

THE FRENCH POLICE SYSTEM CAUGHT BETWEEN A ROCK AND A HARD PLACE:  
THE TENSION OF SERVING BOTH THE STATE AND THE PUBLIC<sup>1</sup>.

Benoît Dupont  
Holder of the Canada research chair in security, identity and technology  
International Centre for Comparative Criminology  
Université de Montréal  
CP 6128, Succursale centre-ville  
Montréal (Québec) H3C 3J7  
Canada

Phone: +1 (514) 343-6111 ext. 2586

Fax: +1 (514) 343-5650

[www.edupont.net](http://www.edupont.net)

[www.securisphere.blogspot.com](http://www.securisphere.blogspot.com)

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The French model of policing is often presented in English-written histories of policing as an exact opposite of the Anglo-Saxon model. This symmetrical and elegant antagonism does not only have theoretical or academic implications. It also conveys a rhetorical and normative message, which asserts the democratic superiority of one system over the other. This posture dates back from the parliamentary debates that led to the creation of the Metropolitan police in 1829, where the idea of a new structure modeled on the French centralized and professional system was strongly opposed, the terms ‘odious’ and ‘repulsive’ being used by some politicians to describe it (Critchley 1967; Emsley 1996). On the issue of effectiveness, it also seems that Anglo-Saxon popular culture has assigned to the French police an image associated with pompous, ridicule and inadequate practices, fuelled in part by the fictional character of Inspector Clouseau, brilliantly interpreted by Peter Sellers in the *Pink Panther* movies. If those representations are of little consequences beyond their immediate purposes—political reform and entertainment—, they must nonetheless be gently pushed aside in the context of a more rigorous comparative policing approach.

These opening comments are particularly important in the case of the French policing system because of the scarcity of the texts available in English on this topic. This situation can partly be attributed to the anemia of French criminology and police studies, the language barrier and the lack of linkages between the Anglo-Saxon and French academic communities (Ferret 2004). For those reasons, most accounts of French policing written in English so far tend to be the work of outsiders (Mawby 1990), an arrangement whose potential for omissions and misinterpretations has been highlighted by Bayley (1999). Furthermore, most of those texts are outdated and are more interesting for their historical value than for their contemporary accuracy. Hence, a majority of the references used in this chapter will be taken from the

expanding French literature. Until the early 1980s, very little research had been done on policing, which was considered a 'dirty research object' by academics (Brodeur & Monjardet 2003), essentially for ideological reasons. The creation of a research committee by the Ministry of the Interior in 1982, followed in 1989 by the foundation of a National Institute for the Study of Homeland Security (IHESI) and the availability of research funding facilitated the development of a scientific knowledge on the work the police and its organization (Loubet del Bayle 1999).

The aim of this chapter is to offer a contemporary overview of the organization and latest policing reforms in France. In line with the approach taken in this book, I will follow a structure that will facilitate implicit cross-country comparisons. First, I will examine the history of the French police and its current political context. In the second section, the immigration trends and their impact on the delivery of policing services will be described, with a particular emphasis on the problems faced by North African families in poor public housing neighborhoods. Section three will delineate the dual organizational structure of the police system, and assess some of the recent efforts made to rationalize it and make it more accountable. Section four will be dedicated to the implementation of community policing strategies and their impact. Finally, the last section will briefly examine the various forms of terrorism experienced over the past twenty years and the anti-terrorist capabilities developed by the French police. Whereas it would be an insurmountable task to provide a comprehensive outline of a policing system that comprises so many bureaucratic and cultural layers sedimented over centuries, the following pages hope to provide the reader with a window on the evolution of democratic policing in a country that has often placed the interests of the state above those of the public.

## **I. The police of the Republic: a Monarchical creation.**

The history of policing in France can be characterized by the predominance of political influences, from the first edicts passed by monarchs in the 17<sup>th</sup> Century, to the early dualism of its structure and the constant tension between national and local political authorities. The far-reaching legal powers conferred to police officers derive from this role of instruments of the state.

### *Early police structures*

If the birth of the English model of policing coincides with the creation of the London Metropolitan Police in 1829 by Sir Robert Peel, the French model is generally said to have appeared in 1667, with the proclamation of a royal edict that created the office of General Lieutenant of the police for the city of Paris. In 1699, this arrangement was extended to the rest of the country. A fragmented night watch system had nevertheless existed since 580 and criminal investigation officers had been appointed for the first time in 1306 by king Philippe le Bel, but the reform implemented between 1667 and 1699 asserted the authority of the king over policing and was accompanied by a centralization of other public services such as the administration of justice and revenue collection (Gleizal et al. 1993). A number of years before the establishment of permanent professional police officers in urban centers, a constabulary force or Gendarmerie had also been established to patrol the roads and protect isolated settlements from looters and mercenaries. This force was geographically reorganized in 1720, when five men stations (or *Brigades*) were built at strategic locations all across the kingdom.

The Revolution of 1789 caused the fall of the monarchy and most of its symbols, such as the centralized police, were abolished. Policing became for a short period of time a municipal responsibility: elected mayors took over from General Lieutenants and appointed national guards – armed citizens – to patrol the streets and other public places. However, this local form of policing soon became too impractical to administer for the various undemocratic regimes that ceased power after the Revolution. Most of the 19<sup>th</sup> Century and the first half of the 20<sup>th</sup> Century can then be characterized by the efforts of central governments to reassert control over the police, while legally maintaining the fiction of some form of local responsibility. This was accomplished by defining police powers as ‘delegated’ by the state to municipal governments, and by regulating the appointment of police chiefs and constables, while letting local authorities pay for their salaries.

This strategy encountered strong resistance from local politicians, who argued in favor of more democratic and direct arrangements (Gleizal et al. 1993). As a result, reforms were implemented gradually – and sometimes temporarily halted or withdrawn – to avoid open conflict, particularly in large cities. This less-than-linear process remained nevertheless a high priority for successive central governments, mainly because of the rapid industrialization and urbanization of the country, leading to social and political unrests that municipal police forces could not handle adequately. The centralization and unification of the French police were finally completed in 1941 by the Vichy régime, under German occupation. All police forces in municipalities with more than 10,000 people were brought under state control to form one single entity, the Sûreté. Only Paris kept a separate force until 1966, when the Paris police and the Sûreté were amalgamated to become the modern National Police.

The history of the Gendarmerie, a rural police force operating under military command, has not been affected to the same extent by the debate on centralization and unification. Originally known as the 'Maréchaussée', its current name was adopted in 1791, during the Revolution, in order to sever the ties of the organization with its royal origins. The law of 1798 and the reign of Napoleon gave the Gendarmerie its modern structure and its military character. The institution's subsequent evolution and multiple reforms never altered the founding features of the Gendarmerie. This dual civil-military police system, which was 'exported' to other European countries and African colonies is the result of a tension between the social and political agitation that threatened governments, the limited capacities of local police forces in the field of public order maintenance, and the reluctance of the state to use the military to suppress revolts. The creation and maintenance of the gendarmerie, a police force made up of soldiers, which is also primarily responsible for civil police duties in rural areas and can conduct criminal investigations on its own initiative, must be understood as a compromise between democratic values and the fear of political disorders. To borrow the words of Emsley (1999: 2), the gendarmerie was "...providing the first line of defense against insurrection in [the] capital" and was regarded "as a valuable prophylactic against economic and social disorder". This historical dualism and the duplication of resources associated with it are nevertheless questioned in the face of increasing crime rates.

### *The crime 'inflation'*

The past thirty years have seen a sharp increase in criminal activity, particularly in the areas of property crime and assaults. However, the data available to us is not as detailed or complete as we would expect, since crime statistics are collected in France by the two main police organizations and by the justice ministry. As a result, they mainly reflect police activity, which can vary with the adoption of new practices or strategies. Furthermore, in the

absence of independent and transparent protocols for their collection and presentation, they are not subject to the same amount of scrutiny found in other countries and must be analyzed with caution (Mucchielli 2001). Of course, annual victimization surveys have been conducted by the National Statistics Institute since 1996, but they are merely an add-on to the more general household survey (Aubusson et al. 2002).

The data available from the 1970's show that property offenses represent two-thirds of all crimes recorded in France. Among them, break and enters and car thefts are especially problematic. If official statistics show a decrease for those crimes since the beginning of the 1990s, victimization surveys indicate that they are now under-declared by their victims, despite the incentive to obtain a police report for insurance purposes (Robert & Pottier 2002), and that they are evenly distributed across urban and rural areas, while they were previously mainly experienced in large cities (Mucchielli 2001). The levels of interpersonal violence have also increased significantly over the past twenty-five years. If murders and homicides are stable (1,6 per 100,000 population in 2003), assaults have been multiplied by three since 1972, to reach 220 per 100,000 population in 2003, generating strong feelings of insecurity among the public.

Other interesting categories include drug-related crimes and destructions and damages to property, which accounted respectively for 3% and 13,6% of all recorded crimes in 2003. The later category of crimes, which has seen a tenfold increase since the early 1970s, has constituted a sore point for governments and police forces for many years, signaling to the public the slow decay of the social fabric. It includes the vandalism and arson of public buildings such as schools, police stations or community centers, the frequent plunder of popular clothing and music stores during public protests, or more routine acts such as the

burning of public transport buses, phone booths and private cars. This category of crimes is usually concentrated in or around social housing neighborhoods, where a majority of the tenants are poor first or second-generation immigrants. This has led some observers to conclude that this phenomenon, which very often directly targets the police or any symbol of authority, reflects the despair and anger of an entire generation of young people of foreign origins, with little or no prospects of social and economic integration (Duprez & Hedli 1992, Mucchielli 2001).

### *An evolving legal context*

The legal system distinguishes two main police functions: administrative policing and judicial policing. This distinction is linked to the dissociation of public and private law, and to the historical development of the idea of policing. Prior to the Revolution, the notion of policing encompassed all areas of government intervention (Napoli 2003), and it is only in more recent times that it acquired its contemporary meaning, which is defined by the detection and control of crime (L'Heuillet 2001). Hence, administrative policing refers to the remnants of this earlier era, designating all ancillary tasks and regulatory activities conducive to the maintenance of public order in its most general definition. By contrast, judicial policing is confined to the detection and repression of specific offences that administrative policing is unable to prevent. This dual legal framework does not mean that different units or forces are exclusively responsible for one form of policing or the other, but instead helps determine which judges and courts (administrative or judicial) should oversee particular policing activities. Administrative jurisdictions are hence more concerned with the defense of civil rights on a general level, while judicial courts deal with the integrity of criminal procedures.



The inquisitorial nature of the French criminal justice system creates a particular set of constraints on the work of police investigators. A judge is involved from the early stages in the collection and preparation of evidence by the police, directing the investigation. It also entails a secret, written and non-contradictory procedure in the discovery of truth, where the judge acts on behalf of all parties. When a crime or a grave offence is detected, the District Attorney opens a file and assigns the investigation to a specialized magistrate: the Investigating Judge. Investigating judges exercise their authority over criminal investigators, and the criminal procedure code specifically states that they can choose to assign a case either to the National Police or the Gendarmerie investigative units. This entails a constant monitoring of the effectiveness and professionalism of investigators by magistrates. If they are dissatisfied with the performance of one agency, they are at liberty to transfer the case to the other. A result of this prerogative is the development of a fierce competition between the National Police and the Gendarmerie to secure and retain the most prestigious investigations and a certain reluctance to cooperate and exchange information. The term 'police war' is frequently used when this competition reaches extremes.

Investigators from the National Police and the Gendarmerie are divided in two groups with different legal powers. Judicial Police Officers (OPJs) are granted full investigative powers after having passed a legal exam, while Judicial Police Agents (APJs) include all rank and file police officers, and can only undertake basic investigative activities. Both Judicial Police Officers and Judicial Police Agents need a delegation of power from the judge to undertake certain tasks such as detaining and interrogating suspects, enter and search premises, seize assets or intercept telecommunications. It must be noted that police officers can detain suspects for up to 24 hours, the limit being extended to 96 hours in cases of terrorism and

drugs trafficking. However, certain tasks such as interrogating suspects and confronting them with witnesses are often carried out by the judges in person.

The Code of Criminal Procedure also states that all police officers have the power to check the identity and address of individuals in public place and suspected of having committed a crime, of preparing to commit a crime, susceptible of assisting the police in its investigations or wanted by the police. A 'control of identity' can also be carried out in order to prevent a breach of public order, particularly when the safety of persons or goods is threatened. This very vague wording allows police officers to check people's ID at their discretion, and numerous cases have been reported of officers using this power to harass young people of North African origins (Garcia 2002).

These traditional powers have been extended in the wake of the terrorist attacks of 9/11 by the socialist government through the Daily Security Act 2001. Violently opposed by civil rights organizations, the Act grants more extensive stop-and-search powers to police officers and private security guards, broadens the use of data surveillance and criminalizes meetings held in the corridors of social housing residences. This last measure seeks to forbid loud gatherings of young people, mainly from North African origins, but it has been ridiculed, the link between the fight against terrorism and this mild form of incivility appearing tenuous at best (Monjardet 2003). More recently, the Chirac administration, elected on a law and order platform, pushed through parliament another law, the Homeland Security Act 2003, which effectively removed the sunset clause of the Daily Security Act 2001 and made most of the new police powers permanent. It also created new offenses such as 'passive solicitation for prostitution' in public places, or aggressive begging, and made it easier to incriminate suspects in cases of assaults or threats against police officers and their families. These new

measures have certainly increased the legal arsenal of the police, but have also strained the relations with ethnic minorities, which were already of poor quality.

## **II. Racial and ethnic context**

### *Immigration trends*

According to the latest census data, France has a population of 59 million people. The number of immigrants was estimated at 4,310,000 in 1999, or 7,4% of the mainland population. They originated mainly from other European countries (45%) and from Africa (40%), with a minority coming from Asia (9%) (Boëldieu & Borrel 2000). Other data, from the Ministry of the Interior, placed the number of legal immigrants at 4,5 millions in 1990. The main countries of origin are immediate European neighbors such as Portugal (17%), Italy (6,2%) and Spain (5%). The majority of immigrants from Africa come from former North African colonies such as Algeria (18%), Morocco (16,2%) and Tunisia (6,5%). Officially, permanent work visas have not been delivered since 1974, except to European Union nationals, but family reunion programs and regularization initiatives account for a yearly intake of 60,000 people.

In 1990, the Ministry of the Interior believed that there were a million illegal immigrants in France, but recent estimates are more conservative and oscillate between 300,000 and 500,000 people. The impact of illegal immigration on crime and delinquency has been used as a recurring political theme by the far-right National Front party since its inception. However, the geographical features of the country and its involvement in the construction of the European Union make border control very difficult. In 2002 for example, approximately 40,000 illegal immigrants were ordered by the courts to leave the country, 7,500 of which

were effectively deported. Simultaneously, 68,000 asylum seekers who had entered the country were refused permanent residency, making them de facto illegal immigrants (Sarkozy 2003).

The cultural and ethnic diversity of a country is also reflected by citizens of foreign origins. According to statistics compiled by the National Institute for Demographic Studies, immigrants and citizens of foreign origins (either through naturalization<sup>2</sup> or by right of birth) account for approximately 20% of the overall population. There is very little data available on spoken languages, but a 1992 survey by the National Institute for Statistics and Economic Studies showed that 68% of children spoke French at home with their parents. The second most spoken language in the survey was Arabic, with 11,5%, and the third Portuguese (6%).

#### *An exhausted model of integration*

The statistics enumerated above describe a diversified racial and ethnic fabric, but mean very little in terms of social integration. The French sociopolitical system is based on a secular and universalistic idea of citizenship, which is encapsulated by the “Liberty, Equality, Fraternity” motto. As a consequence, immigrants of various ethnic and religious backgrounds are denied any minority status and are summoned to embrace a Frenchness that acts as the cement of the Republic. Unfortunately, this republican model of integration is not working as well as it ought to or has been, particularly in the case of immigrants from former North African colonies—a majority of whom are Muslims—, who suffer from discrimination and poverty, and as a result, violently question the legitimacy of the republican principles.

Disproportionate numbers of young people from this background are experiencing learning difficulties in school, leave school without any diploma or formal qualifications, and are

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<sup>2</sup> In 1999, 4% of the population was naturalized.

unemployed or under-employed (HCI 2004). These social challenges are compounded by a phenomenon of spatial segregation: a large majority of North African families live in high-rise social housing neighborhoods that lack basic public services, are remote from economic and cultural hubs, and are poorly served by public transports. The disintegration of parental supervision mechanisms and the development of illegal underground markets are two additional problems that afflict poor immigrant communities and strengthen their disaffection, despite attempts by central and local governments to design and implement mitigating policies.

It is therefore hardly surprising to find that social housing neighborhoods, whose number is estimated to be close to 1500 (HCI 2004), experience higher levels of crime and insecurity (Peyrat 2001) than the rest of the country. More surprising maybe is the fact that they have been consistently blamed by a number of politicians and social commentators for being responsible of the general increase in crime and disorder over the past 20 years (Mucchielli 2001, 2003), segregating their inhabitants even more. This convergence of factors has led to systematic conflictual relations between young unemployed immigrants, who spend most of their days congregating in public places<sup>3</sup>, and the police, who are perceived as a force of occupation in those spaces. So entrenched is the level of antagonism between the two groups that the National Police has developed over the years an ‘urban violence scale’, which contains eight degrees, the most extreme representing “urban riots and massive destructions for more than three nights by more than 50 youths” (Bui Trong 1998). As we have noted above, this violence is randomly directed against all public services and symbols representing the authority of the state, and in 2003, more than 44,000 incidents of destruction and vandalism against public property were recorded (Ministry of the Interior 2004). Social and

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<sup>3</sup> As noted previously, a section in the Daily Security Act 2001 criminalized meetings social housing stairwells.

health workers, as well as firemen, are not spared and are also frequently attacked (Peyrat 2001). Since the terrorist attacks of 9/11, Muslim immigrants have also been accused of harboring in the social housing neighborhoods active terrorist cells connected to Al Qaeda, an accusation that has not been corroborated by intelligence agencies.

### **III. Organizational structure and issues**

The history of the French police produced two national forces with discrete geographical responsibilities: the National Police in urban areas (towns and cities with more than 10.000 people) and the Gendarmerie in rural areas. Both enforce the same laws with the same legal powers, over different geographical jurisdictions, but while the former is a civilian organization located within the interior ministry, the latter is a military force placed under the authority of the defense ministry. This dual structure led to criticisms related to the lack of coordination and the episodic emergence of turf wars in sensitive domains such as counter-terrorism or international police cooperation. As we will see in a subsequent paragraph, attempts have been made in recent years to better integrate the operational activities of both forces.

A third group of small municipal forces must also be mentioned. There were 3143 of them in 2001, serving municipalities ranging from small resort towns on the Riviera to large cities such as Paris, Marseille or Toulouse. Despite these statistics, only a minority of the 36,000 municipalities maintains municipal forces and most of them employ less than 10 officers. The number of municipal forces expanded significantly between the 1980s and the 1990s, in response to the rise of the fear of crime, with a geographical concentration in the South and around the capital. Sixty two per cent of municipal police officers carry a firearm, but they do

not have any powers of arrest or investigation and do not compete with the law enforcement and order maintenance activities of the two major police forces. The main responsibility of municipal police officers is to provide a visible uniformed presence in the streets, enforce local bylaws and deal with quality of life issues. They represent a second tier of policing, with little training, low pay and reduced prestige.

Police strength	(2002)
National Police	132,000
National Gendarmerie	98,000
Municipal Police	15,400
Total	245,400

### *National Police*

The French system is probably one of the most centralized administrative systems in the world, particularly in terms of policing (Bayley 1985; Brodeur 2003). In the case of the National Police for example, a Director General answers directly to the Minister of the Interior. Appointed in Cabinet, The Director General supervises and coordinates the work of the various directorates, which reflect the high degree of specialization of the institution. Each directorate is subdivided into central and local services, the latter being characterized by important variations in terms of geographical jurisdiction. The annual budget of the National Police was US\$ 5.7 billion in 2002.

The Administration Directorate of the National Police (DAPN) is in charge of human resources, logistics, general administration and finances, as well as procurements. The Training Directorate (DFPN) manages 33 police academies and training centers all over the country. The Central Directorate of the Judicial Police (DCPJ) handles most criminal investigations. It deals mainly with murders, drug trafficking, organized crime, white-collar

crime, human trafficking, terrorism and art theft. Other units of the National Police can be called to investigate in less serious cases. This directorate also houses forensic units and the National Central Bureau of the OIPC-Interpol, which dispatches all requests for information and assistance, including those emanating from the Gendarmerie.

The Central Directorate of Public Security (DCSP) is in charge of maintaining public order in urban areas. It staffs and coordinates the work of police stations all over the country. Its tasks include patrols, answering calls for assistance from the public (17 is the French equivalent of 911), crime prevention and detection, road safety and traffic management, organizing the security of large political, cultural and sports events, and support to the judicial process. The Central Directorate manages local directorates at the department level, which are themselves subdivided into Public Security Districts. A Security District is usually covered by a large police station. There are 463 of them in 1606 municipalities, providing security to 30 million people. It must be noted that separate arrangements exist for Paris, where the Police Prefecture brings together the judicial and public security functions. The Paris Prefect is directly responsible to the minister, and manages a structure that parallels the national police organization. It constitutes more than a quarter of the National Police's strength.

The General Intelligence Directorate (DCRG) collects political, economic and social intelligence in order to inform the government's decision-making process. It is also responsible for the monitoring of casinos and racetracks. The surveillance of political parties' internal activities has been discontinued in 1995, following a number of scandals. This directorate now focuses its activities on terrorist organizations, sects, extremist religious and political groups, organized crime and urban violence phenomena.



The Central Directorate for Border Policing (DCPAF) protects the integrity of French borders and combat illegal immigration, in close cooperation with its European counterparts. It also assists French consular offices all over the world. The International Technical Police Cooperation Service (SCTIP) is placed under the direct authority of the Director General. It arranges bilateral and multilateral cooperation initiatives, manages the career of police attachés and liaison officers posted in 52 permanent delegations and 40 hosting police organizations abroad, and participates to the work of European and UN institutions in the field of security. Other units directly attached to the Director General include an anti-terrorist and hostage-rescue unit (RAID), an anti-drug coordination unit (MILAD), a counter-terrorism coordination unit (UCLAT) and an anti-mafia coordination unit (UCRAM).

The Central Service of the Companies for Republican Security (SCCRS) constitutes the permanent mobile reserve of the National Police. The 61 Companies for Republican Security were created at the end of World War II and can be dispatched nationally on short notice for anti-riot and emergency situations.

### *National Gendarmerie*

Just like its police counterpart, the Gendarmerie is centralized to the extreme. A Director General heads the Gendarmerie. He must be a civilian, but answers to the Minister of Defense. For administrative policing functions (53% of its activities), the Gendarmerie obeys to the highest-ranking public servant in each department, the Prefect. For judicial policing functions (35% of its activities), it is placed under the authority of the district attorney and/or investigating judges. Moreover, the Gendarmerie institutes proceedings in a number of cases on behalf of the ministry of the economy and finance and other ministries and administrations. The Gendarmerie is geographically divided in 7 regions that match the Army defense zones, a

legacy of its military origins and current missions. The Gendarmerie consists of two major forces reflecting the division of labor within the organization, and an array of miscellaneous specialist units. The annual budget of the Gendarmerie was US\$ 4.5 billion in 2002.

The Departmental Gendarmerie is the generalist component of the Gendarmerie, with more than 63,500 officers in its ranks (2002). It operates 3,600 police stations in rural and suburban areas and is in charge of public security, highway policing, police investigations, mountain rescue, criminal intelligence, river patrol and youth crime prevention. It also runs air wings in each region. The Mobile Gendarmerie, which employs 17,000 officers is a force dedicated to public protest and anti-riot policing. The GIGN, a unit specialized in anti-terrorist and hostage-rescue operations, and the GSPR, a team assigned to the protection of the President, are also attached to the Mobile Gendarmerie.

The most famous of the specialized units is the Republican Guard, a mounted corps of 3,000 that provides security and honor guards to state institutions and during foreign dignitaries' visits. There are other arms of the Gendarmerie dedicated to air transport safety, and to the protection of Air Force and Navy bases. The Gendarmerie's Institute of Criminal Research develops new scientific and forensic capabilities to support the work of investigators. As a result of its military status, the Gendarmerie also assumes responsibility for certain aspects of national security such as the recall of the reserves or the protection of military nuclear capabilities. Furthermore, it regularly sends officers to civilian police operations coordinated by the UN or NATO in Lebanon, Albania, Haïti, Kosovo, East Timor, etc.

*Toward the end of dualism?*

In 2002, the newly elected government placed the coordination and the re-deployment of the two police forces at the top of its reform agenda. In order to minimize the duplication of resources and efforts, a presidential decree (no. 2002-889) transferred operational control of the Gendarmerie from the Minister of Defense to the Minister of the Interior. This new authority allowed him to end the long-standing rivalry between the two forces, and facilitated the implementation of the *Homeland Security (Orientation and Programming) Act*, promulgated in August 2002. This new piece of legislation, among many other measures, provided a financial and administrative framework for the reshuffle of Police and Gendarmerie resources, in order to better reflect the demographic makeup of the country and the spatial distribution of crime. Also, the planning and implementation of policies is now made by a single ministry, offering more homogeneity in service delivery.

In addition, Regional Intervention Groups (GIR) have been formed to investigate the underground economy's hidden financial transactions, and bring down the criminal networks that operate in social housing neighborhoods. These 29 permanent task forces bring together investigators from various National Police directorates, the Gendarmerie, Customs and Revenue agencies, labor and fraud inspectors, as well as prosecutors. It is still too early to determine whether they will have a lasting impact on crime levels, but one of their major achievement has been the cultural change they have brought about, substituting an entrenched animosity between competing agencies by a culture of cooperation and information-sharing (Le Fur 2003).

#### *Weak external oversight and opaque internal accountability mechanisms*

The recent changes in homeland security policies have not been exclusively concerned with effectiveness, but have also addressed the issues of accountability and oversight. Up until the

2000-494 Act of June, 6<sup>th</sup> 2000, internal affair units were the only accountability mechanisms in place. The new law created an independent administrative authority, the National Security Ethics Commission<sup>4</sup>, which is responsible for ethical misconducts by both public and private security providers such as the police, corrections and customs officers, and private security guards. It is perhaps the most original aspect of this law to confer on a single auspice oversight powers over the fragmented world of security producers. Unfortunately, the Commission faces many challenges and does not seem at the moment to be able to realize this ambitious mandate.

First, it does not have any regulatory, injunction or disciplinary powers, and its sole means of pressure is the yearly public report outlining the cases addressed and the actions taken by the organizations implicated (Le Roux 2001). Second, the complaint procedure to the Commission is cumbersome: citizens must lodge their complaint through a member of parliament (either a representative *député*—or a senator) or the Prime Minister, who then decides whether it falls within the jurisdiction of the Commission. This procedure creates a ‘political’ filter between the Commission and the citizens, and makes it difficult, if not impossible, for people from minority or hard-to-reach groups to signal unethical conducts. This is particularly true when law and order politics dominate the agenda and politicians do not wish to be seen as weakening the authority of the police. The low number of complaints reported by the Commission confirms this: 19 were recorded and investigated the first year (CNDS 2002), while 33 were lodged the second year (CNDS 2003), none of them related to the private security industry. Such low numbers of complaints, considering that the public and private security sectors employ altogether more than 340,000 people (Simula 1999), can also be attributed to the inadequate infrastructure of the Commission, which only employs three

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<sup>4</sup> [www.cnds.fr](http://www.cnds.fr).

full time clerical staff, and received in 2001 a budget of US\$ 510,000. The eight members of the Commission are appointed for six years on a non-renewable basis, but their main professional activities do not allow them to investigate the complaints they have to examine<sup>5</sup>. Under those constraints, it is not surprising that many consider the Commission to be a paper tiger, and that the public make very little use of it to call public or private security organizations to account. Furthermore, the Commission does not maintain any ties with existing internal accountability mechanisms, which also receive complaints from the public (Labrousse 2001).

As a result, police deviance remains essentially investigated and dealt with internally by two units: the IGPN (General Inspectorate of the National Police) for all officers posted outside Paris, and the IGS (General Inspectorate of Services) for the Paris region. The latter was formed in 1854, while the former appeared in 1884. Statistics are not released every year, but in 2000, the IGPN investigated 300 cases of police violence, misconduct and corruption<sup>6</sup> (Razafindranaly 2001). The same year, the IGS opened 932 new files, either at the request of investigating judges or from complaints lodged by members of the public or police officers (Labrousse 2001). The use of force policies have proved contentious, particularly in cases of shootings involving young fleeing suspects –often from North African origins– which have led to urban riots through the 1980s and 1990s. However, the fragmentary data available show a low frequency in the area of firearms discharge by French police officers, with an average 0,3 annual firing per 1,000 officers between 1990 and 1996 (Jobard 2002)<sup>7</sup>. There appears to be no over-representation of one group of victims over another. Other forms of police violence are not measured and it should certainly be a future priority of police researchers to

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<sup>5</sup> Current members include a senator, a congressman, an administrative judge, a high court judge, a general accounting office counselor, a professor of forensic medicine and a writer.

<sup>6</sup> Police excessive use of force represents 40% of the cases, and more minor forms of police misconduct 30%.

<sup>7</sup> Interestingly, the rate in the Paris area is double (0,6 per 1,000 officers) than the national average.

fill this void. In line with the inquisitorial model, internal affair units are placed under the authority and control of the judiciary when criminal investigations are launched against police officers, which might explain the more aggressive stance taken by investigators and the relative underdevelopment of external oversight mechanisms.

### *Lateral entry recruitment and training*

The recruitment and training of the French police system is based on a lateral entry model that mirrors the human resources practices found in the military or in most other public services and in the private sector: recruits join the police at a rank commensurate with their level of education, their skills and their career aspirations. Of course, a promotion system based on merit and seniority also allows officers to climb the hierarchical ladder, ensuring the diffusion of frontline experience among administrators and managers. The recruitment and training system is centralized, with the exception of municipal police officers, whose recruitment and training is left to the mayors.

In the National Police, applicants can join at constable, lieutenant and commissioner level. There is no diploma required to sit the constable entry exam, but a high school diploma is the norm. At middle-management level, two years in college are required. For the commissioned officers' exam, a minimum of four years in university with higher-than-average marks is essential. These tests are very competitive and attract a lot of candidates vying for permanent positions. However, their emphasis on legal knowledge and rote learning is being questioned, in favor of more modern assessment techniques based on cognitive and leadership skills. Depending on the level of entry, an additional period of training ranging from 12 months (constables) to 24 months (commissioner) is undertaken. In 2001, the makeup of the National Police was 20% women and 80% men.

The Gendarmerie lateral entry program operates under a two-tiered system. Non-commissioned officers must hold French citizenship, be at least 18 years of age and pass a number of physical and written exams. The usual education level of recruits is at least a high school diploma. Commissioned officers must either have completed an officer's course in one of the three military academies or have successfully completed four years of university education. They must also pass physical and written exams. The length of training for commissioned officers is 24 months, and 9 months for non commissioned officers.

Like all other military personnel, gendarmes are denied the right to unionize, but nevertheless voice their demands for better working conditions through retired gendarmes' associations and spouses' associations. It must be noted that the obligation of the Gendarmes to live in barracks with their families was at the origin of some tensions during the 1990s (Mouhanna 2001). National Police officers have won the right to unionize in 1946, but are barred from going on strike. More than three quarters of officers, all ranks included, are members of a police association. Police unions are fragmented and represent narrow interests such as uniformed or plain-clothes police officers, constables, middle managers or commissioners. Political and ideological divergences are also at the origin of a multiplication of police associations (Loubet del Bayle 1999b). The main police unions are the SNOP, Synergie, Alliance, UNSA and the SCHFPN (commissioners).

#### **IV. Community policing**

In the early 1990s, it became obvious to the population, the media and politicians that the police did not provide anymore a level of service that could be qualified as satisfactory. We

have seen in a previous section the exponential growth of property crime over the past thirty years, which has been accompanied by a symmetrical collapse of the clearance rates – down from 36.8% to 26.8% for the past ten years alone (Courtois 2001). Violent crime has also increased sharply, and the fear of crime is prevalent in France, 40% of the total population fearing to be victimized in the very near future (ENA 2000). One of the main criticisms voiced against the French police focuses on its isolation and incapacity to listen to the public's demands and to deal with the types of crimes that affect citizens most. If the expertise of the French police in the fields of order maintenance and other specialist areas such as criminal investigations and intelligence is widely recognized, uniformed street-level policing has never enjoyed the same level of attention or resources. However, the pressure of spiraling crime rates and frequent public outcries over the impunity of young delinquents soon became unbearable for the government and the police organization. The result was a community policing reform, inspired by American and British programs.

In line with its centralized tradition, the French government passed in 1995 the Orientation and Programming Security Act (LOPS). This law articulated officially the new concept of 'security co-production', in which the centralized state shares its responsibility for security provision with local and private actors. The outcomes of this law remained mostly a rhetorical statement until June 1999, when the government and the Ministry of the Interior finally implemented a police reform, under the label of '*police de proximité*', or 'proximity policing'. It is important here to explain why this term was preferred to the more traditional 'community policing': this very deliberate choice wishes to emphasize the universal aspiration of the French integration model, and its refusal to see various communities treated differently or receive special benefits from state agencies. As a result, proximity policing does not entail outreach or liaison programs directed at specific minorities, such as can be found in other



countries. This new strategy was implemented gradually: it was initially experimented in five 'pilot sites', then was extended to sixty-two districts, and was finally rolled out to all police districts in three waves, between 2000 and 2002.

This community policing program is designed around five major operational principles:

- a new territorial organization that increases the visibility of police patrols at the local level and that lets police stations decide how to allocate their personnel in order to meet local needs;
- the responsabilization of individual officers at all levels;
- the multi-skilling of police officers, who must be able to undertake a broad range of patrol, preventative and investigative tasks;
- permanent interactions with local stakeholders in order to build strong partnerships;
- a 'privileged relationship with the population', implying a better service to the public (especially victims of crime), a better identification of its needs and a better information about the outcomes achieved (Ocqueteau 2003).

The reform was not limited to a re-definition of the roles and tasks of police officers. A significant budgetary effort was made initially to accompany the change, with a net increase of 5,7% in 2000. However, this effort was not sustained in 2001 and 2002.

Most of the new resources were allocated to the recruitment of new police officers and special constables. These special constables, or more precisely police auxiliaries, are young people recruited under five-year contracts, whose tasks put them in direct contact with the public. The training they receive is considerably shorter than the one given to their fully-fledged colleagues (2 months instead of 12). They wear a police uniform adorned with distinctive features, but they are not granted any of the legal powers required to conduct investigations or

even make an arrest. Some cynical commentators compare them to ‘bodies in uniform’ that free up well-paid and better-qualified police officers from their most mundane tasks. If such harsh criticisms are somewhat warranted, these new jobs have nevertheless allowed young people from ethnic minorities to gain employment with the police, making the institution more diverse and bridging the gap with a group of the community characterized by its confrontational relationship with the police. These police auxiliaries numbered 28.000 at the end of 2002<sup>8</sup>, representing a significant addition to the 233.000 police officers and gendarmes already in activity.

However, this centrally planned reform has faced a number of challenges. Some of these challenges are intrinsic to the resistance experienced during any change process undergone by large bureaucracies. Others are more specific to the centralized character of the French police, and it is this particular group on which I want to focus here.

#### *Concerted action and external partnerships: the Local Security Contracts*

The external challenges are probably the first that come to mind in a centralized police environment such as the one outlined in this chapter. By ‘external challenges’, I mean the reluctance of other institutional actors to support the police. It is one of the central tenets of community policing that police organizations must rely on institutional and civil society partners in order to resolve the complex social problems that produce, or at least have an effect on crime. However, when all the potential partners share the same high level of centralization, they derive from it the strength to resist any form of partnership that they do not see as useful or at least beneficial to their own institutional interests. In short, the larger and the more complex an organization, the more inertia it develops to external stimuli that do

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<sup>8</sup> 14.200 for the National Police and 13.800 for the Gendarmerie.

not threaten its existence or offer immediate rewards. By definition, the kind of partnerships involved in community policing strategies does not fit any of these two conditions.

In order to overcome this inertia and to integrate the diverse dimensions of community policing and crime prevention, a new administrative framework was implemented at the end of 1997 at the initiative of the central government. Its aim was to facilitate the development of inter-institutional partnerships that would also be able to integrate major civil-society stakeholders. This new tool follows contractual principles, which explains the name it was given: Local Security Contract or *Contrats Locaux de Sécurité* (CLS). The aims of the CLS are to encourage the co-production of security by offering to a range of state and non state actors a common platform to identify, discuss and negotiate a joint response to the problems of all kinds that negatively affect communities and the quality of life in their immediate environment.

One of the strengths of the CLS is that it acknowledges for the first time the fact that crime problems and incivilities<sup>9</sup> cannot be systematically delimited along administrative boundaries, whether these are geographical or functional. The centralized state is attempting an exercise in partial devolution, encouraging its crime control agents to organize themselves at the local level and collaborate with local political, business and social actors in order to create a collective intelligence in the response to crime problems (Tiévant 2002). To this day, more than 637 CLS have been signed. They involve the police and their rural counterparts, the gendarmes, but also judges and prosecutors, corrections officials, educators, health and social services managers, mayors and town councilors, community groups, housing authorities, public transport operators, etc.

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<sup>9</sup> I will define incivilities as behaviors and incidents that are not strictly unlawful, but which are disturbing enough to elicit among those who experience them a feeling of insecurity.

Once a territory and the parties to the contract have been identified by the representative of the state (the Prefect), a local security audit (or diagnosis) is commissioned. It must be noted that the territory in question varies from one district to another and can consist of a town, an entire county or be limited to a transport network. Sometimes, it can even be a number of adjacent neighborhoods if the problems they experience are specific. The diagnosis provides the radiography of the situation prior to the contract, addressing issues such as crime rates, incivilities, school attendance levels, urban decay and fear of crime. The effectiveness and efficiency of existing strategies are assessed, in order to detect opportunities for improvement and to determine priorities. At this stage, the local actors that should be involved in the CLS are identified and consulted, in order to secure their participation early on. At the end of the diagnosis, all the actors meet and negotiate together a set of objectives, strategies and deadlines that are best suited to the local environment. The contract represents this mutually agreed action plan, and the formal engagement of each participating institution to channel its resources and pool them with others toward its completion. Tools that will allow the evaluation of each institution and collaborative strategy's performances are also designed at this stage of the contract, so that all parties can monitor the progress made.

The link between the CLS and proximity policing is not obvious, and in centralized states, two such policies can easily be implemented at the same time without any sort of co-ordination, if they happen to be placed under the responsibility of two different ministries. In France for example, such a situation occurred in the 1980s, when the National Police attempted to reform its operational philosophy within the portfolio of the Minister of the Interior, while a national crime prevention strategy inspired by the Bonnemaison report was established under the umbrella of the Minister for Urban Development (Dieu 1999). These two efforts to provide better security to the French people were less than successful, partly

because their fragmented administrative approach exacerbated differences between the two bureaucracies and duplicated sparse resources instead of encouraging the emergence of a synergy. Hence, in order to avoid the policy failure of the 1980s, the government decided to provide a financial incentive to the districts that had demonstrated a firm commitment to the CLS, facilitating the early move to community policing and allowing the recruitment of police auxiliaries. However, this was not sufficient to avoid some of the pitfalls that can be attributed to a long established tradition of centralization. If the policy placed the emphasis on partnership, some partners remained more equal than others.

Unsurprisingly, institutional heavyweights such as the local police authority and the justice ministries are overbearing and have a tendency to talk more than they listen, ensuring that their interests takes precedence over their partners' interests. Episodically, there is also a blur between the primary objective of the CLS, which is to target local crime priorities and to bring the police closer to the community, and the tendency of each participant to see this process as a political game that could negatively impact on their organization's standing and future resources if not played well, placing the interest of the institutional structure to which they belong ahead of the needs of the citizens (Ocqueteau 2004). When this is the case, the CLS and the notion of partnership becomes an empty shell with little practical implications for the public. For example, the community policing reform was at the origin of some misunderstandings between the centralized police hierarchy and the centralized judicial hierarchy, which was not kept informed of all the details of the reform and its implications for the workload of prosecutors and other judicial officers and undermined its implementation (Mouhanna 2002).

The implications for each institution in terms of reputation and image are high, and none of them wants to be seen failing in the eyes of the public. For example, researches show that this

reform generated high expectations among the public. However, they were rarely followed by any visible effect, leading the population to feel even more frustrated and dissatisfied. The outcomes were contrary from the ones desired, the public coming to trust the police even less (Ferret 2001). Additionally, some partners have a lot of difficulty entering into collaborative arrangements with the police, mostly for ideological reasons: social workers or teachers for example tend to perceive responses to crime problems through a black-and-white repression/prevention dichotomy. For some of them, who see the police as the oppressor of young people and ethnic minorities, entering into a partnership with law enforcement representatives would be unethical. Prejudices also run high among police officers, who sometimes see social workers more as enemies than as potential partners.

However, when institutional-formal partnerships were complemented by informal interpersonal relationships, evaluations showed that the CLS achieved their objectives and that the partnerships became productive and sustainable (Tiévant 2002). The consequences of a positive individual experience also created a transfer-and-diffusion effect, whereby public servants who had participated in a successful partnership, at the functional and personal level, were eager to promote the model when transferred to a new district.

#### *Promoting community policing competencies and police training*

The transition to community policing has been accompanied by a huge effort in terms of recruitment and training, in order to equip police officers with the toolbox required to translate the community policing philosophy into reality. Re-designed training curricula were offered to new recruits and to experienced police officers, in order to make them more aware of the diversity of the population they serve. In this regard, recruitment strategies have an important role to play to shape police organizations that reflect more accurately the ethnic

composition of the French society. However, the number of young officers recruited from ethnic minorities and delinquent-prone neighborhoods remains very small, because of these young peoples' low academic scores, compared to their middle class counterparts who join with university diplomas. As we have seen above, many have been recruited as police auxiliaries, but their salaries are close to the minimum wage and their career prospects are limited by the short duration of their contracts, making them second-rate police officers. This also results in very low retention rates. Special preparatory classes have been established in a few high schools located in socially disadvantaged neighborhoods, and the entrance tests have been simplified to facilitate the entry of ethnic minorities<sup>10</sup>, but it is still too early to assess the outcomes of these measures. This lack of minority representation is amplified by the national and centralized nature of the recruitment and promotion systems, which make local adjustments almost impossible.

In the area of police training, courses in communication, conflict resolution, sociology of delinquency, and ethics have gradually been added to the traditional courses covering criminal law and procedure, weapons training and drilling exercises. External consultants and community members are also invited on a more regular basis to share a different perspective with the students on a range of issues. More than 10% of the National Police instructors must for example come from other organizations, but finding and keeping them is not always easy. Changing and updating training programs almost overnight has also been problematic for an organization that trains thousands of recruits each year. Trainers, who have taught for many years the police doctrine must learn, understand and teach new procedures and practices.

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<sup>10</sup> To the dismay of police associations, which feel that this will result in lower standards and affect the professional image of the police.

Moreover, the training challenge is not circumscribed to new recruits, as all operational officers must also be exposed to the new ways of doing policing. The continuing education program that supports the community policing reform is costly, both financially and in terms of human resources taken off the streets to attend training. In France, too often, it became apparent that the training issue was not regarded as a high priority, leaving it to those on the street to work it out on a case by case basis (Mouhanna 2002).

At the organizational level, the engagement of middle management officers or lack thereof proved to be a crucial element. The French police comprised for example “true believers” or missionaries who had advocated closer relationships with the community for years and acted accordingly, almost in a clandestine manner (Ferret 2001). When these police officers took the lead and showed their reluctant colleagues how they could benefit from the reform, a favorable environment was created, facilitating the implementation of the new strategies more than any central directive could have. By contrast, when no positive role model was available in their midst, police officers proved a lot more hesitant to adopt the new strategies, and often ended up discarding them as a fad that would eventually go away, when the central bureaucracy would come up with a new reform.

In retrospect, this strategy reflected a detailed understanding of the cyclical nature of police reform, and the 2002 presidential election announced a shift in the policing strategies promoted by the Ministry of the Interior. Without formally abandoning proximity policing, a new emphasis was placed on aggressive crime reduction, performance indicators, a more intensive use of criminal intelligence and the creation of regional integrated task forces. What will subsist of community policing in a few years is relatively hard to predict.



## **V. Terrorism**

Over the past thirty years, four different types of groups have been at the origin of terrorist acts against the French government or French citizens. Regional independence movements (also called separatists), secret organizations, revolutionary organizations, and transnational terrorist organizations have been active and at times successful in reaching their targets. After a rapid overview of the four categories, the anti-terrorist structures that have been put in place to respond to these threats will be examined.

The resistance to the centralist form of government found in France led to the creation of the most active terrorist organizations, and the most resilient to police intervention, mainly because of the strong support they enjoyed among some segments of the population. This form of political violence is concentrated in two regions: Corsica and the Basque country. A third region, Brittany, has been the scene of marginal terrorist activity between the 1960s and the 1980s, but the levels of violence never reached the heights seen in Corsica or the Basque Country (Crettiez 1993). The reasons that could explain the development of this particular form of terrorism are complex and interrelated, but the existence of a common local language and culture, the successes of the wars of independence and the ensuing decolonization process in Africa—especially in Algeria—, as well as the popularity of leftist ideals are important factors.

In Corsica, terrorism appeared in 1975, with the creation of the FLNC or National Front for the Liberation of Corsica. The FLNC is responsible for a large number of small-scale bombings against government buildings and similar state symbols, but has always voluntarily limited its casualties (Crettiez 1993, 1998). In 1990, ideological disagreements within the

FLNC led to a split and the creation of three entities: *FLNC-canal historique*, *FLNC-canal habituel* and *Resistenza* (resistance). The old tradition of interpersonal violence rooted in the honor code or ‘Vendetta’ created an environment that explains the widespread support enjoyed by the FLNC and its offshoots. The only detailed study of Corsican terrorism depicts a core of 100 operational terrorists, trained in combat and sabotage techniques, a second circle of 200 people in charge of logistics and a third group of 1000 active sympathizers. This three-tiered structure committed an average of 500 bombings a year on the island in the 1980s and early 1990s (Crettiez 1998). At the end of the 1990s, the violence in Corsica reached a peak with the assassination of the highest representative of the central government on the island, Prefect Erignac (in 1998), but it now seems that this action was carried out by a ‘rogue’ cell loosely operating at the periphery of the main terrorist organizations.

Terrorist violence emerged in the Basque country in 1959, with the creation in Spain of ETA (*Euskadi Ta Azkatasuna* for Basque Country & Freedom) by a group of students opposed to the Franco dictatorship and asking for the independence of the Basque Provinces on both sides of the border. This organization is one of the most violent in Europe: since 1968, ETA has been responsible for the death of more than 800 people<sup>11</sup>. Its military and support structures are complex and very compartmentalized, and are often compared to the ones developed by the IRA. ETA maintains many links with terrorist and guerilla organizations all around the world<sup>12</sup>. For many years, with the tacit knowledge of the government, it used France as a logistical base, establishing infrastructures such as weapons caches, bomb factories, safe houses for operational members, etc. The fact that it restricted its attacks to Spanish targets might explain the lack of interest of the French government at the time. The

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<sup>11</sup> Mostly police officers and military personnel.

<sup>12</sup> These links included Cuba, Algeria, San Salvador, Peru, Nicaragua or Yemen in the past, and more recently, Columbia.

fight for the independence of the Basque country crossed the Pyrénées in 1973, with the creation of Iparretarak (“those from the North”), the sister organization of ETA (Crettiez 1993). However, Iparretarak never reached the levels of violence of ETA and ceased to operate after the arrest of its leader, Philippe Bidart, in 1988.

It is indeed the activity of a new anti-terrorist terrorist organization in 1983 that precipitated the involvement of French police authorities alongside the Spanish government to fight ETA. For five years, the GAL, or Anti-terrorist Liberation Group, killed Basque refugees (suspected ETA members living in France) each time ETA struck, forcing the French government to acknowledge the role of ‘sanctuary’ played by France and to take action. Recent judicial developments have implicated the highest spheres of the Spanish government in the creation and financing of GAL (Amnesty International 2000, 2001). The GAL represents the perfect example of a secret or ‘front’ terrorist organization acting on behalf of hidden interests.

Besides separatist groups and secret or front organizations, a revolutionary movement inspired by the German Red Army Fraction and Italian Red Brigades emerged under the name of *Action Directe*. Grounded in radical leftist ideals and believing in the need to destabilize capitalist governments, this group was active during the first half of the 1980s and carried out a number of assassinations against high-ranking public servants and CEOs before being dismantled by the police.

Islamic terrorism is certainly the most prominent form of transnational terrorism to have targeted the French government. Over the past twenty years, it has caused the death of 900 people, 300 of them on French soil (Conrad 2002). In the early 1980s, the Lebanese conflict fuelled a number of attacks, such as the bombing of a French military compound in Beirut

1983, which killed 54 paratroopers sent on a peace-keeping mission<sup>13</sup>. Thirteen French hostages were also detained by Iranian-backed Hezbollah during the conflict. Between December 1985 and September 1986, a terrorist cell closely connected to the Hezbollah and calling itself the CSPPA planted 15 bombs in various Paris department stores, killing 13 and wounding 325 (Conrad 2002). Iran's motivation in supporting this terrorist violence was to put pressure on France, in order to obtain the delivery of enriched uranium under an agreement signed with the Shah's regime and to halt the support provided to Saddam Hussein's armed forces.

In the 1990s, the main 'exporter' of Islamic terrorism to France proved to be Algeria, where the cancellation of elections won by Islamic parties led to the installation of a military dictatorship and a bloody civil war between the two forces. As the former colonial power and its main creditor, France is considered to be the main supporter of the military regime. As a result, the GIA (Armed Islamic Group), known for its gruesome civilian massacres in Algeria, became very active in France between 1993 and 1996<sup>14</sup>. It committed a number of assassinations and bombings, the most spectacular being the hijacking of an Air France plane on December 24<sup>th</sup> 1994, which ended with the successful assault by the National Police's anti-terrorist unit. It is assumed that the hijackers intended to crash the plane over Paris, in an ominous sign of things to come (Wilkinson 2002). In stark contrast with the terrorist wave of the 1980s sponsored by countries such as Iran, Syria and Libya, the GIA depended heavily on local cells implanted in Muslim disaffected neighborhoods, enrolling young second-generation immigrants and even native-born French converted to a radical brand of Islamism.

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<sup>13</sup> The same day, 241 US Marines were killed in the same fashion by a car bomb.

<sup>14</sup> For a more detailed chronology of those events, as well as the 1986's wave of bombings, see Shapiro and Suzan (2003).

This new phenomena raised concerns about the emergence of direct links between low-level delinquency, drug trafficking and terrorist activities in those ‘difficult’ neighborhoods, and the development of a new form of homegrown terrorism, directly linked to the Al Qaeda terror network. However, it appears that young Muslims have not embraced political violence, contrary to what some pessimist politicians predicted, and according to recent data released by the Minister of the Interior, no more than 200 young people from a Muslim background have traveled to Al Qaeda’s training camps (Sarkozy 2004).

### *Counter-terrorist capabilities*

A number of police units are engaged in the fight against terrorism, and enforce the provisions of section 15 of the criminal procedure code, which defines the objective and subjective elements of terrorist acts. This section was added by the 86-1020 Act of September 9th 1986, which deals specifically with terrorism and grants specialized investigating judges with exceptional powers, such as extended periods of detention. Pursuant to this law, a ‘pool’ of four investigating judges was created within the Paris District Attorney’s office, and granted national jurisdiction over terrorist activities. The magistrates work closely with the various police units in charge of terrorism and have accumulated over the years an impressive expertise in this field, but some hasty decisions and procedures have also annoyed their own hierarchy and colleagues, and human rights organizations have called for greater accountability on their part (Courtois & Garrec 1999).

Most specialized police units have been assigned the leadership over specific forms of terrorism. The General Intelligence Directorate (*Renseignements Généraux* or DCRG) of the National Police is in charge of internal terrorist groups such as ETA or FLNC. This unit mobilizes more than 750 agents in counter-terrorism related activities. Since General

Intelligence officers do not have powers of arrest, they must work closely with their Criminal Investigation colleagues to initiate an arrest. They must deal with the National Anti-Terrorist Division (DNAT), a specialist section of the Judicial Police Directorate, which can mobilize more than 150 agents. The DST, or Directorate for the Surveillance of the Territory is in charge of international and transnational terrorism. This responsibility derives from the broader counterespionage mandate given to this arm of the National Police, and its expertise in the area of foreign intelligence. A little less than half of all DST's agents are assigned to anti-terrorism tasks (Sarkozy 2004). The Gendarmerie also collects intelligence related to terrorist activity, particularly in rural areas, which have been used extensively by members of the ETA and FLNC to evade surveillance. In the field of intervention, both the National Police and the Gendarmerie have formed their own tactical and hostage rescue teams (RAID for the police and GIGN for the Gendarmerie). In times of crisis or heightened alert, the *Vigipirate* plan allows the Prime Minister to mobilize the army in a support capacity to protect government buildings and critical infrastructures such as airports, public transport systems, nuclear power plants, etc. Since 1978, it has been activated four times.

As we have just seen, the diversified terrorist threat and the allocation of responsibilities to various units on an *ad hoc* basis impeded the coordination of the counter-terrorism effort. The work of the anti-terrorist magistrates somehow compensated this trend, but significant overlaps persisted between services that maintained their own set of practices, informants, and databases and were engaged in an unproductive competition in order to benefit from the prestige associated with successful operations. Sources were also seen as an asset to protect at all costs, including from other agencies that might need their information. In order to remedy this situation, UCLAT, the Anti-terrorism Coordination Unit, was created in 1984. UCLAT is staffed by liaison officers detached from the various anti-terrorist units and intelligence

services. Its mandate is to “improve processes related to the allocation of responsibilities, the assessment of threats and to advise, manage and permit a more effective information and intelligence sharing between services”<sup>15</sup>. It is however important to note that UCLAT does not have any power over those services and that it must rely on persuasion rather than coercion.

## **Conclusion**

Most texts on French policing available in English emphasize the differences with the more familiar North American or British systems. This approach allows their authors to rely on the assumed knowledge of the readers. I have voluntarily refused to follow this path, in order to provide a more neutral view of the elements and forces at work in this complex assemblage. Instead, I have highlighted the dualist structure of the French police, inherited from the royal era, and the adaptations required in the face of exploding crime statistics, public demands and the pressures of globalization. Far from the bipolar situation depicted in certain academic texts, this chapter and the other contributions in this book have confirmed the relevance of a conceptual framework based on the idea of a continuum, which can accommodate local variations and evolutions. We are witnessing for example an interest among French police managers and politicians for strategies developed in the US or the UK: the national proximity policing reform, largely inspired by the community policing philosophy, the temptation of Zero-Tolerance and ‘get-tough’ policies, as well as the new culture of performance indicators all attest of the intensity of policy transfers at work (Jones & Newburn 2002). Similarly, the acknowledgement by foreign observers of the French police’s expertise in combating terrorism (Shapiro & Suzan 2003) and running a large centralized and professionalized system must be highlighted. In this regard, the concept of ‘policy convergence’ seems much

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<sup>15</sup> According to a high-ranking anti-terrorism official quoted in Crettiez (1993: 46).

more appropriate to describe the relationship between French and Anglo-Saxon policing. Obviously, police organizations and their reform obey to contextual stimuli and it is highly unlikely that the French system will ever resemble its American or British counterparts. However, as ideas, practices, technologies and officers travel from one system to another with increased intensity, exaggerated statements such as the ones cited in the first paragraph of this chapter are likely to fade away and be replaced by more objective assessments.



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