

Cour des comptes



Chambres régionales
& territoriales des comptes

ENTITIES AND PUBLIC POLICIES

MUNICIPAL POLICE FORCES

Thematic public report

Summary report

October 2020

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The responses from the administrative bodies and ministries concerned appear in the follow-up to the report.

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Introduction

Historically, policing has always been one of the most ancient powers of mayors, and Central Government has only gradually emerged as the guarantor of security for citizens. Organisation of public security authorities was introduced through legislation dated 6th April 1884, which shared policing powers between mayors and prefects according to cities population, and changed little until the middle of the 20th century. However, the multiplication of municipal police forces and their professionalisation are more recent phenomena, initiated by legislation dated 15th April 1999 relating to municipal police forces¹ which acknowledges their contribution and facilitates their development.

In relation to its European neighbours, France sits beside Italy and Spain among countries in the intermediate category where municipal police forces respond in addition to the national forces. By contrast, in countries that do not have municipal police forces (e.g. United Kingdom), the national police force is very deconcentrated. In Federal States (e.g. Germany), the local security forces carry out most of the security missions.

In an investigation focusing on *the Organisation and management of public security forces* published in 2011², the Cour des Comptes observed significant expansion in municipal police forces over the decade 2000-2010 and a deficiency in regulatory action from Central Government. The period was also characterised by the surge in video protection, which benefited from political and financial support. The Cour des Comptes had issued some recommendations relating to training and control of municipal police forces, as well as in favour of improved control of video protection. The recommendations relating training for municipal police officers and video protection implementing partners have been implemented. Other recommendations relating to external auditing of municipal police forces, knowledge of the pool of cameras or the evaluation of its effectiveness have yet to be acted upon.

¹ Law No. 99-291 dated 15th April 1999 relating to municipal police forces.

² Cour des Comptes, *Organisation and management of public security forces*, Thematic public report, French Documentation, July 2011, available at www.ccomptes.fr.

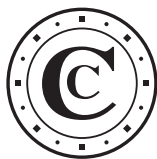
Introduction

As part of an investigation completed in June 2020, the Cour des Comptes updated the analysis carried out in 2011. It observed that the development of municipal police forces, which is still ongoing, is less related to employee numbers than to competencies and equipment. Above all, their very existence is no longer hardly even debatable in principle and municipal police forces find themselves permanently installed as a useful, or even essential component of public security.

Furthermore, their missions and scope of intervention have been expanded. The observation according to which the more interventionist municipal police forces tended to replace the national forces is more pronounced today than in 2011. This results in a need for increased coordination between the two types of police forces. Management of municipal police forces has improved overall. However, it must still be accompanied by a reinforcement of external auditing and an evaluation of activity.

This work builds on that carried out by the Cour des Comptes concerning other actors of the “security continuum”, particularly private security companies³.

3 Cour des Comptes, Annual public report 2018, *Private security activities: an increasing contribution to public security, insufficient regulation*. French documentation, February 2018, available at www.ccomptes.fr.

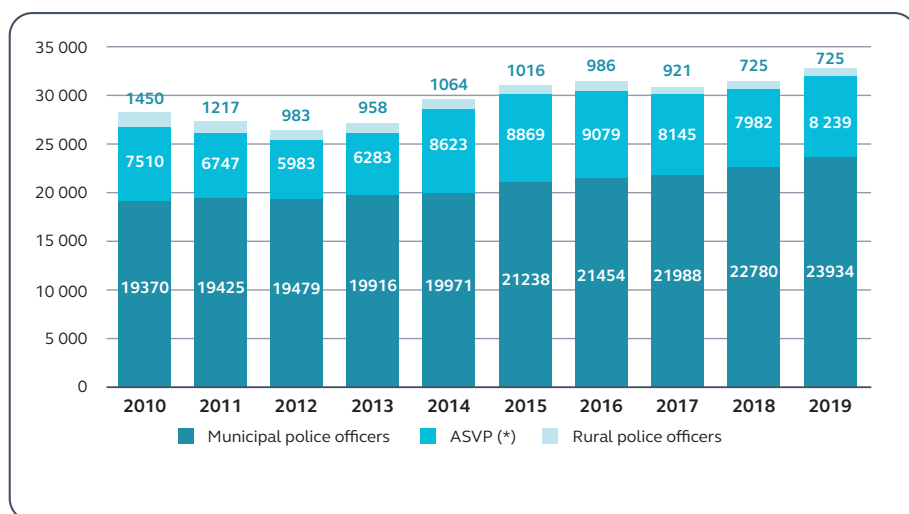


An expansion of municipal police forces which is more qualitative than quantitative

In ten years, the role of municipal police forces in public security measures has been reinforced. To meet demand for security, employee numbers have increased, albeit at a slower rate than that observed over the previous decade. Between 2010 and 2018, the number of municipal police officers rose by 24 %, compared

to 35 % between 2002 and 2010. This rise is faster than that of employee numbers for the National Police and Gendarmerie forces (+ 3 % since 2010). Today, employee numbers in some municipal police authorities are almost on a par with those of the National Police force, such as in Cannes, for example.

Evolution of employee numbers in municipal security forces (2010-2018)



Source : Cour des comptes à partir des données du ministère de l'intérieur (direction des libertés publiques et des affaires juridiques), site data.gouv.fr,

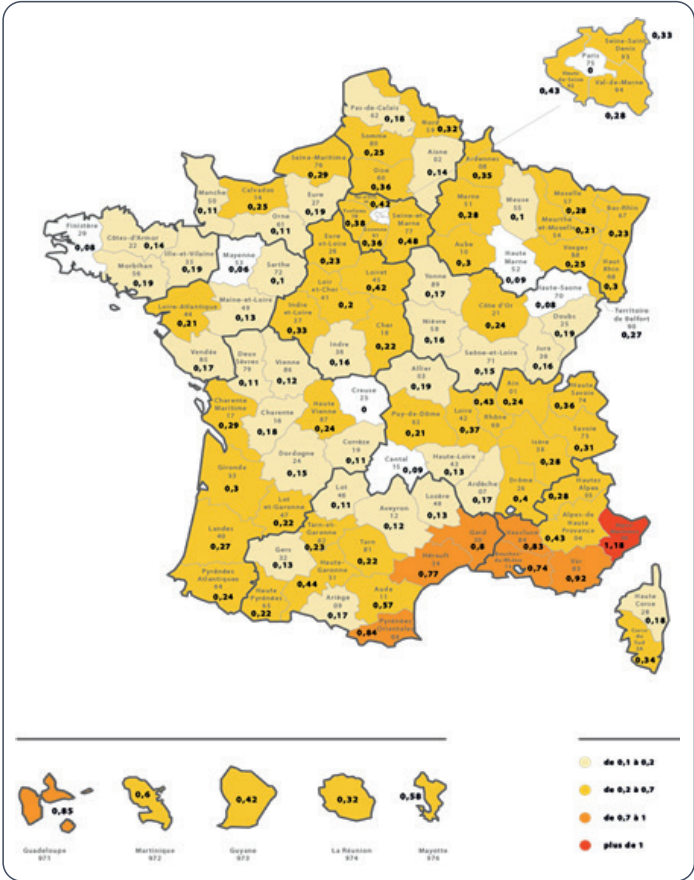
*ASVP et ASP pour Paris

An expansion of municipal police forces which is more qualitative than quantitative

Municipal police authorities have multiplied and their employee numbers have risen; however, these do not follow an even geographical distribution. Indeed, this is primarily an urban phenomenon, particularly pronounced in the Île-de-France region and on the Mediterranean arc. Although these traditional geographical dominants are confirmed, municipal police forces

have been created in regions where they were practically non-existent ten years ago, such as the Normandy, Brittany or Hauts-de-France local public entities. Towns and cities that choose not to have a municipal police force are increasingly rare. The case of Ville de Paris, which aims to have a force of 3,400 officers End-2020, is a particularly good example of this trend.

Coverage rate⁴ of French territory by municipal police officers



Source: Interior ministry (Directorate of Civil Liberties and Legal Affairs)

4 The coverage rate corresponds to the number of municipal police officers per 1,000 inhabitants in each local public entity.

An expansion of municipal police forces which is more qualitative than quantitative

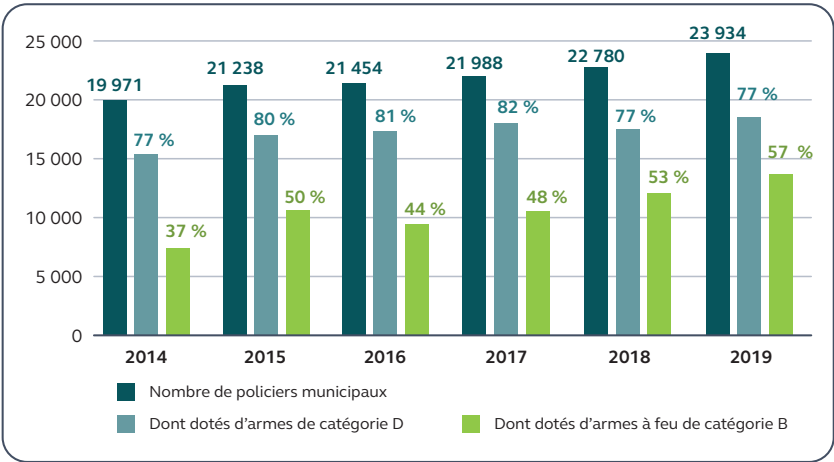
The deployment of inter-communal police forces, which would provide a wider access to municipal police forces for populations who do not currently benefit from them, is constrained by the reluctance of mayors to pool this essential instrument, a sign of a police authority that is theirs and that they cannot delegate. The conditions for pooling of municipal police officers between different cities or within a public body for inter-communal cooperation could be relaxed, in particular by revising – or even eliminating – certain binding thresholds.

For a municipal police force is the expression of a political choice, which does not necessarily depend on the level of delinquency observed locally. In the Oise local public entity, for example, employee numbers for the

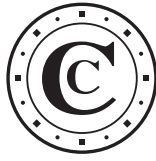
municipal police force in Beauvais (45) are far higher than those in Creil (15), whereas the criminality rate is lower (6.85 per 100 inhabitants compared to 15.22 in Creil in 2018). cities are indeed free to create a municipal police force, and define its size, equipment and the employment doctrine, within the limits of the jurisdictions granted to them by legislation.

These choices are in particular reflected in the decision to issue weapons to municipal police officers. Over the last ten years, following the terrorist attacks, with pressure exerted by the unions and by public opinion, weapons are become commonplace and lethal weaponry is predominant. In 2018, 81 % of municipal police officers carried weapons and, for the first time, more than half (57 %) were issued with firearms.

Evolution in municipal police officer weaponry (2014-2018)



Source: Cour des Comptes and Interior ministry (DLPAJ)

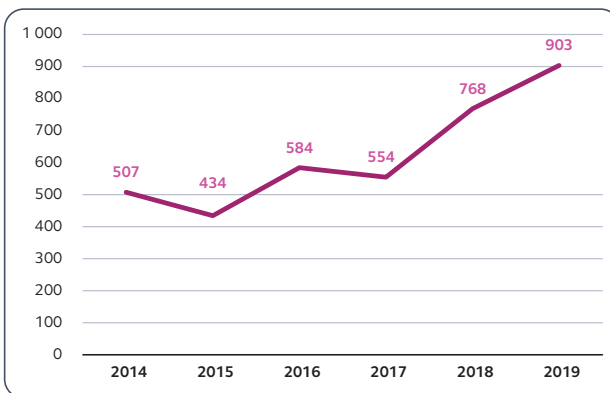


New video protection technologies with no suitable legal structure

Similarly, video protection is no longer hardly even debatable in principle and has become a commonplace instrument in everyday use for municipal police

forces. Urban supervision centres , in which images filmed by cameras are watched live by municipal police officers, have multiplied.

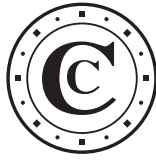
Evolution of the number of urban supervision centres (2014-2018)



Source: Cour des Comptes using shared data and Interior ministry (DLPAJ)

However, important debates now relate to the control technological innovations such as drones or face recognition, which are expanding due to a persistent legal vacuum. Yet, as the surveillance measures introduced during the confinement of Spring 2020 have shown, this legal

vacuum leads to unstructured usage of technical resources acquired by both the national and municipal security forces, and which they certainly intend to use. There is now a need to fill this vacuum by finding a balance between innovation and the protection of basic rights.



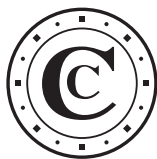
A national governance to be reformed

At the same time, the missions and prerogatives of municipal police officers have been extended. From now on, they can have direct access to certain police files and carry out blood alcohol screening as part of road traffic control operations.

These changes are often made with insufficient foresight: there is a need, for example, for municipal police officers to have direct access to the reported objects and vehicles file (FOVeS), in connection with their jurisdictions in road traffic terms. They are above all made as the need arises, without any overall strategic thinking about the role of municipal police forces in what is referred to as the “security continuum” between

the various forces that contribute to public security.

These shortcomings are partly caused by weakness on the part of the national bodies for dialogue and governance, the main one being the municipal police force advisory committee. Indeed, this committee does not meet often enough and its meetings are monopolised by statutory questions to the detriment of strategic subjects. They are above all caused by the reluctance of Central Government to define a clear scope of intervention for municipal police forces and an assumed complementarity with the national police force, in the absence of a unified employment doctrine..



Community policing forces, some of which are becoming similar to the national security forces

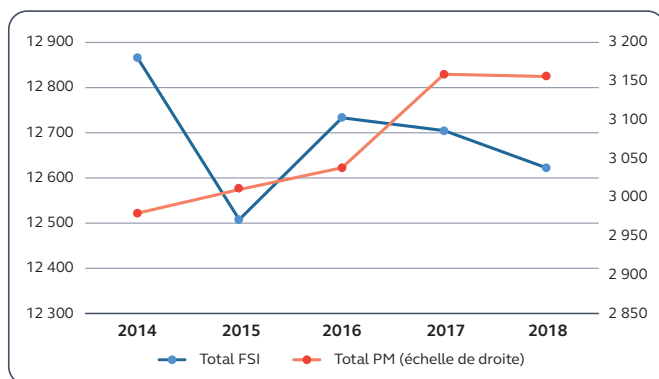
As regards missions entrusted to municipal police forces, the investigation by the Cour des Comptes found evidence of a very diverse role, ranging from presence and prevention activities to active interventions in view of detecting and repressing delinquency.

All municipal police forces, including the most elaborate ones, are responsible for general surveillance, public peace and health. However, increasing numbers are now intervening actively in the fight against delinquency with equipment and measures similar to those of the national police force. A prime example of this is the very sharp rise in persons

apprehended in flagrante delicto by municipal police officers, for reasons unrelated to their core mission, such as drug trafficking.

In doing so, these municipal police forces are becoming similar to public thoroughfare units, going above and beyond the task share initially set out in the coordination conventions that are supposed to organise their relations. It is difficult to determine whether this phenomenon is the effect of municipal police forces filling the vacuum created by the reduced engagement of national police officers, or a reduced involvement of national police officers due to the significant rise in municipal resources.

Comparative evolution of national and municipal employee numbers in the cities of the sample

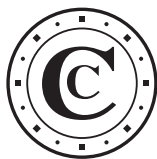


Source: Cour des Comptes using shared data and Interior ministry (FSI: Internal security forces)

Community policing forces, some of which are becoming similar to the national security forces

Using the data available, it is impossible to make a definitive conclusion; however, a drop in national police interventions was observed in cities with an elaborate municipal police force. This substitution effect is particularly notable for interventions for disturbing the peace at night, for

example: in towns and cities such as Nice or Hyères, the number of interventions carried out by national police officers decreases every year whereas municipal police interventions are multiplying and end up overtaking those of the national security forces.



Municipal police forces for which evaluation and control must be strengthened

Investment in security missions is costly for cities, whether in terms of wage bills, equipment purchases or investment in video protection systems.

However little is known about this cost, due to the lack of an accounting classification to make it possible to isolate the “municipal police” component in local budgets. Controlling the wage bill, estimated at 1.26 billion € for all the cities concerned, is the major budgetary challenge for the latter, in particular due to the competition required to attract officers from a professional security sector which is globally under strain. To this end, there is reason to envisage the restructuration of the employment framework of municipal police executives, and stricter supervision of the profession of video-viewer.

As a general rule, municipal police forces have been professionalised over the last ten years, in particular thanks to a recognised training course, provided by the National Centre for the territorial civil service (CNFPT). Improvements can still be made, particularly to optimise training leave which immobilises officers for long periods.

Real performance evaluation measures must still be created for municipal police forces. External auditing, currently deficient due to being subject to prior approval from the advisory committee, must be reinforced.

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There is every reason to believe that municipal police forces will continue to expand. As part of the sanitary state of emergency, municipal police officers have also been very busy sanctioning any breaches of the sanitary safety rules.

Ultimately, this movement may increase the – already existing – dependence of Central Government security forces on services over which they have no creative or operational control. It also underlines by inference the situation faced by the national security forces, and in particular the national police force, which is finding it difficult to accomplish all the tasks under its responsibility. This is particularly the case in the Greater Paris area, as shown by the Cour des Comptes in its report on the Police Prefecture of Paris⁵. In

Municipal police forces for which evaluation and control must be strengthened

response to the appeal made by the mayors of large towns and cities, the Prime Minister, during a visit to Toulouse on 9th October 2020, launched the first “integrated security contract” with the city, a partnership involving the allocation of additional national police officers in exchange for “material assistance” to accommodate them, and the reinforcement of municipal police forces and video protection.

Ultimately, these observations invite Central Government to clarify the role that it wishes to grant the local level in the “security continuum”.

Other European countries, such as the-United Kingdom, Belgium and the Netherlands have undertaken a comparable route with high integration of the community policing doctrine, which gives a prominent role to community policing missions (cf. Appendix No. 4). To this end, the case of Belgium is particularly emblematic: after a serious crisis in the security sector during the 1990’s, Belgium restructured its various police forces, including the Royal gendarmerie, by integrating them on a priority basis

in police forces at the communal level, with the federal police forces only retaining some residual missions.

The Cour des Comptes concluded its work by formulating several recommendations, of which the main one aims to improve the organisation of complementarity in the context of the local security conventions and to facilitate collaborative work between the national police force and municipal police forces (Recommendation No.6).

If, as it seems likely, municipal police forces are to be increasingly called upon to move into the area of public peace and security, which the national police force is increasingly reluctant to deal with, a more assertive policy from Central Government will be required, and which should consist in encouraging the development of municipal police forces, while providing appropriate guidance. This policy must pay more attention to the training of municipal police officers, and also to the external auditing of their activities..

Recommendations

1. Encourage pooling of the human and material resources of municipal police forces at inter-communality level, by promoting dual authority (functional/controlling) (*SGMI, DGCL*).

2. Encourage the signing of local security objective contracts with mobility organisational authorities and their users and formalise coordination commitments between the forces, particularly the municipal ones, depending on the territories (*SGMI, DCS, DACG*).

3. Modify the ruling authorising automated personal data processing to provide direct access to the FOVeS file for approved municipal police officers (*SGMI, DCS*).

4. Establish precise mapping of the deployment of video-protection systems by the territorial authorities (*SGMI, DCS*).

5. Initiate an evaluation of the effectiveness of video protection on the public thoroughfare, in particular for solving crimes and misdemeanours, in conjunction with researchers and contractual auditors (*SGMI, DCS, DACG*).

6. As part of the work relating to future security legislation, define a more active policy for the support and clarification of missions with respect to municipal police forces,

based on contractualisation and, where applicable, adequate funding to enhance complementarity between the national and municipal police forces as part of the “security continuum” (*SGMI, DCS*).

7. Refocus the municipal police force advisory committee on the strategic and operational for municipal police forces, reserving any statutory questions for the High Council of the territorial civil service (*SGMI*).

8. Provide guidance, via the regulatory route, for operational, legal and ethical training, as well as the activities of staff assigned to the urban supervision centre (*SGMI, DGCL, CSFPT, CNFPT*).

9. Improve the quality of the mandatory continuous training and include prior training for weapon issuance for category D weapons in the initial training (*SGMI, DCS, CNFPT*).

10. Encourage the cities and inter-communal organisations to evaluate the activity and effectiveness of the municipal police forces in their territory (*SGMI, DCS*).

11. Organise the external auditing of municipal police forces according to suitable measures (*SGMI, DCS*).