

Traffic police and policing : a comparative and socio-historical perspective

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Abstract

Our paper is based on an international comparative study conducted for the *Délégation Interministérielle à la Sécurité Routière* (DISR, French Government). It addresses the issue of the institutional, organizational and professional features of road policing in four countries or states during the 20th century: France, California, New South Wales and New Zealand.

We all know that globally more traffic enforcement means fewer traffic violations and thus fewer car accidents. The situation in France over the last three years confirms the soundness of this equation. But how to ensure an appropriate, sustainable level of traffic enforcement in one country? To say the least, policing bodies worldwide do not generally consider traffic policing as a priority. Training personnel, for example, requires funding that is not easily come by. Effective, sustainable traffic policing is clearly not at the top of the political-administrative list. Strangely, however, very little research has dealt directly with this crucial question.

The emphasis of our paper is on highly practical issues. Should a traffic police force be specialized? What does specialization really mean in this context? Does professional specialization of traffic policing hamper overlap with other types of policing (i.e. criminal)?

Keywords : road police and policing, institution, organization, profession, France, California, New South Wales, New Zealand

A curious alchemy seems to prevent analysis of traffic police organizations and activity from achieving recognition in terms of its scientific and practical implications, even though three fields of research are presently emerging in the social sciences. Research into the matter focuses firstly on road policing as a product, among others, of general police organization.¹ In this view of things, road police forces do not exist as specific entities, and this sometimes results in law-enforcement specialists hastily transposing into the field of road policing the eminently problematical issue of the efficacy of police law enforcement measures (Young and Cameron, 1989). Conversely, the rare examples of research that identify the existence of road policing bodies and tend to objectivize them as such, overemphasize their non-police side and ultimately play down their interest within the police studies field (Bechtel, 1995).

Next come law, sociology and economy-inflected lines of research, which have concentrated on the development of road law in line with that relating to automobiles (Kletzlen, 2000 ; Kellens and Pérez-Diaz, 1997). Here, the study of the crucial road law application authority represented by traffic police forces does not attract researchers, and the few exceptions reduce them almost exclusively to those in charge of law enforcement on the roads (Pérez-Diaz, 1996 ; Jayet, 1996).

Lastly, there are the experimental research projects bearing on the impact of deterrent strategies and sanctioning of such major infractions as excessive speed, drunken driving and driving without a seatbelt (Armour, 1984). They too give only the barest glimpse of the human organization behind the work of road safety enforcement agents. This lack of interest on the part of "police social science" for road police bodies is made clear in the recent emphasis on risk police (Ericson and Haggerty, 1997), which totally ignores road policing at a time when it is taking on a clear role as a road risk regulatory factor.

This paper is a first attempt at a summary of recent French research into police regulation of deviant road behaviour in France and the English-speaking countries, where there exist road police forces identified as such by their members and by members of other police departments. In looking explicitly at the institutional, organizational and professional mechanisms behind regulation, this research makes use of a diachronic, geographical comparison that allows for study of the ways this type of police agency is established in and adapts to a changing social, economic and political setting. It is also intended to adduce possible scenarios for the French system and enable documented consideration of the feasibility and admissibility of a reorganization and an improvement of road policing in France.

Thus analysis has borne on such long-established road police agencies as the California Highway Patrol and the New South Wales Police Service, and on more recent creations like the New Zealand Police Traffic Branch. The initial findings highlight two major considerations: in knowledge terms, if road police forces are to be considered as specialist bodies, their modes of functioning and degree of specialization must be spelled out ; and at a more operational level, road police forces and other more general police agencies are not necessarily seen as competing. On the contrary, the functioning of the agencies studied is characterized by cooperation and reticularity.

¹ Examples include Monjardet (1992) in sociology, Finney (1997) in economics and Monkkonen (1992) in history.

SPECIALIST ROAD POLICE FORCES

In modern societies the crucial role of road transport of goods and people means that road police work is objectively a major policing function, even if it is not always recognized as such. It is frequently underpinned by a specific milieu whose complexity and closeness to the other components of the police profession should not be minimized.

Road police entities are commonly presented – and even stigmatized – as "specialist", yet with no analysis of the type or degree of specialization.² The research carried out so far clearly indicates that the question the experts should be asking, in this field as well, is : what are we talking about when we talk about specialization (Simon, 1946)? Three types of traffic police specialization have been identified: one institutional, one functional and one having to do with professional identity (Carnis, Hamelin, Spenlehauer, 2004).

Institutional specialization and functional despecialization

In respect of "institutional specialization", a distinction can be made between the "organizational" and the "divisional" (Carnis, 2005). In the former case, illustrated by the California Highway Patrol (CHP), the organization in question seems exclusively devoted to road policing. In the latter – in New Zealand as in New South Wales – this is true only of a branch or division of the organization. These different structural modalities can, however, coexist within a single territory, as illustrated by the bi-polar approach to road policing in the United States. Throughout the 1930s the paramilitary, bureaucratic, autonomous body that was the CHP developed in parallel with the creation in an increasing number of local police forces of an Accident Prevention Bureau. In France the formation of specialist units in some municipal police forces is currently tending to take the place of a simple "operational specialization", in which officers are allocated to this activity without there being a specialist body as such.

It is not easy to reach firm conclusions on the supposed impact of either of these two models. Nonetheless, the development of the two different structural modes is not without significance, as the New Zealand and California examples show. The results of New Zealand's road toll campaign over recent years have been as impressive as the resources provided and the relative autonomy that road police have retained and reinforced since the 1992 merger. And yet these results would seem to be largely due to the efforts of a particular generation of road police officers, former ministry of transport personnel highly professionalized in this field before the merger with the police. This generational question looms much less large in the case of the CHP: there, successive generations of road policemen and political decision-makers have been buttressed by an integrated organization, one firmly anchored in the socioprofessional circles involved in road safety in California, and at the same time backed by real corporate spirit and its own training academy. Today's CHP has achieved a level of institutionalization that offers its personnel resources other road police bodies do not seem capable of handing on. Seen in this light, institutional integration may be a fundamental factor in determining the legitimacy and efficacy of a road policing system.³

2 Unlike specialist police bodies in order maintenance functions (Jefferson, Funk and Monjardet, 1992).

3 Legitimacy is a *sine qua non* for an organization's efficacy. Lack of the necessary legitimacy means, for example, that an automatic sanction system can be easily dismantled : it suffices simply not to renew its annual maintenance budgets. The speed cameras system in the state of Victoria nearly suffered this fate in 2002, having initially been entrusted to a private firm that was caught using it to unacceptable mercantile ends.

In respect of "functional specialization", the studies available lead to identification of road policing as one of the main divisions of police work, like that of the "criminal" branches. Like the latter, road police perform a large number of quite distinct activities which it is crucial to integrate into an overall organization. These activities can be seen as revolving around three subfunctions subject to greater or lesser degrees of synergy.

- *Traffic safety* : sanctioning of infractions, management of radar speed traps, education in schools, investigation of accidents, handling of litigation and appeals, etc.
- *Traffic management* : preventing congestion, directing traffic, checking payments (registration, licence fee, etc.), signalling infrastructure failings, helping road users in distress, etc.
- *General policing* : investigating car thefts, keeping order, surveillance, taking part in criminal investigations for drug trafficking, etc.

Thus road policing involves much more than mere road safety activities,⁴ for road risk prevention is accompanied by such other concerns as smooth traffic flow, a central issue for road policing bodies in urban contexts. More exactly still, road policing cannot be reduced to punitive measures, for these are only one facet of the police road safety agenda. Two philosophies seem to govern what is done: combating the feeling of danger on the roads and combating violence and lawlessness on the roads. This latter, of course, is not merely punitive in character : it also plays an important part in legitimizing the road rules, especially at school level.

"A-punitive" functions are one of the most remarkable features of the traffic police forces in California, New Zealand and New South Wales. In France, by contrast, sanctioning seems the dominant dogma among the stated principles of the Gendarmerie : the role of the road police has been rendered purely punitive, to be measured in terms of tickets issued, speed traps and alcohol checks, and identified for the most part with motorcycle policemen and the setting up of checking apparatus (Dieu, 2005). In concrete terms, however, the Gendarmerie seems relatively un-punitive, given the low level of probability of a driver having his speed or blood/alcohol level checked (Ternier, 2003). Among the State Police Agencies studied, the CHP seems to be the one that maintains the best balance between the two tendencies. Contrary to a widespread notion, CHP organization resembles in quite a number of ways the centralization characteristic of French police bodies, even including military overtones reminiscent of the Gendarmerie model (Emsley, 1999).

The CHP is not, then, the embodiment of some decentralized, community-based, supposedly Anglo-American "model". On the other hand, the move towards state control of the road police has not cut it off from its territory: policing has not been deterritorialized and there remains a real concern with a community-driven approach – all the more so in that road policing is traditionally perceived as a source of tension between police and population. Thus a-punitive activities are also seen as a way of increasing the social acceptability of checks and sanctions (Hamelin, Spenlehauer, 2005). This second road-policing emphasis is clearly pointed up by an examination of the activities of specialist units of France's municipal police forces, with their accent as much on education, increased public awareness, a visible police presence, attention and reassurance, and service to residents. This emphasis confirms that a road police force can be a community-oriented force for peace and order.⁵

⁴ Historically, it should be said, road safety has not always been a public-sector priority. New Zealand is a good example: when the state appeared on the road policing scene in the mid-1920s, its first concern was maintenance of infrastructures and ensuring that the taxes levied for this had been paid.

⁵ Worth mentioning here is the model arrived at by D. Monjardet (1996): every political system includes a sovereign-authority "police", a criminal "police" and a public order "police".

Lastly, the research points to a trend to functional "despecialization" of traffic police forces. In this respect too the case of the CHP is emblematic, notably because of its use in surveillance and maintenance of law and order. This despecialization is attributable to the work of officers for whom "versatility" can be an asset, especially in terms of recognition and integration into the larger police system, which practises road policing in "redundant rivalry" with the CHP (Landau, 1969 ; Chisholm, 1989). However, this despecialization is also the outcome of what has come to be expected of road police, either by other police forces or by the authorities and the population. Thus the criticism levelled at the ongoing extension of the CHP's activities is not without ambiguity : on one hand, the political powers are calling for realignment of officers' duties with the California Vehicle Code ; and on the other they accept use of patrolmen as backup for local police forces in cases of violations of the penal code (Hamelin 2005). A similar example is provided by the foot patrols carried out by some municipal police forces in France : initially called on to enforce parking restrictions, they are becoming in the process more receptive to the broader demands of their environment (Ferret, Gallardo, Purenne, 2005).

Another form of despecialization consists of assigning road police forces the role of "problem-solvers", to use a current term from police social sciences (Goldstein, 2003). Attached to general-duties police units, these bodies emphasize the cognitive aspect – collection and analysis of information – of traffic and road toll issues, upstream of any counter-measures. The work of City of Montreal traffic police officers is the perfect example here (Purenne, 2005), residing as much in analysing and processing traffic offence proceedings as in sanctioning traffic offences *in situ*. They are backed up by legal experts at police headquarters. At the same time, this long-term approach cannot be readily generalized, given the discrepancy between the problems focused on by (even local) authorities, above all in the road safety field, and the problems experienced by a citizenry quick to vent its indignation publicly.

Vital : a distinctive professional identity

The issue of a specialized professional identity for police officers is also extremely complex. In New Zealand, for example, the term "Road Policing Branch" in fact covers a situation much more fragmented than it first appears. Each specialist area of traffic policing organizes its own process and/or ritual of professionalization and, by extension, of staff loyalty (Spencehauer, 2005). Nonetheless, indications of the development of a relatively unified identity are not lacking, and trade unions and professional bodies do exist.

At the very least we note the presence of specialist sections or committees within police corporate bodies, one instance being the Traffic Division of the International Association of Chiefs of Police (IACP). To a lesser extent the embodiment of the profession by one or more outstanding personalities – F.M. Kreml in the United States, for example – is also an indicator. True, the existence of training courses and facilities plays a vital role, as does the creation of the hubs of expertise set up by the legal departments of City of Montreal police and the CHP in Sacramento, but officers' detailed acquaintance with traffic regulations must be complemented by practical, in the field know-how: driving, traffic directing, etc. In this context the methodology of the road accident investigation seems to represent the traffic policeman's most distinctive attribute and thus the main contribution to a professional identity. Once again, this observation relativizes the central role of sanctions in the defining of this police activity. It also crystallizes the road policing identity problem faced by the Gendarmerie Nationale in France: accident investigations are carried out by local police bodies whose members do not regard themselves as road police, rather than by the patrol units who consider themselves the Gendarmerie's "true" road police.

In contrast with the above-mentioned police forces from English-speaking countries, France's national police and Gendarmerie have failed to create a road police profession in the way they historically developed the readily identifiable criminal and intelligence functions that have become professional driving forces. Even the Gendarmerie Nationale is still in a situation of embryonic, manipulable professionalization. Its specialist units suffer from a lack of real unity, from a fragmentation due to the existence of freeway squads, road patrols and local forces. The same applies to the personnel, divided into motorcyclists and "footsloggers". The road patrols, for example, are not professionally recognized by the local forces, who inflict on them inappropriate tasks that interfere with their duties. The rationale of professionalization is also hampered by the principle of versatility, which along with continuity and community presence, make up what is generally called the "Gendarmerie model". Lastly, the symbolic primacy of punitive activity certainly hinders a specialization which, in the English-speaking countries studied, seems to be based on such a-punitive functions as accident investigations.

POLICE FORCE NETWORKING

The sociohistoric approach offers an insight into the way a police profession is organized and given continuity in its immediate environment. This environment is first of all characterized by the societal constraints that accompany the development of policing and road police forces. Among these constraints are shifts in demography, in mobility and in the road toll. A particular attention must be given to requests coming from the public and even more so to the way such requests are fielded by police officers. Mention must also be made of the impact of administrative reforms: in New Zealand and New South Wales the most recent traffic police reforms reflect the demands of New Public Management within the police department. But among the most essential data within this setting are the structure of the existing police system and the partnerships in which the traffic police is involved.

Road police and other police agencies

A road police force can be readily distinguished from its fellow police bodies at the institutional and professional levels. If it is to survive, however, it must establish solid links – cooperation, mutual assistance and, by extension, mutual respect – with those other bodies. Restriction of policing powers for traffic police at a given moment in their history or in a given geographical context is one of the main factors here, and is well illustrated by the history of traffic police forces in California and New Zealand. The same applies today to the specialist units of France's municipal police forces, who must systematically fall back on the national criminal branch or the Gendarmerie to properly carry out part of their duties. The studies, especially of the United States and New Zealand, also point up the decisive role of police officers themselves in the emergence and development of this activity, via an increased awareness of the issue on their part or recourse to peer groups. It is even possible to identify an active, transnational network of professionals that has given rise to exchanges, training and mutual "inspiration" (Mény, 1993).

Lasting stability for a road police force and its success in road safety terms also requires consistent, explicit cooperation with fellow police forces. The creation and expansion of the California Highway Patrol are in clear contradiction with American policing's localist tradition, but the CHP also partly founded this expansion on the limitations of the American system, both in combating traffic hazards and in the fields of public safety and **order maintenance** (Hamelin, Spenlehauer, 2006). One of the secrets of the institutional strength acquired by the CHP, despite its oddness on the American policing scene, is its policy of outreach towards other police forces, to which it tries to communicate its standards and

which it actively assists in everyday terms. This integration of a road police force into a national policing system is also perceptible in New Zealand, but in a quite different form. There it took place in two stages: the creation of small, local road police forces within the Ministry of Transport, begun in 1942 ; then the integration of the Ministry's traffic department into New Zealand's national police in 1992. Thus the country's traffic police will perhaps owe the continuance of its financing and success to the "both sides win" modus vivendi it is building with the other segments of the national police. This winning-all-round rationale can also be seen at work in France, where Jérôme Ferret, Frédéric Gallardo and Anaïk Purenne point out the advantages the national police can draw from working arrangements with partner bodies solidly integrated into the local scene and sometimes possessing resources the national force lacks. Contrary to certain deep-rooted preconceptions, amicable links are thus maintained between traffic police officers and their general policing counterparts.

Lastly, we should note the existence of networks of professionals, basically revolving around interpersonal links, and highlight their activation. Activation of peer networks emerges at different turning points in the history of road police forces in the United States. It is not without significance, for example, that the administrative autonomy achieved by the CHP in 1947 was the direct result of a recommendation by F.M. Kreml, speaking at the request of the Californian legislature and in the name of the International Association of Chiefs of Police. Things have happened similarly in New Zealand, where the place of the traffic police within the overall policing system owes a great deal to the recommendations of a peer review group of Australian policemen in 1995: the major increase suggested in the powers of the road police went directly counter to the original scheme, put forward five years earlier, for a merger between the two forces.

The existence and activation of these networks is also apparent at the everyday level. Ten years after the disbanding of the New Zealand Ministry of Transport's road safety department, its former members continue to work and hold positions of authority in the road police. There they make up an informal network that sees relationships between the different road policing specialist areas more in terms of mutual assistance or respectful indifference than of competition. However, this interpersonal network – based on shared professional experience and a career in the same road safety institutions – is so fragile that there are misgivings about what the effect will be on road policing when the "old hands" retire. Ferret, Gallardo and Purenne (2005) stress in this regard the recruitment of seconded and retired police commissioners for the City of Lyon's police departments: in establishing personalized, top-level relationships this gambit created a major force for stabilization and provided special access to the services of the national police force. Nonetheless, the interactions in which traffic police find themselves involved largely overspill the frontiers of the profession.

The interactions of traffic police with surrounding organizations

Another major feature emerging from the studies under discussion is that of partnerships, cooperation and coordination between road police forces and a mixed bag of other institutions and actors. This kind of cooperation is often the outcome of a formal constraint, but is also based on more informal channels which once again point up the networking image and raise questions concerning the place of traffic police forces within the system of public-sector road safety actors.

Integration of traffic police forces into public policy networks is worthy of note and must be seen as a major guarantee of continuity (Le Galès, Thatcher, 1995). A sound traffic police force possesses a portfolio of official connections in the public and private sectors : actors who have become convinced – sometimes through the direct efforts of the road police – of the social usefulness of road policing, and who provide support and certain resources in a transparent, prudently managed way. Communication of road safety concerns to local American police forces is an example. During the first half of the 20th century police

personnel, academics, industrialists and insurance firms were a driving force in the national dissemination of an urban road policing model, well before the federal authorities began working on the question (Hamelin, 2005). The spread of New Public Management, notably in New Zealand and New South Wales, is now looking like the motor for multiplication and diversification of police partners. Adoption of the neo-managerial ethic is bringing with it a national reconfiguration of the main institutional actors in the road safety policy field. While this shift testifies mainly to a determination to see this public activity directed at national level, it also has local consequences. Cooperation between local government and local actors offers confirmation that measures reshaped to the standards of New Public Management cannot be seen simply as a matter of managers, customers and figures. They must equally be taken as a political process involving many different actors and levels of government.

The phenomenon of the emergence of a public policy network can also be observed at other government levels concerned with the formulation of road safety policy. In Montreal, for example, mobilization of the local population within a framework of neighbourhood committees is a good illustration. Something similar is also observable in two state policing bodies, the CHP and the New Zealand police force's Road Policing Branch: in each case, in spite of the major changes they represented, state control and professionalization took place without any clash with the local societies. This is readily understandable in the case of New Zealand, given the time – almost fifty years – taken by the move to state control. In California, the extreme rapidity of the state takeover of road policing, effected via the creation of the CHP in 1929, did not, however, mean breaking links with the counties. CHP officers must still reside in their county of service and do not have the right, even for work reasons, to leave that county for more than a week. Moreover, CHP territorial heads are encouraged by their institution to behave like public figures and cultivate their relationships with other local notables (Thoenig, 1994).

Conclusion: police forces with a core role in public road safety governance?

Identification of reticular functioning in these police forces leads directly to the issue of *governance* (local level included) in respect of road police forces and the place of police agencies in the system of involved actors. Admittedly the term is equivocal, polysemic and ideologically charged, but the issue remains that of the interconnection between actors, resources and the multiple rationales at work in public-sector action. The notion has to do with the appearance of new power technologies in which various actors play a part in decision-making processes and the most consensual decisions win out over unilateral, authoritarian compulsion. The cases presented offer contrasting findings in this respect.

The example of the CHP makes it especially clear that the thesis of demonopolization of public safety does not apply in the case of road safety in California: the CHP has too many material, human and cognitive resources working in its favour. Nor has there been any loss of centrality for this state police body within the system of involved actors, owing to its resources and the professionalism of its personnel. The same is true of New Zealand, where governance of road policing sometimes takes on neocorporatist overtones (Lehmbruch, Schmitter, 1981) in a context of formal cooptation mechanisms (Selznick, 1949). Whatever the case, even if the reform of New Zealand's road police has established a system of territorial management based on partnership with other public and private-sector road safety actors, the expertise of road police managers and the resources they have at their disposal ensure them a preponderant role in the system of local actors (Carnis, Hamelin, 2005).

Nonetheless, the introduction of New Public Management in New Zealand has led to the emergence of another major actor at national and regional level: the Land Transport Safety Authority. Throughout the 1990s a balance was maintained in respect of the influence of the two organizations. In New South Wales, by contrast, the police force is losing its place as a

central actor on the road safety scene because of the gradual appearance of specialist structures at national level and an extension, at local level, of the role of the municipalities. The police force is now no more than one partner among others in the shaping of road safety policy. It is, furthermore, quite possible that the New South Wales situation prefigures by a few years that of New Zealand, where the breakdown of the professional identity of traffic policemen has only just begun.

In France the national bodies – police and Gendarmerie – are having to share their monopoly of traffic control, notably with municipal police forces whose role in this field has been enhanced. This seems primarily due to the local management shortcomings of the national bodies' traffic units. Road police functions as embodied by the specialized units are insufficiently or badly governed by local police and Gendarmerie hierarchies. The Gendarmerie represents the main source of policing on France's roads, yet this has not led to the creation of a true subdivision, as was the case in the order maintenance field with the creation of the riot police. As a result, road police continue to have poor visibility among national actors on the road risk governance scene. The appearance of the road safety problem on the public agenda has seen the rise of media-backed community associations fighting road violence, at the expense of the Ministry of Transport experts who are the traditional "owners" of the problem (Gusfield, 1980). Lastly, municipal police forces under the authority of the local mayor are looming larger in the traffic offence field : their possession and use of such technical resources as radar binoculars and specially equipped cars gives them the possibility of developing a management strategy for these kinds of hazards.

Comparison of the various case studies reveals that as a means of grasping public road safety measures, recourse to the notion of governance is not always relevant. Professionalization of traffic police forces – a major asset in terms of efficacy – can also hamper development of balanced partnerships between the different actors now making up the road safety system. Thus, in countries like the United States and New Zealand, where the notion of governance is more readily resorted to, groups of road safety professionals – in this case road police personnel – seem to play a dominant part among the actors in charge of shaping public action. In a country like France, where the notion of government seems to outweigh that of governance, relations between the partners seem more balanced. The question then seems to be whether or not the absence of institutionalization and professionalization of traffic policing in France is the principal explanation for this.

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