

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

To make productive use of the available time, officers must plan their patrol to focus on specific problems within the area of assignment.

NS 14.3 Knowledge of area

Patrol officers should know the geography of their area of assignments as well as the current problems in those areas.

NS 14.4 Patrol equipment

1. Officers must use countermeasures that are effective for specific enforcement problems.
2. The measures should include, but are not limited to:
 - (a) marked vehicles;
 - (b) unmarked vehicles;
 - (c) other specialty-type vehicles, equipment or manner, including:
 - (i) motorcycles;
 - (ii) bicycles;
 - (iii) speed measuring units;
 - (iv) horses; and
 - (v) on-foot.

NS 14.5 Operation vehicles

1. Vehicles used in routine or general patrol service must be conspicuously marked and equipped with emergency blue lights, siren and mobile radio trans-receiver.
2. Officers must routinely test the equipment to verify that it is in proper working order.
3. Unmarked vehicles must not normally be utilised for traffic enforcement activity.
4. Unmarked vehicles used for law enforcement must be equipped with an emergency light and siren.
5. Sworn personnel operating unmarked vehicles must use discretion when stopping traffic infringers and are discouraged from enforcing minor violations.
6. Private vehicles must not be used for traffic enforcement.

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1. When operating an emergency vehicle, an officer must have the vehicle under control and be prepared to yield the right of way.
2. When an officer receives information indicating the existence of an emergency, his or her primary duty is to arrive at the site of the emergency as safely as conditions permit.
3. Seatbelts must be fastened when operating a law enforcement vehicle.
4. An officer must not drive immediately behind another vehicle and sound the siren, which factor may induce the motorist to stop.
5. An officer must not pass to the left of a vehicle in traffic, unless absolutely necessary.
6. An officer may fluctuate the sound of the siren so that the emergency vehicle can be heard.
7. An officer must always maintain adequate radio volume and remain aware that the communication division may wish to relay additional information while the vehicle is being operated in an emergency status.
8. When an officer approaches an intersection extreme caution must be used, and:
 - (a) the vehicle must be slowed to a normal speed when approaching an intersection, and it must be crossed with the traffic light;
 - (b) when it is necessary to enter an intersection against the light, all emergency vehicles must come to a complete stop to ensure all traffic has seen the vehicle before crossing the intersection; and
 - (c) the same caution referred to in (a) and (b) above must be applied when approaching a stop sign.

NS 14.7**Traffic enforcement techniques**

1. Road traffic law enforcement techniques must include:
 - (a) open and visible traffic patrol, which has the tendency of deterring motorists to knowingly violate traffic laws; and

- (b) stationary observation, which may be undertaken where there is an unusual or continuing enforcement problem at a particular location through parking in a conspicuous location and observing traffic.
- 2. Officers must drive in accordance with local conditions and at a speed that is best classed as business-like.
- 3. Officers must not unnecessarily violate any section relating to driving of vehicles in this Code or any other law.
- 4. The speed of a traffic patrol vehicle must be adjusted to the emergencies of a day's work.
- 5. Excessive speed and failure to signal changes of direction or other violations of the rules of the road are not allowed unless during a high speed chase, as such action may endanger an officer's life.

NS 14.8**Traffic direction and control**

- 1. Officers must manually direct traffic under the following circumstances:
 - (a) during periods of traffic or pedestrian congestion where traffic control signals are malfunctioning;
 - (b) sudden volume of emergencies and disasters;
 - (c) during special events, where notification has been given in advance of any planned special event; and
 - (d) before and after school at crossing zones that do not have guards assigned.
- 2. Officers assigned to intersection control or point duty must:
 - (a) be able to expedite traffic flow by directing traffic units in when and how to move whenever congestion or other hazard makes traffic movement dangerous or difficult;
 - (b) be ready to meet unusual or unexpected conditions upon emergency direction of traffic and
 - (i) give authorised emergency vehicles the right-of-way; and
 - (ii) keep lanes open for such vehicles at the scene; and
 - (c) answer any questions courteously and rapidly but not block traffic for this purpose.

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3. The officer must signal the vehicles to stop before they enter the intersection.
4. Uniformed officers must take the primary responsibility for the direction and control of traffic.
5. The officers undertaking intersection control must be visible, and must to that end, put on safety equipment including:
 - (a) reflective vests;
 - (b) crossbelts; and
 - (c) gloves of reflecting material.
6. Officers must take all reasonable precaution when directing traffic under poor conditions of visibility.
7. Officers may use alternative routes to divert traffic if traffic is too congested and is not flowing freely and safely.

NS 14.9**Fire and emergency scenes**

1. Officers directing traffic at fire and emergency scenes must ensure that all private vehicles, including volunteer firemen's vehicles, are well clear of the emergency scene and are not obstructing emergency vehicles or other traffic.
2. Officers may use temporary traffic control devices during emergencies.
3. Upon observing a stranded motorist on any street or highway, the officer must stop and determine what assistance, if any, is required.
4. The officer may assist the motorist if the assistance is within the officer's ability or, if it is beyond the officer's ability, inform the motorist of a place or person who can assist.
5. Assistance may include:
 - (a) general assistance (e.g. directions, giving a push);
 - (b) mechanical assistance and towing service;
 - (c) protection to stranded persons; and
 - (d) emergency assistance.

NS 14.10**Emergency escorts**

1. Traffic vehicles must not be used to escort other vehicles on an emergency run.

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2. When possible, officers may provide assistance at intersections.

NS 14.11**Road hazards**

1. A road hazard is anything which actually causes or which may potentially cause danger to the motoring public and which does or may interfere with the free flow of traffic. Hazards can range from the minor, which are rectified by reporting to the authority which repairs an item needs, to serious, which require major operations to handle.
2. The following should be considered road hazards:
 - (a) damaged or malfunctioning traffic control devices;
 - (b) defective roadway lighting;
 - (c) visually obscured intersections;
 - (d) roadway defects;
 - (e) lack of, damaged or missing roadway signs or safety devices; and
 - (f) incidents involving hazardous substances.
3. A hazard may be encountered by an officer or may be reported by another authority or a member of the public:
 - (a) an officer encountering a hazard shall report it to the radio control or to a supervisor;
 - (b) a supervisor or traffic authority receiving a report of a hazard from another authority or a member of the public shall despatch an officer to the scene.
4. The first officer at the scene shall:
 - (a) confirm the report as true or false;
 - (b) assess and report the severity;
 - (c) request such assistance as he or she judges necessary in terms of human resources, equipment or other authorities;
 - (d) secure the scene as best he can pending the arrival of assistance; and
 - (e) in the event of a major incident requiring the presence of more than one emergency service, set up a forward control point.
5. A forward control point should be:
 - (a) clearly identifiable to other emergency services (standard practise is a cone on the roof);

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- (b) in communication with the appropriate communications centre; and
 - (c) a reporting point for each emergency service arriving at the scene.
6. An authority receiving a report from the officer at the scene shall, if the situation requires it:
- (a) deploy additional human resources;
 - (b) inform other authorities whose assistance may be required; and/or
 - (c) inform the public via the media;
- in order to restore the normal flow of traffic as soon as possible.
7. If the hazard involves dangerous goods as envisaged in the National Road Traffic Act the incident should be handled in terms of Chapter 3.3 of the Road Incident Management System.
8. If the nature of the hazard requires it, the incident should be handled in accordance with the prescriptions of the Disaster Management Act, 2002 (Act No. 57 of 2002).
9. Authorities should maintain incident management plans for hazards and contact details of other authorities or organisations affected to expedite response to road hazards.

NS 14.12**Adverse road and weather conditions**

1. Adverse road and weather conditions fall into three general types of events:
- (a) impaired visibility (rain, fog, smoke, etc);
 - (b) obstruction (blockage/collapse/deterioration of part or all of roadway); and
 - (c) catastrophic (e.g. plane crash).
2. The function of traffic authorities in such cases (with the exception of the catastrophic, where the Police take charge of the immediate scene) is to save lives, prevent loss of life, prevent aggravation of the situation, facilitate access for emergency vehicles, and take steps to restore the normal flow of traffic.
3. Adverse road and weather conditions may be classified into two categories:
- (a) predictable events, which can be prepared for with a specific planned response; and
 - (b) unpredictable events, which have to be dealt with on an ad hoc basis according to operational guidelines but which can not be specifically pre-planned.

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4. Plans for predictable events shall be reviewed by traffic authorities once every twelve months for possible updates as a result of changed circumstances and that at the same time equipment levels must be physically checked or confirmed (if the source is outside the traffic authority itself).
5. A traffic authority shall draw up a set of operational guidelines for non-predictable events in the form of operational priorities and a check list of possible actions which might be taken depending on the specific circumstances.
6. A traffic authority having jurisdiction over part of a national road shall have the relevant parts of the guideline plans drawn up by the SA National Roads Authority.
7. A traffic authority shall maintain the aforementioned plans and guidelines in conjunction with the disaster management department of the municipal or provincial structure.

NS 14.13**Abandoned vehicles**

1. Officers must report any vehicle suspected to be abandoned on a public road and observe it for 7 days.
2. An officer may cautiously approach the vehicle to verify if there is a person inside or inspect its state.
3. A vehicle abandoned for a period as stipulated in the National Road Traffic Act (Act No. 93 of 1996) may be removed and towed to a secure place approved by the road traffic law enforcement authority for storing of abandoned vehicles.
4. A vehicle can be removed immediately if it is obstructing traffic to a government facility.
5. The towing officer must, upon removal and towing of a vehicle to a place mentioned in 3, record in the appropriate records:
 - (a) details of the vehicle including make, model, colour and licence;
 - (b) time of removal and towing;
 - (c) location of abandonment and removal;
 - (d) name of officer directing the removal and towing; and
 - (e) reasons for removal and towing of the vehicle.
6. The administration division must maintain a record of all vehicles removed, stored or towed at the direction of an officer.

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CHAPTER 15

TRAFFIC STOPS

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CHAPTER 15: TRAFFIC STOPS

Purpose

- (a) Establishes standard operating procedure for stopping vehicles during law enforcement operations.
- (b) Establishes limitations of authority upon road traffic law enforcement officers to stop vehicles and obstruct traffic flow.

Policy statement

Section 11 of the Road Traffic Act, 1989 (Act No. 29 of 1989) empowers traffic officers to stop vehicles and ascertain compliance with the road traffic rules and regulations.

NATIONAL STANDARDS

TRAFFIC STOPS

NS 15.1

Significance of stops

- 1. An officer may stop a vehicle on reasonable belief that road traffic law has been violated.
- 2. Officers may stop vehicles at random while undertaking stationary observation or open and visible patrol.
- 3. Traffic stops must not interfere with commuter rush hour traffic.

NS 15.2

Manner of stopping

- 1. When stopping a vehicle an officer must position himself or herself for effective communication to the offender and may, to that end:
 - (a) flash the emergency light;

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- (b) use the siren; or
- (c) use hand signals to stop the driver.
- 2. The site designated for stopping must be as close as possible to the scene of violation to avoid potential conflict between the officer and the offender.
- 3. The stopping site must be of the officer's choosing and if the offender does not stop at the place selected by the officer, the officer must make an attempt to inform the offender to move his or her vehicle to the selected site.
- 4. The stopping site must be so as not to disturb traffic. The shoulder of the road, should it be of sufficient width, is a possible site.
- 5. The available warning and caution lights of the traffic vehicle must be turned on and left in operation to warn approaching motorists.
- 6. At night, the headlights and spotlights of the traffic vehicle must fully illuminate the offending vehicle and its occupants.
- 7. During a vehicle stop an officer may take reasonable steps to protect him or herself and may, at his/her own discretion, direct the driver to step out of the vehicle.

NS 15.3 Basic signals for stopping, starting and turning traffic

Officers must use lawful signals set out in the road traffic regulations when stopping, starting and turning traffic.

NS 15.4

Pacing

- 1. Officers may pace a traffic offender to stop him or her.
- 2. Pacing is not an emergency operation.
- 3. All patrol vehicles must have a calibrated speedometer when pacing a vehicle.
- 4. The officer must use the radar unit in the vehicle to calibrate the speedometer each day before the beginning of shift and after.
- 5. When pacing a traffic offender, an officer may operate without emergency equipment engaged.

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6. When pacing, the officer must keep an equal distance from the offender for a minimum distance of two blocks to make an accurate determination of the offender's speed.
7. Officers may exceed the speed limit to establish a pace while pacing a traffic offender, but must do so with due regard to the safety of others.

NS 15.5**Roadside safety checks**

1. Roadside checks may be used to check for:
 - (a) driver fitness – licensing, influence of liquor/drugs, fatigue etc.;
 - (b) vehicle fitness – licensing, roadworthiness etc.;
 - (c) other traffic offences – seatbelts, loads etc.;
 - (d) outstanding warrants of arrest;
 - (e) stolen vehicles; and
 - (f) other crimes – drug smuggling, illegal firearms, illegal aliens, etc.
2. The checking procedure must be thorough, causing minimum delay to motorists, and:
 - (a) a driving licence that appears valid shall be considered as prima facie proof that the driver is in compliance with the driver licensing law;
 - (b) a check of driving licence files shall not be made unless the officer has sufficient grounds to believe that a violation has been or is being committed;
 - (c) if the officer has reasonable belief that a driver is in breach of the law, the driver shall be directed to a secondary screening area and appropriate enforcement action taken;
 - (d) if the officer detects an offence, reasonably believes that an offence has been committed or observes contraband in plain sight, enforcement action shall be taken;
 - (e) the officer shall listen for speech difficulties and look for any signs that might indicate intoxication;
 - (f) the officer or an assisting officer shall check the vehicle for roadworthiness; and
 - (g) the officer shall not allow traffic to accumulate.

- (h) Traffic stops and roadblocks shall be conducted in accordance with the procedures described in the "Roadside Driver and Vehicle Fitness Inspection Manual"¹.
 - (i) An officer shall complete a "Roadside vehicle inspection sheet" for all vehicles stopped and inspected. The sheet is included in annexure 7 in part F of the Code.
3. One of the primary functions during a traffic stop is to identify persons that are flouting the law by failing to pay a traffic fine or alternatively appearing in court. The execution of a warrant of arrest is a drastic measure requiring caution and sound discretion on the part of an officer. It can have far-reaching consequences which, in the past, have resulted in claims for compensation following wrongful arrests. In view of this it is a task that should only be performed with due consideration of the applicable legislation.
- (a) During traffic stops the drivers of all vehicles stopped shall be checked for outstanding warrants of arrest.
 - (b) Whilst inspecting the driving license of the driver, a check for outstanding warrants shall be done either by radio, onboard computer or computer printout.
 - (c) When such a check confirms that there is an outstanding warrant of arrest for the driver, the officer shall inform the driver accordingly. The officer shall also request the Warrants Office to draw the warrant and confirm its availability, as well as whether the originating document was a Section 56 notice or a Section 54 summons as well as the service method if it originates from a Section 54 summons.
 - (d) The driver shall be given an opportunity to explain the circumstances and upon request be furnished with a copy of the warrant of arrest.

¹ The Roadside Driver and Vehicle Fitness Inspection Manual was published by the Department of Transport in November 2003 as part of the "Road to Safety Strategy 2001 – 2005". The manual can be obtained from the Corporation

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- (e) The officer executing the warrant of arrest shall then consider the provisions of section 55(2)(a) and (b) of the Criminal Procedure Act. No. 51 of 1977 which reads as follows:

"Provided that where a warrant is issued for the arrest of an accused who has failed to appear in answer to the summons, the person executing the warrant -

(a) MAY, where it appears to him that the accused received the summons in question and that the accused will appear in court in accordance with a warning under Section 72; or

(b) SHALL, where it appears to him that the accused did NOT receive the summons in question or that the accused HAS PAID an admission of guilt fine in terms of Section 57 or that there are other grounds on which it appears that the failure of the accused to appear on the summons was not due to any fault on the part of the accused, for which purpose he may require the accused to furnish an affidavit or affirmation,

release the accused on warning under Section 72 in respect of the offence of failing to appear in answer to the summons, whereupon the provisions of that section shall mutatis mutandis apply with reference to the said offence."

- (f) If the officer has reason to believe that the arrested person WILL NOT APPEAR IN COURT or that the arrested person DID RECEIVE THE ORIGINAL SUMMONS or DID NOT PAY THE ADMISSION OF GUILT the officer shall arrest the offender and, after explaining his rights in terms of the Constitution, take him without any delay to the designated Court as specified on the warrant together with the executed warrant or, if the arrest takes place outside the Court's hours, to the nearest Police Station.

- (g) When the arrested person is released on warning under Section 72, the Release on Warning attached to the warrant shall be completed and the original thereof handed to the arrested person.
- (h) Should a motorist insist on seeing the warrant before submitting to arrest, the officer shall request the Warrants Office to arrange for the warrant to be conveyed to him by an officer whilst continuing with the roadside safety check of the vehicle. Depending on circumstances the warrant can also be faxed or emailed to the officer by a peace officer stationed at the Warrants Office. Section 39(2) of the Criminal Procedure Act requires the person effecting an arrest by virtue of a warrant to hand the arrested person, upon demand, a copy of the warrant.
- (i) Following the arrest the officer shall arrange for the removal of the vehicle. Prior to having it removed the officer should enquire from the accused whether there are any valuables in the vehicle and record what is said in his pocket book.
- (j) The officer must perform a motor vehicle inventory, and record whatever damage is present and also whatever is found in the vehicle, e.g. type of radio, tools, jack, etc. A tow report, if the vehicle is to be towed to a station lock-up in accordance with this Code or any other national legislation, shall be completed.
- (k) Upon handing over the warrant and prisoner to the court orderly or the police, the officer shall make a pocket book entry and have the entry countersigned and stamped by the court orderly/police officer on duty

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CHAPTER 16: ROAD TRAFFIC CHECKPOINTS AND ROADBLOCKS

Purpose

Establishes procedure for creating and operating road traffic checkpoints and roadblocks.

Policy statement

Section 11 of Road Traffic Act, 1989 (Act No. 29 of 1989) empowers traffic officers to stop and inspect, test or cause to be inspected and tested any part of a vehicle and the equipment thereof, inspect documentation relating to the vehicle and to the driver of a vehicle, and to regulate and control traffic on a public road.

NATIONAL STANDARDS

ROAD SAFETY CHECKPOINTS AND ROADBLOCKS

NS 16.1

Assignment

1. General roadblocks which serve legitimate law enforcement purposes may be undertaken, including but not limited to:
 - (a) road side safety checks;
 - (b) accident scenes;
 - (c) natural disasters or fires; and
 - (d) parade routes.
2. Road traffic checkpoints and roadblocks must be authorised and assigned by the unit supervisor.
3. The human resources at road traffic checkpoints and roadblocks must include sufficient personnel to undertake pursuit should it be necessary.
4. Law enforcement units with less than four officers should not be assigned to major roadblocks.

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5. Units mentioned in 4 above may be assigned to roadblocks where the unit has a co-operative relationship with another law enforcement unit and the roadblock is conducted in co-operation.
6. In heavy traffic areas and where traffic going in both directions must be stopped, it is necessary to assign two units to stop the traffic.
7. All radio communication about the location of a road traffic checkpoint and roadblock must be in code.

NS 16.2**Blockades**

1. In planning the location of the blockade the supervisor must have regard to the safety and convenience of the public.
2. A road traffic checkpoint or roadblock on a frequently travelled roadway, which may cause great concern, must be avoided if possible.
3. When establishing a road traffic checkpoint or roadblock on a freeway, a location where traffic can be diverted off the main roadway onto an off-ramp for stop point inspection and then back onto the main roadway via an on-ramp must be selected.
4. In the event of a road traffic checkpoint or roadblock as mentioned in 3, there must be traffic control where the off-ramp and on-ramp intersect with the roadway from which the traffic diverted.
5. In selecting the blockade point, if the choice is optional, a place where the area adjacent to the roadway is restricted, such as a bridge, culvert, or cut through hill, should be selected.
6. The location must be selected with emphasis on good visibility in both directions.
7. The blockade at road traffic checkpoints or roadblocks must consist of appropriate warning, speed and stop signs or devices, and one or more traffic vehicles parked to partially block the roadway to identify the operation as a roadblock.
8. Any side streets adjacent to the roadblock must be closed off with cones or flares and an officer must be there to control that closure and allow vehicles through if necessary.

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1. Warning signs must be in letters of sufficient size and luminosity to be readable at a distance of not less than 150 metres either in daylight or darkness.
2. At night, sufficient illumination must be provided.
3. Flares or cones of acceptable type must be used to mark the approach, and the patrol cars used in the roadblock must be placed in a position where traffic insignia can be illuminated sufficiently so as to be recognisable.
4. At the stop point, a sign should be placed on the approximate centre line of the roadway displaying the word "STOP" in letters of sufficient size and luminosity to be readable at a distance of not less than 150 metres either in daylight or darkness.
5. At the same point as in 4 above, at least one lighted red light must be placed at the side of the roadway clearly visible to the oncoming traffic at a distance of not less than 300 metres.
6. Officers should stop vehicles by means of hand signals or a torch with a translucent orange extension-piece.
7. All signs must conform to the requirements of the Road Traffic Ordinances and Regulations, and the "South African Road Traffic Signs Manual"¹.

NS 16.4**Assistance and protection**

1. As few as possible officers must expose themselves during a roadblock.
2. At least one officer must stop vehicles and he or she must stand *opposite* the stop sign and bring the vehicles to a halt one by one.
3. There must be an officer at every numbered flare or cone to show vehicles where to stop and other officers must make an inspection of vehicles and their occupants.
4. When some officers make an inspection of vehicles and their occupants, other officers must take advantage of any cover, keeping their fellow officer and the vehicles stopped under constant observation.

¹ The "South African Road Traffic Signs Manual" was published by the Department of Transport in 2003 and can be obtained from the Department of Transport or from the South African National Roads Agency Limited (SANRAL).

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5. While the inspecting officer checks the stopped vehicle, other officers must take cover with a firearm and keep the entire scene covered.
6. At least one officer must be in a position to be as close to the vehicle's radio set as possible while keeping the entire scene covered.
7. All officers, and particularly the inspecting officer, must use apparatus in the weak hand to leave their gun hands free at all times.
8. There must be an officer to escort or direct inspected vehicles back to their original route without them having to make a major detour.
9. There must be at least one officer on duty in a pursuit vehicle watching traffic and reporting any suspicious behaviour.

NS 16.5**Adult school crossing guards**

1. Uniformed traffic officers may be called upon to assist at school crossings and must be aware of the following crossing guard rules:
 - (a) the crossing guard has full authority and responsibility for directing pedestrian traffic at the intersection or crossing;
 - (b) all crossing guards must conduct themselves in a courteous and efficient manner which will reflect favourably on the road traffic law enforcement authority; and
 - (c) dangerous traffic law violations observed by the crossing guard while on a school crossing and any activity or emergency situation in the immediate area of the crossing point must be reported to the road traffic law enforcement authority.
2. Crossing guards must wear cross belts while on duty.
3. All pedestrians must be instructed to walk at the crossing point and running while crossing must be prohibited.
4. Halted traffic must not be released until the last pedestrian is safely on the opposite side of the crossing.
5. The crossing guard must work with the traffic light at controlled intersections.
6. Motorists and pedestrians who fail to obey the orders and directions of a crossing guard must be reported to the road traffic law enforcement authority.

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CHAPTER 17: PURSUIT

Purpose

Establishes operating procedure and responsibilities for the safe operation of patrol vehicles during pursuit situations.

Policy statement

The primary purpose of a pursuit is to apprehend a suspect with the least amount of force necessary and to minimise the risk of harm to persons and property.

NATIONAL STANDARDS

PURSUIT

NS 17.1

Initiation of pursuit

1. The road traffic law enforcement authority recognises that the objective of a motor vehicle pursuit is to maintain law enforcement officer contact with a fleeing driver, without unnecessary danger to life and property, until the individual can be apprehended.
2. The road traffic law enforcement authority must make every effort to ensure the safety of the public as well as employees at all times, and authorise emergency use of road traffic law enforcement authority vehicles when the necessity of immediate response or apprehension of offenders outweighs the level of inherent danger.
3. An officer must initiate or continue with a pursuit after weighing the factors set out in NS 17.2.8 and any other relevant factor.
4. All officers in a pursuit must, at all times, be able to justify their reasons for the pursuit.
5. An officer, on being aware when the act of the pursuit itself may be causing evasive behaviour, must discontinue the pursuit if, in the officer's or supervisor's judgement,

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discontinuation of the pursuit will probably result in a cessation of the evasive behaviour.

NS 17.2 Emergency operation of law enforcement vehicles

1. Only marked vehicles with roof-mounted emergency light systems should engage in a pursuit.
2. Marked vehicles without roof-mounted emergency light systems must discontinue the pursuit when a marked vehicle with roof mounted lights assumes the pursuit.
3. Unmarked vehicles must not become involved in any pursuit unless it involves a serious offence and the unmarked vehicle is the initiating vehicle.
4. Special vehicles must not engage in pursuit, unless authorised to undertake pursuit action because of their special purpose.
5. Vehicles transporting suspects or passenger officers must not engage in pursuit.
6. Motorcycles should not engage in pursuit if the conditions of the pursuit will endanger the life of the officer on the motorcycle excessively.
7. Motorcycles may continue the pursuit when a marked patrol vehicle joins the pursuit.
8. Before engaging in the emergency use of a vehicle an officer must weigh several factors in addition to vehicle control, due regard to safety and emergency considerations, including but not limited to:
 - (a) the type and condition of the vehicle being operated;
 - (b) the type and condition of the roadway to be travelled and the officer's familiarity with it;
 - (c) obstacles, both present and potential that must be avoided (e.g. foreign objects on the roadway, construction, gravel, standing water, etc.);
 - (d) experience and the training of the officer in a high speed vehicle operation;
 - (e) the nature of the offence and the circumstances known concerning the manner in which the call was relayed to the communication division;
 - (f) the time of day, amount and type of traffic encountered, and the potential danger to the officer and other drivers operating at a high speed;
 - (g) visibility and illumination available to the officer in the area being travelled;and

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- (h) existing weather conditions and roadway surfaces.

NS 17.3**Emergency use of vehicles**

1. The driver of any law enforcement vehicle responding to an emergency call must use the blue light and siren.
2. The siren may be disengaged upon approaching within audible range if the siren would warn of the officer's approach and aid in an offender's escape or endanger the life of other persons.
3. Upon embarking on the process mentioned in 2, the officer must cease emergency vehicle operation status by slowing speed to normal and disengaging emergency equipment.

NS 17.4**Emergency vehicle speed and safety during pursuits**

During pursuits, excessive speed and carelessness are not permitted as they do not warrant the risk involved.

NS 17.5**Communication during pursuit**

1. Upon embarking on pursuit the officer may communicate the action to the communication centre and request assistance, if necessary.
2. Pursuit radio procedure should be:
 - (a) initial radio broadcast by an officer embarking on pursuit, referring to:
 - (i) officer call sign;
 - (ii) present location;
 - (iii) direction of travel;
 - (iv) reason for pursuit, including offence;
 - (v) speed;
 - (vi) description of vehicle and registration number when known; and
 - (vii) number and description of occupants, if possible;
 - (b) dispatcher or communication centre responsibilities should be to:
 - (i) clear frequencies;
 - (ii) notify all units of pursuit information; and

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- (iii) ensure that the shift supervisor and the supervisor of the patrol unit office are notified; and
- (c) the shift supervisor must:
 - (i) monitor the pursuit; and
 - (ii) approve the continuation of the pursuit.
- 3. Officers must report the status of the pursuit to the communication centre.
- 4. The dispatcher must relay information concerning the pursuit to support pursuit vehicles and alert other area authorities when appropriate.

NS 17.6 Intra/inter-jurisdictional pursuits

- 1. Procedures agreed to in an inter-jurisdictional pursuit agreement entered into in terms of NS 11.2.5 must be followed.
- 2. The officer engaged in a pursuit must notify the communication centre when the pursuit leads to another jurisdictional area.
- 3. The communication supervisor must inform the supervisor of the jurisdictional area to be entered about the pursuit and request mutual aid.
- 4. The communication officer must keep the officer in pursuit informed of the arrangement regarding mutual aid with the other jurisdictional area.

NS 17.7 Assistance during pursuit

- 1. The officer initiating pursuit may request assistance from the communication centre.
- 2. The supervisor may assign a secondary pursuit vehicle to assist in the pursuit.
- 3. The secondary pursuit vehicle must trail the primary pursuit vehicle at a safe distance and be immediately available to assume the primary role or assist when the fleeing vehicle stops.

NS 17.8 Law enforcement involved pursuit investigation

The supervisor must initiate an internal investigation of all law enforcement officers who are involved in vehicle pursuits in addition to normal reporting procedures.

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Pursuit should be terminated:

- (a) when the pursuit is successful;
- (b) when the pursuit enters a congested area and an unreasonable hazard to the general public exists;
- (c) when the visibility, weather conditions or road conditions limit the probability of a safe and successful end to the pursuit;
- (d) when the offender can be identified to the point where later apprehension can be accomplished and the offender is not a threat to the public; or
- (e) at the discretion of the primary pursuit officer, supervisor or commanding officer by notifying the dispatcher of such decision and there must be articulable reasons for terminating a pursuit.

NS 17.10 Reporting

1. All pursuits must be reported by completing a pursuit report form even if the pursuit was terminated prior to apprehension of the pursued subject.
2. Copies of all pursuit report forms must be forwarded through the chain of command of the primary officer, up to and including the Chief of Traffic and the training officer at the training academy.
3. Upon completion of a pursuit the shift supervisor must interview involved officers and prepare a summary from the initial notification of a fleeing suspect through the termination of the pursuit.
4. The training officer must conduct bi-annual analyses of all pursuits to determine if there are any trends requiring training needs or directive changes.
5. The training officer's analysis must be submitted to the head of law enforcement division and through the chain of command to the Chief of Traffic.
6. The analysis may be utilised to make recommendations to the Chief Executive Officer upon revision of this Code.

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CHAPTER 18: SPEED MEASUREMENT AND TRAFFIC LIGHT ENFORCEMENT EQUIPMENT

Purpose

- (a) Establishes the procedure for measuring speed of vehicles.
- (b) Improves the safety of traffic officers during speed measuring.

Policy statement

Section 59 (4) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) prohibits persons to drive over the general speed limits allowed in terms of Regulations 426 and 427 and traffic officers are empowered to stop vehicles and regulate traffic in terms of section 11 of the Road Traffic Act, 1989 (Act No. 29 of 1989).

NATIONAL STANDARDS

SPEED MEASURING

NS 18.1 Speed measuring equipment

- 1. Only equipment approved by TCSP may be used for speed measurement and traffic light enforcement.
- 2. All such equipment is to be used in accordance with both TCSP guidelines and the manufacturer's manual.

NS 18.2 Equipment operation

- 1. In selecting a location to operate a speed measuring device, officers must position their patrol vehicles so as not to impede traffic or cause a traffic hazard.
- 2. Officers must ensure that the equipment used is functioning properly by testing it before and after any enforcement contacts.

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3. Each unit must, at all times, be operated and handled with great care.
4. Speed measuring equipment must not be left on when not in use.
5. Traffic officers should make use of permanent installations for speed measuring devices in instances where speed checks are repeatedly conducted at certain sites.

NS 18.3 Setting up and removal of speed measuring equipment

Officers must take reasonable precautions when setting up or removing speed measuring equipment, and must:

- (a) place a flashing blue light alongside the roadway in line with the officers laying or removing cables;
- (b) ensure that the blue light is visible by day;
- (c) have a traffic officer stand and control traffic in the lane in which his or her colleagues are busy laying or removing cables; and
- (d) the officers must co-operate to ensure that they work in a lane that is protected.

NS 18.4 Stopping vehicles

1. The stand with the blue light must be placed beside the travelled way near the officers stopping traffic to assist in stopping vehicles.
2. The stopping officer must switch on the blue light as soon as a vehicle has to be stopped.
3. After switching on the blue light the officer must step forward holding up a stop board and use his free hand to signal to the offending motorist to stop and show the motorist where to stop.
4. The officer may switch off the light after the offender has safely come to a stop.
5. Each vehicle that has been stopped should be helped to return safely into the traffic stream.

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CHAPTER 19

ALCOHOL TESTING

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CHAPTER 19: ALCOHOL TESTING

Purpose

Establishes standard operating procedure for ensuring that drivers adhere to the minimum standards set for driving under the influence.

Policy statement

The National Road Traffic Act, 1996 (Act No. 93 of 1996) prohibits driving while under the influence of intoxicating liquor or drugs having narcotic effect, or with excessive alcohol in the blood or breath. Traffic officers as enforcers of road traffic law are empowered to ensure that motorists do not contravene this rule.

NATIONAL STANDARDS

ALCOHOL TESTING

NS 19.1

Breath analysis instrument

1. A breathalyser instrument conforming to SANS standards must be utilised for breath analysis.
2. Officers who use breath analysis instruments must be trained to use such instruments and must have a certificate indicating that they may operate the equipment.

NS 19.2

Enforcement

1. The officer must, on observation leading to the suspicion that the driver may be impaired, request the driver to exit the vehicle for further investigation.
2. The officer must request the driver to take a pre-arrest breath test and notify him of his right to refuse the test.

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3. The officer must administer the test to obtain on-the-spot estimates of the subject's breath alcohol level if the subject consents.
4. Officers must conduct a thorough and complete investigation to obtain all possible evidence concerning the subject's impairment. Only for charge of driving under the influence. Offences of section 65(2) or (5) do not require evidence of impairment.
5. Officers must complete the "Alcohol Observation Check sheet" for evidential purposes prior to arrest. The sheet is included in annexure 8 of Part F of the code.
6. The officer must formulate the arrest decision based on the evidence accumulated in the testing and completion of the above-mentioned sheet.

NS 19.3**Arrest and processing**

1. The officer must arrest the subject if all elements of the driving under influence violation have been clearly established. Only for charge of driving under the influence. Offences of section 65(2) or (5) do not require evidence of impairment.
2. The officer may handcuff and search the subject.
3. The officer must, with the subject's permission, release the vehicle to a sober passenger if the vehicle contained sober passengers.
4. The officer must perform a motor vehicle inventory, complete a tow report and tow the vehicle to a station lock-up in accordance with this Code or any other national legislation if the subject was alone in the vehicle or if the passengers in that vehicle were also impaired.

NS 19.4**Tests**

1. To assist an officer in forming a reasonable suspicion to justify making an arrest there are four commonly used screening tests which do not constitute proof of intoxication for court purposes:
 - (a) breath testing by non-evidentiary breath analysis equipment
 - (b) "walk and turn" divided attention test;
 - (c) "one leg stand" divided attention test; and
 - (d) nystagmus (HGN) test.

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2. The only evidentiary test which an officer can perform at the time of stopping the suspect is a breath test by evidentiary breath analysis equipment.
3. No officer shall administer any of the foregoing tests unless suitably trained and qualified in that testing procedure.
4. Breath analysis equipment shall only be used in accordance with the manufacturer's manual.
5. For the purpose of evidentiary breath testing, only equipment approved by the TCSP shall be used.
6. Evidentiary breath analysis equipment must be used in accordance with the TCSP Prosecuting Guidelines for Evidentiary Breath Testing Equipment.

NS 19.5**Breath test and conducting**

1. Submission to breath test must be requested unless:
 - (a) transporting the arrested subject to the station is impractical due to the subject's physical condition; or
 - (b) at the time of the arrest, there is no reason to believe that the arrested subject is under the influence of drugs or a combination of drugs and alcohol.
2. All information recorded on the test record form must be entered by the breath analysis instrument operator.

NS 19.6**Blood test and conducting**

1. Submission to a blood test must be requested:
 - (a) when a submission to a breath test is not requested for reasons as stated in NS 19.4.1 above; or
 - (b) in addition to the completion of a breath test, when the results obtained lead to the presumption that the arrested subject is under the influence of drugs or a combination of drugs and alcohol.
2. Blood samples must be collected in accordance with the rules and regulations on public health.

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1. Submission to a urine test must be requested:
 - (a) in addition to a blood test if drugs are suspected; or
 - (b) when a breath or blood test is not possible.
2. Urine samples must be collected under the same environmental conditions as blood samples, in accordance with rules and regulations on public health.
3. Medical personnel may be appointed by the arresting officer, as the representative of the arresting officer to be present when the sample is collected.

NS 19.8 Additional tests

1. Persons requesting an additional chemical test, at their own expense, must be assisted in locating a nearby facility providing such test.
2. Transportation must be provided to obtain an additional test at a nearby facility.
3. The provision of sub-paragraphs 1 and 2 must be applicable only if the request for an additional test is made prior to incarceration or release on bail.

NS 19.9 Refusal to submit to test

1. The officer must complete appropriate forms to invoke the implied consent sanctions if the subject refuses to submit to the evidential test.
2. An officer must complete the arrest report and required forms thoroughly documenting all evidence gathered during the investigation and indicating the result of any sobriety or chemical test administered.
3. The officer must decide whether to incarcerate or release the subject basing such decision on:
 - (a) specific statutory requirements;
 - (b) level of intoxication; and
 - (c) location or availability of a responsible party to assume custody of the subject.
4. The officer must submit the citation and all reports and supporting documents to his or her supervisor for review and transmission to record section for filing.

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CHAPTER 20

OVERLOADING CONTROL

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CHAPTER 20: OVERLOADING CONTROL

Purpose

- (a) Establishes the operating procedure for overloading control.
- (b) Establishes limitation on the actions of officers for overloading control.

Policy statement

Section 11 (d) of the Road Traffic Act, 1989 (Act No. 29 of 1989) empowers traffic officers to ascertain the dimensions of, the load on, or the mass, axle mass load or axle unit mass load of, any vehicle, or the mass of any combination of vehicles, laden or unladen, and if necessary for the purpose of ascertaining such mass, require any vehicle or combination of vehicles to proceed to a mass meter or mass-measuring device.

NATIONAL STANDARDS

OVERLOADING CONTROL

NS 20.1

Overloading measuring devices

1. The load-mass-measuring devices that must be used are:
 - (a) the weigh-in-motion screening mass-measuring device (WIM);
 - (b) the static legal scale.
2. The static legal scale must be utilised for the final accurate weighing of a vehicle.
3. The result of the static legal scale is the final result that is acceptable in court, and must be obtained as proof of load mass for prosecution purposes.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 20.2****Screening**

1. A dynamic scale (WIM) screening mass-measuring device may be used to screen vehicles.
2. Vehicles must be directed onto the screening area and be weighed in motion and the legality of the load mass must be evaluated.
3. An officer must take into account the overloading tolerance when screening a vehicle, by making adjustments manually by remote control.
4. A vehicle suspected to be in excess of the legal load limit must be directed to the static legal scale.

NS 20.3**Weighing**

1. The vehicle must be weighed on the static legal scale to ascertain the mass of the load.
2. The officer in charge of the weighing may print a weighing certificate if requested and give one copy to the driver of the overloaded vehicle.
3. The weighing certificate must be filed according to the record filing system of the road traffic law enforcement authority, electronically if applicable.
4. Vehicles that carry loads in excess of the legal load limit must not be cleared and must be referred to the temporary parking hold.

NS 20.4**Prosecution processing**

1. An officer must gather information regarding the overloaded vehicle, its driver and the offence.
2. The information must be captured on computer and may be forwarded for recording on NaTIS or other road traffic information systems.
3. The officer must impose the relevant fine upon the driver of the overloaded vehicle by issuing a ticket or warning.
4. A vehicle should be cleared:
 - (a) after off-loading excess load;
 - (b) after an appropriate warning;

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- (c) upon payment of fine;
- (d) upon undertaking to pay the fine within a certain period in accordance with road traffic regulations; or
- (e) upon undertaking to appear in court.

NS 20.5**Impounding**

1. An officer may impound a vehicle and prohibit it from continuing with its journey until a certain fault is rectified, including but not limited to:
 - (a) load in excess of the legal load limit;
 - (b) wrongly loaded cargoes;
 - (c) unroadworthiness of the vehicle after being suspended; or
 - (d) other transgressions against the driver, vehicle or cargo.
2. An officer must clear a vehicle upon the rectification of the fault for which it was impounded.

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CHAPTER 21: SEARCH ON PREMISES AND PERSONS

Purpose

- (a) Establishes the procedure for conducting search on persons and premises.
- (b) Establishes limitation on the authority of traffic officers to conduct a search.

Policy statement:

Section 11 (l) and (m) of the Road Traffic Act, 1989 (Act No. 29 of 1989) empowers traffic officers to at any time enter any motor vehicle of an operator and inspect it or enter any premises on which he or she has reason to believe a motor vehicle of an operator is kept and inspect such vehicle or documentation. As peace officers, traffic officers are further authorised by section 23 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) to search persons and premises.

NATIONAL STANDARDS

SEARCH ON PREMISES AND PERSONS

NS 21.1

Search conduct

1. Officers must have regard to legitimate expectation (e.g. the right to privacy).
2. A search must be lawful and officers must preserve human dignity when conducting searches.
3. A search must be conducted in a decent and orderly manner, preferably, a female officer must search a female and a male officer must search a male.
4. An officer may search more extensively when an object is felt.
5. An officer may use such force as may be reasonably necessary to overcome any resistance against a search or entry on the premises sought to be searched.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NS 21.2 Search of persons without a warrant**

1. An officer may search an individual without a warrant as authorised by law.
2. A search without a warrant may be conducted upon the individual's consent given freely and voluntarily.
3. An officer may frisk an individual without a warrant on reasonable belief that the individual is armed and dangerous.

NS 21.3 Search on persons

1. Officers must effect a lawful search which must be reasonable in the light of circumstances, e.g. when the person is armed and dangerous.
2. People may be searched for the purpose of effecting an arrest.
3. A search on the body surface, including swabbing, taking hair samples, bodily fluids and organs, must be made pursuant to a warrant.
4. A strip search must be conducted only if it is reasonable in the light of circumstances.
5. An unconditional strip search of suspect or detainee is prohibited.

NS 21.4 Search of persons after arrest

1. A search after an arrest may be conducted to:
 - (a) protect the officer from attack;
 - (b) prevent the arrested person from escaping;
 - (c) discover and seize fruits of a crime for which the person has been arrested;or
 - (d) discover and seize any instruments, articles, or things which may have been used in the commission of the crime for which the person has been arrested.
2. For the search after an arrest to be legal, the arrest must be legal.
3. The search must be conducted at the time of arrest and be limited to the arrestee's person and the area within his immediate control.
4. Once the arrest has occurred the officer may conduct a search without additional cause.