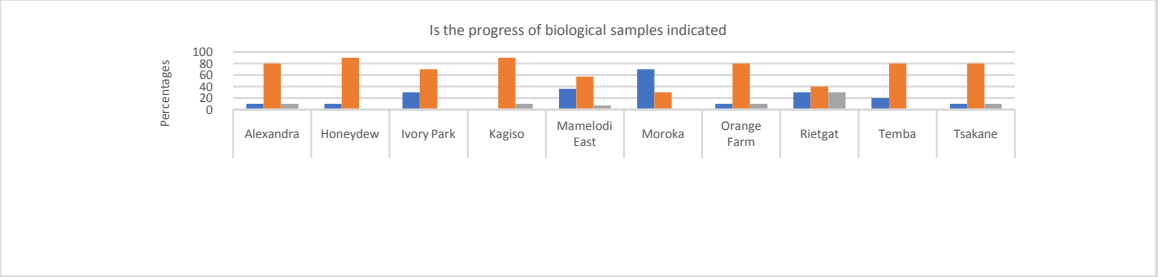



The National Instruction mandates that all evidence must be submitted to the FSL within seven days for analysis upon collection. The Criminal Law (Forensic Procedures) Amendment Act (Act 37 of 2013) emphasises

the need for DNA samples to be submitted to the FSL as soon as possible for analysis. However, figure 6 reflects that 19% of the sampled dockets from the following stations: Tsakane, Orange Farm, Temba, Rietgat, Kagiso, Honeydew, Alexandra and Moroka did not comply with this requirement, with no indication of why.

**B. Tracking of evidence**

***Figure 7: Is the progress of biological samples indicated***




In the one-on-one interviews, the FCS investigators indicated that they maintain constant communication with the FSL, contacting them on average once or twice a week. However, the docket audit revealed that only 8% of audited dockets accurately reflect the progress of physical samples in the investigation diary. The evidence also lacked clarity on where the IOs record their communication with the FSL.

### 3.3 Discussion of findings

This study is limited in its ability to fully explore the factors that contribute to delays in processing physical evidence at the FSL. Challenges in obtaining permission to interview forensic analysts and the absence of health practitioners' perspectives limit the researcher's understanding of the dynamics underlying the collection of forensic samples in sexual offences cases. However, data collected from other participants allowed the researcher to draw conclusions on the challenges in the investigation chain of physical evidence in sexual offences cases. The aim was to provide a succinct account of the challenges experienced in the investigation of sexual offences cases and present the conclusion of the research study.

#### 3.3.1 Investigation value chain

Investigation plays a crucial role in ensuring a fair, credible and reliable CJS (Dintwe, 2009). This can be achieved through constant evolution of investigation techniquescharacterised by the adoption of scientifically based techniques to enable police to build credible evidence (Bobbert, 2021; Dintwe, 2009; Michasa et al., 2017 and UNODC, 2010). This will provide a firm foundation for a fair execution of justice (UNODC, 2010; Dintwe, 2009). South Africa's journey of embracing forensic science in crime investigation has faced various challenges (Bobbert, 2021), including the FSL's inability to process biological samples timeously (Bobbert, 2021 and Waterworth, 2020). These challenges are primarily caused by capacity challenges, such as a shortage of lab material and inadequate human resources capacity for forensic examinations (Waterworth, 2020). The two biological labs in Pretoria and Cape Town, equipped with all units, are often inundated with many requests to process physical evidence samples (Bobbert, 2021).The lack of capacity from the FSL to process biological samples timeously contributes to the slow finalisation of sexual offences cases. This is seen in the GDCS study on the assessment of the performance of Sexual Offences Court-ready Dockets in the financial years 2014/15 and 2021/22. These studies highlight that such delays lead to cases being withdrawn due to lack of evidence or struck off the court roll indefinitely until outstanding forensic assessment results are received (GDCS, 2015 and GDCS, 2022). The investigation, particularly the collection of physical evidence, has various challenges (Machisa et al., 2017; Dintwe, 2009; Omar, 2008 and Artz &Pithey, 2003), including challenges in the collection and maintenance of the chain of evidence in sexual offences cases (Bobbert, 2021; Artz &Pithey, 2003 and Van der walt & Luke, 2011). The inconsistent application of provisions of National Instruction 3 of 2008 contributes to errors in enhancing the efficiency of processing evidence throughout the value chain. These gaps in the investigation process include non-compliance with paragraph 10.2 of the instruction, which requires all sexual offences complainants to be taken for medical examination despite the possibility of the victim tampering with prospective evidence. Only three stationsin the study as shown in figure 1 (Alexandra, Orange Farm and Tsakane) fully complied with this directive and not all evidence collected was submitted to the FSL.

## IV. RECOMMENDATIONS

This study aimed to improve the understanding of challenges causing delays in processing physical evidence in sexual offences cases, and enhance the South African Police Service's role in investigating such cases. It recommends training and development for all stakeholders involved in the investigation value chain, addressing gaps between policy and practice. The following recommendations are outlined for all role players to consider:

### 4.1 Training and Development

It is critical to retrain all the role players in the investigation value chain of sexual offences cases with regards to their interpretation of the new policy directives. Given the fact that most of the evidence points to a gap between policy and practice.

### 4.2 Future research

There is a need to conduct a study on the circumstances that influence the IOs not to submit some of the biological evidence kits to FSL.

### 4.3 Policy Review

There is a need for SAPS to look at some of the elements of National Instruction 3 of 2008. Especially, to measure the preservation of the chain of evidence and establish an accountability regime in the case of non-compliance. Furthermore, the national instruction should set out reasonable timelines for the FSL's expected turnaround time.

### 4.4 Monitoring

The GDCS should heighten its monitoring of sexual offences dockets to ensure adherence to basic investigative standards. A provincial team should be established to audit all sexual offences dockets where exhibits were not sent to the FSL.

## V. CONCLUSION

In conclusion, various scholars highlighted that the SAPS role in the investigation of sexual offencescases is marked with many challenges in building sufficient evidence (Vetten et al., 2008; Omar, 2008; Machisa, 2017; Van der Waltand Luke,2011). The study noted that the investigation value chain of sexual offences cases in Gauteng is still facing the same consistent issues that range from the inaccurate application of policy directives, that guide the collection of evidence in sexual offences cases. Moreover, most of these challenges may be attributed to a range of factors, including the inability of the SAPS to build sufficient capacity to deal with the increasing number of cases.

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