

ROADBLOCK RIGHTS

There are two types of legal roadblocks in South Africa.

1. INFORMAL ROADBLOCKS

An officer is legally allowed to do the following:

- Check the vehicle's licence disk and ensure the car is roadworthy.
- Check for outstanding fines.
- MUST provide a warrant if they are wanting to search your persons or vehicle.
- Request your driver's licence and ID

If the officer who has pulled you over suspects you are driving under the influence you may be asked to;

- Step out of the vehicle.
- Take part in a breathalyser test. If you do not do this the police can then the police can legally hold the car and a blood test will then be done at the closest police station to the incident.

POLICE **MAY** STOP YOU:

- to complete a routine check of vehicle and driver.
- If the driver committed a traffic offence, such as speeding or failing to stop at a stop street.
- If the vehicle is suspected to be stolen or the vehicle is believed to contain criminal individuals or illegal goods.

2. K78 ROADBLOCKS

Here the police are legally allowed to perform the following tasks;

- Search vehicle or you without a warrant.
- Take any items that they suspect are part of an ongoing investigation or crime.
- If a body search is to be done, you are by law required to be searched by a person of the same gender as you. If there is no officer of the same gender, they will need to request someone to come to the scene for this to happen.

DRIVERS RIGHTS

Members of the public are LEGALLY allowed to:

- ask for a copy of the written **K78 authorisation letter** given by the National Police Commissioner. The authorisation letter must have the following information to make it valid:
 - The date of the authorised roadblock
 - The duration of the roadblock
 - The purpose of the roadblock
- ask a police officer for proof of identity by means of an identity card, badge number and/or appointment certificate.
- film or photograph police officers at a roadblock. It is illegal for officers to confiscate or damage your recording equipment or to force you to remove footage or images.

THE LAW AND SEARCHING WITHOUT A WARRANT:

- Section 14 of the 1996 Constitution of the Republic of South Africa provides for an express, justiciable right to privacy. It states:
 - "Everyone has the right to privacy, which includes the right NOT to have -
 - (a) their person or home searched;
 - (b) their property searched;
 - (c) their possessions seized;
 - (d) the privacy of their communications infringed."
- Should an officer have REASONABLE grounds to perform a search without a warrant and he/she can PROVE this in a court of law at a later stage, he/she may perform a search. A search can also be performed should the officer believe any delays would hamper a possible criminal investigation.