

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***CHAPTER 27****VEHICLE AND EQUIPMENT NEEDS OF AUTHORITIES****Contents**

|   |            |
|---|------------|
| <b>VEHICLE AND EQUIPMENT NEEDS OF AUTHORITIES .....</b> | <b>214</b> |
| NT 27.1 Vehicles.....                                   | 214        |
| NT 27.2 Officer's equipment .....                       | 214        |
| NT 27.3 Specialised enforcement equipment .....         | 215        |

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

## **CHAPTER 27: VEHICLE AND EQUIPMENT NEEDS OF AUTHORITIES**

### **Purpose**

Establishes minimum vehicle and equipment levels for traffic law enforcement authorities.

### **Policy statement**

A traffic law enforcement authority should possess certain minimum levels of vehicles and equipment to enable it to carry out its statutory functions adequately.

## **NATIONAL TARGETS**

### **VEHICLE AND EQUIPMENT NEEDS OF AUTHORITIES**

#### **NT 27.1**

#### **Vehicles**

A traffic law enforcement authority shall possess:

- (a) one operational vehicle for every two officers on law enforcement duty; and
- (b) Such vehicle shall be equipped and maintained in terms of chapter 4.

#### **NT 27.2**

#### **Officer's equipment**

A law enforcement officer shall be in possession of:

- (a) a complete uniform as specified in Chapter 9;
- (b) a reflective vest;
- (c) a torch (for night shift);
- (d) prosecution documentation; and
- (e) a 2-way radio (except if his or her vehicle is radio-equipped).

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NT 27.3                      Specialised enforcement equipment**

A traffic law enforcement authority shall possess:

- (a) one operational speed measuring device as specified in chapter 4
  - (i) breath analysis instruments in accordance with guidelines published by the RTMC from time to time.

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

**CHAPTER 28**  
**FINANCING OF AUTHORITIES**  
**Contents**

|                                       |            |
|---------------------------------------|------------|
| <b>FINANCING OF AUTHORITIES .....</b> | <b>217</b> |
| NT 28.1 General.....                  | 217        |

*Road Traffic Management Corporation  
October 2007*

*Draft National Road Traffic Law Enforcement Code*

## CHAPTER 28: FINANCING OF AUTHORITIES

### Purpose

Determines the financial support required by authorities to deliver a service at the required level of performance.

### Policy statement

The Corporation will review and evaluate the financial status and needs of authorities to determine the total funds required to meet the expected level of service.

## NATIONAL TARGETS

### FINANCING OF AUTHORITIES

#### NT 28.1

#### General

1. Law enforcement authorities must submit their financial year budget as prepared for their own council to the Corporation in conjunction with the submission of the required strategic and business plan.
2. The financial information must be completed accurately in the budget as well as in the strategic and business plans.
3. Upon submission of these plans the Corporation will determine the financial requirements of authorities and take the required action.

*Road Traffic Management Corporation*

*Draft National Road Traffic Law Enforcement Code*

## **PART B: NATIONAL PERFORMANCE TARGETS**

### **PART B2: AUTHORITY PERFORMANCE**

#### **Contents**

**CHAPTER 29: PLANNING LAW ENFORCEMENT ACTIONS AND OPERATIONS**

**CHAPTER 30: SCHEDULING LAW ENFORCEMENT ACTIONS AND OPERATIONS**

**CHAPTER 31: SETTING ENFORCEMENT TARGETS**

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***CHAPTER 29****PLANNING LAW ENFORCEMENT ACTIONS AND OPERATIONS****Contents**

|  |            |
|--|------------|
| <b>PLANNING LAW ENFORCEMENT ACTIONS AND OPERATIONS .....</b> | <b>220</b> |
| NT 29.1 Information requirements.....                        | 220        |
| NT 29.2 Analysis and planning .....                          | 221        |
| NT 29.3 Submission of plans to the Corporation.....          | 221        |

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

## **CHAPTER 29: PLANNING LAW ENFORCEMENT ACTIONS AND OPERATIONS**

### **Purpose**

Establishes uniform operational methods for achieving effective, goal-oriented traffic law enforcement.

### **Policy statement**

Given the limited number of traffic law enforcement staff as well as the vast area of responsibility, optimum utilisation of resources through proper planning and scheduling of law enforcement activities is essential.

## **NATIONAL TARGETS**

### **PLANNING LAW ENFORCEMENT ACTIONS AND OPERATIONS**

#### **NT 29.1**

#### **Information requirements**

1. A traffic law enforcement authority shall utilise the following information in planning law enforcement action:
  - (a) accident data – historic data;
  - (b) offence trends – data obtained from spot checks;
  - (c) enforcement data such as number of prosecutions instituted and roadside vehicle check reports and warning notices issued;
  - (d) staff data such as hours worked, time spent on patrol, as well as kilometres travelled, etc.;
  - (e) other information such as public complaints, major traffic incidents, road infrastructure reports, etc.; and
  - (f) staff and resources available.



*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NT 29.2****Analysis and planning**

1. A traffic law enforcement authority shall use the above information to identify and prioritise the need for law enforcement action.
2. Analysis and planning shall be performed in terms of the prescribed process as per annexure 15 in part F of this Code.

**NT 29.3****Submission of plans to the Corporation**

A traffic law enforcement authority shall submit to the Corporation:

1. Strategic and business plans annually as specified.
2. Operational plans at least one month before the commencement date of the plan.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***CHAPTER 30****SCHEDULING LAW ENFORCEMENT ACTIONS AND OPERATIONS****Contents**

|   |            |
|---|------------|
| <b>SCHEDULING LAW ENFORCEMENT ACTIONS AND OPERATIONS.....</b> | <b>223</b> |
| NT 30.1 Information requirements.....                         | 223        |
| NT 30.2 Time allocation .....                                 | 223        |
| NT 30.3 Operational schedules.....                            | 224        |
| NT 30.4 Submission of operational schedules .....             | 224        |

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

## **CHAPTER 30: SCHEDULING LAW ENFORCEMENT ACTIONS AND OPERATIONS**

### **Purpose**

Obtains optimum operational effectiveness by scheduling law enforcement activities where and when most needed.

### **Policy statement**

Scheduling of traffic law enforcement staff should be aimed at maximising the effectiveness of law enforcement resources.

## **NATIONAL TARGETS**

### **SCHEDULING LAW ENFORCEMENT ACTIONS AND OPERATIONS**

#### **NT 30.1**

#### **Information requirements**

1. The road traffic law enforcement authority shall use the information gathered as per chapter 29 in order to:
  - (a) deploy staff in identified problem locations;
  - (b) deploy staff at identified problem times of day and days of week; and
  - (c) focus on identified problem behaviour.

#### **NT 30.2**

#### **Time allocation**

1. The road traffic law enforcement authority shall endeavour so far as possible to allocate resources as follows:
  - (a) patrol time 50% (including unforeseen activities e.g. calls for service, accidents etc.);
  - (b) manned speed 10%;

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

- (c) road blocks 30%; and
- (d) administration 10%.

**NT 30.3****Operational schedules**

1. The road traffic law enforcement authority shall draw up operational schedules specifying:
  - (a) number of personnel;
  - (b) equipment;
  - (c) hours of duty; and
  - (d) location.
2. Operational schedules shall be prepared in advance on a weekly basis in the prescribed format.

**NT 30.4****Submission of operational schedules**

1. The road traffic law enforcement authority shall submit to the Corporation all operational schedules pertaining to a given plan, together with a feedback report.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***CHAPTER 31****SETTING ENFORCEMENT TARGETS****Contents**

|  |            |
|--|------------|
| <b>SETTING ENFORCEMENT TARGETS .....</b>     | <b>226</b> |
| NT 31.1 Principles for setting targets ..... | 226        |
| NT 31.2 Constraints .....                    | 227        |
| NT 31.3 Targets for individuals .....        | 227        |
| NT 31.4 Setting the performance target ..... | 232        |
| NT 31.5 Targets for authorities .....        | 233        |

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

## **CHAPTER 31: SETTING ENFORCEMENT TARGETS**

### **Purpose**

Establishes performance targets for officers and authorities.

### **Policy statement**

The Corporation aims to assist authorities in evaluating the performance of individual employees by setting specific targets to measure performance. These targets will be adapted to set a performance target for the authority according to the number of officers.

## **NATIONAL TARGETS**

### **SETTING ENFORCEMENT TARGETS**

#### **NT 31.1**

#### **Principles for setting targets**

1. The targets must be perceived by road users as being fair and in the interest of creating safer conditions on the road.
2. The targets must be equitable to traffic officers, in terms of the variety of law enforcement activities. Duties which take more time have a higher allocation of points.
3. Not all duties are quantifiable (like escorting an abnormal load), and time spent on such duties is taken into consideration.
4. Bonus points are allocated as incentives to encourage officers to enhance the public perception of the traffic law enforcement profession.
5. Emphasis is placed on:
  - (a) checking drivers, for valid driving licences, PrDPs, breath alcohol content etc.;
  - (b) checking vehicles, for roadworthiness, overloading, etc.;
  - (c) checking speed;

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

- (d) patrolling identified dangerous roads/routes at the times when dangerous conditions are prevalent or dangerous behaviour is known to occur; and
  - (e) policing moving violations.
6. A record must be kept of the actual inspections performed by an officer, either by using an inspection sheet, or by capturing the information on a hand-held computer (such as the Traffic Officer Pocket Computer (TOPC)).
  7. Unless identified as part of a specific campaign, higher points are not allocated to certain vehicle types, as it could result in those vehicles being targeted whilst the same or more serious offences by other vehicles are overlooked.
  8. Negative points are allocated for serious failures by an officer, such as failure to appear in court as a witness.
  9. The targets and performance management system are designed for simplicity of administration, especially in the inception stage.
  10. Officers who perform well will be recognised on a municipal, provincial and national forum.

**NT 31.2****Constraints**

1. Targets may not be set in terms of the number of notices or fine/penalty values issued.
2. Unless identified as part of a specific campaign, higher points are not allocated for certain serious offences<sup>1</sup>.

**NT 31.3****Targets for individuals****NT 31.3.1****Identification of duties and allocation of time**

1. Law enforcement and non-law enforcement duties are differentiated between when evaluating an officer's performance.

---

<sup>1</sup> It may provide the defence with an argument in the case of a single-witness statement that the officer had an incentive to falsely accuse the offender of a more serious offence.

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

2. It is not feasible that this allocation of time be applied on a shift basis or even to the weekly schedule of individual officers, but from the perspective of the Corporation, rather to the entire capacity of the municipal or provincial department from month to month. In respect of individual officers, this allocation may materialise on an annual basis.
3. The following break-down specifies the amount of time to be allocated to the designated duties for traffic officers:
  - (a) patrol: 40%, of which the patrol vehicle is stationary 40% of the time to stop vehicles to issue a notice to the driver when a moving violation was committed, or to stop vehicles and inspect both vehicles and drivers for fitness
  - (b) manned speed: 10%
  - (c) road blocks: 30%
  - (d) calls for service: 5%
  - (e) attend to accidents: 5%
  - (f) administration: 10%
4. The following break-down specifies the amount of time to be allocated to the designated duties for supervisors:
  - (a) patrol: 40%, of which the patrol vehicle is stationary 40% of the time to stop vehicles to issue a notice to the driver when a moving violation was committed, or to stop vehicles and inspect both vehicles and drivers for fitness
  - (b) manned speed: 0%
  - (c) road blocks: 30%
  - (d) calls for service: 5%
  - (e) attend to accidents: 5%
  - (f) administration: 20%
5. Performance targets related to time are not assigned to the remainder of the command structure above the immediate level of supervision of traffic officers. Their performance targets relate to the management process, to ensure that the targets set for the officers in a functional capacity materialise and that the authority achieves its cumulative target.



## NT 31.3.2

## Determining performance standards

1. With regard to the principles documented above, all law enforcement tasks and the average time that it takes to perform each task have been determined in the schedule below.
2. It is more efficient to perform the inspections using a TOPC than an inspection sheet as it reduces the amount of writing to be performed by an officer substantially. Since it is unlikely that all officers will at all times have a TOPC available (conditions of flat batteries may in any event be encountered), this schedule differentiates between performing the task with and without a TOPC (using an inspection sheet).
3. The expected performance standard to be achieved in terms of average time in respect of each task is as follows:

| TASK <sup>2</sup>                       | TIME TO PERFORM TASK IN MINUTES <sup>3</sup> |                           |                           |                           |
|---|--|---------------------------|---------------------------|---------------------------|
|   | WITH TOPC                                    |                           | WITHOUT TOPC              |                           |
|   | LIGHT<br>MOTOR<br>VEHICLE                    | HEAVY<br>MOTOR<br>VEHICLE | LIGHT<br>MOTOR<br>VEHICLE | HEAVY<br>MOTOR<br>VEHICLE |
| Level one driver & vehicle inspection   | 3  | 7                         | 6                         | 10                        |
| Level two driver & vehicle inspection   | 5  | 9                         | 8                         | 12                        |
| Level three driver & vehicle inspection | 9  | 11                        | 12                        | 15                        |
| Issuing a Written Warning               |  |                           | 5                         | 10                        |

<sup>2</sup> Should the time to issue a Written Warning, Infringement Notice or S56 Summons for a roadworthy or expired document offence be significantly different than issuing the same for a moving violation or another offence, then the task description in the above table will have to differentiate between such tasks (instead of the single task currently shown) and record the appropriate time for each task.

<sup>3</sup> The times described are estimations only. Empirical evidence is required to complete the rest of the standards accurately.

Road Traffic Management Corporation

Draft National Road Traffic Law Enforcement Code

| TASK <sup>2</sup>                                    | TIME TO PERFORM TASK IN MINUTES <sup>3</sup> |                           |                           |                           |
|--|--|---------------------------|---------------------------|---------------------------|
|  | WITH TOPC                                    |                           | WITHOUT TOPC              |                           |
|  | LIGHT<br>MOTOR<br>VEHICLE                    | HEAVY<br>MOTOR<br>VEHICLE | LIGHT<br>MOTOR<br>VEHICLE | HEAVY<br>MOTOR<br>VEHICLE |
| Issuing a notice to discontinue use of vehicle       |  |                           | 10                        | 15                        |
| Issuing an Infringement Notice                       |  |                           | 5                         | 10                        |
| Issuing an S341 Notice                               |  |                           | 5                         | 5                         |
| Issuing an S56 Summons                               |  |                           | 10                        | 15                        |
| Arresting a driver                                   |  |                           | 120                       | 120                       |
| Impounding a vehicle                                 |  |                           | 120                       | 120                       |
| Completing an accident report form (damage only)     |  |                           | 60                        | 60                        |
| Completing an accident report form (fatal or injury) |  |                           | 60                        | 60                        |
| Serving an S54 Summons                               |  |                           | 60                        | 60                        |
| Serving a warrant of arrest                          |  |                           | 60                        | 60                        |
| Speed check (manned laser/digital camera)            |  |                           | 120                       | 120                       |

4. Data collection will be performed on the forms included in annexure 16 in part F of the Code.

#### NT 31.3.3

#### Allocation of points

1. In accordance with the principles and constraints described in NT 31.1 and NT 31.2, the following points have been determined from the performance standards in NT 31.4.2:

## Road Traffic Management Corporation

## Draft National Road Traffic Law Enforcement Code

| TASK <sup>4</sup>                                    | PERFORMANCE TARGET POINTS ALLOCATED <sup>5</sup> |                     |                     |                     |
|--|--|---------------------|---------------------|---------------------|
|  | WITH TOPC  |                     | WITHOUT TOPC        |                     |
|  | LIGHT MOTOR VEHICLE                              | HEAVY MOTOR VEHICLE | LIGHT MOTOR VEHICLE | HEAVY MOTOR VEHICLE |
| Level one driver & vehicle inspection                | 6  | 14                  | 12                  | 20                  |
| Level two driver & vehicle inspection                | 10   | 18                  | 16                  | 24                  |
| Level three driver & vehicle inspection              | 18   | 22                  | 24                  | 30                  |
| Issuing a Written Warning                            | 5  | 5                   | 8                   | 8                   |
| Issuing a notice to discontinue use of vehicle       | 5  | 5                   | 8                   | 8                   |
| Issuing an S341 Notice                               | 5  | 5                   | 8                   | 8                   |
| Issuing an Infringement Notice                       | 8  | 8                   | 12                  | 12                  |
| Issuing an S56 Summons                               | 8  | 8                   | 12                  | 12                  |
| Arresting a driver                                   | 18   | 22                  | 24                  | 30                  |
| Impounding a vehicle                                 | 18   | 22                  | 18                  | 22                  |
| Completing an accident report form (damage only)     | 10   | 10                  | 15                  | 15                  |
| Completing an accident report form (fatal or injury) | 20   | 20                  | 30                  | 30                  |
| Serving an S54 Summons                               | 8  | 8                   | 12                  | 12                  |

<sup>4</sup> Should the number of points allocated to issue a Written Warning, Infringement Notice or S56 Summons for a roadworthy or expired document offence be significantly different than issuing the same for a moving violation or another offence, then the task description in the above table will have to differentiate between such tasks (instead of the single task currently shown) and the appropriate number of points for each task must be recorded.

<sup>5</sup> The values in the above table are illustrative only and real values still need to be determined in accordance with NT 31.1 and NT 31.2, once the performance standards in NT 31.4.2 have been empirically determined.

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

| TASK <sup>4</sup>                         | PERFORMANCE TARGET POINTS ALLOCATED <sup>5</sup> |                           |                           |                           |
|---|--|---------------------------|---------------------------|---------------------------|
|   | WITH TOPC  |                           | WITHOUT TOPC              |                           |
|   | LIGHT<br>MOTOR<br>VEHICLE                        | HEAVY<br>MOTOR<br>VEHICLE | LIGHT<br>MOTOR<br>VEHICLE | HEAVY<br>MOTOR<br>VEHICLE |
| Serving a warrant of arrest               | 18   | 22                        | 18                        | 22                        |
| Speed check (manned laser/digital camera) | 3  | 3                         | 3                         | 3                         |

2. The points achieved by an individual officer are determined from the data recorded on the form included in annexure 17 in part F of the Code.

**NT 31.4****Setting the performance target**

1. The performance target expected from an individual officer is determined by:
  - (a) the time to be spent on the identified law enforcement activities;
  - (b) the average performance standards; and
  - (c) the allocated points.
2. Based on the duties and allocation of time in NT 31.3.1, the average performance standards in NT 31.3.2 and the points allocated in NT 31.3.3, the performance target for an individual officer is:
  - (a) Averaged performance is between 16 000 and 20 000 points per month (Below 16 000 actions for none-performance must be taken and above 20 000 incentives and rewards should be implemented)
3. The performance of the individual officers must be monitored on a daily basis. This information will result in a monthly total, from which the annual performance is determined.
4. The performance of an individual officer is determined from the data recorded on the form included in annexure 17 in part F of the Code.

## NT 31.5

## Targets for authorities

1. The Corporation will only enter into a Service Level Agreement (SLA) with the authority, without prescribing the performance contract between the employer (municipality or provincial government) and its employee (individual officer).
2. The SLA will reflect the expectations derived from the cumulative capacity of the number of officers available to the authority (municipality or provincial government) involved. The performance target set by the Corporation for the authority in terms of the SLA will be determined by:
  - (a) the available resource capacity;
  - (b) the time to be spent on the identified law enforcement activities;
  - (c) the performance standards; and
  - (d) the allocated points.
3. The Corporation will detail such expectations to ensure consistency and conformance country-wide.
4. Each employer is likely to base its employment contract with its employees on the same principles.
5. The authority must report honestly to the Corporation on performance achieved during a specified time period.

*Road Traffic Management Corporation*

*Draft National Road Traffic Law Enforcement Code*

**PART C: RECORDING, MEASURING AND EVALUATING  
PERFORMANCE**

**PART C1: RESPONSIBILITIES OF AUTHORITIES**

**Contents**

**CHAPTER 32: RESPONSIBILITIES OF INDIVIDUAL OFFICERS**

**CHAPTER 33: RESPONSIBILITIES OF LAW ENFORCEMENT AUTHORITIES**

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***CHAPTER 32****RESPONSIBILITIES OF INDIVIDUAL OFFICERS****Contents**

|   |            |
|---|------------|
| <b>RESPONSIBILITIES OF INDIVIDUAL OFFICERS .....</b>                | <b>236</b> |
| NT 32.1 General aims and objectives .....                           | 236        |
| NT 32.2 Recording procedures and methods .....                      | 236        |
| NT 32.3 What to record .....  | 237        |
| NT 32.4 Recording format .....                                      | 237        |
| NT 32.5 Submission of records to the authority .....                | 237        |
| NT 32.6 Time frames for preparation and submission of records ..... | 237        |

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

## **CHAPTER 32: RESPONSIBILITIES OF INDIVIDUAL OFFICERS**

### **Purpose**

Establishes uniform operational methods for achieving effective, goal-oriented traffic law enforcement.

### **Policy statement**

All officers in the employ of a road traffic law enforcement authority must take responsibility for effective service delivery and adequate performance.

## **NATIONAL TARGETS**

### **RESPONSIBILITIES OF INDIVIDUAL OFFICERS**

#### **NT 32.1**

##### **General aims and objectives**

1. Information must be collected by traffic officers regarding their daily activities and time spent on these activities.
2. The collected information will be used to evaluate the performance of the officer as well as the performance of the authority.
3. The officer must submit the collected information in a timely fashion to his supervisor.

#### **NT 32.2**

##### **Recording procedures and methods**

1. A traffic officer must record his daily activities on the back and front of the form provided in annexure 16 of part F of the Code.
2. The form must be completed on a per shift basis and signed off by the officer and supervisor at the end of every shift.
3. The supervisors must collate the reports on a monthly basis and indicate the officer's performance on the form provided in annexure 17 of part F of the Code.



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

4. The supervisor will be required to calculate the number of points scored by the officer with the aid of the form provided in annexure 18 of part F of the Code.

**NT 32.3****What to record**

1. Traffic officers must record data on their daily activities as required on the form supplied in annexure 16 of part F of the Code.
2. Traffic officers may be requested to record additional data as required by a superior officer.

**NT 32.4****Recording format**

1. Data must be recorded on the forms provided, as this is a format used by all authorities and officers.
2. The format will be used to determine the collated performance of the authority and performance on a provincial and national basis.

**NT 32.5****Submission of records to the authority**

1. A traffic officer must submit the information collected to the authority after every shift.
2. The information must be signed off by a supervisor and the traffic officer at the end of the shift.

**NT 32.6****Time frames for preparation and submission of records**

1. Supervisors must collate the reports submitted by an officer on a monthly basis and submit the reports to management.

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

## **CHAPTER 33**

### **RESPONSIBILITIES OF LAW ENFORCEMENT AUTHORITIES**

#### **Contents**

|  |            |
|--|------------|
| <b>RESPONSIBILITIES OF LAW ENFORCEMENT AUTHORITIES .....</b>   | <b>239</b> |
| NT 33.1 General aims and objectives .....                      | 239        |
| NT 33.2 Recording procedures and methods .....                 | 239        |
| NT 33.3 What to record .....                                   | 240        |
| NT 33.4 Recording format .....                                 | 240        |
| NT 33.5 Evaluation of performance of individual officers ..... | 240        |
| NT 33.6 Evaluation of performance of the authority .....       | 240        |
| NT 33.7 Evaluation of issues influencing performance .....     | 241        |
| NT 33.8 Preparation of performance report .....                | 241        |
| NT 33.9 Content and format of performance report .....         | 241        |
| NT 33.10 Submission of reports to the Corporation .....        | 241        |
| NT 33.11 Time frames for submission of reports .....           | 241        |

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

## **CHAPTER 33: RESPONSIBILITIES OF LAW ENFORCEMENT AUTHORITIES**

### **Purpose**

Collects and collates performance reports of individual officers to submit to the Corporation as proof of performance.

### **Policy statement**

The performance report submitted by an authority will be reviewed by the Corporation to determine the possible awards for exceptional performance as well as possible sanctions for below par performance.

## **NATIONAL TARGETS**

### **RESPONSIBILITIES OF LAW ENFORCEMENT AUTHORITIES**

#### **NT 33.1**

#### **General aims and objectives**

1. The road traffic law enforcement authority will collate all reports for data collection submitted by their officers to determine the performance of the whole authority.
2. Reports have to be submitted to the Corporation.

#### **NT 33.2**

#### **Recording procedures and methods**

1. The road traffic law enforcement authority must record all information submitted by officers on the form provided in annexure 16 of part F of the Code and collate them in a document of a similar format.

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***NT 33.3****What to record**

1. The road traffic law enforcement authority must record data as provided by officers, as well as the following items:
  - (a) number of law enforcement personnel;
  - (b) hours of duty; and
  - (c) opinion of the Chief of Traffic regarding the performance of the authority.

**NT 33.4****Recording format**

1. The road traffic law enforcement authority must submit collated data for all officers in a similar format as the format of the forms supplied and submit the forms to the Corporation.
2. A report must be submitted by the authority to the Corporation on a quarterly basis detailing all results required to motivate performance, including factors that may influence performance.

**NT 33.5****Evaluation of performance of individual officers**

1. The road traffic law enforcement authority is responsible for evaluating the performance of all officers.
2. Performance evaluation must be conducted informally on a monthly basis with the collation of the officer reports by the supervisors.
3. Officer performance must be evaluated formally on a quarterly basis by reviewing the reports from their monthly performance along with additional career pathing and long-term performance concerns.

**NT 33.6****Evaluation of performance of the authority**

1. The road traffic law enforcement authority must evaluate their own performance on a quarterly basis by collating all officer performance reports.
2. Factors influencing the performance must be investigated and documented.

**NT 33.7 Evaluation of issues influencing performance**

1. The road traffic law enforcement authority must evaluate all issues that influenced the performance of the authority and include such issues in the performance report to be submitted to the Corporation.
2. Attention must be afforded to issues that negatively influenced performance and solutions to these issues must be developed and included in the report.

**NT 33.8 Preparation of performance report**

1. The road traffic law enforcement authority must include all performance data and issues that influenced performance as well as all other information as required in a performance report.
2. The authority must submit the report to the council or provincial head of department when it is completed.

**NT 33.9 Content and format of performance report**

1. The performance report indicating the performance data must be in a similar format as that of the forms used for recording the data.
2. The data must be included in the performance report.
3. A report must be created in a similar format as the individual performance data forms, indicating the average performance of an officer at the authority.
4. All the performance data as well as issues influencing performance, along with other data required, must be included in the report.

**NT 33.10 Submission of reports to the Corporation**

1. The performance reports must be submitted to the Corporation for evaluation of authority, provincial and national performance.

**NT 33.11 Time frames for submission of reports**

1. The performance reports must be submitted to the Corporation on a quarterly basis.

*Road Traffic Management Corporation*

*Draft National Road Traffic Law Enforcement Code*

**PART C: RECORDING, MEASURING AND EVALUATING  
PERFORMANCE**

**PART C2: RESPONSIBILITIES OF THE CORPORATION**

**Contents**

**CHAPTER 34: COLLECTION, COLLATION AND EVALUATION OF REPORTS**

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***CHAPTER 34****COLLECTION, COLLATION AND EVALUATION OF REPORTS****Contents**

|  |            |
|--|------------|
| <b>COLLECTION, COLLATION AND EVALUATION OF REPORTS .....</b>           | <b>244</b> |
| NT 34.1 Collect and collate reports .....                              | 244        |
| NT 34.2 Collect additional information .....                           | 244        |
| NT 34.3 Evaluate individual, provincial and national performance ..... | 244        |
| NT 34.4 Preparation of a national performance report .....             | 245        |
| NT 34.5 Content and format of national performance report .....        | 245        |
| NT 34.6 Submission of the report to the Board and shareholders .....   | 245        |
| NT 34.7 Time frames for submission of national reports .....           | 245        |

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

## **CHAPTER 34: RESPONSIBILITIES OF THE CORPORATION**

### **Purpose**

Evaluates authority, provincial and national performance of law enforcement activities.

### **Policy statement**

The Corporation must collate and publish performance results of traffic law enforcement activities as recorded by the traffic officers and authorities.

## **NATIONAL TARGETS**

### **COLLECTION, COLLATION AND EVALUATION OF REPORTS**

#### **NT 34.1 Collect and collate reports**

1. The Corporation must collect and collate performance reports on a quarterly basis from all traffic authorities.

#### **NT 34.2 Collect additional information**

1. Additional information regarding accident and other enforcement data must be collected from the relevant sources as required.
2. The collected information must be included and considered in all performance evaluations.
3. The information collected must be included in a final report as applicable.

#### **NT 34.3 Evaluate individual, provincial and national performance**

1. The performance of the following entities must be evaluated on the data collected from authorities:



- (a) average individual officer performance from every authority;
  - (b) performance by an authority compared to expected performance;
  - (c) performance on a provincial basis; and
  - (d) performance on a national basis.
2. Issues of non-performance must be communicated to the individual authorities and the necessary sanctions taken.

**NT 34.4 Preparation of a national performance report**

1. A national performance report must be prepared by the Corporation by collating all reports submitted by the authorities.
2. The national report must be published annually and reflect results on a quarterly basis, as submitted by authorities.

**NT 34.5 Content and format of national performance report**

1. The format of performance data in the national report must be in the same format as that of the forms used for initial collection of the data.
2. The national report must also contain results on a provincial basis.
3. Comparisons between the data submitted in the different quarters must be made to determine the improvement or decline in performance.

**NT 34.6 Submission of the report to the Board and shareholders**

1. National reports must be submitted to the Board and shareholders of the Corporation for approval before they are submitted to the National Department of Transport or publicised.

**NT 34.7 Time frames for submission of national reports**

1. National reports must be submitted to the Corporation Board on an annual basis at the beginning of every financial year.

*Road Traffic Management Corporation*

*Draft National Road Traffic Law Enforcement Code*

**PART D: NON-COMPLIANCE WITH NATIONAL STANDARDS  
AND TARGETS**

**PART D1: RESPONSIBILITIES OF AUTHORITIES**

**Contents**

**CHAPTER 35: PROCEDURES TO BE FOLLOWED AND STEPS TO BE TAKEN**

*Road Traffic Management Corporation**Draft National Road Traffic Law Enforcement Code***CHAPTER 35****PROCEDURES TO BE FOLLOWED AND STEPS TO BE TAKEN****Contents**

|  |            |
|--|------------|
| <b>PROCEDURES TO BE FOLLOWED AND STEPS TO BE TAKEN .....</b> | <b>248</b> |
| NT 35.1 Guidelines in the application of discipline .....    | 248        |
| NT 35.2 Fairness in the application of discipline .....      | 249        |
| NT 35.3 Discipline procedure .....                           | 250        |
| NT 35.4 Conduct of the enquiry .....                         | 251        |
| NT 35.5 Summary procedure .....                              | 253        |
| NT 35.6 Right of resignation .....                           | 253        |
| NT 35.7 Disciplinary tribunal .....                          | 254        |
| NT 35.8 Recording .....                                      | 254        |
| NT 35.9 Non-attendance .....                                 | 254        |
| NT 35.10 Right of representation .....                       | 254        |
| NT 35.11 Suspension .....                                    | 255        |
| NT 35.12 Appeal .....  | 255        |
| NT 35.13 Conduct and sanctions .....                         | 256        |
| NT 35.14 Grievance process .....                             | 258        |
| NT 35.15 Disciplinary reports .....                          | 260        |

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

## CHAPTER 35: RESPONSIBILITIES OF AUTHORITIES

### Purpose

- (a) Establishes a common and uniform procedure for the management of all road traffic law enforcement officers.
- (b) Defines the disciplinary process and the rights and obligations of management and employees.

### Policy statement

Discipline is to be effected fairly, consistently, progressively and promptly. The maintenance of discipline is the responsibility of management and falls within the control function of any supervisory position. The principle of natural justice and fair procedure must be adhered to notwithstanding any criminal and/or civil action having been instituted. Subject to the requirements of substantive and procedural fairness, the tribunal has the right to determine the sanction to be applied, having regard to the seriousness of the offence and provided that the sanction is consistent with the provisions set out herein. The procedure must be published and issued to all employees so that they are made aware, explicitly, of the standard of conduct at the workplace.

## NATIONAL TARGETS

### PROCEDURES TO BE FOLLOWED AND STEPS TO BE TAKEN

#### NT 35.1

#### Guidelines in the application of discipline

1. Any disciplinary action must be applied in accordance with the provisions of the Labour Relations Act, 1995 (Act No. 66 of 1995) and the South African Local Government Association (SALGA).

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

2. The application of discipline may take one of two forms, depending on the nature of the offence, namely:
  - (a) minor offences (poor performance or minor misconduct) – disciplinary action on a progressive basis, where appropriate, from informal to formal; or
  - (b) serious offences – immediate formal action.

**NT 35.2 Fairness in the application of discipline****Procedurally fair**

1. This allows the employee a fair opportunity as follows:
  - (a) employee to know the nature of the alleged offence or transgression;
  - (b) given adequate notice of an inquiry;
  - (c) be disciplined timeously;
  - (d) chairperson must be impartial;
  - (e) employee must be given the right to be represented;
  - (f) assisted by an interpreter, if required;
  - (g) allowed to state his or her case to defend himself or herself;
  - (h) allowed to examine evidence against him or her;
  - (i) allowed to speak in mitigation of sentence;
  - (j) previous service record taken into account;
  - (k) employee must be informed of penalty; and
  - (l) must have the right to appeal.

**Substantively fair**

1. There must be sufficiently just and valid cause for applying the disciplinary action, as follows:
  - (a) consistency – is the penalty consistent with penalties applied in similar circumstances before?
  - (b) mitigating circumstances – is a lesser penalty justified because of mitigating factors?

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

- (c) awareness of consequences – was the employee aware of the possible consequences of his or her action?
- (d) disciplinary rules – does the penalty fit the offence?
- (e) previous disciplinary record – are there any warnings that are still current or valid?
- (f) other factors – the effect that the employment contract, job description, established road traffic practices, legislation, industrial court ruling and precedents may have on the substance of the case.

**NT 35.3****Discipline procedure**

1. A charge of misconduct against an officer shall be brought in writing before the authorised representatives for investigation. If the representatives are satisfied that there is prima facie cause to believe that an act of misconduct has been committed, he/she may institute disciplinary proceedings. The organisation shall proceed forthwith or as soon as reasonably possible with a disciplinary enquiry.
2. The authorised representatives shall, within five working days, formulate and present charges to be brought against the employee. The charge(s) is (are) to be set out in a notice of misconduct detailing:
  - (a) the alleged misconduct (offence) as is contemplated;
  - (b) the time, date and venue at which the enquiry will be conducted;
  - (c) the name of the presiding officer and the addresses at which notices and correspondence may be served;
  - (d) the fact that the employee may appoint a representative of his or her choice, who may be a fellow employee, shop steward, union official and, if this is not possible or desirable, any suitably qualified person; and
  - (e) the fact that if the employee or his or her representative fails to attend the enquiry, it may be conducted in absentia.
  - (f) The employee should, whenever possible, acknowledge receipt of the notice.
  - (g) The disciplinary enquiry should commence on a date not less than five working days or more than fifteen working days calculated from the date of serving of the notice of misconduct on the employee.

- (h) The period referred to above may be varied by agreement and failing which, either party may apply to the authorised representative for an extension or the period.
  - (i) The authorised representatives, on submission of good reason(s), may extend any period of time that will be communicated to all parties.
3. A suitably qualified presiding officer (chairperson) shall be appointed. In all cases, a person appointed as the presiding officer should be a senior person in the employ of the organisation. However, if this is not possible or desirable, any other suitably qualified person may be appointed

**NT 35.4****Conduct of the enquiry**

1. The hearing shall be conducted by the presiding officer, who may determine the procedure to be followed subject to the following:
  - (a) the rules of natural justice must be observed in the conduct of the proceedings;
  - (b) unless otherwise agreed by the parties, the hearing must be adversarial in nature and character; and
  - (c) the presiding officer, in discharging this obligation, is to exercise care, proceed diligently and act impartially.
  - (d) The presiding officer shall bear the duty to commence and the burden to decide each and every allegation(s) on a balance of probability set out in the notice of misconduct.
  - (e) In discharging these duties, the presiding officer shall be entitled to call before the disciplinary tribunal any witnesses and produce any evidence; and
  - (f) subject to legal objection, in order to clarify pose questions to any witness called to testify on behalf of the employee and inspect any evidence presented; and
  - (g) present an argument based on the evidence in support of any submission.
2. The officer summoned before the disciplinary tribunal shall have the right to:
  - (a) be heard in person or through a representative and call before the hearing any witness and produce any evidence; and cross-examine any witness,

- subject to legal objection, called to testify on behalf of the organisation and to inspect any evidence presented; and
- (b) present arguments based on the evidence in support of any submission.
3. The presiding officer shall have the power to:
- (a) determine the procedure to be followed for the conduct of the enquiry that he or she deems appropriate with the minimum of legal formalities, provided that the rules of natural justice shall not be broken;
- (b) put questions, without cross-examining, to the parties or their witnesses on any matter relevant to issues;
- (c) proceed with the enquiry in the absence of a party who is in wilful default or fails to attend any meeting despite the expiry of a notice to attend;
- (d) make such interim determinations or rulings as he/she deems necessary;
- (e) propose that the parties compromise settlements in disposal of the whole or portion of the issues;
- (f) make a finding of fact after having considered the evidence;
- (g) invite and hear any plea in mitigation, aggravation or extenuation prior to deciding on a sanction to impose; and
- (h) impose, inter alia, any of the following sanctions:
- (i) written warning;
- (ii) final written warning;
- (iii) transfer to another position either with or without financial loss;
- (iv) suspension without pay for a maximum period of ten working days or any period decided upon by the presiding officer;
- (v) the withholding of any salary increment for a period not exceeding twelve months;
- (vi) demotion to another post with or without financial loss; or dismissal.
4. The presiding officer shall, within ten working days of the last day of the hearing confirm in writing the findings of fact, sanction imposed and the reasons in support thereof and provide a copy of the determination to the authorised representatives and to the employee or his or her representative.