

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 4.6                      Breath analysis instruments**

1.    Evidentiary breath analysis instruments shall be calibrated at intervals not exceeding six months as required by the TCSP Prosecuting Guidelines for Evidentiary Breath Testing equipment.
2.    The head of administration shall maintain a register in the prescribed format in respect of breath analysis instruments which shall record calibration, repair, allocation and inspection of each item of such equipment in terms of the TCSP Prosecuting Guidelines for Evidentiary Breath Testing equipment.
3.    The head of administration shall forward a copy of this register to the Corporation by the end of each calendar year.

**NS 4.7                      Speed measurement instruments**

1.    Speed measurement instruments shall be calibrated at intervals not exceeding six months as required by the TCSP Prosecuting Guidelines for Speed Measuring Equipment (SME) and Traffic Light Violation Monitoring Equipment (TLVME).
2.    The head of administration shall maintain a register in the prescribed format in respect of speed measurement instruments which shall record calibration, repair, allocation and inspection of each item of such equipment in terms of the TCSP Prosecuting Guidelines for Speed Measuring Equipment (SME) and Traffic Light Violation Monitoring Equipment (TLVME).
3.    The head of administration shall forward a copy of this register to the Corporation by the end of each calendar year.

**NS 4.8                      Camera equipment**

1.    Camera equipment shall be calibrated at intervals not exceeding six months as required by the TCSP Prosecuting Guidelines for Speed Measuring Equipment (SME) and Traffic Light Violation Monitoring Equipment (TLVME).
2.    The head of administration shall maintain a register in respect of camera equipment which shall record calibration, repair, allocation and inspection of each item of such

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

equipment in terms of the TCSP Prosecuting Guidelines for Speed Measuring Equipment (SME) and Traffic Light Violation Monitoring Equipment (TLVME).

3. The head of administration shall forward a copy of this register to the Corporation by the end of each calendar year.

**NS 4.9****Mass measuring equipment**

1. Mass measuring equipment shall be calibrated at intervals not exceeding six months as required by the TCSP Prosecution Guideline for Vehicle Mass Measuring.
2. The head of administration shall maintain a register in the prescribed format in respect of mass measuring equipment which shall record calibration, repair, allocation and inspection of each item of such equipment in terms of the TCSP Prosecution Guideline for Vehicle Mass Measuring.
3. The head of administration shall forward a copy of this register to the Corporation by the end of each calendar year.

**NS 4.10****Disposal of specialised law enforcement equipment**

1. The head of administration shall oversee the disposition of all property on the inventory in accordance with the rules and procedures of the road traffic law enforcement authority.
2. Specialised law enforcement equipment shall be disposed of only by authorisation of the head of administration.
3. Employees shall refer requests to dispose of property through the chain of command to the head of administration, including the following:
  - (a) description of the item;
  - (b) current state of repair and potential utility;
  - (c) current location; and
  - (d) recommended method of disposal.
4. The head of administration shall submit the recommendation to the Chief of Traffic for approval to proceed with the disposal.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

5. The head of administration shall notify the Corporation of such disposal within one calendar month.

**NS 4.11****Administrative equipment**

The road traffic law enforcement authority shall possess equipment sufficient for the smooth running of its administration, including but not limited to:

- (a) vehicles;
- (b) office equipment, including computers, printers and fax machines, telephones;
- (c) office furniture;
- (d) stationery; and
- (e) a safe.

**LAW ENFORCEMENT EQUIPMENT****NS 4.12****Firearms and ammunition****Authorised firearms**

The types of firearms authorised to be carried and used by road traffic law enforcement officers while on duty shall be in accordance with the recommendations of the responsible training co-ordinator and appropriate training having been received by the authorised officers.

**Registration of firearms**

1. All officers shall register any firearms they have in their possession, whether on their person or in their residence.
2. All officers shall maintain a current registration in accordance with the Fire Arms Control Act, 2000 (Act No. 60 of 2000) as amended.

**Ammunition**

1. Ammunition for authorised primary firearms shall be furnished by the road traffic law enforcement authority.
2. The ammunition furnished by the road traffic law enforcement authority shall be returned when an officer resigns, retires or his or her employment is terminated.
3. The type and quantity of ammunition issued shall be factory loaded rounds determined by the Chief of Traffic services, based upon annual recommendations provided by the responsible training co-ordinator.
4. The head of administration shall establish and maintain an inventory control system for firearms and ammunition, including purchase, distribution, secure storage and accounting for returned ammunition.

**NS 4.13****Operating equipment**

The road traffic law enforcement authority shall possess sufficient equipment for the execution of road traffic law enforcement functions, including but not limited to:

- (a) vehicles;
- (b) speed measuring equipment;
- (c) road block equipment and signage;
- (d) control devices, including moveable barriers, portable signs, traffic cones and torches;
- (e) breath analysis instruments;
- (f) radios;
- (g) fire-arms and ammunition;
- (h) specialised equipment, (when appropriate, including bicycles and horses);
- (i) uniforms;
- (j) reflective vests and cross-belts;
- (k) bullet proof vests;
- (l) measuring tapes;
- (m) petrol;
- (n) prosecution documentation;
- (o) loudspeakers;

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

- (p) batteries and holders;
- (q) first aid kits;
- (r) blankets, plastic sheets;
- (s) clipboards;
- (t) fire extinguishers; and
- (u) spray paints and/or crayons.

**NS 4.14****Vehicles****Road traffic law enforcement authority vehicles and equipment**

1. The road traffic law enforcement authority shall possess a sufficient number of motor vehicles, which should have a minimum engine capacity of 1600cc, to allow efficient operation.
2. A traffic patrol vehicle shall have the following minimum scale of equipment:
  - (a) police identification lamp;
  - (b) police warning device;
  - (c) radio transceiver;
  - (d) first aid kit; and
  - (e) road marking chalk or spray paint.
3. Traffic patrol vehicles specialising in freeways and patrol of national roads in rural areas shall have at least the following equipment additional to the above:
  - (a) public address system;
  - (b) measuring tape;
  - (c) spot lamp;
  - (d) traffic cones;
  - (e) fire extinguisher;
  - (f) collapsible traffic signs;
  - (g) heavy duty gloves;
  - (h) broom;
  - (i) spade;
  - (j) crowbar; and
  - (k) flashing beacons.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

4. A traffic law enforcement authority shall also have available the following, whether in support vehicles or at its premises:
  - (a) barriers;
  - (b) barrier tape;
  - (c) a selection of appropriate portable traffic signs;
  - (d) empty drums;
  - (e) sandbags; and
  - (f) floodlight.
5. Where equipment is allocated to a vehicle as opposed to an officer, the head of operations shall institute a checklist for each such vehicle's equipment.
  - (a) Where a vehicle is permanently allocated to one officer, his supervisor shall inspect the vehicle once a week and check the equipment against the prescribed checklist as well as checking the condition of the equipment.
  - (b) Whenever a vehicle is handed from one officer to another, the supervisor shall in the presence of the receiving officer check the equipment as per (a) above.

#### **Vehicle markings**

1. Vehicles, with the exception of command vehicles and intentionally unmarked vehicles, shall be conspicuously marked as road traffic law enforcement authority vehicles in order to provide a highly visible presence within the community.
2. Markings on the vehicles shall be of a distinct colour and include:
  - (a) the name of the road traffic law enforcement authority in large, reflective, highly visible letters;
  - (b) emergency telephone number;
  - (c) the unit number on the sides, rear and on the roof; and
  - (d) a highly visible striping on each side.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***Vehicle damage**

1. Whenever a vehicle is damaged or found to be damaged, the officer discovering the damage shall notify his or her supervisor and document the damage on the vehicle inspection form.
2. The supervisor, after being notified of the damage, shall confirm that the damage was not reported previously.
3. The officer shall complete a vehicle inspection form for damage not previously reported and submit it to the supervisor.
4. The supervisor shall conduct an investigation and submit the findings to the head of administration.
5. The head of administration shall determine whether:
  - (a) the damage was caused by neglect or abuse and if any road traffic law enforcement authority orders were violated; and
  - (b) disciplinary action is warranted.

**NS 4.14****Radios**

The road traffic law enforcement authority shall have a number of radios sufficient for the efficient operation of its law enforcement officers as determined by the Corporation.

**NS 4.15****Speed measurement equipment**

1. The road traffic law enforcement authority shall possess sufficient speed measurement equipment to undertake law enforcement effectively as determined by the Corporation.
2. Operating manuals of all speed measurement equipment shall be kept on file so that personnel can stay familiar with the equipment.
3. Speed measurement equipment shall be used in accordance with the prescriptions of the TCSP Prosecuting Guidelines for Speed Measuring Equipment (SME) and Traffic Light Violation Monitoring Equipment (TLVME).

**NS 4.15 Breath analysis instruments (screening and evidentiary)**

1. The road traffic law enforcement authority shall possess sufficient breath analysis instruments to undertake efficient law enforcement as determined by the Corporation.
2. Operating manuals of all breath analysis equipment shall be kept on file so that personnel can stay familiar with the equipment.
3. Breath analysis equipment shall be used in accordance with the prescriptions of the TCSP Prosecuting Guidelines for Evidentiary Breath Testing equipment.

**NS 4.16 Mass-measuring equipment**

1. A road traffic law enforcement authority shall possess the following types of scales for the efficient enforcement of overloading if so determined by the Corporation:
  - (a) the weigh-in-motion screening mass-measuring device (WIM); and/or
  - (b) permanently installed weighing equipment (weighbridge).
2. Operating manuals of all mass-measuring equipment shall be kept on file so that personnel can stay familiar with the equipment.
3. Mass-measuring equipment shall be used in accordance with the prescriptions of the TCSP Prosecution Guideline for Vehicle Mass Measuring.

**NS 4.17 Uniform**

1. The road traffic law enforcement authority must purchase uniform items and issue every officer required to wear a uniform with all the necessary items.
2. The applicable support unit/directorate is responsible for issuing uniforms to members of his or her division.
3. The unit/directorate must maintain an inventory of the uniform with the following details:
  - (a) total of uniform items in the ownership of the road traffic law enforcement authority;
  - (b) total items issued to officers;



- (c) total items left in the possession of the road traffic law enforcement authority after issue to officers;
  - (d) name of officer and date of issue of uniform;
  - (e) an attachment form detailing:
    - (i) where all the items issued and sizes, if applicable, are noted;
    - (ii) a page for return of uniform; and
    - (iii) a page for report of loss or damage of uniform;
  - (f) replaced uniform item; and
  - (g) payment in the event of loss or damage.
4. Any report regarding the loss or damage to an item must be in the form of a memorandum giving details as to how the item was damaged.
  5. A new item must be ordered from the designated supplier if the damage to any item of the uniform is irreparable.
  6. The item must be sent to the designated supplier for repairs if the damage is repairable.
  7. Any replacement or repair of an item damaged in the line of duty must involve no expense on the part of the officer, unless negligence is involved.
  8. The amount of compensation is the replacement price of the item.
  9. Negligent or intentional loss of an item may initiate disciplinary action.
  10. The road traffic law enforcement authority must collect all the items of the uniform issued to an officer upon resignation or termination.
  11. The road traffic law enforcement authority must issue final payment to an officer who has resigned or been terminated when the uniform is returned.
  12. The road traffic law enforcement authority must look after the uniform in its possession and prevent loss or damage thereof.

**NS 4.18****Prosecution documentation**

1. The supervisor of road traffic law enforcement division must keep a register of prosecution documentation books and every issue of a prosecution documentation book must be documented in that register.
2. Upon issue of a new prosecution documentation book the issuing officer and the receiving officer must sign the register in the presence of each other.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

3. Officers must not remove documents that are cancelled from prosecution documentation books.
4. An officer must report the loss of a prosecution documentation book to the supervisor by sworn affidavit within eight hours after its loss was noted.

## **INSPECTIONS**

### **NS 4.19**

#### **Inspection of weapons**

1. Service weapons must be inspected for wear and cleanliness weekly by the individual officers to whom they are assigned.
2. Shotguns must be inspected by the issuing officer upon issuance and return.
3. Weapons qualification records must be inspected by the road traffic law enforcement authority range officer at least annually.
4. Each firearm brought to a range for qualification must be inspected by the range officer for wear, safety and appropriate maintenance and:
  - (a) weapons the range officer designates as unsafe must not be permitted to be used by the officer until they are repaired or replaced;
  - (b) the range officer must provide written notice of an unsafe firearm to the officer and to the officer's supervisor;
  - (c) when it is apparent that a firearm is not being maintained properly, he or she must provide written notice to the officer;
  - (d) the officer must have two days to correct the deficiencies to the satisfaction of the range officer; and
  - (e) if the problem re-occurs, or is not satisfactorily addressed, the officer's supervisor must be advised.

### **NS 4.20**

#### **Inspection of uniform**

Inspection may include:

- (a) every morning inspection;
- (b) once a week parade; or

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

- (c) once a month parade.

**NS 4.21****Inspection of vehicles**

- (a) Officers shall inspect their allocated vehicles at the beginning and end of their shift.
- (b) Supervisors, superior rank officers shall inspect all vehicles under their command weekly where vehicles are allocated to an individual officer and/or upon handing over of a vehicle from one officer to another. This should be done on the Vehicle and Equipment Check List provided in annexure 2 of part F of the Code.

**NS 4.22****Inspection of building and grounds**

The administration manager or his or her designee must make a monthly inspection of the building and grounds and, at least weekly, of all exterior lights attached to, and surrounding the building.

**NS 4.23****Inspection of evidence facility**

The administration manager or his or her designee must hold, at least, semi-annual inspection of evidence storage facilities, handling procedures, records and disposition.

**NS 4.24****Inspection of communication centre**

The administration manager or his or her designee must inspect the communications back-up power source weekly.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

## CHAPTER 5 FINANCIAL MANAGEMENT

### Contents

<b>ACCOUNTING PRINCIPLES.....</b>	<b>64</b>
NS 5.1 Banking account.....	64
NS 5.2 Bookkeeping and auditing .....	64
<b>FISCAL MANAGEMENT AND RESOURCE CONTROL.....</b>	<b>65</b>
NS 5.3 Fiscal management .....	65
NS 5.4 Signature control .....	65
NS 5.5 Preparation of annual budget .....	66
NS 5.6 Purchasing .....	66
NS 5.7 Accounting system .....	67
NS 5.8 Cash funds and accounts .....	67
NS 5.9 Petty cash.....	67
NS 5.10 Report copy fees .....	68
NS 5.11 Accounting and transfer.....	68
NS 5.12 Credit cards .....	69
NS 5.13 Audits .....	69
<b>TRAVEL REGULATIONS .....</b>	<b>70</b>
NS 5.14 Employee travel.....	70
NS 5.15 Expenses for approved travel.....	70
<b>STRATEGIC AND BUSINESS PLAN .....</b>	<b>72</b>
NS 5.16 Strategic plan .....	72
NS 5.17 Business plan .....	72

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

## **CHAPTER 5: FINANCIAL MANAGEMENT**

### **Purpose**

- (a) Establishes sound policies of fiscal management and resource control.
- (b) Establishes accounting principles and fiscal management techniques.

### **Policy statement**

Good financial management and planning principles must be standardised throughout all authorities. The completion of standard strategic and business plans will encourage sufficient planning and budgeting in all law enforcement authorities.

## **NATIONAL STANDARDS**

### **ACCOUNTING PRINCIPLES**

#### **NS 5.1**

#### **Banking account**

The road traffic law enforcement authority must open and maintain one or more accounts with a bank registered finally as a bank in terms of the Banks Act, 1990 (Act No. 94 of 1990), in which must be deposited the monies received by the road traffic law enforcement authority and from which payment for it or on its behalf must be made.

#### **NS 5.2**

#### **Bookkeeping and auditing**

1. The road traffic law enforcement authority must, in accordance with the Public Finance Management Act (Act 1 of 1999) as amended, keep such accounting and related records as are necessary to represent the state of affairs and business of the road traffic law enforcement authority fairly and to explain its transactions and financial position.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

2. The Chief of Traffic or the rank appointed in command is the accounting officer of the road traffic law enforcement department and is charged with the responsibility of accounting for all monies received and payments made by the road traffic law enforcement authority.
3. The accounting and related records of the road traffic law enforcement authority must be audited annually by the auditor general.

### **FISCAL MANAGEMENT AND RESOURCE CONTROL**

#### **NS 5.3**

#### **Fiscal management**

1. The Chief of Traffic is responsible for the fiscal management of the road traffic law enforcement authority and must:
  - (a) prepare an annual budget;
  - (b) supervise internal expenditures; and
  - (c) co-ordinate fiscal activities of the road traffic law enforcement authority with appropriate entities.
2. The head of administration division must oversee activities related to the fiscal management of the road traffic law enforcement authority.
3. The road traffic law enforcement authority must use only those accounting principles and fiscal management techniques that ensure the effective and efficient use of resources in all department operations.

#### **NS 5.4**

#### **Signature control**

1. The budget section must maintain an updated list of road traffic law enforcement authority bank accounts and the authorised signatures on each account.
2. The budget section must be notified of any addition or deletion to authorised signatures within three working days.
3. The budget section must revise the signature control sheet to reflect the changes in accordance with any notice in terms of sub-standard 2.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 5.5 Preparation of annual budget**

1. Heads of divisions within the road traffic law enforcement authority must annually prepare written budget recommendations based on functional goals and objectives.
2. The heads of divisions may consult with supervisors, officers and civilian employees to assist in preparing written recommendations for the budget through handing out budget preparation requests to them.
3. Written recommendations must be submitted to the appropriate head of division for review within the period stipulated in the budget preparation requests.
4. Heads of divisions must review budget requests for functions under their command for completeness before such requests are assimilated into the road traffic law enforcement authority budget, if appropriate.
5. The various budgets must be submitted to the head of administration division within six weeks after the period stipulated in the budget preparation request.
6. The head of administration must prepare a proposed budget and submit it to the Chief of Traffic four months before the end of each financial year.
7. The Chief of Traffic must review and finalise the road traffic law enforcement authority budget three months before the end of each financial year and submit to the corporation with the business and strategic plan described in NS 5.15 and 5.16.

**NS 5.6 Purchasing**

1. The head of administration division must ensure that personnel adhere to the road traffic law enforcement authority's purchasing procedures.
2. The head of administration division must approve all purchases.
3. The person requesting the item or service must forward a written request to the head of administrative division.
4. The head of administration division must issue a purchase order number upon approving the request.
5. The original invoice must be signed and date stamped by the person who actually takes receipt of the item or service, indicating that the service or item has been received.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

6. The original invoice, with the voucher placed on top, must be presented to the head of administrative division.

**NS 5.7****Accounting system**

The road traffic law enforcement authority must use an accounting system that includes approval of each account and provides monthly status reports showing:

- (a) initial appropriation for each amount;
- (b) balances at the commencement of the monthly period;
- (c) expenditures and encumbrances made during the period;
- (d) unencumbered balances; and
- (e) receive, reconcile and account for fine, penalty and fee payments.

**NS 5.8****Cash funds and accounts**

1. Employees must document the receipt and disbursement of money with a written receipt and/or other written documentation of the transaction.
2. Only cashiers authorised to receive money may issue receipts.

**NS 5.9****Petty cash**

1. The head of administrative division or his or her designee must maintain petty cash funds and records.
2. Petty cash funds must be disbursed for the purchase supplies not exceeding R100 in value.
3. In case of emergency situations or extenuating circumstances the head may approve any amount which exceeds the maximum, with proper justification.
4. Any purchases out of the ordinary from petty cash must be pre-approved by the head of administration.
5. The recipient of funds from petty cash must return any excess money and submit receipts to the head soon after a purchase.



6. In the event that the purchase price exceeds the money from petty cash funds the recipient may use his or her own money and claim a reimbursement from the head of administration by submitting a receipt and a petty cash form.

**NS 5.10****Report copy fees**

1. Upon charging fees for services an employee must:
  - (a) document such fees and complete a receipt form;
  - (b) issue the payer with a copy of the receipt; and
  - (c) keep the original receipt in the cash drawer or box.
2. Cheques received must also be kept in the cash drawer or box along with the receipt issued upon receiving the cheque.
3. Receipts must include the following information:
  - (a) date of the transaction;
  - (b) name and signature of the employee receiving the payment;
  - (c) name of the person requiring a service;
  - (d) amount received; and
  - (e) purpose of the payment.

**NS 5.11****Accounting and transfer**

1. At the end of each day, a designated employee other than the person(s) who receives cash and cheques must remove all cash and cheques from the cash box, enter the receipts in a receipt ledger, and reconcile the ledger, receipts, cash and cheques.
2. The receipts for the day must be sealed in an envelope, with the following information written on the outside:
  - (a) date;
  - (b) employee's name; and
  - (c) amount.
3. The sealed envelope must be placed in a locked, secure place.
4. If the receipts, ledger, cash and cheques do not reconcile:

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

- (a) the day's receipts, cash and cheques must be sealed in an envelope with the information required above noted, along with a notation of the amount over or under;
  - (b) the head of administration must be notified; and
  - (c) the head of administration may refer shortage problems to internal affairs.
5. The money received must be transferred to the banking account of the road traffic law enforcement authority.

**NS 5.12****Credit cards**

- 1. The road traffic law enforcement authority may issue credit cards to its employees under certain approved circumstances.
- 2. The credit cards must be used for official business only.
- 3. All receipts from credit card purchases must be turned into the budget section accompanied by a completed purchase order as soon as possible.
- 4. Abuse of credit cards will lead to disciplinary proceedings.

**NS 5.13****Audits**

- 1. The head of administration division must advise internal affairs of shortages, and internal affairs must investigate shortages at the direction of the head.
- 2. The head of administration division must conduct a monthly review and reconciliation.
- 3. The Chief of Traffic, or his designee must conduct an audit at least once every six months.
- 4. The Chief of Traffic may request, in writing, the audit of funds under the control of any supervisor.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***TRAVEL REGULATIONS****NS 5.14****Employee travel**

1. All official travel by employees must be for the benefit of the road traffic law enforcement authority and must be completed at the most economical and reasonable cost.
2. The responsibility of an employee when travelling on road traffic law enforcement authority business is to obtain and keep all necessary receipts, return any excess money and submit it to the budget section within three working days.
3. Management and professional employees may attend and participate in appropriate professional seminars and technical meetings.
4. Employees may attend and participate in meetings, seminars, training programmes or short courses for enhancing performance of the duties of their position or as a refresher of skills.
5. Employees may need to travel on behalf of the road traffic law enforcement authority in order to represent the interests of the road traffic law enforcement authority at meetings, conventions and professional associations.

**NS 5.15****Expenses for approved travel**

1. Employees authorised to attend required training sessions, conferences, seminars, professional or technical meetings, or any other travel on road traffic law enforcement authority business, must have associated expenses covered.
2. The coverage may take any of the following forms:
  - (a) use of a department credit card or account;
  - (a) reimbursement; or
  - (b) cash advance.
3. Reimbursement for authorised expenditures will be made upon satisfaction of the following conditions:
  - (a) the expense is an ordinary, reasonable and necessary travelling expense;
  - (b) the expense was incurred while away from the employee's principal area of assignment or requires overnight lodging; and

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

- (c) the expense was incurred while the employee was attending a seminar, conference or other meeting to the benefit of the road traffic law enforcement authority.
- 4. Road traffic law enforcement authority vehicles may be used for travel when so approved by the Chief of Traffic or his designee.
- 5. Fees and estimated expenses must be submitted in writing through the employee's chain of command, for prior approval by the head of administration, unless the conference or meeting is a routine item and is included in the budget.
- 6. All sessions must receive prior authorisation unless prior authorisation is not possible under the circumstances upon which employees must provide satisfactory proof that it was not possible to gain the required authorisation.
- 7. Authorised expenses are those for the employee only and cannot cover the expenses of a spouse or other person accompanying the employee.
- 8. The following expenses are permitted:
  - (a) registration fees, which are paid in full with the employee making every reasonable effort to qualify for early registration discounts;
  - (b) transportation, including direct economy airfare and cost for baggage handling and airport or hotel transportation;
  - (c) mileage reimbursement for user of a private vehicle, which must be at the current rate of mileage. Whenever possible, multiple attendees driving to a site must use the same vehicle;
  - (d) lodging, which is for the cost of a single room that is not a deluxe accommodation;
  - (e) per diem allowance, which is for travel involving overnight stay;
  - (f) actual meal expense allowed for travel less than overnight, at the established per meal rate;
  - (g) meals provided by conference or training session as part of the registration fee must be deducted from the per diem rate; and
  - (h) incidental expenses, such as official telephone calls, faxes, parking fees, conference material, are eligible for reimbursement.
- 9. Employees submitting travel vouchers and travel requests are responsible for their accuracy.
- 10. Any fraudulent representation is cause for disciplinary and/or legal action.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

11. Travel guidelines and reimbursement rates for road traffic law enforcement authority personnel must be applied uniformly to all personnel.
12. Employees must submit expense statements and original receipts to the budget section upon their return from an official trip.
13. Any employee who seeks reimbursement must submit an expense statement and the original receipt to the budget section within three working days of such expense.

### **STRATEGIC AND BUSINESS PLAN**

#### **NS 5.16**

#### **Strategic plan**

1. A strategic plan has to be developed by the Chief of Traffic of an authority for a three-year period to be revised annually.
2. The plan must be submitted to the Corporation three months before the start of the authority's financial year (e.g. provinces submit in January and metropolitan departments submit in April).
3. A pro forma for the strategic and business plan is included in annexure 3 in part F of the Code and guidelines for completion are included in annexure 4.

#### **NS 5.17**

#### **Business plan**

1. A business plan has to be developed by the Chief of Traffic of an authority every year.
2. The plan must be submitted to the Corporation three months before the start of the authority's financial year (e.g. provinces submit in January and metropolitan departments submit in April).
3. A pro forma for the strategic and business plan is included in annexure 3 in part F of the Code and guidelines for completion are included in annexure 4.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

## **CHAPTER 6**

### **ACCESS TO INFORMATION**

#### **Contents**

<b>ACCESS TO INFORMATION .....</b>	<b>74</b>
NS 6.1 Access to information .....	74
NS 6.2 Denied request .....	76
NS 6.3 Appeal .....	76
NS 6.4 Fees .....	76
NS 6.5 Exemptions .....	76
NS 6.6 Records retention .....	78
NS 6.7 Information to be submitted to a national database .....	78

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

## **CHAPTER 6: ACCESS TO INFORMATION**

### **Purpose**

To establish the procedure for access to information held by the road traffic law enforcement authority.

### **Policy statement**

Certain categories of information held by traffic authorities should be available in order to comply with the provisions of the Constitution as envisaged in the Access to Information Act (Act No. 2 of 2000). Standard, straightforward procedures should exist to make this information available, and standardised fees based on actual cost should be charged.

## **NATIONAL STANDARDS**

### **ACCESS TO INFORMATION**

#### **NS 6.1**

#### **Access to information**

1. The road traffic law enforcement authority must provide public records from its files to persons or organisations requesting such information.
2. The head of administration is the information officer and must maintain files of all requests and responses in a file open to the public.
3. Employees receiving requests for records information must refer the requester to the information officer.
4. The information officer must:
  - (a) process requests for records in accordance with the Act;
  - (b) keep a record of all requests received and the response or action taken; and
  - (c) maintain an account ledger of fees collected.

5. A brief description of the manner in which the public may request information and public records must be posted conspicuously in a public place in headquarters.
6. Persons or organisations seeking access to the public records maintained by the road traffic law enforcement authority may file a request to examine or obtain copies either in person during road traffic law enforcement authority officer hours or through the postal service.
7. The information officer must make available request for information forms.
8. The road traffic law enforcement authority must promptly comply with or deny a written request for public records within seven working days after its receipt by the information officer.
9. Each written request must be lodged with the information officer who must:
  - (a) date and time stamp, or write the date and time on the request when received;
  - (b) assign and enter a request number;
  - (c) make a photocopy of the form;
  - (d) file the original in a file dedicated to freedom of information requests; and
  - (e) give or mail a copy of the form to the requester.
10. When the road traffic law enforcement authority cannot comply with the request within seven working days, it may use an additional seven working days and the information officer must send a notice to the requester informing him or her of the delay and the date by which the record may be made available.
11. An additional seven days extension may be used if:
  - (a) the requested records are stored in a location other than the location or division responsible for maintaining the record;
  - (b) the request requires the collection of a large number of records;
  - (c) the request is categorical in nature and requires an extensive search;
  - (d) the division failed to locate the requested record in its initial attempt and the search is continuing;
  - (e) it would unduly burden or interfere with operations of the road traffic law enforcement authority to comply with the request within the initial seven working day period; or
  - (f) the requested records require further examination to determine which, if any, may be exempt.



*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 6.2****Denied request**

1. The information officer must post a notice of denial of public records to the requester when a request for a record is denied, either in whole or in part.
2. The notice must include:
  - (a) the decision to deny;
  - (b) the reason for the denial;
  - (c) the exemption claimed to authorise the denial, if the request is denied on the grounds that the records are exempt; and
  - (d) the names and title or position of each person responsible for the denial.

**NS 6.3****Appeal**

1. The requester denied access to the public records may appeal to the Chief of Traffic.
2. The Chief of Traffic must review all requests for appeal and take appropriate action.

**NS 6.4****Fees**

1. Information shall be supplied upon payment of the statutory fees as determined from time to time.
2. Fees may be waived by the information officer.

**NS 6.5****Exemptions**

The following information must be exempt from inspection and copying:

- (a) information specifically prohibited from disclosure by law, rules or regulations;
- (b) information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information, which information includes but is not limited to:

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

- (i) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for such bodies;
  - (ii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body co-operating with or engaged in professional or occupational registration, licensing or discipline;
  - (iii) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by statute; or
  - (iv) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal authorities, provided that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted invasion of personal privacy under this subsection;
- (c) records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional road traffic law enforcement authority for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:
- (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional road traffic law enforcement authority;
  - (ii) interfere with pending administrative enforcement proceedings conducted by any public body;
  - (iii) deprive a person of a fair trial or an impartial hearing;
  - (iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;
  - (v) disclose unique or specialised investigative techniques other than those generally used and known or disclose internal documents related to detection, observation or investigation of incidents of crime or misconduct;
  - (vi) constitute an invasion of personal privacy;

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

- (vii) endanger the life or physical safety of law enforcement personnel or any other person; or
- (viii) obstruct an ongoing criminal investigation;
- (d) criminal, prosecution or offence history maintained by the road traffic law enforcement authority, except the following which shall be open for public inspection and copying:
  - (i) offence statistics;
  - (ii) offence trends; and
  - (iii) law enforcement activities.

**NS 6.6****Records retention**

The road traffic law enforcement authority must retain documentation for a period of three years before such documentation may be disposed of in accordance with the direction of the head of administration.

**NS 6.7****Information to be submitted to a national database**

The road traffic law enforcement authority shall submit the following information to a national database and shall ensure that said information is kept current.

- (a) Personnel records
  - (i) Name
  - (ii) ID number
  - (iii) Appointment date
  - (iv) Termination date
  - (v) Rank/Function
  - (vi) Disciplinary action
  - (vii) Training
- (b) Register of specialised law enforcement equipment (as per chapter 4)
  - (i) Type of equipment
  - (ii) Make
  - (iii) Serial number

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

- (iv) Procurement date
  - (v) Calibration, service and repair history
  - (vi) Disposal date
- (c) Events and incidents (as per Chapter 14)
  - (i) Contingency plans for events and incidents
  - (ii) Reports on actual events and incidents
- (d) Accident records
- (e) Offence trends
  - (i) Seatbelt wearing rates
  - (ii) Alcohol
  - (iii) Speed
- (f) Prosecution records
- (g) Law enforcement duties performed

*Road Traffic Management Corporation*

*Draft National Road Traffic Law Enforcement Code*

## **PART A: NATIONAL STANDARDS**

### **PART A2: TRAFFIC OFFICERS: STANDARDS OF CONDUCT, EQUIPMENT AND APPEARANCE**

#### **Contents**

**CHAPTER 7: CODE OF ETHICS**

**CHAPTER 8: USE OF EQUIPMENT**

**CHAPTER 9: DRESS CODE**

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

## CHAPTER 7

### CODE OF ETHICS

#### Contents

<b>CODE OF ETHICS .....</b>	<b>83</b>
NS 7.1 Status of code of ethics .....	83
NS 7.2 Discharge of duties .....	84
NS 7.3 Professional image .....	84
NS 7.4 Confidential information .....	85
NS 7.5 Discretion .....	85
NS 7.6 Violation of law .....	85
NS 7.7 Insubordination .....	86
NS 7.8 Abandonment of duty assignment .....	86
NS 7.9 Giving names and other information .....	86
NS 7.10 Leaving jurisdictional limits .....	87
NS 7.11 Altering records .....	87
NS 7.12 False reports .....	87
NS 7.13 Unauthorised persons in vehicles .....	87
NS 7.14 Absence from work .....	87
NS 7.15 Reporting sick leave .....	88
NS 7.16 Public criticism .....	88
NS 7.17 Political use of official position .....	88
NS 7.18 Political involvement .....	89
NS 7.19 On- and off-duty ethics .....	89
NS 7.20 Possession or use of alcohol .....	89
NS 7.21 Possession or use of controlled substances .....	90
NS 7.22 Gifts and gratuities .....	90
NS 7.23 Job-related gains .....	90
NS 7.24 Solicitation of favourable acts .....	91

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

**CHAPTER 7**  
**CODE OF ETHICS**  
**Contents**

NS 7.25	Payment of debts .....	91
NS 7.26	Prohibited association, frequenting .....	91
NS 7.27	Internal investigations.....	91
NS 7.28	Residence telephone and address .....	91
NS 7.29	Non-compliance .....	92

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

## **CHAPTER 7: CODE OF ETHICS**

### **Purpose**

- (a) Establishes standards towards professional, high quality and effective law enforcement service.
- (b) Encourages and recognises exemplary behaviour.
- (c) Promotes adherence to limitation of authority and standards of integrity and ethics.
- (d) Establishes pro-active procedures to prevent impropriety.

### **Policy statement**

The traffic officer should project the image of a preserver of law and order. All employees of the road traffic law enforcement authority have an obligation to the administration of the road traffic law enforcement authority and they are responsible to act lawfully and in accordance with road traffic law enforcement authority policy, which conforms to public service policy.

## **NATIONAL STANDARDS**

### **CODE OF ETHICS**

#### **NS 7.1**

#### **Status of code of ethics**

1. This code of ethics constitutes the official ethics policy to which all personnel must conform.
2. All personnel are responsible for knowing, understanding and conforming to this code of ethics.



*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 7.2****Discharge of duties**

1. All officers must carry appointment certificates on their person when on duty and must show appointment certificates to any member of the public who requests to see them.
2. Officers must perform all their duties with respect, impartiality and without regard to status, gender, race, religion, political belief or aspiration.
3. Employees must not utter any disrespectful, mutinous, insolent, or abusive language toward another employee, supervisor, subordinate, staff officer or citizen.
4. Officers in their official capacity must not intimidate any person for personal reasons.
5. Employees must use resources to the maximum benefit of the public.
6. Employees must accept personal accountability for their acts and omissions.
7. Employees must refrain from favouring relatives and friends in work-related activities, abusing their authority or influencing another employee, or being influenced to abuse their authority.
8. Officers must assist and protect each other in the enforcement of the law and in the performance of all of their duties.
9. An employee must support all colleagues and oppose and report any malpractice or violations by other officers to their supervisor upon observing or becoming aware thereof.
10. Officers and employees of the road traffic law enforcement authority who may have questions concerning the performance of their duties must direct such questions to their immediate supervisor.

**NS 7.3****Professional image**

1. Employees must perform duties with diligence to maintain a professional image.
2. Officers must display self control, tolerance, understanding and courtesy appropriate to the circumstances.
3. Officers must treat supervisors, command personnel and other employees with due respect and courtesy.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

4. Any behaviour that would reflect negatively on the road traffic law enforcement authority or would violate the public trust is prohibited.
5. Employees are responsible for their own standard of professional performance and must take every reasonable opportunity to enhance and improve their level of knowledge and competence.

**NS 7.4 Confidential information**

1. Employees must not discuss confidential operations with persons outside the road traffic law enforcement authority's organisation without the permission of their supervisor.
2. For purposes of this sub-standard, all road traffic law enforcement authority documents and orders must be considered confidential unless otherwise directed by a supervisor.
3. This sub-standard does not apply to orders that must by law, rule or regulation be communicated to others.

**NS 7.5 Discretion**

1. Officers must use the discretion vested in their positions responsibly and exercise it within the law.
2. In exercising discretion, an officer must be guided by the principle of reasonableness and all surrounding circumstances must be utilised in determining whether any legal action must be taken.

**NS 7.6 Violation of law**

1. The violation or attempted violation by an employee of a road traffic law enforcement authority is prohibited.
2. Officers must uphold fundamental human rights, treat every person as an individual and display respect and compassion towards him or her.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 7.7****Insubordination**

1. A lawful order is any order of a superior officer requiring the performance of a certain duty by an officer, provided it is not prohibited by law or the road traffic law enforcement authority's rules and regulations.
2. An officer's failure or refusal to obey a lawful order issued by a superior officer is prohibited.
3. Insubordination includes:
  - (a) being insubordinate by word, act or demeanour; or
  - (b) without lawful excuse, disobeying, omitting or neglecting to carry out any lawful order.
4. When an officer receives a conflicting order from a superior, the officer must inform the superior officer of the conflict.
5. The superior officer must clarify the order made in 4 above for the officer.
6. Officers must not obey any order which they know or should know would require them to commit any illegal act.
7. Officers in doubt as to the legality of an order must request the issuing officer to clarify the order or confer with a higher authority.

**NS 7.8****Abandonment of duty assignment**

Employees must not leave their duty assignments unless properly relieved or dismissed by a superior officer.

**NS 7.9****Giving names and other information**

Employees must politely give their name and other pertinent identifying information to road traffic law violators or any other person requesting it, unless such action may jeopardise enforcement of road traffic legislation.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 7.10                                      Leaving jurisdictional limits**

Officers must not go beyond jurisdictional limits while on duty, unless in the performance of their duties or upon the direct order or permission of a superior.

**NS 7.11                                      Altering records**

1. Stealing, altering, forging or tampering with any law enforcement record, report or citation is prohibited.
2. The removal of any record, card, report, letter, document, or other official file from the road traffic law enforcement authority, except by process of law or as directed by the Chief of Traffic or a supervisor, is prohibited.
3. Unless properly authorised, the obtaining or duplicating or attempting to obtain or duplicate information from road traffic law enforcement authority files, sources or reports is prohibited.

**NS 7.12                                      False reports**

1. Employees must not make false reports, either oral or written.
2. Employees must not wilfully or knowingly depart from the truth in any manner, including giving testimony or in connection with official duties except in the lawful performance of their assigned duties.

**NS 7.13                                      Unauthorised persons in vehicles**

Persons who are not road traffic law enforcement authority personnel, detainees, or on authorised official business are not permitted to ride in road traffic law enforcement authority vehicles.

**NS 7.14                                      Absence from work**

1. Absence from work without permission is prohibited.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code*

2. Employees claiming physical or mental incapacity relating to their employment may be requested to submit to an examination by a district surgeon.
3. Failure to honour a request in 2 should result in disciplinary action.

**NS 7.15****Reporting sick leave**

1. Whenever an officer becomes ill and cannot report for work he or she must notify his or her employer in terms of his or her conditions of service.
2. The use of sick leave without just cause, or the furnishing of any false information regarding an officer's physical condition, should result in disciplinary action.

**NS 7.16****Public criticism**

1. Complaints regarding the road traffic law enforcement authority operations must be resolved through internal grievance procedures.
2. Under no circumstances must an employee publicly criticise the road traffic law enforcement authority's policies, operations, or staff in a defamatory, obscene, unlawful, or untruthful manner.
3. Criticism that tends to impair the operation of the road traffic law enforcement authority by reducing organisational efficiency and discipline is prohibited.

**NS 7.17****Political use of official position**

1. Employees must neither use their official position for political purposes nor engage in political activities while on duty or in uniform.
2. When expressing views, an employee must not associate his or her position as an employee of the road traffic law enforcement authority or represent the views as those of the road traffic law enforcement authority.
3. This sub-standard does not prohibit employees from exercising their constitutional rights as citizens to vote, expressing opinions privately, being a delegate or member of a political caucus, or taking part in political polls.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 7.18 Political involvement**

1. An employee who is not on duty and who is not in uniform may engage in political activities other than:
  - (c) soliciting or receiving funds; or
  - (d) political activity that places or is likely to place the police officer in a position of conflict of interest.
2. Prior to becoming a candidate for political office, an employee must request a leave of absence without pay from the road traffic law enforcement authority.
3. During his or her campaign, an employee must not represent himself or herself as a member of the road traffic law enforcement authority.
4. An employee who is elected to a political office must resign as an employee before serving in the office to which he or she was elected.

**NS 7.19 On- and off-duty ethics**

Engaging in ethics, on or off duty, that tend to bring the road traffic law enforcement authority into disrepute or impair the operation or efficiency of the road traffic law enforcement authority is prohibited.

**NS 7.20 Possession or use of alcohol**

1. Employees must not possess or use alcoholic beverages while on duty other than with the authorisation of the Chief of Traffic.
2. When called, an off duty officer that has consumed alcoholic beverages must inform the superior officer who called him or her of such consumption.
3. When an officer has consumed alcoholic beverages while off duty, he or she must be given a sobriety test before he or she is allowed to assume law enforcement duties.
4. The sobriety test must be recorded on the "Alcohol Test Recordal Form" included in annexure 5 of Part F of the code.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 7.21 Possession or use of controlled substances**

1. The possession or use of controlled substances by an employee while on or off duty is prohibited.
2. Other than in the performance of their duties, officers may possess and ingest prescribed controlled medications under the guidance of a licensed medical doctor or dentist and with the knowledge of their immediate supervisor.
4. While on duty, an employee must not use or be under the influence of any medication that impairs or compromises his or her ability.
5. If an officer is using a medication that impairs or compromises his or her ability to perform his or her regularly assigned duties and responsibilities, the officer may be assigned, at the supervisor's discretion, to a light duty assignment.
6. If reasonable suspicion exists for believing an employee is in violation of this rule, he or she should be ordered to submit to blood and/or urine testing.
7. Failure of an employee to submit to a blood and/or urine test should result in an action being taken for insubordination.

**NS 7.22 Gifts and gratuities**

1. Employees must not solicit or accept any gifts or gratuities.
2. Employees must immediately report to the Chief of Traffic or a supervisor any solicitation or acceptance of gifts, gratuities, or bribes by other employees of the road traffic law enforcement authority.

**NS 7.23 Job-related gains**

1. Buying, receiving, or selling anything of value from or to any suspect, witness, defendant, detainee, or other person involved in any road traffic law enforcement case is prohibited, except as may be specifically authorised by the Chief of Traffic or a supervisor.
2. An employee must recuse himself or herself from any official action or decision-making process which may result in improper personal gain, and this must be properly declared by the employee.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 7.24****Solicitation of favourable acts**

Employees must not solicit anyone to intercede with officials regarding law enforcement promotions, assignments or disciplinary proceedings.

**NS 7.25****Payment of debts**

1. Employees are expected to meet their civil monetary obligations.
2. Employees must not establish any financial relationships that present a conflict of interest or compromise the image of the road traffic law enforcement authority.

**NS 7.26****Prohibited association, frequenting**

1. Employees are prohibited from frequenting places that may compromise the road traffic law enforcement authority's image, except as required in the performance of their duties.
2. Officers must not associate with persons or organisations which would be detrimental to the image of the road traffic law enforcement authority, including persons who are under criminal investigation or indictment, or who have an open and notorious reputation in the community for felonious activity.
3. Employees must refrain from joining or affiliating with any organisation, association, or group, whose constitution or by-laws in any matter exacts allegiance which would prevent a full performance of their law enforcement duty.

**NS 7.27****Internal investigations**

Employees must co-operate with all internal investigations by answering questions, responding to lawful orders, presenting materials and making statements.

**NS 7.28****Residence telephone and address**

1. Any officer performing a standby service must be reachable at all times by radio or telephone.