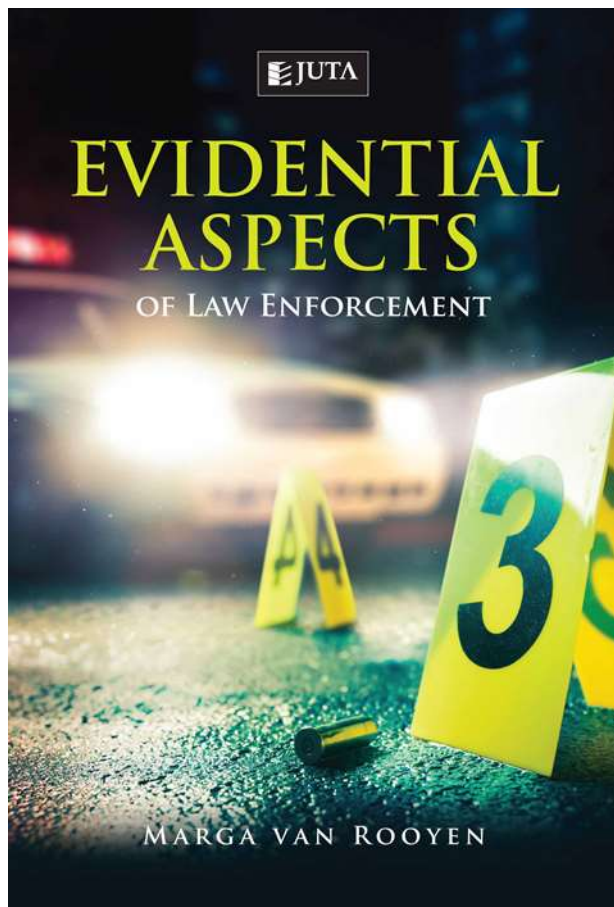


Book Review



EVIDENTIAL ASPECTS OF LAW ENFORCEMENT

by Marga van Rooyen
(433 pages)

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www.jutalaw.co.za

"It is a capital mistake to theorize before one has data"

– from *The Memoirs of Sherlock Holmes*
by Sir Arthur Conan Doyle (1859-1930)

It has been demonstrated many times in South Africa, that laws on the statute books only have life breathed into them when they are effectively enforced and applied.

Foremost among laws which have to be actively executed to uphold and protect our constitutional institutions and democratic values, and the people who depend on them, is criminal law.

The author of this practical and well-researched guide is Brigadier Marga van Rooyen, who has been a police officer for 25 years, and has a legal academic background. She has extensive experience in developing training material and conducting training to police officials on legal and other aspects of policing. She writes:

"The role of law enforcement officers in enhancing the effectiveness of the criminal justice system cannot be overstated. The conduct of a law enforcement officer attending to a crime influences the quality of the investigation of the crime and, ultimately, the prosecution of the perpetrator. In order to enable law enforcement officers to perform their duties effectively, it is essential that they understand the Law of Evidence and related aspects of Criminal Procedure Law that impact on the performance of their daily tasks."

This book explains complex legal principles relating to the law of evidence and criminal procedure in an understandable and logical manner, making it a user-friendly resource. A successful prosecution depends on the value of the evidence gathered from the moment a crime is reported. Often private security officers or municipal law enforcement officials are the first to arrive at a crime scene and encounter evidence. They will value this work, as will military police officers, nature conservation officers (the Green Scorpions) and investigators in the Independent Police Investigative Directorate (IPID).

Separate chapters deal with the full range of evidential investigations, interviewing of victims and witnesses and taking statements, the use of force in effecting an arrest, fingerprints, handwriting, DNA, blood and other bodily fluid sampling, confessions and admissions and other forensic examinations.

The legal process to present evidence in court is fully covered, including bail hearings, cross-examination, opinion, circumstantial, hearsay and documentary evidence.

There is a valuable discussion on evidence gathered by electronic means such as mobile phones and security cameras. Other data building blocks examined include police traps, dealing in drugs, vehicle engine numbers, identification parades, informers, intoxication, paternity testing, stock theft, and much more. As a handbook, the text is free of footnotes, but tables of statutes and cases referred to and the schedule explaining terms used underpin the assured authority of the well-organised contents.

Advocate Vusi Pikoli, former head of South Africa's National Prosecuting Authority and former Director-General in the Department of Justice and Constitutional Development, writes in the foreword:

"There is no gainsaying the fact that a prosecution is only as good as the investigation. This book addresses the problem of crime scenes being contaminated due to inadequate protection and security. Law enforcement practitioners who read it will come to appreciate the importance of managing a crime scene as a vital component of evidence that may influence the outcome of a criminal trial."

The wide appeal that this book will have to law enforcement officials and investigators as well as to legal practitioners, students and trainees, will ultimately benefit the victims of violent crime in South Africa. The author and publisher Juta are to be commended for making available a functional, dependable and credible "tool-of-trade" where it matters most.

Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.