

FRANCO - BRITISH COUNCIL

# **Policing in France and Britain**

Restoring confidence locally and nationally

Report of a seminar held in London

8 – 9 November 2000

*David Lawday*

Franco-British Council  
British Section  
Victoria Chambers  
16-18 Strutton Ground  
London SW1P 2HP

Telephone: 020 7976 8380  
Fax: 020 7976 8131  
Email: [fbc@cix.co.uk](mailto:fbc@cix.co.uk)  
[http:// www.francobritishcouncil.org.uk](http://www.francobritishcouncil.org.uk)

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cover design by Dominique Ozturk  
printed in Britain by Chameleon Press

**ISBN 0 9534856 9 2**

*The author*

**David Lawday** is Europe correspondent of the *New Statesman*

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# Policing in France and Britain

## Restoring confidence locally and nationally

*David Lawday*

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### 1. Introduction: Friend or enemy?

#### Public perceptions, structure and organisation

Most people have little, if anything, to do with the police during their lifetime. This is strange in view of the large role allotted to the police in democratic society. In essence the police is there to save society from itself. Naturally there are different approaches to this task, few more different at first sight than the policing cultures of Britain and France. This too is strange. For the two countries are part of a Europe being knit together into a society in which citizens who do come in contact with the police may legitimately expect some coherence of treatment wherever they go.

What trust, then, should people have in their police? And what are the police doing to earn it? The question brought ambiguous answers from top policemen, criminologists, judges and politicians from either side of the Channel assembled for the seminar. A certain defensiveness, self-criticism even, was apparent among police commanders on both sides. 'We have seen the enemy,' one modernising British police chief observed, 'and it is us.'

One item in the self-indictment is police racism. But there are many problems to policing and there can be no start to examining how it works in these two major European nations without first looking into the apparently opposing concepts that govern the ways their police forces are set up. The basic divergence hardly needed debating at the seminar: British police are there essentially to guard against crime, French police essentially to keep order. A ready symbol of this difference is the gun. Things are beginning to blur here, but the *bobby* is still (mostly) unarmed, the *flic* armed. Conflicting histories are the cause. The French are inclined to revolt in order to get where they are going; the British tend to get there with less social disruption. 'The history of France is the history of the streets, the barricades,' came an early reminder from the French side.

France takes this twist of national temperament seriously. Consequently, in common with most Latin countries, it has a big police force – at 225,000, nearly twice as big as that of England and Wales. Furthermore, France's police are split into two distinct camps, the 90,000-strong *gendarmerie* and the 135,000-strong national police (*Police Nationale*) although only 113,000 'active' police. The *gendarmerie* is actually part of the army and comes under the defence ministry, the national police under the interior ministry, though they do much the same thing – the former policing the vast French countryside, the latter controlling towns of some 10,000 and up, with their headquarters in Paris. Inevitably some duplication as well as rivalry occurs, but any thought of combining *gendarmes* and national police for the sake of

economy into a single force (the possibility is indeed raised from time to time) is quashed by the larger thought that order cannot be left to chance. Ultimately the split is regarded as useful, for if one force were to deviate the other would remain to uphold the state. The national police do not have the right to strike but they can join a union.

In contrast to the French system, which is under tight government control, Britain's is designed to be independent of central government. Down through two centuries has come the murmur, 'We can't have the government telling the police what to do.' Indeed the British were portrayed at the seminar as having a fundamental dislike for the concept of a national police. The sentiment does seem deep-rooted. A year or so before the French Revolution, when William Pitt was toying with the idea of establishing a professional police force modelled on an already centralised French system, the *Daily Universal*, an influential news sheet of the time, thundered that it would rather deposit its money with an English robber than deposit its liberty with a French police chief. Pitt desisted.

Thus Britain has 52 separate forces, or constabularies. They include London's Metropolitan Police (by far the largest of all), eight forces in Scotland where 14,000 officers operate under separate Scottish criminal law, and the Royal Ulster Constabulary in Northern Ireland with close to 12,000 officers and full-time reserves. These many local forces, mostly operating within the old shire boundaries, are each headed by a Chief Constable -- in London's case the Commissioner -- who answers to himself and to a local police authority that holds him to account. But the tradition of constabulary independence is clearly waning; not only because of the formation in recent years of a national crime squad (NCS) and a national criminal intelligence service (NCIS) which transcend constabulary boundaries. While some British police chiefs at the seminar believed the independence tradition was still holding good, others on the same side regarded it as a shell. For Britain's police had become a *de facto* national force under Home Office control once policing standards and policies began to be developed nationally. This started in 1994, when reforms were imposed to fight off police corruption, abuse of power and racial discrimination in constabulary ranks. Indeed, deepening tensions were noted at the seminar between the desire to maintain independent local forces and the public security agenda of the Home Office, which ultimately holds the purse strings and, some participants contended, directs financing towards forces that try hardest to meet its objectives.

## **2. A matter of trust:**

### **Police pay, recruitment, and consent**

The golden fleece the police are chasing is public trust, and here the 'bobby' may have an edge over the *flic*. The tradition of local policing in Britain has put the policeman in closer contact with the community. These are still relatively early days in the recruitment of women into the police, but women officers now represent more than 16% of the police in Britain as against 10% in France. While neither the French nor the British police officer ranks is ranked highly by society in terms of pay, the average bobby (police constable) does fare better. Whilst he earns a starting salary of

£16,500 a year (rising to £25,000), his French counterpart gets around £14,000 (FF11,500 a month) with a complex system of bonuses. The main factor affecting police pay is the place of work (in particular whether they work in or around Paris or in the rest of France). Gendarmes, being army professionals, earn a bit more than regular French policemen. But wry smiles appeared on British police faces in response to the claim that the police in Britain enjoyed more respect than almost any other profession – up there with doctors, and well ahead of politicians, lawyers and journalists. For low pay was seen by both sides as a serious barrier to attracting the right calibre of recruit.

What was easier to recognise was that efficient policing requires public consent. The consent cannot be assumed, it has to be won. But how? The trouble is, it seems easier to lose it than win it. This is partly because society has been changing faster than police attitudes, with drugs taking an increasingly high place on the public danger list. Moreover, both France and Britain have sizeable ethnic minority communities that are integrated to a greater or lesser degree. Police ranks don't reflect such change. In Britain, where 7%<sup>1</sup> of the population belong to minority ethnic groups, just 2% of police officers are non-white. In France, the ratio would seem roughly similar though, heaven forbid, there are no official figures. French participants said they could get locked up if they published figures related to racial origins. These are outlawed in France as an intended guard against racial discrimination. But apart from a number of black French citizens from France's overseas territories, it may be vouched that there are virtually no youngsters of North African origin– the so-called *beurs* who are the mainspring of France's modern immigrant community – entering the regular police. Since 1997 France has had a new sector of security personnel known as *adjoints de sécurité*, who are employed on a five-year contract within public law and give the police a more down to earth image reflecting France's population. The task of integrating 20,000 young people into society, many of who are recent immigrants to France and from the most difficult neighbourhoods, is particularly challenging.

Their relations with the police are bad. They refuse to join, the seminar heard, despite current efforts (unofficial of course) to recruit non-whites. They face ostracism from their community if they try. Rancour left over from the Algerian war and fed through from families is a factor. Worse, more than 40% of complaints against the police investigated in France involve brutality, mostly against *beurs*. Despite the legal clampdown on statistics alluding to race, French television images rarely let it pass that in the not infrequent cases of police "mistakes" involving the fatal use of firearms, the victims are invariably young people of Arab/North African origin.

There could be some hope here however. French police racism is non-ideological, the seminar heard, it is racism 'by default'. An anti-youth reflex. The young harass the police because it represents authority. Its role is to repress. Consequently, a French *flic's* existence is one of perpetual confrontation with the public – and he is likely to react against the usual

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<sup>1</sup> figure from the census of 1991 – the proportion is likely to have increased

harassers. Improved training can ease the problem. French police recruits receive one year's training – half the period for British recruits. A stronger sign of hope, though, is the fact that in the next 12 years fully half of France's *Police Nationale* is to be replaced. 'This is a chance to put things right that must not be missed,' a French police chief noted. Improved vocational training aimed at making new officers sensitive to changes in society is the priority.

**Table: Contrasting Police**

	<b>UK</b>	<b>France</b>
Population	58.1 million	58.3million
Police strength	155,000	225,000
Women police	16%	10%
Ethnic minority population	7% (see footnote)	7% (estimate)
Ethnic minority police	2% (March 2000)	2-3% *
Police training	2 years	1 year
Qualification on entry	<i>varies</i>	baccalauréat
Annual starting pay (regular officer)	£16,500	FF 138,000 (c£14,000)

\*Officers from overseas possessions, unofficial estimate

**sources: police**

British police are already engaged in a change of mindset – with good reason. Public confidence in the police, the seminar heard, had been seriously eroded by racism. The problem had sparked big city riots in the 1980s. Trust among black citizens was still low, particularly in cosmopolitan London, where a third of the inhabitants are from visible ethnic minorities. The most damning indictment against police attitudes came in the 1999 Macpherson Inquiry Report on the police's mishandling of the case of Stephen Lawrence, a black youngster murdered by white youths on the street in 1993. The report found the Metropolitan Police to be 'institutionally racist'. Stop-and-search tactics are still disproportionately directed against blacks.

As the Met sets about trying to solve the racism problem, reform could receive a boost from modern London's first mayor, the newly-elected Ken Livingstone, who wants the Met to reflect the ethnic origins of the capital's population. Livingstone's election this year was cited as evidence that Londoners wanted a fair, non-discriminatory police, though the mayor may find it hard to meet his aims. 'Blacks don't come rushing to the police door,' noted a reforming Chief Constable, who regularly holds 'open days' to lure

black recruits, and offers scholarships and other inducements, but to little avail. 'The issue is to make the black community believe the police is there to help them.' Moreover, the pressure for a quick fix on racial quotas in the police may merely soothe political sensibilities instead of making the police more modern.

### 3. **Nabbed! Policing methods**

Public trust is also related to police methods. Different as their cultures are, the British and French police seem to be drawing closer here. Neither has much regard for 'zero tolerance' methods developed in America. The tactic is seen as clumsy or plain wrong for European society. But the traditional emphasis in Britain on community or neighbourhood policing (in the 'Dixon of Dock Green' vein that warmed post-war television viewers' hearts) has had its ups and downs in the face of radical changes in society. The kindly copper who knows everyone on his beat has had his day. This is partly the result of technological change. The police no longer occupy the street; they borrow the street – with the assistance of mobile phones and sophisticated communications techniques.

Technology's role can only grow. It came as an eye-opener to seminar participants that the vibrant West End of London with maybe one million people out on the streets at night (including Soho with its 'monster' drug problem) was regularly policed of an evening by just 20-30 officers out in cars or on foot. This wasn't put forward as a desirable state of affairs. But neither was it simply a reflection of a shortage of officers. Technology made it possible.

As intimacy fades from Britain's neighbourhood policing tradition, the French police are seeking to create some. Increasingly they are moving to crime prevention tactics to complement, even stand in for, the prime strategy of keeping order. *Police de proximité* (Neighbourhood policing) is seen as the way ahead now in France, though it seems obstructed by the fact that police officers seldom live in the neighbourhood they are assigned to – and gendarmes, being part of the army, live in barracks. Nonetheless, some 10% of French officers received comprehensive special training in neighbourhood policing during 2000 – a major shift in training priorities. The solution lies in forming a partnership, or sealing a 'security contract' with a community. This means tying local schools, businesses, town halls, judges and the like into anti-crime programmes. Similar community partnerships are built in Britain, though without judges, who mustn't get cosy with the police. The contracts are strengthened by an array of new crime-prevention concepts, such as 'intelligence-led policing' which means uncovering potential threats to the community and targeting them.

For all the new French interest in neighbourhood policing, gut policing instincts hold. One is: We must show who's boss here. A big city French superintendent responsible for tough districts where gangs had all but succeeded in closing off access to the police asserted: 'There can be no such thing as a no-go area. We aim to show it can't exist. We move in – not to do anything in particular, just to show we go there.' A prime French objective was to occupy territory which the public expected the police to occupy.

The physical methods available to fight crime are a problem in themselves. All are socially objectionable in one way or another. Here lies the essential problem of the police. Principles and morals become blurred in the hurly-burly of everyday policing, participants conceded. There is no way out: from among the various objectionable options the policeman in a tight situation is obliged to choose one. Sometimes violence is necessary to head off violence. This can go as far as killing. The 'dirty hands' dilemma has cut into Britain's proud custom of an unarmed police. Increasingly British officers are armed when consigned to some special task where danger threatens. This brings them closer to the French police – and to most other forces around the world for that matter – who routinely carry firearms but may only use them when there is a credible threat to their own lives.

The 'dirty hands' contradiction was recognised at the seminar as being at the heart of a democratic state. How far should the police go in deception? Intrusion into the private life of citizens? Telephone bugging? Consorting with criminals? Lawless undercover wiles were frequently necessary to tackle money laundering, drug dealing and the criminal underworld. It takes a thief to catch a thief. Seminar participants weren't about to repudiate the adage. There was no saying what knavery London detectives indulged in to be able to leap in and nab the underworld veterans who held up the Millennium Dome recently. The thieves scarcely had time to view their spoils before being rounded up.

The answer seems to be that the police can dirty their hands as long as the public accepts such methods as a justifiable means to an end. Which is again why winning public consent is crucial. In France too, the public was seen as being more concerned with police efficiency than with police methods. 'Dirty hands' were all right with the French as long as they did the job. One way in which British police seek to ensure public acceptance is by a new policy of transparency, with police chiefs regularly giving press conferences to explain what has been done and how, and lay visitors invited in to talk with criminal suspects held for interrogation.

#### **4. Policing the police: control and accountability**

Tradition has long tentacles. If the British have a knack with community policing, the French have a way with quelling riots and civil disturbances. France keeps a select arm of its police to do nothing else but keep demonstrations under control. Two arms in fact: the national police supply the ubiquitous CRS (*Compagnie Républicaine de Sécurité*), the gendarmes their equally single-minded *Gendarmerie Mobile*. Together they number 30,000 professionals – around one in eight of the entire French policing populace. They are quiet and tough, a genuine force of repression not seeking to pose as anything else. The French public was seen to be in awe of the CRS in particular, who magically appear in caged buses whenever there is the merest threat of action. Awe is the desired effect. 'The history of France is the history of the street.' The familiar refrain shapes the policy of those responsible for the security of the republic.

Britain has no equivalent to the CRS. It makes do with special anti-riot units in each constabulary, though a more specialised force operating over a broader area is mentioned as being somewhere in the offing. At present,

regular officers receive special training in riot control but do not spend much time in this work. Most of the time they are involved in normal duties.

The British practice of attempting to rush a lot of anti-riot personnel to a trouble scene as soon as possible to prevent it erupting may appear naïve to the French. 'The more we rely on professionals, the less risk there is of things going wrong,' a French police chief reasoned. Given the number of difficult situations the anti-riot pros of the CRS faced in France, the results were rated highly satisfactory. Fewer 'mistakes' – meaning deaths or serious injuries – derived from CRS operations than from regular police work. It falls to the Paris Police Prefect – a giant police figure with power equivalent to that of the Met head and a good dose of the Home Secretary's combined – to keep the CRS in the right place at the right time. He clearly has the say in where *Gendarmerie Mobile* units go as well, despite their defence ministry masters. A fretful Napoleon established the Paris Police Prefect, telling him, 'I am more worried by a cold in Paris than an epidemic in the provinces.'

Indeed, control of police activities is, in the view of seminar participants, tightening in both France and Britain. The extent of such control is somewhat obscure in France however because of greater secrecy over police work. But 'the police of police', a diligent corps of senior officers, investigates all serious mistakes or likely mistakes made by regular officers, as well as breakdowns in police strategy. Public prosecutors and examining magistrates control police investigative work. Detectives need permission from a state prosecutor to pursue an investigation, which might suggest that French governments have never harboured great confidence in the police. Moreover, starting in 2001, new rights for the accused will be a further restraint on the police.

As to control by the judiciary, this is quite different from the way things work in Britain, where police have as much independence in criminal investigation as in the rest of their work, subject to presenting a worthwhile case in court. There is little contact between police and judges. But the bobby is far from unaccountable. Britain also has a diligent police of police. Further, each constabulary is overseen by a local police authority, which was until recently a democratically formed body of elected local councillors and business people. From the mid-1990s the police authorities have also included a significant number of experts appointed by the Home Office. While diluting the democratic character of the oversight authorities, the government intrusion is aimed at strengthening police accountability and efficiency – and getting better value for money.

## **5. Anything you say: suspects' rights**

Those relatively few people who do come into close contact with the police have often done something, or are suspected of doing something, that they shouldn't. Most likely it will involve some kind of theft or fraud, or an act of imprudence or violence with anything from minor to fatal results. In Britain and France the ways in which suspects experience the arm of the law can diverge quite widely. One reason is that the British principle of *habeas corpus* has never been part of France's judicial or police culture, although it is now making a foothold for itself.

But the main difference is that the British system for dealing with a suspect is *accusatory*, the French system *inquisitorial*. Roughly put, this means the British build up factual evidence to make a case against the suspect, the French probe and question until if things go as planned the suspect confesses (this system is directly descended from the medieval inquisition in which confession carried the weight of proof). There was little dispute at the seminar that a defendant's rights are better guarded in Britain. 'The basis of the French system is profoundly anti-democratic but is becoming less and less so,' a senior French participant noted.

The French system in fact came under liveliest assault from the French side, mainly on the issue of defence rights. This is how it has long worked. The judicial or investigative branch of the national police, in common with a newly expanding detective branch of the gendarmerie, can hold a suspect in custody for an initial 24 hours without bringing charges and without giving defence lawyers the chance to intervene. The public prosecutor can extend custody for a further 24 hours. All this time an interrogation is pursued by the police. Charges may then be pressed if the prosecutor thinks the police have a good case. As to interrogation, the bulk of cases are pursued to a conclusion by the police. If there are doubts, especially if the crime is at all serious, the case may be handed over to an examining magistrate, a non-police sleuth who can order the suspect held for months, years even, without a trial. The longer the detention, the greater the pressure on the suspect to confess.

If this sounds a little hard on suspects, one accusing voice on the French side likened it to 'torture'. As a suspect, either you talked and your case went ahead, or you stayed in prison. Furthermore, the problem was no molehill. In recent years up to 56% of people detained in French jails had not received a trial. That figure was currently down to 40%, still a large proportion. Abuses inherent in the system under which French police and their magistrate mentors question criminal suspects were held up at the seminar as the motive for an overhaul to take effect in 2001. From now on defence lawyers will have fast access to their clients. The examining magistrate – described by the same Napoleon, not purely in jest, as 'the most powerful man in France' – is stripped of his key pressure tool, the power to incarcerate. A new class of 'liberty judges' invented specifically to rule on pre-trial detention will probably shorten the time limits.

By comparison, British police have a straightforward job unhindered by judges. In the Anglo-Saxon accusatory system with its *habeas corpus* provisions the burden of proof is entirely on the police to bring suspects to justice. They can hold people for a maximum of four days without bringing a charge, but must grant defence lawyers quick access both to their suspects and to evidence they hold. Thereafter they are required to release the suspect or prefer a charge that will lead to trial, where the crown prosecution may step in. The investigative autonomy vested in British police and the faith placed in evidence they compile suggests a high degree of public confidence in their ability to get things right. Recently this too has crumbled however, the seminar was reminded, with Britain witnessing a sorry spate of releases of prisoners (convicted Irish bombers and others) found to have been wrongly convicted after up to 17 years in jail.

In the light of such wrongs, France's much-criticised examining magistrate (*juge d'instruction*) looked less of an ogre. 'When an examining magistrate detains people and brings charges he has a good record of getting things right,' it was noted. A strength of the French system was that it saw the accused 'in the round', since the inquisitorial system reached beyond facts alone. This could be an advantage, since facts might present what looked like a tight case without presenting the whole case. Indeed, a British voice intervened; Britain might well take a closer look at the examining magistrate as the best means of heading off wrongful imprisonment.

## 6. Nice work? Measuring performance

With the governments in France and Britain increasingly concerned by how much crime control they are getting for their money, the spotlight is on police performance. But how do you measure it? Policing strategies that might appear to be sure-fire winners and which the public might easily support can prove to be duds. Others with less obvious appeal can apparently work wonders. The following adapted chart taken from studies by US and British criminologists set seminar participants thinking hard:

Strategy	Goal	Result
▪ Fast response	The quicker the police response, the less crime	Ineffective
▪ Increase police strength	The more police there are, the less crime	Unclear
▪ Random patrolling	Deter criminals by making police seem omnipresent	Ineffective
▪ Targeted patrolling	The more patrols target crime hotspots, the less crime	Effective
▪ Increase arrests	The more arrests there are the less crime	Ineffective
▪ Target major criminals	The more repeat offenders are arrested, the less (serious) crime	Effective
▪ Community policing	The more and better contacts between police and locals, the less crime	Ineffective
▪ Target repeat victims	Reduce crime by stopping criminals returning to same victim	Effective
▪ Problem-led policing	The more the causes of specific crime are identified and minimised, the less crime there is	Unclear
▪ Work with children	Informal police-children contacts to discourage future offenders	Ineffective
▪ Inter-agency cooperation	Reduce crime through information-sharing	Effective

Sources: Sherman et al 1997, Jordan 1998

It seems clear, then, that one of the trickier sides to policing is measuring how well it works. The traditional ratio of crimes committed to crimes solved is seen by the French as too facile an indicator. It fails to take account of a sudden increase or fall in the volume of crime. Nor can it provide a global view of what is happening. For instance, French police are currently solving 8-10% of crimes against property, but 25-30% of crimes against persons. The two spheres are so different that to draw global conclusions on police performance from them is a nonsense. In Britain, the Met would no doubt subscribe to this. Over the whole Metropolitan area the annual increase in robberies has recently been put at 30%; in the City of Westminster it is 1%. Yet in statisticians' eyes the police in Westminster aren't out-performing anyone. The reason? The increase in crime is measured against the size of the *resident* population and Westminster's is tiny (200,000 inhabitants) though it receives more than a million workers and visitors daily – while high-volume robbery zones are heavily populated.

Another possible approach to measuring performance is qualitative: success in reducing public fear of crime. Despite findings in the chart above, putting more police on the streets has convinced people in some parts of France they are a lot safer. Yet in other parts of France the results disappoint. 'We find it hard to relate police activity to results obtained,' a French police chief conceded. The repression factor in French policing was too abstract to allow measurement of how well it succeeded. In any event, a giant hole was made in any performance measurement by the 'black statistics': four times as much crime is inflicted upon people as is actually reported, with domestic violence to the fore.

The 'black statistics' likewise muddied the performance scene in Britain, where police cost-effectiveness was also said to be creating particular pressures. With Britain's police costing £7 billion per year (around £115 per head of population by crude calculation), the government was demanding solid results in crime reduction. Questions were flying. How willing were the constabularies to place crime reduction at the core of operations? How much should be spent on neighbourhood policing as opposed to broader crime-control methods? How much needed to be spent on more street lamps to bring crime down? There had to be some measurement by which the public could see the money was well spent. In fact both British and French police assented to this principle. It was a key to police self-regard. 'We need to know what success looks like,' said a British Chief Constable.

## **7. Where separate ways lead: international connections**

Cooperation among national police forces in Europe was judged at the seminar to be still superficial despite the Schengen accords (of which Britain declines to be part) binding member countries to close contact on policing matters. Trans-national police training has progressed little. There were signs of resistance to it within the British police. The Kent constabulary's scheme to teach recruits French because of France's increased proximity via the Channel Tunnel belongs to the realm of good ideas. It was said to have already been run down, if not put aside.

Yet something about Europe, about similar problems thrown up by social change, has begun rounding off willy-nilly the sharper differences between policing in Britain and France. The 'contrasting models' are converging. The robustly *local* British police are becoming more national. The robustly *national* French police are turning to community policing. With its criminal justice reforms, France is assuring criminal suspects of much-increased defence rights that British defendants enjoy. The pressures of democracy force both British and French police to correct their flaws, starting with ingrained racism. Neither appears smug; each knows what is wrong and what has to be improved. New technology narrows differences. If police coming from as different philosophical and practical starting points as the French and the British now find they are looking more like each other, the case is put for a European approach to policing.



## **British police organisation 2000** *Robert Reiner*

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### **1. Types of police**

- 43 'Home Office' police forces in England and Wales
- RUC in Northern Ireland
- 8 Scottish police forces
- Specialist non-territorial official police organisations e.g. British Transport Police, Atomic Energy Authority Police
- Two recently established national organisations: the National Crime Squad, and the National Criminal Intelligence Service (NCIS)
- Private security organisations, which at present are not officially licensed or monitored, providing contract security. Also in-house security and employees with a partial security role e.g. caretakers. Various forms of citizen policing, mainly under official regulations or sponsorship e.g. Special Constabulary, Neighbourhood Watch, but also 'vigilantes'

### **2. Police governance in England and Wales**

- 2.1. *Home Office* forces are governed by so-called 'tripartite' structure: governance divided between a) Professional police chief: chief constable in 41 provincial forces, Commissioner in Metropolitan and City of London Police; b) local police authority; c) Home Secretary

Until recently no local police authority in London, but now there is a Metropolitan Police Authority, modelled on the provincial police authorities. It has 23 members, 12 from the new Greater London Authority, four magistrates, and seven independent members. Provincial police authorities are (since the 1994 Police and Magistrates Courts Act) made up normally of 17 members, nine local councillors, three magistrates and five independent members. The magistrate and independent members are appointed by a complex process, in which central government has a significant role.

The respective powers and responsibilities of the three elements of the tripartite structure have long been debated. Before the 1994 Act in the provincial forces the police authority was a more straightforwardly locally elected body (two-thirds of members were local councillors). On the other hand, the 1964 Police Act gave the ultimate responsibility to the Home Secretary to resolve disputes between chief officers and police authorities, and the legal doctrine of constabulary independence meant that in practice local police authorities were largely impotent bodies. There was also no local police authority for the Met, by far the largest force in the UK. The new police authorities are less straightforward expressions of local democracy but have a much more explicit role in policy-making in partnership with the chief officer and Home Secretary. Thus they are responsible for drawing up annual local policing plans together with the chief officer, which must incorporate the National Policing Plan and

objectives announced by the Home Secretary. The 1997 Crime and Disorder Act obliges local authorities in partnership with the police to develop and implement strategies for reducing crime. Since 1 April 2000, police authorities have had a new statutory duty to ensure that local communities are getting 'best value' from their police.

- 2.2. *National* police organisations (NCIS and the National Crime Squad) only developed in the 1990s. They are also subject to a similar 'tripartite' governance structure, although the 'service authorities' to which they are partly accountable are obviously not locally elected at all. The advent of national police bodies goes hand-in-hand with increasing transnationalisation of policing, above all greater co-operation with European police institutions and Interpol.
- 2.3. *National* police policy-making is increasingly important and complex. Apart from the Home Office, there are several other key players:
  - a) Her Majesty's Inspectorate of Constabulary (HMIC) originated in 1856 with the role of monitoring the efficiency of local forces for the Home Office. In recent years its inspections have become ever more rigorous and professional, and it assesses forces in terms of a complex matrix of performance indicators. There are now two Inspectors from non-police backgrounds in addition to the more traditional HMIs who are ex-chief officers, signifying the increasing commitment to a 'business-like' approach.
  - b) The police staff associations, notably the Association of Chief Police Officers (ACPO) and the Police Federation (representing ranks below superintendent), and the Superintendents Association.
  - c) The Audit Commission, a body established in the early 1980s to ensure value for money in local government.
  - d) The Police Complaints Authority, established by the 1984 Police and Magistrates Courts Act to adjudicate complaints against the police, and to supervise investigations into serious complaints.

### **3. The role of the police**

Until recently there was no official definition of the police role. Police organisations carried out an array of tasks, encompassing primarily the maintenance of public order, crime prevention and investigation and service provision to people in trouble. The 1994 White Paper on Police Reform which preceded the landmark legislation of the mid-1990s for the first time explicitly declared crime control ('catching criminals') as the core police function. Police management and organisation were restructured to deliver this as efficiently and in as 'businesslike' a way as possible. Under New Labour this continued to be the main priority but with the previously mentioned new emphasis on partnership with local government and other agencies. Labour has also been more explicitly committed to trying to balance this with a concern for human rights, and to eradicate racial discrimination revealed above all by the Macpherson Report on the Stephen Lawrence case. Whether these policies will succeed in reversing

the last fifty years trajectory to rising crime rates, declining clear-up rates, and increasing controversy over discrimination and abuse of powers and force by the police remains a moot point. My own view is that this all remains hostage to the success of broader policies aimed at reducing social exclusion.



## The French policing system

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### 1. Introduction

On 3 April 2000, one of the daily papers in Western France, *Paris Normandie* captioned an article about security in the town of Rouen *La police Rouennaise travaille à l'anglaise* ('Rouen Police adopt English style of policing'). This was a reference to the experimental reform known as *police de proximité* (neighbourhood policing) introduced in October 1999 within the *Police Nationale*.

So it might seem that there is a European style of law enforcement, and that the French police are trying to modify their methods by simply drawing on the British example.

In reality it is not quite as simple as that. According to some researchers, the 15 countries of the EU currently boast almost 1.5 million police officers and over 100 different police bodies. They have a multitude of different systems corresponding to the wide diversity of political, administrative and judicial organisations. In various countries, national civil police, military police and sometimes independent regional police can all be found. For this reason it is futile to search for a single ideal policing method.

The comparative approach, which in France began in the 1980s, coincides with international policing programmes introduced within the EU (the Trevi group, the Schengen accords, the Maastricht treaty etc). It has had to overcome police resistance to external interference. Similarly, the foundation of the French *Institut des hautes études de la sécurité intérieure* (l'IHESI- Institute for Higher Studies in Internal Security) in 1989 coincided with the increased mobility of people and ideas within and outside Europe which seems to have been one of the major characteristics of the end of our century.

At a time when traditional policing systems seem to be under review in various countries, it is important for both French and British to disseminate information about their own policing methods, and for the French to tackle the challenge of drawing a comparison with the British system.

I shall therefore attempt a descriptive overview of the French policing system with some element of comparison between the French and British police. It will also try to discern the points of convergence.

### 2. Background

France and the United Kingdom have similar populations (c 60 million), but the UK has less than half the land area of France (245,000 km<sup>2</sup> to 550,000km<sup>2</sup> respectively).

France is an **indivisible parliamentary Republic** founded on the principle of a constitutional set of laws (e.g. the 1946 Declaration of the Rights of Man and of Citizen, the fundamental laws of the 3<sup>rd</sup> Republic, the preamble of the 1946 Constitution and the 1958 Constitution) and on the principle of

the separation of powers. The criminal system in France is based on written law and the principle of the legitimacy of offences and penalties.

The United Kingdom is a **parliamentary pluralist monarchy** and its law stands on a corpus of texts and established rules. There is no written constitution, but instead major historical texts, or ordinary laws, voted in by Parliament, as well as certain judicial decisions that have acquired constitutional status. Criminal Law, which does not include a general written code, is the product of custom, although a variety of important legislative texts have influenced this area since 1984.

The administrative systems of both countries – including law enforcement and the judiciary – are a product of their individual histories. The British judicial system is based on customs and oral tradition and the criminal procedure is still based on prosecution. The French procedure is based on examination, and written law and is inspired by the napoleonic code.

### 3. Police organisation

The structure of a police force is partly a product of history and partly a response to specific problems. France, with its turbulent history has strongly favoured public order policing systems (republican security companies, platoons of mobile *gendarmes*, public security bodies as well as security police branches) whereas historically, Great Britain has committed itself to developing community policing.

France's interior security is essentially assured (in a very centralised way) by the two main civilian and military forces, the national police and the national constabulary or *gendarmerie*. The municipal police – currently being strengthened - is a third body that reinforces interior security. When the two main forces are engaged in criminal investigations, they are under the charge of the Ministry of Justice, via the examining magistrates (*juges d'instruction*) and the heads of the Prosecution Department at the courts of first instance (*procureurs de la République*). When the constabulary takes the role of keeping public order, it is under the supervision of the Interior Ministry.

France therefore has both a national police force with civilian status under the supervision of the Interior Ministry, and a national constabulary with military status under the Ministry of Defence. The national police deal with 75% of the 3.5 million offences that occur throughout France. The 103,000 strong constabulary on the other hand, cover 95% of rural or suburban areas.

On 1 January 2000, the national police had 142,990 personnel, including police officers, administrative staff, auxiliary police officers and security assistants on 5-year contracts, all serving the Interior Ministry.

The Interior Ministry is responsible for maintaining public order in France. It exercises its authority through the *préfets* (prefects), who are responsible for public order in their own regions or *départements*. The constabulary forces may be subject to requisition for these public order responsibilities in both Paris and the provinces at the request of the prefects to the Minister for the Interior.

The French police bases its work on national, departmental and local infrastructures. The primary aim of the national police is to protect people and property, as well as the State and its institutions. The Director General is in charge of one administrative body and 10 active bodies or services listed below.

- **Directorate-General of the National Police (DAPN)**

This is the body responsible for the management of personnel and materials for the national police force as well as for budgets and equipment.

- **Directorate of Personnel and Training (DFPN)**

This body consists of almost 3,000 civil servants spread across 30 national police training establishments and schools. It carries out the initial training - part theoretical in a training school, part practical on placements - for the various ranks of police officer. The training period is two years for superintendents, 18 months for officers and 12 months for the lower ranked *gardiens de la paix*. It also does in-service training.

- **Inspectorate-General of the National Police (IGPN)**

This is an investigative body carrying out checks and investigating complaints against the National Police. It is also involved in inter-ministerial evaluation responsibilities.

- **Central Directorate of Judicial Police (DCPJ)**

This body has authority throughout France and contains almost 6,000 civil servants working in the central body or one of 19 regional services of the judicial police. It co-ordinates the technical and scientific police organisations. It is responsible for countering theft, terrorism, organised crime, trafficking of human beings, drug trafficking, theft and resale of works of art, and currency counterfeiting and distribution.

- **Directorate of Territorial Surveillance (DST)**

This national body comprises around 1,500 civil servants in its headquarters and 7 regional offices. It aims to combat foreign intrusion in France.

- **Central Service of the Republican Security Companies (SCCRS)**

This national body is made up of 15,000 civil servants. They are involved in large events and official visits, during peacekeeping and public order operations, and in local police reinforcement as and when necessary.

- **Central Service of General Intelligence (DCSP).**

This national body embodies 4,000 civil servants, which advises the Government and the departmental prefects on social and economic matters. It also regulates some gaming establishments and does anti-terrorist work. It is divided into 22 different regional bodies, 99 departmental bodies and various local services.

- **Central Directorate of Public Security (DCSP).**

The DCSP makes up more than 50% of the national police with 79,173 officers of whom 12,000 are police assistants and junior officers and 66,000 are administrative officers and staff. Its national authority covers 30 million people exclusively in urban areas.

- **Central Directorate for Control of Immigration and Illegal Employment (DCPAF)**

This body deals with illegal work and entry and other areas of more local authority. It has a 7,000 strong police force based in 67 airports, 23 ports, 65 railway stations within 6 inter-regional groups as France has 2,800 kilometres of land borders and 3,500 kilometres of sea borders.

- **International Technical Co-operation Police (SCTIP).**

This body has 56 delegations in every continent. It deals with international exchange of police and professional training of foreign police officers as well as technical co-operation.

- **VIP Protection Service (SPHP).**

This service covers the security of French and international VIPs. It also organises official visits in liaison with the relevant international, national or local services.

Unless I am mistaken, the United Kingdom has only one police force, the product of historical cooperation between central and local authorities.

#### **4. Authority, the rights and the obligations of the police**

French and British police seem to have many powers in common in the area of identity checks, arrest and police custody and seem to be drawing closer.

The situation is very different with regard to police possession and use of firearms. In France, the police and the *gendarmerie* may carry firearms but the National Police may only use to defend themselves or a third party. (The rights of the *gendarmerie* are somewhat broader). In France, as in Great Britain however, the right to use firearms is becoming more circumscribed by the courts.

Although French and British police officers enjoy similar job security and political and union rights, this is not the case for the military police or *gendarmerie*. However this is likely to change as the European integration accelerates (cf. the EU Charter for fundamental rights approved on 14 October 2000 at the Biarritz summit).

#### **5. Monitoring the Police**

Like Great Britain, France has many institutions to monitor police activity (including lay, judicial and parliamentary bodies). The procedures are particular to each country and the tendency is to reinforce this monitoring. Apart from internal controls, the French police force is monitored by the

Inspector-General of the national police. Judicial monitoring is carried out by the public prosecutor and examining magistrate who co-ordinates the activity of the judicial police.

The creation of a national Commission on Professional Ethics (*Commission nationale de déontologie de la sécurité*) by a statute of 6 June 2000 introduced a new way of monitoring all the police services concerned with national security. A new statute was introduced on 16 June 2000 to reinforce the principle of the presumption of innocence and the rights of the victim. Recently it has brought together the general monitoring of the judicial services, which comes under the French Chancery (*Chancellerie*), and the investigative services of the police force and *gendarmerie*. This means that the police is one of the most closely monitored French institutions.

Perhaps the main difference between the two countries in the area of police monitoring is the existence in Great Britain of 'lay-visitors': members of the public who visit those held in police custody to ensure that their rights are being protected.

Police activity is more visible to the public in Great Britain. Once police superintendents have been appointed, they have sole responsibility for their decisions and the activity of their officers. In Great Britain press conferences are held periodically in order to keep the public informed. In France this transparency is still limited by professional confidentiality and obligatory discretion.

## **6. Measuring performance**

Great care must be exercised when comparing the crime figures of the two countries because of the differences in the way data is collected by the various police bodies.

The fundamental reform of the *police de proximité* affected both methods and personnel and seems to have brought excellent results. Meanwhile the national police, motivated by the inter-ministerial delegation for its reform, has begun an initiative to enable performance to be measured. Resources such as an objective-focused management, follow-up of results and the use of numerical cartography can all be used in public security services, particularly when it comes to positioning community police.

The United Kingdom has the benefit of experience in this area. The General Inspection of the National Police in 1995 managed to lay the foundations of performance measurement and it is a subject of continuing interest.

## **7. Research into policing methods**

The French Institute for Higher Studies in Internal Security has undertaken extensive research into policing methods with the support of the public, the police and local and central authorities.

France was not spared the crisis of legitimacy and public confidence in the police that has hit Europe and North America. The French national police committed itself to a period of investigation, analysis and reform. Particular examples are the modernisation plan of 1985, the 1995 reform of police

organisation and careers, and the introduction of community policing first trialed in 1999 and generally established between 2000 and 2001.

Similarly recent reforms of French criminal procedure (e.g. the statute to improve its effectiveness, the statute to help protect the presumption of innocence and victims' rights and the bill governing public action) will draw the investigative French system closer to the British accusatory system. New policies should not be concerned only with reducing crime and improving the statistics but also with the more subjective notion of public satisfaction. It is here that France still has to make up ground.

### **Conclusion**

Research on European police organisation indicates a plethora of policing systems. Something approximating to a single European criminal law system would need to be established in order to reduce the differences. The same applies to the future harmonisation of European police organisation and activity, even though some of these projects are already being introduced (e.g. Europol).

There are not just 15 police systems in Europe but a whole multitude, and in some areas harmonisation will take time, as the success of community policing implies permanent changes in policing methods. The research carried out by the French Institute for Higher Studies in Internal Security (presented in a seminar on 10 March 2000) underlined the need for caution when trying to copy foreign models; this should only be done selectively and critically.

The experience of other countries – such as Great Britain, Canada, or the USA – underlines the need for careful reflection and great pragmatism, because all reform of police takes place within a changing social context over which the police have no control. This is one of the conclusions which the *Inspection Générale de la police nationale*, which I direct, has drawn from a first evaluation of neighbourhood policing in France.

*Edited version of a paper given at the seminar by Jean-Marc BERLIOZ,  
General Inspector of the French National Police*

*Translation by Susannah Witting*

## **FRENCH PARTICIPANTS IN THE SEMINAR**

**Claude BEAU**

Magistrat; Conseiller du Directeur de l'Institut des Hautes Etudes de la Sécurité Intérieure (IHESI)

**Jean-Marc BERLIOZ**

Directeur, Chef de l'Inspection générale de la Police nationale

**Sylvie BLUMENKRANTZ**

Attachée de direction de la Section française du Conseil franco-britannique

**Michel CAMUX**

Administrateur civil; Chef du Bureau des Officiers de Police, Ministère de l'Intérieur

**Général DENIZOT**

Chef du service des opérations et de l'emploi, Direction générale de la Gendarmerie nationale

**Patrique DRUT**

Officier de liaison, UCLAT

**M Daniel HERBST**

Inspecteur générale de la Police Nationale, Directeur adjoint de la Sécurité publique, Ministère de l'Intérieur

**Claude JOURNES**

Doyen de la Faculté des Sciences juridiques, Université Lumière - Lyon 2

**Pierre JOXE (Chairman)**

Ancien Ministre; Premier Président de la Cour des Comptes

**Jean-Claude KARSENTY**

Directeur de l'Institut des Hautes Etudes de la Sécurité Intérieure (IHESI)

**Francis LABROUSSE**

Directeur de l'Inspection générale des services, Préfecture de Police de Paris

**Jean-Marie LE BRETON**

Secrétaire général de la Section française du Conseil franco-britannique

**Marc LE FUR**

Chargé de mission auprès du Directeur de l'Institut des Hautes Etudes de la Sécurité Intérieure (IHESI)

**Jean-Claude LE TAILLANDIER DE GABORY**

Chargé de mission au Ministère de l'Intérieur

**René LEVY**

Directeur du Centre d'Etudes Sociologiques sur le Droit et les Institutions Pénales (CESDIP)

**Bertrand MICHELIN**

Commissaire divisionnaire  
Direction de la Police urbaine de Proximité à Paris

**Dominique MONJARDET**

Chercheur au CNRS

**Christian MOUHANNA**

Chercheur au Centre de Sociologie des Organisations (CSO)

**Frédéric OCQUETEAU**

Chef du Pôle de la Recherche et de la Valorisation à l'Institut des Hautes Etudes de la Sécurité Intérieure (IHESI)

**Cyrille PIERRE**

Conseiller référendaire à la Cour des Comptes

**Colonel POUPEAU**

Attaché de défense adjoint, Ambassade de France à Londres

**Emmanuel ROUX**

Commissaire de police  
Chef du département ingénierie et conseil à l'Institut des Hautes Etudes de la Sécurité Intérieure (IHESI)

**Marc TREVIDIC**

Substitut du Procureur de la République au Tribunal de Grande Instance de Paris

**Jacques VIOT**

Président de la Section française du Conseil franco-britannique

## **BRITISH PARTICIPANTS IN THE SEMINAR**

**Richard Baker**

Directing Staff, Leadership and Management Faculty, National Police Training

**Ben Bowling**

School of Law, Kings College, London

**Liza Burdett**

Foreign and Commonwealth Office

**DI Steve Corbishley**

Kent County Constabulary

**Jim Daniell**

Director of Police Services and Volume Crime, Home Office

**Dr Marian FitzGerald**

London School of Economics

**Professor Roger Graef** (Chairman)

Oxford University, LSE, Films of Record

**Professor Alec Hargreaves**

Loughborough University  
Member of the Franco-British Council

**Professor Mike Hough**

Criminal Policy Research Unit, South Bank University

**Lee Jasper**

Senior Policy Advisor, Greater London Authority

**Ann Kenrick**

Secretary-General, Franco-British Council

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Assistant, Franco-British Council

**David Lawday**

Europe Correspondant,  
*New Statesman*

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Opposition spokesman on policing

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**Denis O'Connor**  
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**Sir Peter Petrie**  
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**Professor Robert Reiner**  
London School of Economics

**Commander Stephen Roberts**  
Operational Policy and Support  
Metropolitan Police

**Chief Superintendent Paul Scotney**  
West End Central Police Station

**David Stevens**  
Chief Constable, Essex Police

**Baden Skitt CBE**  
Criminal Cases Review Commission

**Carole Willis**, Head of Policing and Reducing Crime Unit, Home Office

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## Policing in France and Britain

### PROGRAMME

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#### **8 November 2000**

##### **Introduction and opening remarks by joint Chairmen**

Professor Roger Graef, Oxford University, LSE, Films of Record  
Pierre Joxe, Ancien Ministre, Premier Président de la Cour des Comptes

##### **Session I**

**National organisational structures** introduced by Professor Reiner and Jean-Marc Berlioz

- police powers and responsibilities locally and nationally, public and private policing

**Issues for London and Paris** by Francis Labrousse and Lee Jasper

##### **Session II**

**Relations between the police and the judiciary** introduced by Marc Trévidic

#### **9 November 2000**

##### **Session III**

**Policing methods** introduced by Dominique Montjardet and Ben Bowling

- neighbourhood policing and high tech approaches
- achieving a balance between crime prevention and reactive policing
- policing deprived minority communities
- impact of the *DIV, politique de la Ville, police de proximité*

##### **Session IV**

**Managing resources effectively** introduced by Chief Constable Denis O'Connor and Michel Camux

- recruitment, promotion and disciplinary procedures
- does the police force reflect the diverse composition of the population at large?

##### **Session V**

**Performance indicators** introduced by Frédéric Ocqueteau and Carole Willis

- how is the efficiency of police work currently recorded?
- accuracy of indicators, are performance indicators linked to resource allocation?
- how are incidents, crimes, clear-up rates defined and recorded?



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