Community Safety: A Remedy for Territorial Segregation?
A French Response

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In France, safety is not solely a matter for the state and its police, but also involves citizens. It is constantly threatened by various social problems, especially urban segregation,[1] which seriously undermines interpersonal connections that serve as a foundation for trust, respect, and solidarity among the inhabitants of a neighborhood or city. By dividing and partitioning, such segregation instills mistrust and tension among the constituents of the population along social, religious, ethnic, and geographic lines. In addition to making it much more difficult for any action by police services, who are exposed to gang activity and mafia practices, it contributes to the development of criminal behavior. Territorial segregation, in fact, accentuates instability, resentment, and desocialization. The inhabitants of segregated areas are the first victims of greater insecurity in increasingly anomic spaces, such that some speak of them, correctly or incorrectly, using expressions such as "ghettos" and "lawless areas."[2]

State law enforcement (police and *gendarmerie*) and municipal police forces are trying to adapt by changing their methods of operation (foot patrols and neighborhood units) and organization (communities of brigades for the *gendarmerie* and priority safety areas in difficult neighborhoods). They seek to be present on the ground and reduce what is a clear division in equality between users of the public service. In spite of their efforts, the police services have, for a long time, no longer been in a position to act alone. Indeed, responses to crime, and real or felt insecurity, have become diverse, increasingly involving partnerships.[3] These include a range of methods, from situational prevention (which involves surrounding potential victims with protection by acting against situations that encourage criminal acts) to several provisions in city policies.[4] Crime prevention also involves the use of security technology such as video surveillance, now called "video protection."[5] While prevention may have

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[1] Marco Oberty and Edmond Préteceille, *La Ségrégation Urbaine* (Paris: La Découverte, 2016).
[2] "Rapport 2015," Observatoire National de la Politique de la Ville, accessed April 12, 2017, www.onpv.fr/uploads/media_items/rapport-onpv-2015.original.pdf.
[3] François Dieu, *Les Réponses à la Délinquance* (Paris: L'Harmattan, 2016).
[4] Xavier Latour, "Espace urbain et délinquance, la vision du juriste," in *Le Droit de la Sécurité et de la Défense en 2014*, edited by Olivier Gohin and Bertrand Pauvert. Paris: PUAM, 2015. 343–357.
[5] François Dieu, "La sécurité à l'heure des nouvelles technologies de contrôle: l'exemple de la vidéo-surveillance," *Rivista di Criminologia, Vittimologia e Sicurezza*, 3-4(2009-10): 261–280.

a troubling catch-all aspect, and faces some skepticism concerning its effectiveness, it also includes some interesting approaches. In this regard, one of the keys to success is tackling the causes behind insecure situations, which include the loss of social reference points by one segment of the population. As emphasized in the 1983 Bonnemaison report,[6] "prevention is everyone's concern," and this is reflected in numerous provisions involving people in the construction of their own security. If they wish to protect their property and themselves against malicious acts or attacks, they have to begin by investing themselves in their immediate environment. In other words, it is up to each person to build community safety with the public authorities—as part of a kind of "security contract," by analogy with the enduring Rousseauian idea of the social contract. Community safety can be defined, on the one hand, as involving a close geographic environment (the neighborhood and the city) and, on the other hand, as being guided by the goal of reconstructing social ties. The community is both geographic and relational, and targets all forms of insecurity, from antisocial behavior to major crime.[7]

Two forms of prevention are mobilized by community safety: community prevention and social prevention, which therefore oppose the logic of urban segregation. Community prevention, which seeks to mobilize inhabitants in order to better control the social space, is reflected in four types of measures: integrating interactive spaces for inhabitants into urban planning (shops and community services, gardens and green spaces, and community centers); encouraging residents to acquire housing and develop a "sense of community" ("making neighborhoods better places to live"); implementing neighborhood councils and building neighborhood solidarity; and improving relations between the police and the population (policing by consent, and community policing).[8] Social prevention, for its part, refers to actions directed towards the potential criminal. This then involves breaking the vicious cycle that can potentially lead an individual to commit criminal acts by operating on his/her social environment. Beyond his/her individual responsibility, at a more general level, the criminal is considered as the victim of a society that has not known/been able to ensure his/her integration, and upon whom weigh factors of maladjustment and various determinisms inherent to his/her social environment, experience, and living conditions. The goal is to carry out one or several actions on the subject and his/her micro-environment (family, group of peers, and school environment), in order to reduce the risk of their committing a criminal act. In practice, leadership and employment activities intended to improve the living conditions of populations are favored in order to reverse the progress of criminality and insecurity, inexorably

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[6] Gilbert Bonnemaison, and Commission des Maires sur la Sécurité (France), Face à la Délinquance: Prévention, Répression, Solidarité: Rapport au Premier Ministre (Paris: La Documentation Française, 1983).

[7] Anne Wyvekens, "Sécurité, solidarité et société civile," in Les Etats à l'Épreuve de la Sécurité, ed. Jean-Charles Froment et al. (Grenoble: Presses Universitaires de Grenoble, 2003).

[8] François Dieu, Policer la Proximité: Les Expériences Britanniques, Françaises et New Yorkaises (Paris: L'Harmattan, 2002).

linked to situations of marginalization and exclusion.

Through the convergence of legal and sociological perspectives, this article intends to provide elements that respond to the following questions, which are of acute interest in current French society: Does territorial segregation manifest itself in the issue of safety, and as a response, is it possible to develop a logic of community? In the fight against territorial segregation, what is the impact of community safety provisions, especially those involving citizen participation and social mediation? In other words, is community safety a response that is suitable (I), and effective (II), in the matter of territorial segregation?

I. Community Safety: A Suitable Response?

Territory is an important parameter for safety policies, with most notably a trend toward a measure of enclosure in administrative apportionment. The public response to crime is a prisoner of the borders imposed by the multiplicity of constituencies, both administrative (municipalities, townships, intermunicipal bodies, districts [*arrondissements*], departments [*départements*], and regions) and legal (jurisdictions of superior courts and courts of appeal). This in spite of the fact that it would be more effective to deploy police and gendarmerie forces by taking account of living areas and lines of communication, rather than enclosing them within institutional territories that are not necessarily consistent.[9] Even the level of the department, which is at the center of local policies for prevention and safety, favored by a state seeking to preserve, around the prefect, its sovereignty over safety, still does not represent a homogeneous functional territory either in terms of geography or human activities. Confronted by a criminality that is often mobile and constantly changing, the public response seems entrenched and scattered, as if hindered by narrow scopes that are extremely difficult to change, and there is a feeling that public authorities are countering dynamic phenomena with a degree of immobility. This is clearly the case when noted imbalances lead to necessary adjustments to the territorial organization of police and gendarmerie forces (A), and when it involves disseminating the logic of community safety into the ranks of these forces (B).

A) The Necessary Reform of the Police Map

The main trait of public safety policies is related to one of the primary characteristics of the French police system, namely, its dual nature, the result of the separate evolution of the rural and urban components of French society up until the beginning of the twentieth century. The police and the *gendarmerie* developed separately, one in the cities and the other in the countryside, until, under pressure from the industrial revolution and progress in communication, the rural and urban spheres

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[9] Xavier Latour, "L'organisation territoriale et la sécurité intérieure," *La Semaine Juridique Adminis-trations et Collectivités Territoriales*, 51-52 (2015): 2375.

came into contact, interaction, and conflict, to become intertwined and combined in suburban areas today. The urban concentration of populations, and as a result, safety problems, has led public authorities to favor an essentially urban perspective on insecurity. Thus, public safety policies have been primarily directed towards cities and their neighborhoods, except for a certain concern, over the last few years, for suburban areas. The public response to insecurity in rural areas has for its part adopted a traditional and pragmatic form of community police action by *gendarmerie* stations, which has led to a measure of inertia in this public action, given the sociodemographic changes in rural areas (desertification of the countryside, and suburbanization), manifested in the *gendarmerie*'s overly fixed territory-based presence.

In the matter of safety, the issue of territorial segregation has not been raised with the same intensity as in other areas of public action. In appearance, two types of territory, at the two extremes of France, seem to be the most concerned by unequal treatment: on the one hand, the disadvantaged neighborhoods in the main cities and, on the other hand, the most remote countryside areas. In spite of a measure of willingness by public authorities since the 1980s, the neighborhoods classified today as "priority regions" stand out due to an insufficient presence of public services in general, and of security services in particular. This is one of the main orientations in social urban development policies united under the scope of city policy. Since the mid-1990s, the effective integration of crime prevention as one of the priorities of city policy has caused it to become an entirely separate component of urban safety policy.[10] With regard to police organizations, the consideration of city policy objectives has been reflected (in addition to participation in crime prevention bodies) in the use of mobile forces (riot police [*Compagnies Républicaines de Sécurité*, CRS] and squadrons of mobile *gendarmerie* forces) for protection missions, by the reactivation of the practice of neighborhood units [*îlotage*] and the implementation of community policing, and by improving reception (especially of victims) at police and *gendarmerie* stations.[11] Police institutions also contribute to initiatives in crime prevention by appointing former officers as delegates of police–population cohesion [*délégués à la cohésion police-population*, DCPP] in certain difficult neighborhoods, leading "city, life, vacation" ["*ville, vie, vacances*", VVV] programs, activities for youth recreation centers [*centres de loisirs jeunes*, CLJ] by the police and juvenile crime prevention brigades [*brigades de prévention de la délinquance juvénile*, BPDJ] by the *gendarmerie*, the intervention in school environments by anti-drug police trainers [*policiers formateurs antidrogue*, PFAD] and anti-drug relay training officers [*formateurs relais antidrogue*, FRAD], as well as the appointment of representatives and advisers in the matter of school safety or the fight against domestic violence. Even though it is not a decisive factor in guiding the action of police organizations, city policy has nonetheless contributed to the dissemination of a logic of community and partnership in response to insecurity.

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[10] Xavier Latour, "Espace urbain et délinquance, la vision du juriste," in *Le Droit de la Sécurité et de la Défense en 2014*, edited by Olivier Gohin and Bertrand Pauvert. (Paris: PUAM, 2015).

[11] François Dieu, Xavier Latour, and Christian Vallar (eds.), *Gendarmerie, Service Public, Service au Public* (Paris: Mare et Martin, 2017).

While the police presence is clearly insufficient in the most insecure neighborhoods in the cities, due to the breadth of problems with crime, the omnipresence of an underground economy, and the issue of gangs, as well as considerable needs for the protection and safety of the population, the situation in very rural areas is more complex. In these areas, there is certainly a sparse presence of the gendarmerie, but there is also, in spite of extremely reduced activity, the problem of the expensive upkeep of its national "grid" [*maillage*]; even while the institution does not necessarily have the human resources, it requires in suburban areas to conduct its missions, especially in community safety.

The issue was raised most notably 20 years ago by the Carraz-Hyest report (1998),[12] which sought to be the preliminary condition for major reform of the police map, often spoken about, sometimes attempted, but always sacrificed on the altar of local egotism and corporatism. And yet, the phrase used was straightforward: "The geographic distribution of the workforce of civil servants ensuring the safety of the French people is inversely proportional to the needs." By the reactions it caused, this attempt to reform the police map revealed the difficulty or even impossibility of redistributing the territories between the police and the gendarmerie. The inadequacy noted between, on the one hand, the territorial distribution of the workforce of police and gendarme officers, and, on the other hand, the changes in society and the state of crime, then led its authors to outline a redeployment made possible through the combination of two overarching developments. On the one hand, the map of the respective locations of the police and the gendarmerie was modified, and on the other hand, there was a movement towards the territorial reorganization internal to each of the two institutions, so as to free up additional personnel to strengthen their presence in sensitive neighborhoods and suburban areas. With regard to the situation of the gendarmerie and the police, the Carraz-Hyest report indicated how, in light of the differences in their organization and operation, it may be somewhat risky to make comparisons. While, aside from the extent of the space to be monitored, the situation has seemed unbalanced to the detriment of the police (with 60% of the law enforcement workforce, it is responsible for 50% of the population, 75% of criminal acts, and 80% of sensitive urban areas), the increase of the population under the gendarmerie in the matter of public safety has reduced the gap between the two institutions over the last few years. A few redeployments have nonetheless taken place in the meantime as part of a more pragmatic policy, which led to the replacement (between 2003 and 2007 in 60 departments) of gendarmerie stations by police stations in more than 200 suburban municipalities located at the edge of major cities, and of 40 police stations operating in a 100 municipalities by gendarmerie stations in medium-sized towns—fewer than 20,000 inhabitants— with a crime rate lower than the national average. Faced with the need to adjust the workforce distribution of police and gendarme officers to sociodemographic changes, successive governments have generally opted for an eas-

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[12] Roland Carraz and Jean-Jacques Hyest, *Rapport au Premier ministre sur une Meilleure Répartition des Effectifs de la Police et de la Gendarmerie pour une Meilleure Sécurité Publique* (Paris: La Documentation Française, 1998).

excessive procedures that consume a large part of the operational capability, but also for a better matching of the workforce to objective needs through the gradual and ambitious reform of the police map.

Because the *gendarmerie* did not redesign the map of its stations, it was not able to fully support the movements of the population inherent to the desertification of the countryside and suburbanization. Since 2009, it has thus only been able to close 100 community stations and 40 independent stations, with the related workforce being redeployed at the local level. All of this leads us to believe that attitudes have not changed regarding the idea of the grid, which represented and still represents one of the *gendarmerie*'s pillars for development and action. Indeed, what should have followed the territorial and static concept of the grid (which corresponded to the era of the horse and bicycle) was, during the second half of the twentieth century, a more dynamic and human concept, since the referent in the matter of station location was no longer (just) the territory, but the population. In more concrete terms, and without abandoning the presence of the *gendarmerie* throughout the country, the map of its stations should have been significantly modified in order to allow for a greater concentration of resources in high-density municipalities, which would have required the closing and movement of a large number of units located in rural areas most affected by the rural exodus. There are two main arguments for redesigning the station location map: on the one hand, to preserve the principle of community for any change detrimental to the idea of *gendarmerie*, and on the other hand, to optimize the use of resources in a Malthusianism budget context. The breaking up of the gendarmerie into no less than 3,300 stations (the same number there were in the middle of the nineteenth century), even though they are now united in the nucleus of sharing that constitutes the system of station communities, participates in this antiquated and dysfunctional community approach by maintaining a territorial organization from another era.

B) The Obstacles to Community Safety

In addition to recognizing the need to reform the police map in light of the visible imbalances that negatively affect the populations of difficult neighborhoods and suburban areas, the other question to consider is whether it is possible to implement genuine community action in the matter of safety. In a pluralist democracy, the need to bring together the police and the population is uncontested, if only in reference to the very principles of public service. However, it seem to be very difficult in France to establish this mindset in a sustainable way for the generation of safety, in spite of the progress made over the last few years in partnerships and prevention policies. In reality, there seem to be at least three related trends that stand in the way of community safety, which remains up to the state to draft and design: the primacy of individualism, the state control of safety, and the ambivalent relationship to law and order.

As a process by which the individual is liberated from the rules and values of the collective consciousness, individualism postulates the individual's independence

from collective rules and his/her liberation from the norms imposed by others; in other words, the traditional protections that weigh on his/her existence. Originally, individualism was indistinguishable from the ideas of modernity and democracy shaped by the philosophy of the Enlightenment, before then being associated—as it became more generally accepted in the second half of the twentieth century—with a crisis in citizenship and sociability, and even with a setback in the logic of solidarity and the permissiveness of postmodern society. It has become commonplace to emphasize the constant progress of this individualism in social relations, which tends to further stretch relations between individuals, all the more when it involves relationships that each person maintains with representatives of law enforcement. This erosion can thus be seen in the exercise of the *gendarmerie*'s mission of general surveillance.[13]

In France, safety is based on a state logic such that public authorities, even though they authorize the invaluable support of municipalities and their groupings as well as the private sector, nonetheless maintain a genuine monopoly that is exercised by the executive power. The corollary of this state control is the preponderance of police responses produced by the two sovereign institutions (the police and the *gendarmerie*), both of which are national and under the responsibility of the Ministry of the Interior. Thus, French police is a state police, that is, under the exclusive authority of the central (executive) power, as well as a police of law and order with the priority to maintain public order. This fundamentally sovereign and police-based dimension to safety is no doubt an obstacle to the emergence of a logic of community policing.

This model covers the experiences intended to strengthen the visibility of police action and communication between the police and the population. As a way of managing public safety, it does not negate the ultimately coercive nature of the police function. It is a particular position adopted by the police organization characterized by a concern to establish partnerships with various social actors in order to carry out security-related tasks, the legitimacy of which can, furthermore, only be strengthened by the coming together of police officers and citizens. Based on a community approach to social relations, this form of "gentle" and "proactive" police has three characteristics. First, it is decentralized and recognizes the significant practical independence of departments and agents. Second, it is accepted by the population and encourages persuasion and prevention, and communication and collaboration with the public, thanks to an increase in police presence on the ground and the implementation of situational prevention mechanisms. Finally, it is based on an expansive view of the police mandate. It supposes, on the one hand, the involvement of police departments in resolving problems through the collective search for common factors in a series of disturbances in order to enable a non-sequential response. On the other hand, it allows for police priorities to be adapted to citizen expectations, with the implementation of surveys that make it possible to understand population expectations and evaluate police action. While the idea of community policing seems somewhat attractive, as long

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[13] François Dieu, Sécurité et Proximité. La Mission de Surveillance Générale de la Gendarmerie (Paris: L'Harmattan, 2002).

as it is part of an integrated view of police work that conforms to a pluralist ideology, it seems difficult to implement for police institutions that are based (as in France) on authoritarian and centralized mindsets, which have endured beyond the arrival of the Republican regime. While for the *gendarmerie* we can speak, empirically, of age-old community police (which, however, is currently somewhat eroding), for the national police, traditional police practices (neighborhood police) were, between 1997 and 2002, subject to an attempt at institutionalization that was confronted by cultural resistance, organizational constraints, and ideological differences.

Evolving in a social context dominated by individualism as the producer of safety geared primarily toward the protection of the state, its sovereignty, and public order, the French police officer has experienced chronic mistrust, and even an aversion to the organization, on the part of the population, which can be explained, in large part, by the weight of history and popular representations. The police officer is first the easy victim, catalyst, and scapegoat for the ambiguous relationship of the French people with order and public power. This questioning of the state apparatus's intention is a constant in western countries fed by a liberal ideology, but it is even more significant in countries like France that are characterized by a national political history marked by numerous episodes of political violence. The arrival of democracy remains in France a recent event, after several centuries of oppressive power and its traumatizing return in the twentieth century under the Vichy regime. Thus, the French, even though today they live in a stable democracy, have more or less consciously maintained a degree of mistrust towards state power, which is inevitably suspected, in the collective imagination, of plotting against their individual liberties.

The relationship to law and order is undermined by this trait in the French political culture. To summarize, due to its inability to leave behind this collective psychosis, France has an ambiguous relationship with its police, which is not limited (far from it) to the troubled relationship with the youth of difficult neighborhoods. The problem is much broader even though it is only marginally manifested by direct confrontations. The French are wary of law and order and thus of their police, even though the police benefit from a high level of trust that is very respectable among the population (*gendarme* and police officers received, respectively, a positive opinion rating of 81% and 65% in an IFOP poll taken in November 2014 for *L'Essor de la Gendarmerie Nationale*) and, to a lesser degree, among young people (52% of high schoolers expressed this trust in the police, compared to 85% for the army, in the *Enquête sur les Jeunes et les Armées* conducted in 2011 by IRSEM, the Institute of Strategic Research of the Military School). Another survey, conducted for *L'Express* (February 11 –17, 2015), admittedly a few weeks after the attacks of January 2015, and after expressions of sympathy for police and *gendarme* officers especially during the demonstration on January 11 (which even led the singer Renaud to "hug a cop" in one of his recent compositions), indicated that 84% of the French appear to have a positive opinion of police officers (17% a very positive opinion and 67% a fairly positive opinion). These quantified opinions surely reveal very important expectations in the matter of security, which justifies control measures that, for their part, are far

from popular. This ambivalence in the relationship to law and order is one of the many determinants in the production of safety. It undermines the relationship of the citizen with the police, by placing the latter and its agents in a kind of schizophrenic situation, and thus impedes the potential emergence of the logic of community safety.

II) Community Safety: An Effective Response?

As part of a logic of prevention that does not exclusively involve the police, community safety can adopt different provisions, such as citizen participation (A) and social mediation (B). These provisions reveal ambiguities in community safety: valued in the sense that it seeks to encourage social mobilization and a preventive response to crime, it nonetheless calls into question the material and symbolic monopoly of the public authorities and their police. Accompanied by limits and reservations, it struggles to be applied and demonstrate its effectiveness, in spite of often encouraging early results.

A) Community Safety and Citizen Participation

Well-known through Anglo-American "neighborhood watch" provisions,[14] community safety was popularized in France through "vigilant neighbors," an experiment from 10 years ago in the Alpes-Maritimes region. The principle, based on a partnership between security forces and inhabitants, has two advantages. On one hand, it brings together police officers and inhabitants in a neighborhood. Actions are structured around a network that feeds information to the police, while also sending out rules and prevention advice to the population. On the other hand, a social link is recreated between people motivated by the desire to serve the group. Confronted by urban segregation, citizen participation contributes to revitalizing the social fabric, with the inhabitants coming together for a common goal: their safety. They are formed into a network of contact persons for police forces. Citizens are called upon to be a part of a mission to monitor their usual area of living. Better than anyone, they are the eyes and ears of what is around them: they are able to identify suspicious behavior and events, and then pass that information on to the police.

After a few years of experimenting with a solution promoted initially to improve the fight against burglaries, a few cities, in the aftermath of the terrorist attacks in November 2015, created provisions that appealed to the civic engagement of inhabitants, by extending mobilization to attack prevention. Although each local initiative is unique, the participation of citizens in their safety is neither novel nor problematic in principle. In concrete terms, inhabitants are made aware of safety issues and participate directly in a form of social control based on civic engagement and the community. Neighborhoods become active, and new ties cause individualism to recede.

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[14] François Dieu, "La police de proximité en Angleterre: un bilan mitigé," *Les Cahiers de la Sécurité Intérieure*, 39 (2000): 123–148.

This monitoring is intended not only to supplement the police, but also to improve the prevention of antisocial behavior, and lead to a reduction in objective or felt insecurity. To accomplish this, security forces and mayors rely on a more or less developed network of associations (neighborhood associations, for example), in a logic of partnership.

The interest expressed by some municipalities in citizen participation led the *gendarmerie* to set up, centrally, a "partnerships and prevention bureau," while the police opted for a "prevention and cooperation safety advisor." Locally since 2007, the police and *gendarmerie* "safety referrers" have played an active role in this regard, beyond their involvement in consulting assignments concerning video surveillance and protection of public buildings. Several aspects of social life are involved. In parallel with burglary prevention, more targeted networks directly involve professions with the support of the local bodies concerned (industry, business, agriculture, and even sometimes professional associations), while road safety makes use, for example, of retirees as crossing guards ("yellow vests"). More recently, communication technology has been integrated into the operations of citizen networks, as soon as it is appropriate to alert a particular segment of the population concerning a danger. As part of this appeal to the population, we can include the development of the very effective provision of "kidnapping alerts."

Citizen participation refers to a range of procedures that go beyond the experiments of "vigilant neighbors," a name that was also used commercially (voisinsvigilants.org) and suffers from a negative image. The mayor is the hub for citizen participation, which requires that he/she adhere to it and be involved, before any agreement with the prefecture is signed. A large number of mayors are still somewhat reticent to become part of this kind of provision, often due to ignorance or over-cautiousness. In its area of competence, the *gendarmerie* has been particularly involved in the development of citizen participation, especially in putting in place the necessary community informing for mayors. If the mayor is willing to implement this provision, the *gendarmerie* first intervenes (as a force for advice and proposals) to identify problems, determine the geographic area (a neighborhood, housing estate, etc.), and appoint referrers (volunteers and people known in their neighborhoods who are available and present, who have good relations with city hall, and are generally comfortable in relationships with others). Generally, the referrers appointed by the mayor benefit from an initial training meeting (supplied by the *gendarmerie*), in addition to a visit to the *gendarmerie*'s operational center [*centre opérationnel de la gendarmerie*, CORG], with the possibility of meeting once a year to receive some retraining.

Except for notices indicating the provision, citizen participation produces no notable changes in the life of the neighborhoods concerned: it does not lead to the organization of self-defense patrols or the implementation of private security services, but seeks only to accentuate vigilant actions and develop more effective behaviors in terms of alerting and communicating with the *gendarmerie* and the municipal police, with referrers being given greater responsibility. It thus does not involve disturbing the normal life of the neighborhood, but is simply a matter of paying a little more

attention and communicating more systematically and quickly with the *gendarmerie* station. In no way should referrers intervene to conduct verifications or other checks, and their priority remains burglary prevention.

Although there has been no long-term evaluation of what remains a recent policy applied differently depending on the municipality, these provisions tend to restore a climate of safety and serve as a deterrent for some burglars. They can thus strengthen the connection between neighbors, help the integration of new arrivals, and encourage initiatives for neighborhood life. In spite of their current popularity, the real impact on the level of crime is far from clear. The difficulty of maintaining a provision over the long term also needs to be considered. The involvement of members of the network can wane and the mobilization of new inhabitants is not always easy. Collaboration also depends on the involvement of police and *gendarmerie* forces, especially with regard to how network meetings are conducted. More practically, and in response to those who are most skeptical, no major problems have been noted, which would have no doubt led to a great deal of media coverage. In spite of these benefits, citizen participation is not a miracle provision, able to make burglaries disappear all by itself, but instead an additional tool in crime prevention, similar to patrols, video surveillance cameras, and home protection measures. It should thus be included in the spectrum of prevention tools available to the mayor, with the advantage of giving the population a role, making it responsible, and raising its status.

Citizen participation can also adopt other forms, related more generally to community prevention. These include social watch provisions, which enable the collection of information regarding problems of insecurity and exclusion, as well as abuse and crime, especially of vulnerable persons (children, spouses, and the elderly); volunteer visits to the elderly, particularly to prevent the exploitation of weakness by those around them or by dishonest persons; neighborhood meetings with the population, either periodically or after a significant event occurs (these meetings allow for direct exchange and to quickly pass on information, and may serve as a starting point for the implementation of a citizen participation provision); warning networks for shop owners and mayors ("Vigicommerces" and "Vigimaires"), which allow the *gendarmerie* or police to instantly send operational or prevention messages at the departmental level by taking advantage of current communication tools (SMS and email); monitoring and exchange provisions concerning citizenship and public peace, discussion forums for actors on the ground with the goal of promoting shared diagnostics of crime problems and encouraging the exchange of responses offered.

These various actions are not developed without a legal framework. In this regard, a circular dated June 22, 2011 dedicated to citizen participation specified the conditions under which "partnership actions" were to be carried out. Urban spaces are of course targeted, as well as rural areas. Participants are volunteers that have no legal prerogatives. The network is created based on a three-part agreement partnering the municipality, the prefect, and the police or *gendarmerie* forces. Either way, the state seeks to maintain control of citizen participation and make it work in strict compliance with the provisions of the French Internal Safety Code [*Code de la Sécurité*

Intérieure, CSI] and the General Local Authorities Code [*Code Général des Collectivités Territoriales*, CGCT]. Indeed, it is up to the state to ensure safety based on article L 111-1 CSI, which calls upon the prefect to lead and coordinate the internal safety provision (article L 122-1 CSI). He/She acts in close contact with the mayor, the hub for crime prevention in the municipality (article L 132-2 CSI). As a result, by associating inhabitants with the work of the security forces, citizen participation has to be part of this three-way relationship.

Informant or community-spirited? This dilemma is often raised when it comes to organizing citizen participation in safety in general, and that of municipalities in particular. In France, the results of the solution have, moreover, been rather mixed: 1,260 municipalities adopted it in gendarmerie areas compared to only 60 in police areas.[15] The announcement of the first results in certain municipalities in the North and Alpes-Maritimes was accompanied by a flurry of criticism, some of which compared it with the "citizen rounds" initiated in Italy by the Northern League, while others emphasized the impossibility of transposing a system that was too Anglo-American. The top prize, as it were, went to a website (http://probe.20minutes-blogs.fr/archive/2010/03/15/operation-voisins-vigilants.html) that illustrated a few articles on the topic with photos taken from the film by Yves Boisset, *Dupont Lajoie* (1975), showing the rape scene of a teenage girl and the lynching of a North African worker suspected of having committed the crime. However, citizen participation does not involve being paid for informing the police of criminal acts, as it does in South Korea, but is instead meant to provide valuable assistance to police officers and *gendarmes*. While citizen participation in crime prevention is a matter of civic engagement and co-production of safety, it must still be done in compliance with the law.

The administrative tribunal of Montpellier reiterated this in an interim order of January 19, 2016, then in a judgment on the merits, July 5, 2016,[16] involving the "Beziers guard" project initiated by a mayor, which was controversial and received wide media attention. Based on a resolution by the municipal council on December 15, 2015, the city of Beziers decided to create a "Beziers guard" responsible for supporting law enforcement. By appealing to retirees from the police and the *gendarmerie*, the city sought to benefit from volunteer reinforcements intended to have "guards in place in front of public buildings and walk-abouts on public roads." In no case were these citizens to act; on the contrary, they were only supposed to alert law enforcement if there was a problem. This decision, clearly taken without consulting the Hérault prefecture, received a lot of media attention and raised the ire of the local prefect. Calming the debate between the proponents of civic engagement and those who feared the creation of a militia, he submitted a request to the administrative judge for a summary suspension (article L 544-1 of the French Code of Administrative Jus-

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[15] Written question No. 27672 of May 28, 2013, OJ response November 11, 2014, p. 9516.

[16] Tribunal Administratif de Montpellier, July 5, 2016, No. 1506696; "Il n'y aura pas de garde biter-roise", *L'Actualité Juridique Droit Administratif*, July 11, 2016, 1368; *JCPA* 2016, 2250; note from Xavier Latour.

tice), and a claim of annulment. In an order dated January 19, 2016, the judge decided to suspend the municipal council's resolution due to "serious doubt" regarding its legality, a doubt confirmed in substance. The city of Beziers sought first to justify the creation of its "guard" by referring to the notion of occasional collaborator with the public service. While, in terms of media coverage, it could have compared it to the "vigilant neighbors" provision, the municipality did not take up this argument with the judge.

It is true that citizen participation depends on a partnership between municipalities and state actors in safety, namely, the prefect and police forces. While it has value in making the population aware of crime prevention, it is not in any way comparable with the Beziers version, which was much more extensive, and involved actions usually carried out by private security (building guards), and police services (monitoring of public roads). The reference to occasional collaborator with the public service was, in any case, not very convincing. Applied in the matter of administrative responsibility, this supposes that an individual outside of the public service can be called upon to participate in it, either at the request of the service, or in a spontaneous way. If he/she acts at the request of the service, it must be justified by a particular need. If he/she acts spontaneously, it must be in response to an emergency. In this particular case, reference to collaborators was insufficient to use as a basis for the ruling. The judge in chambers found, setting aside the argument for exceptional circumstances that were neither established or even mentioned, that the municipal council, "*based on any legislative or regulatory provision currently in effect, was not competent to create, at its own initiative and for an undetermined length of time, an operational service with a view to conferring to individuals, appointed or designated by the mayor as occasional collaborators with the public service, missions to monitor public roads or buildings which, in municipalities, are the concern of the municipal police and are conducted . . . by the mayor or by agents placed under his/her authority and under the control of the representative of the state.*"

It was hard to find a more solid element among the arguments the city presented to the judge. This was no doubt a sign that there was no better argument, except perhaps that anything that is not explicitly prohibited is permitted. Established constitutional (CW 2011-625 of March 10, 2011) and administrative (CS, Ass. June 17, 1932 City of Castelnaudary) case law shows to what degree public authorities maintain a monopoly in the matter of safety.[17] For comparison, if private security acts alongside law enforcement, it does so within a limited scope, which does not allow it, in principle, to monitor public roads. As specified by the administrative tribunal in

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[17] Xavier Latour and Pierre Moreau, "Délégation et activités de police: stop ou encore?", *La Semaine Juridique Administrations et Collectivités Territoriales*, 15 (2012): 41-44; Elina Lemaire, "Actualité du principe de prohibition de la privatisation de la police," *Revue Française de Droit Administratif*, 4 (2009): 767; Jacques Petit, "Nouvelles d'une antinomie: contrat et police," in *Mélanges en l'Honneur de Jacques Moreau.* (Paris: Éditions Economica, 2003). 345; Gabriel Eckert, "Police et contrat," in *La Police Administrative*, edited by Charles Vautrot-Schwarz (Paris: Presses universitaires de France, 2014), 167.

a well-argued recital, neither the Internal Security Code (CSI) nor the General Local Authorities Code (CGCT) provides a legal basis for the city's decision. So what about an initiative that comes from the citizens themselves? In accordance with article L 111-1 CSI, the state has "*the duty to ensure safety by attending, for the entirety of the territory of the Republic, to the defense of national institutions and interests in compliance with the laws, to the maintenance of public peace and order, to the protection of persons and property*." This explains the automatic participation of the prefect in citizen participation provisions, which confirms article L 122-1 according to which he "*leads and coordinates the entirety of the provision of internal security*." Certainly, the mayor "*contributes to the crime prevention policy*" (article L 2211-1 CGCT), but only in compliance with state law and the hierarchy of norms. Is the duty of the prefect and the participation of the mayor enough to prevent volunteering that complies with the rules of engagement?

Aside from the controversy, the creation of the "Beziers guard" should not mask a fundamental debate. Real or supposed insecurity combined with a state discourse focused on participation encourages a variety of initiatives. In this regard, would it not be judicious to begin by disassociating public buildings from public roads? In buildings placed under the sole responsibility of the municipality, is the decision's illegality so clear? Just as a municipality is able to confer monitoring to a private security company, why should it not be able to grant it to volunteer citizens, related to it by an agreement? How would such an approach threaten the role of the state in the matter of safety? In this area, it would be better to have talks with local unions rather than the prefect. The situation is different on public roads since these are the primary area of police forces. However, citizens are already on public roads, often in coordination with the municipal police as part of road safety after school. Following the attacks of 2015, municipalities mobilized "vigilant citizens" and volunteers to monitor areas around schools. Just within Alpes-Maritimes, Saint-Laurent du Var, Cannes, Nice, and Villeneuve-Loubet, they were used without raising the ire of the prefecture. Perhaps by looking to experiences in other countries and coordinating with state representatives, would it not be possible for changes to be made? It bears recalling that any citizen can make use of article 73 of the Code of Criminal Procedure to intervene in the case of a blatant offense or crime and that he/she must, in addition, provide assistance to a person in danger. Each person is thus, in his/her own way, a monitor of the public roads. Even communication technology may shift the lines. The number of networked applications that alert citizens and/or law enforcement is growing, with increasingly greater capabilities. This causes citizens to organize and reappropriate the monitoring of public roads, without a desire to compete with the state, but only out of a concern to repair the relationships of solidarity in a context of declared "war" against terrorism.

What still needs to be determined is how to structure these initiatives to make them truly useful and legally acceptable. The assessment of the successes and failures of citizen participation cannot only involve a numbers-based approach to crime. It can affecimpact the perceptions of the population by police forces and vice- versa.

Civic engagement is also a Republican value worth encouraging. Citizen participation should thus not be condemned a priori. It all depends on the framework in which it is carried out, and the amount of room to maneuver granted to participants. This limited room to maneuver for citizen participation is, conversely, greater in the case of social mediation, which is nonetheless just as problematic.

B) Community Safety and Social Mediation

In many situations, local authorities, public institutions for intermunicipal co-operation, social landlords, and carriers can rely on associations to develop provisions in order to defuse conflicts, soothe tensions, and develop the feeling of safety.[18] All are reassured by a method focused on "the idealization of social relationships."[19] This social mediation, which falls under social prevention, is consensual enough to transcend political divides. Mediators are present, for example, in front of schools, on public transport,[20] and in certain neighborhoods. These local social mediation agents work under different titles (night contacts, mediation agents, etc.), but they are all players in social regulation.[21] Mobilized for the fight against antisocial behavior, these mediators also take action against petty crime, by involving affected parties in the process of resolution and prevention. They generally benefit from a good knowledge of the area in which they operate and the populations they meet.

Social mediation has gradually become an entirely separate profession, with its rules and organizations. The desire to break with practices that were not rigorous and even counterproductive has been clearly affirmed. The recruitment of disreputable and poorly trained people degraded the image of this form of prevention. After years of mistakes due to the lack of a regulatory framework (unlike penal or family mediation), the trend is being reversed. At the beginning of the 2000s, the law concerning social mediation became more specific in terms of safety, on the one hand, and in terms of city and welfare policy, on the other. Social mediation was first the topic of circulars at the end of the 1990s (October 28 and December 15, 1997). Social mediation mechanisms were addressed in the environment of local safety contracts [*contrats locaux de sécurité*, CLS], and the assessments that accompanied them. While the law of March 18, 2001 on internal security made social mediation a focus of safety policy, the law of August 1, 2003 on orientation and programming for the city and urban renewal tackled it from another, complementary, angle. Two objectives for the same method. At best, this can be perceived from the perspective of complementarity;

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[18] Jacques de Maillard, "Des médiateurs locaux pour améliorer la sécurité," in *Réformer la Police et la Sécurité*, edited by Sebastien Roché (Paris: Odile Jacob, 2004), 189–210.

[19] Fathi Ben Mrad, "La médiation sociale: entre résolution des conflits et sécurité urbaine," *Revue Française des Affaires Sociales*, 3 (2004): 232.

[20] Damien Collard, "Une déviance à double tranchant, entre désordres et innovations, le cas des agents d'ambiance de la SNCF," *Annales des Mines – Gérer et Comprendre*, 3 (2011): 8–16.

[21] Tanguy Le Goff, "L'insécurité 'saisie' par les maires. Un enjeu de politiques municipales," *Revue Française de Science Politique*, 3 (2005): 415–444.

at worst, the two objectives can be seen as competing with one other or indeterminate. The "Equality and Citizenship" bill (tabled April 13, 2016) did not really settle this issue. Of course, social mediation cannot be disassociated, according to the promoters of the document, from real equality. However, it is expected to pass through the new citizen reserve of the national police (new articles L 411-18 to 22 CSI) to promote it.

Concomitantly, or almost, local civil service law includes the logic of social mediation. This logic reunites the line of "leadership" with the decree of April 30, 2002. To encourage access to jobs in category C or B, a third contest has been opened up. It is available to persons able to demonstrate at least 4 years of professional experience related to the assignments in the range of jobs (decree of May 3, 2002). Immediate integration into local public service is not the only way to enter social mediation. Under a policy of positive discrimination, the mediators recruited can be young people that have benefited from contracts signed as part of the paths of access to civil service jobs [*parcours d'accès aux fonctions publiques*, PACTE, order of August 2, 2005]. In this way, the state uses the relay of communities to facilitate access to stable jobs, while also renewing the social environment of local civil service. In 2011, social mediation was recognized by the Interministerial Committee for Towns [*Comité Interministériel des Villes*, CIV of February 18, 2011]. The decree of October 11, 2012 supplemented "the description of assignments of local deputy moderators and local moderators when they intervene in the area of social mediation." From return to work assistance (or for access to employment in social work especially) for troubled youth (71% have a level lower than a high-school diploma in public land transport)[22] to prevention of antisocial behavior, social mediation mobilizes various resources. While volunteering plays a part, promoters access jobs supported by the state (47% in public land transport). These jobs, regardless of what they are called, come in to replace local subsidies often given to intermediary associations. In this way, a financially dependent link is created between local safety policy and the national public policy for employment, a dependence on the state strengthened by the granting of sums awarded by the interministerial fund for crime prevention [*fonds interministériel de prévention de la délinquance*, FIPD].

While the law has entered into the realm of social mediation, it remains, in principle, separate from its actions. The particularity of mediation is in fact that it does not mobilize legal prerogatives, because it is disconnected from a repressive and, more generally, police-oriented mindset. It relies, conversely, on the accountability of the affected parties. However, mediators are usually integrated into safety partnership provisions. Their action falls under local safety strategies, even though they participate in local and intermunicipal councils for safety and crime prevention [*conseils locaux et intercommunaux de sécurité et de prévention de la délinquance,* CLSPD, CISPD].

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[22] La Médiation Sociale dans les Transports Publics Terrestres: État des Lieux 2014", Ministère de l'Écologie, du Développement Durable, et de l'Énergie, accessed April 12, 2017, http://www.france-mediation.fr/images/lang/fr/orki/mediation_sociale_transports_etat_des_lieux.pdf.

Questions are sometimes raised concerning the profile of the persons recruited and their effectiveness. It is a delicate affair to separate the effects of mediation from those resulting from other methods. The framework for intervention by associations can therefore be compared to that of private security companies. The persons recruited are not subject to the same administrative checks on morality and competence as private agents. Furthermore, does the use of associations not lead to a kind of unfair competition? In this regard, the case law of the Council of State does not really help to clarify the situation.[23] However, associations have developed the habit of intervening in parallel or in place of private security companies. They do so generally without submitting to the provisions of this code, on the pretext that they are apparently involved in mediation, not safety. The issue of not-for-profit activities is, however, subject to debate. While article L. 611-1 refers only to "services," without being any more specific, the rest of Book VI only concerns companies. There is, therefore, a legal void that needs to be filled. It would be paradoxical, on the one hand, for volunteers not to be checked, even though they conduct assignments that are identical to commercial service providers, and, on the other hand, to allow unfair competition to continue in spite of the advantage this could represent, especially in the life of small municipalities (garage sales, fairs, etc.). Clarification is even more necessary due to the fact that certain contracts are granted to mediation associations that carry out assignments often very similar to private security activities.

On this matter, the case law has led to questionable results. For example, the night mediation services that were subject to a contractual injunction were not, in this case, compared to private security activities. The judge noted that mediators' activity, for the whole territory of the municipality, involved ensuring a presence that is intended, overall, to maintain and strengthen relations with and between inhabitants, prevent and alleviate conflicts that may arise, and report, if necessary, any disruption to the public order to the relevant authorities, especially law enforcement, the only ones responsible for ensuring public order and peace. Even though this activity includes identifying problems that may affect the buildings of some landlords, the judge held that the night mediation services were seeking neither to ensure the monitoring or security of specifically identified movable or immovable property, nor to ensure the safety of persons found in these buildings. Thereupon, considering that these services came under monitoring or security activities described in section No. 1 of article L. 611-1 CSI, the interim injunction judge inaccurately qualified the facts. Thereafter, there was no basis to support that the execution of the services subject to the contract could only be done, in application of articles L. 612-1 and L. 612-6 CSI, by a natural or legal person registered with the trade and companies register and having authorization.

This assessment was particularly surprising, because if mediators are not responsible for the monitoring of buildings; this means, on the contrary, that they are appointed to the monitoring of public roads, which the judge recognized, moreover,

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[23] CS ord. March 27, 2015, No. 386862.

by emphasizing that they could alert law enforcement. Yet, the monitoring of public roads is precisely part of the administrative police's operations that cannot be delegated. Was this decision not then reflective of the administrative judge's awkward position? By keeping mediation separate from checks, he did not risk destabilizing the balance of a system that rests on flexible recruitment. Who would stand to gain by introducing limitations and thus costs? It is easier to pull mediation to the social side than to the side of safety. Employers thus have the desired room to maneuver to use this lever of social peace.

In conclusion, in spite of some reticence regarding law enforcement and their perceived ineffectiveness in the struggle against daily petty crime, the French people prefer trusting them to any kind of intervention by volunteer citizens and volunteers that aims to promote, under rigorous oversight by police services, reflexes of vigilance and solidarity similar to those encountered, for the most destitute, in humanitarian associations and movements. These reservations also apply to social mediation, here again in spite of a healthy social voluntarism.

Community safety nonetheless represents a promising part of the response to crime, along with the strengthening of protection measures, which will be capable of producing significant results in the matter of security, but also and especially in strengthening social ties and community solidarity. In summary, this secondary, even marginal place for citizens in safety policies is also seen in the minimal attention paid to the population in analyzing crime, especially in local safety assessments, with the almost total absence of public meetings and the paltry successes of victimization surveys, in an area largely dominated by police statistics in spite of their limits and instrumentalization. When it comes to promoting the community, it is very much therefore a case of introducing more citizenship, and thus perhaps more democracy, into safety.