

Road Policing as a European Union challenge:

Legal and operational aspects of police cooperation and cross-border enforcement

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Abstract

Traffic accidents are an enduring problem for traffic policing in the European Union and stolen vehicles are a major crime fought traditionally by fighting vehicle crime. Road Policing is a new common concept referring to legal and operational aspects of police cooperation and cross-border enforcement. Road Policing shall have an effective role in reduction of numbers of deaths and injuries as well as a clear impact on other areas of concern like stolen vehicle, trafficking of illegal goods and human beings or illegal immigration. Introducing the concept of "linear city" helps to better understand the real importance of the "road safety problem" and to determine effective enforcement tools. The adoption and exportation of common best practices on road safety promise a significant increase in effectiveness. The creation of a new Road Policing Agency is a proposition to the European Commission.

Keywords: road policing, cross-border enforcement, police cooperation, police networks

Introduction

Within the European Union (27+1) 720,000 motor vehicles are stolen each year, equivalent to about 1,970 per day, or 82 every hour (CARPOL, 2017). The financial value of the phenomenon amounts to over € 6.5 billion (EUROSTAT, 2017). At the same time, the 19,823 road fatalities in 2020 (ETSC, 2022) are the main cause of death for young people aged between 16 and 25 (ETSC, 2022; WHO/OMS, 2020). The common point between these two phenomena is the road. Stolen vehicles were part of *vehicle crime fighting* activity and traffic accidents, also as a result of traffic rule violations, were a challenge to *traffic policing* (EUROPOL, 2017; TISPOL, 2018). *Vehicle crime fighting* and *traffic policing* are the two sides of the same coin (Cestra, 2020; Hellemons, 2009).

The purpose of this contribution is to discuss whether a possible new concept of “*Road Policing*” and related activities can effectively have a role in reduction of deaths on the roads as well as a clear impact against traffic crimes including stolen vehicle trafficking (Adminaite-Fodor, Carson & Jost 2021; Castillo-Manzano et al., 2018; Townsend, 2018). A successful concept of *Road Policing* must be identified in a context of continuous development of police force activities. Police reforms, new police models, and police culture are important parts of a successful achievement of the objective. Analysing models as a common factor and using *lessons learned* by European Union Member States (EU MS) would contribute to the requests of citizens and communities to obtain better results. The topic of this study is identifying and evaluating the capability of the European Union to develop a *Road Policing Strategy including effective police cooperation*, able to merge capabilities for *traffic policing* with “*authority*” and “*executive power*”.

Our intervention is based on the hypothesis of studying and evaluating the possibility of developing a new concept of *Road Policing* as a single field of activity in the framework of *international police cooperation*, following the idea that the reduction of road fatalities and crimes on the roads is a specific EU target within the framework of “*Europe on the Move - Sustainable Mobility for Europe: safe, connected and clear*” (EU Commission, 2018).

Traffic policing is aiming at the respect for traffic rules and towards the possible reduction of road accident victims. *Vehicle crime fighting* refers to the fight against crimes on the roads and against trafficking in stolen vehicles. No specific literature on a possible common topic could be found so far (Bao et al. 2012; Cestra, 2019; Gössel, 2015; Scala I., 2017).

The present paper, also taking into account the development of the new concept of “*linear city*” (Angel & Rubio, 2017; Flores, 2019; Furundzic & Furundzic, 2012; Zaniboni, 2020), aims to define and underline the new *holistic* field of *Road Policing* (Cestra, 2020).

For us, it is a feasible *new approach* within the specific field of *traffic policing*, which is highly useful and takes into account continuous changes in society and in road and traffic safety and security. In the field of *vehicle crime fighting*, there is already a clear vision and expression of a *new concept* of *Integrated Police Cooperation* (IPC) as best practice at European level (EUROSTAT, 2017).

A key role is played by the capability of each EU MS Traffic Police Force to adapt its internal organization and structure, its cultural approach, and past models of cooperation to the new target.

The most important result is to complete the shift from a *traffic vision* of the problem to a more inclusive and effective *road safety vision* and the main target is the safety of road users based on full respect for both the administrative and criminal rules, and not only the security of the infrastructure which is mainly based on combating violations.

Methodological outline

Road Policing as a new “holistic” concept (Century & Cassata, 2016) is a challenge for the European Union in the field of police cooperation and *Cross-Border Enforcement* (Baldwin, 2018) to effectively save lives (Townsend, 2018) and decrease crimes on the roads (Vorotolina et al., 2015). The role of the new concept of *Road Policing* is a link between all police activities on the road, concerning both traffic rule violations and crimes. The research approach aims to improve police cooperation at the EU level and to implement it in the “new” field of *road safety* and the main tasks of the study are the following:

- (a) Defining an effective *Road Policing concept*.
- (b) Analysing *Road Policing* activity at the EU level.
- (c) Determining tasks for EU level *Road Policing* activity within the Commission and Parliament framework.
- (d) Defining possible aspects of useful police cooperation and relative tools and instruments.
- (e) Creating a memorandum of *best practices* and *lessons learned* at EU level, in the field of *Road Policing*.
- (f) Enhancing cooperation between concerned and affected police forces in the new field of “*Road Policing*” by providing common procedures at EU level.

The framework of the research is *exploratory/descriptive* (Babbie, 2017; Patten & Newhart, 2017) using the most important EU policy documents, with an explanatory development, but in several parts has been used an absolute *qualitative/compared* method (Hesse-Biber & Leavy, 2011; Rivoltella, 2019), focused on empirical analysis of existing figures as well an *exploratory/quantitative* method (Ary et al., 2018; Babbie, 2017) referred to the evalua-

tion of the effectiveness of police cooperation at the EU level in the field of *traffic policing* and *vehicle crime fighting*.

Currently there is no specific literature on “*Road Policing*” (Cestra, 2020), but there are several relevant publications on traffic policing, vehicle crime fighting and on the new “*linear city*” structure.

Traffic policing is the activity of police and road authorities dedicated to checking respect for traffic rules and punishing violators (Andrighetto & Cecconi, 2010; Giannini et al., 2010; Tiengo & Bina, 2012; Townsend, Achterberg & Janitzek, 2006), and has a real impact on reduction of traffic accidents (Adminaite, Calinescu & Jost, 2019) and related social costs (Castillo-Manzano et al., 2018).

Vehicle crime fighting is police activity aiming to fight crimes committed on the roads (Bigo et al., 2015; CARSEC, 2018; Lai, 2018; Roach et al., 2017) and also contributes effectively to the reduction of stolen vehicle trafficking and other traffic related crimes (Hills, 2009; Hufnagel, 2013; Mac Gibbon, 2008).

International police cooperation in the field of *traffic policing* is actually against cross-border offences at EU level (EU Directive 2015/413, 2015; Frisani, Zamboni & Monteiro, 2016) and is based on the *Valletta Declaration on Road Safety*, signed on 29 March 2017.

International police cooperation in the field of *vehicle crime fighting* is within the framework of the European Agenda on Security with a specific role for the European Multidisciplinary Platform Against Criminal Threats - EMPACT (Ventrella, 2015) and *Cross-Border Enforcement Directive 2015/413* (Frisani, Zamboni & Monteiro, 2016; Klimek, 2017).

In this framework, over the past few years a particular concept has been developed that defines highways and motorways as “*linear cities*”, increasing their assimilation to a “*traditional city*”, also in terms of prevention, control and *security police* activity (Orsini, 2012; Shadar, 2011; Tufek-Memisevic & Stachura, 2015; Zaniboni, 2020).

Studies in this field emphasize the following:

- (a) the “*linear city*” is a new concept that involves the conception of roads as well as a city;
- (b) the “*linear city*” has the same safety needs as the traditional city;
- (c) threats to safety and security are the same in the two different environments;
- (d) the ratio between number of police officers to employ in the “*traditional city*” and the “*linear city*” is 5 to 1.

Perspectives

Actually, ROADPOL (European Roads Policing Network)¹ as joint association between Traffic Police Forces is able to contribute to *traffic policing* aims in reduction of fatalities and accidents. Organizations like CARPOL (Network of Contact Points for the fight against Stolen Vehicle Trafficking) as a EU Law Enforcement Working Party (LEWP) sub-group are in a position to contribute to fighting *vehicle crimes* committed on the roads (European Commission, 2017). Based on a SWOT² analysis (Spapens, Hufnagel & Mc Cartney, 2017) as well as on a PESTLE³ matrix (Barba, Sanchez & Segui, 2016; Lamas-Leite & De Brito-Mello, 2017) there are specific evidences of pan-European cross-borders operations (PECBOs) and CARPOL Joint Police Operations (JPOs), achieving successful results.

An effective police cooperation at the EU level (European Commission, 2008) can develop a sense of “*common purpose*” and provide new motivation for cooperation and innovation (Adminaite et al., 2018; Boylstein, 2018),.

The European Commission recognizes that it is appropriate to improve EU police cooperation in the field of *traffic policing* and *vehicle crime fighting*, and implementation of “*best practices*” is considered an effective action to obtain the best results in the field of police cooperation, using common criteria for evaluation of a new conceptual vision.

The concept of “road policing”

Road Policing is a new *holistic* concept reducing road accident victims and guaranteeing safety and security on the roads. “*Linear cities*” is a shared responsibility with several different actors (Zaniboni, 2020). To obtain this ambitious result it is necessary that all interested parties, i.e. local, regional and national authorities, and trans-national organizations and networks, vehicle manufacturers, insurance companies and road users, undertake a commitment to road safety as a structural part of the *new concept*.

The final target must be concrete and measurable in regard to lives been saved and criminals been hampered using highways and motorways for illegal activities. *Road Policing* is part of the overall solution for denying criminals use of the roads (Baldwin, 2018; Townsend, 2018).

Road Policing should have its best allies in technology and in a capacity to work together for a common task, pointing out that there are different high-level action areas connected with its use in enforcement (Hills, 2009).

1 As the political successor of TISPOL Organisation Ltd. (1996-2017) and TISPOL Network (2017-2019).

2 Strengths Weaknesses Opportunities Threats

3 Political Economic Social Technical Legal and Environmental

Road Policing, as a new concept (Cestra, 2020), must be able to:

- (a) share, in the same platform, the two concepts of *traffic policing* and *vehicle crime fighting*, also adding *illicit vehicle administrative* activity;
- (b) employ, for the same purposes, police operators belonging to different branches of Police Forces and with different backgrounds and training experiences;
- (c) share safety requirements for all *Road Policing* operators, creating new police officers able to carry out all the police activities of *enforcement, prevention and patrolling*;
- (d) direct the specific activity to safety and security for road users, according to the European Commission Directives and EU Parliament Decisions, as well to all other targeted indications that in this sense are formulated by specialized European and International Organizations;
- (e) overcome the barriers given by national sovereignty and develop its activity through the correct and appropriate use of cross-border and pan-European instruments, first of all the Cross Border Enforcement Directive;
- (f) unify the efforts made in the same direction even by different networks;
- (g) project and evaluate the common effort to outline the possible creation of a European Agency able to be the only “*single control room*” at ultra-regional level for the common management of *road safety*.

The *European Road Policing Agency* to be established would face challenges like traffic police professionalization, modernization, transformation, application of modern operational standards and methods within the integral police development, integrated in a pan-European vision (Baldwin, 2018; Cestra, 2019).

There is a need for further development of the organization and function of an *European Road Policing Agency* especially related to further strengthening of the “*zero vision*” within 2050 and to prevent contemporary forms of crime such as *high-tech crime* and new forms of organized crime using the EU roadside (Townsend, 2018). The aim of *Road Policing* is to improve at the same time and at the same level *road safety* and *law enforcement* on the roads of Europe.

Road Policing (Cestra, 2020) considers the full need to work together in partnership to make EU roads safer and more secure and its fundamental values are underlined as follows:

- (a) provide a *holistic Road Policing* service with the positive consent and support of the international community;
- (b) strive to improve skill and expertise in order to make performances and results adequate to best international parameters and ensure a full professional image at all times;
- (c) treat people and road users fairly and with high ethical standards;
- (d) deliver road safety activities in a sympathetic and considerate manner, maintaining a duty of care to victims, witnesses and the public in general.

Conclusion

This article introduces at the EU level the concept of *Road Policing*, which is able to pursue an effective role in reducing deaths on the roads as well as having a clear impact on efforts against stolen vehicle trafficking and road crime fighting. The study shows the need for a change in vision to obtain best results. The authors suggest changing the approach from the old policing ensuring security and safety of infrastructures to a new more comprehensive and valid one, defending road users based on a different concept of road safety and security.

Following the new concept of *Road Policing* has been the reason for a decrease of about 3% in road fatalities within the last two years and an improvement in the presence of traffic police forces on the roads. In the field of prevention and pre-emptive activity, a better performance linked to the improvement of patrols on the roads and to the increase in the number of law enforcement activities for road rule infringements is visible.

Within this new *holistic* idea all the possible aspects of more useful police cooperation, identifying each instrument able to improve the joint activity in this specific field, starting from current dedicated networks like ROADPOL or CARPOL, and also developing the idea of correctly using the capabilities of CBE Directives and EUROPOL, FRONTEX, Agenda for Security or EMPACT. Much more important is the *Road Safety-Full Impact Assessment* (European Commission, 2008) and fundamental is the use of EUROPOL assets, first of all the Joint Investigation Teams (JITs), to work together to the same target.

A specific role in the development of a joint strategy within the new *Road Policing* concept has to be played by the creation of a memorandum of best practices and lesson learned, following the example of already existing manuals and booklets used by national and pan-national traffic police forces, under the supervision of the ROADPOL network for *traffic policing* and CARPOL for *vehicle crime fighting* activity.

The traffic policing activity at the EU level is actually defined as a system of joint efforts to decrease by 50% the number of fatalities on the EU MS roads, ensuring a bigger presence of traffic police patrols and developing a structured strategy able to provide more security and safety on the roads.

Among the most important activities, as effective results of cooperation, are pan European Cross-Border Operations (PECBOs) and Joint Police Operations (JPOs), targeted at *Road Policing* including traffic policing and vehicle crime fighting. The results of joint operations emphasize that full cooperation is the most effective added value in *Road Policing* and it is very important to cooperate using specific common instruments included in a pan-European tool, through an *informal bottom-up approach*. It is suggested that new strategies be implemented

like changes in tactics of national control operations, development of a sense of '*common purpose*', providing new motivation for cooperation and innovation, with the development of spontaneous, organic coordination and cooperation on joint operations and legislation between members, outside formal activities. Cross Border Enforcement Directive 2011/82/EU, as replaced by Directive 2015/413/EU, assumes an important and strategic role for improvement of European police cooperation in the field of *Road Policing*, and an improvement of objectives and numbers of trans-national offences covered is recommendable.

It is also recommended to *propose to the EU Road Policing* as a whole new concept of a single field of activity, covering both fields of *traffic policing* and *vehicle crime fighting*, and it is desirable that only one branch of the police force shall be in charge.

Moreover, the suggestion to the European Commission is the evaluation of the following points:

- adoption of *Road Policing* as a strategic pillar within EMPACT;
- development of joint instruments of *police cooperation*;
- unification of the efforts made in the same direction by different networks;
- revision of the CBE Directive based on the *Road Policing* view;
- inclusion of *Road Policing* activities into the Serious Organized Crime Threat Assessment evaluation;
- planning and evaluation of new "*innovative solutions*."

Last but not least, this study can suggest adoption of a *European Road Policing Agency*, having a role as an activity and planning coordinator.

Contribution statement

The article is the result of a common research and reflection of the Authors. However, Introduction must be attributed to Zaniboni, E., Methodological outline, Perspectives and Conclusions to Cestra, P.

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