

PLAYING THE NUMBERS GAME: THE “DIFFERENT MANAGEMENT OF SECURITY”

Nicolas Sarkozy was Minister of the Interior in France for over three and a half years, between 2002 and 2007. His intention was to use that position as a springboard in his race for the presidency. His greatest originality was not his discourse on security: a politically right-wing Minister of the Interior who claims to be “crusading” against crime so as to bring security to French citizens “at last” is not the least bit surprising, in itself. No more surprising was his announced intention, put into effect, of introducing new legislation aimed at giving the police forces greater means in terms of material, personnel, and legal instruments. Conversely, the objective of introducing “different management of security” and of imposing a genuine “culture of delivering the goods” (“*culture du résultat*”) on some 237,000 police officers and gendarmes is unquestionably more original.

But to what avail? In his January 11, 2007 press conference, while still minister, he congratulated himself on the results obtained since 2002 thanks to this “different management”: 1) a “drop in offending,” in spite of the specific increase in acts of violence; 2) “progress in the activity of the police department,” meaning the number of acts uncovered by police initiatives (as opposed to those revealed by complaints); 3) a higher elucidation rate; 4) an increase in the number of people

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placed in police custody and brought before the judicial system. Our purpose here is to evaluate these statements and this policy (pursued, unchanged, in 2007-2008, by the new Minister of the Interior, Michèle Alliot-Marie).

WHAT IS THIS “DIFFERENT MANAGEMENT” OF SECURITY?

Nicolas Sarkozy, who asks that he be judged on his performance, immediately told police officers and gendarmes that the same would be true for them. In step with the methods of former New York City mayor Rudolf Giuliani (to whom he paid a visit in August 2002), he decided that police statistics would be examined and published on a monthly rather than a yearly basis, and summoned the prefects and regional police and gendarmerie officials of the five *départements* with the worst results and the five with the best results to meet with him. The press was constantly kept informed of those results. At every echelon, throughout the country, no-one should forget that you have to advertise your “performances”: “I request that you communicate those results every month. . . . You must also encourage your departmental Heads of Public Safety and your Squad Commanders to speak out as often as possible. Being silent in the media is a mistake.”¹

The success of the undertaking rested, then, on communicating “good figures.” Those figures are police and gendarmerie statistics, which is to say the outcome of the recording, by the police and gendarmerie, of known acts of offending (reported by victims or uncovered by the police) and of their own activity (elucidation, police custody, transmission to the public prosecutors’ offices).² In other words, these civil ser-

vants are asked to provide the elements on which they are to be evaluated, and over and beyond that, on which their minister will be evaluated. Or, to put it even more clearly: police officers and gendarmes were asked to achieve the results requested in advance by the minister, by providing the information showing that they had fulfilled their mission properly—in short, to be both judge and the judged. To make sure the message got across, section heads were convened and told that their career was at stake. The troops themselves were encouraged by very flattering discourse, by genuinely improved material and legal working conditions, and by the promise of merit-based bonuses.³

HOW DO YOU OBTAIN THOSE GOOD FIGURES?

Under the circumstances, did the police and gendarmerie play their role properly? In the short term, the answer is definitely yes. The statistics changed instantly. The minister hardly had time to get settled in his office, and even before he could write any official instruction or sign any ruling, the statistics showed a miraculous 0.69 percent drop for police precincts⁴ (and even 1.6 percent for the Paris police prefecture), after years of continuously increasing offending.⁵ The decline was even more spectacular for the following month, reaching 7.38 percent for the police (8.6 percent in Paris). At the end of the year, statistics still showed an overall increment of 1.28 percent, but that was because of the gendarmes, who were less inclined to conform to the minister's recommendations. The gendarmes actually resisted until January 2003, after which they obeyed with flawless military discipline, to the point where the overall

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figures for the 2002-2007 period ascribe the greatest drop in offending to them. No-one is accusing police officers and gendarmes of dishonesty. The point, rather, is to understand how people of whom certain results are imperatively demanded do what it takes to achieve them. There are two ways, basically: use the internal resources of the statistical recording tool, or modify the activity subsequently to be recorded by that tool.

The internal resources of the statistical recording tool are well known.⁶ If you want to lower the figures, you can refuse to record complaints, or record them only on the police docket, which is not included in statistics, convert a misdemeanor into a petty offense, make a single recording for several acts, or delay transmission beyond the monthly deadline for recording. This takes care of what constitutes both the main source feeding those statistics and the source on which the police and gendarmerie have least control: complaints by victims. Next, they can more easily act on what depends directly on their own law enforcement initiatives. So, if you have to make offending decline, but also increase rates of elucidation, taking individuals into police custody and bringing suspects before the justice system, it is best to concentrate on some "profitable" targets. Instead of losing a lot of time with cases in which the chances of finding the offender are slim, it is preferable to invest in cases where you are sure of taking offenders in and proving their guilt.

Last, there are underlying reasons for the changed trends in offending and denunciation thereof by victims, that have nothing to do with this leeway in policing activities, but which also necessarily have some (and often considerable) impact on police statistics, in the medium term.

Having defined the rules of the game, it remains for us to observe what occurred during the match itself.

AN OVERALL TREND IN RECORDED OFFENDING SINCE 2002 . . .

Between 2002 and 2007, the total number of felonies and misdemeanors recorded by the police and gendarmerie definitely did decline by 12.8 percent, dropping from 4.11 to 3.59 million acts. This statistic practically brings us back to the level found in 2000 (as well as in 1984 and 1991). The 2007 figure is in no way revolutionary, then; rather, it is a throwback to an earlier situation.

Table 1: Evolution of acts recorded by the police and gendarmerie (1997-2007)

	1997	2002	2007	2002-2007
<i>All thefts</i>	2 244 301	2 507 027	1 939 570	- 22.6 %
- <i>Burglaries</i>	407 385	432 593	312 384	- 27.8 %
- <i>Connected with (two- and four-wheel) motor vehicles</i>	1 059 401	1 084 191	694 981	- 35.9 %
- <i>Violent, with no weapon, against private persons</i>	69 478	121 309	105 905	- 12.7 %
- <i>Simple thefts against private persons</i>	473 941	628 557	607 176	- 3.4 %
<i>White collar crime</i>	295 511	355 342	345 416	- 2.8 %

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	1997	2002	2007	2002- 2007
<i>Violent offenses</i>	214 975	303 552	386 603	+ 27.4 %
- <i>Non-fatal assault and battery</i>	81 636	125 198	175 886	+ 40.5 %
- <i>Indecent assault</i>	35 090	37 813	39 135	+ 3.5 %
- <i>Breach of domestic and parental duties</i>	38 075	47 926	53 394	+ 11.4 %
- <i>Threats and blackmail</i>	38 769	61 983	77 522	+ 25.1 %
- <i>Undermining dignity and personality</i>	12 961	17 739	28 559	+ 60.7 %
<i>Drug offenses</i>	86 961	108 121	157 008	+ 45.2 %
- <i>Dealing</i>	8 300	5 165	5 797	+ 12.2 %
- <i>Simple use</i>	63 003	81 110	121 232	+ 49.5 %
<i>Violation of immigration laws</i>	47 021	57 643	98 332	+ 70.6 %
<i>Destruction or deterioration of property</i>	476 133	589 278	462 395	- 21.5 %
<i>Offense against a person discharging a public service mission</i>	31 506	49 262	56 848	+ 15.4 %
<i>Other</i>	97 034	143 657	143 121	- 0.4 %
<i>Total</i>	3 493 442	4 113 882	3 589 293	- 12,8 %

Source: Ministry of the Interior

A close look at this table shows that it was mostly thefts that dropped between 2002 and 2007, whereas figures rose, sometimes sharply, for many other categories of offending. However, the number of thefts is so high that their evolution suffices to set the overall trend. More specifically, the drop is due to fewer thefts of two- and four-wheel motor vehicles and fewer burglaries. It is mostly these two sub-groups that bring the figures down, allowing the minister to proclaim overall success. But they do not allow us to go along with his explanation.

In fact, the drop in thefts of motor vehicles had begun before 2002. And actually, the same is true of burglaries, over the medium term.⁷ Moreover, these trends are not specific to France, and may be seen in most neighboring European countries. In reality, the factors at work here have nothing to do with police action, and are no doubt mainly ascribable to better protection of vehicles and private homes.

Whereas some kinds of theft dropped sharply, the table also shows a continuous rise in thefts against private persons with or without violence. This seems to indicate that thefts are still on the rise, particularly with the present two-sided context, a constantly expanding consumer society plus a process of growing socio-economic exclusion, feeding a process of increasingly marked ghettoization.

Next, we note a very serious rise in violent offenses. This, as we know, was the Achilles' heel of the minister's discourse, and was constantly pointed out by his political opponents and a fraction of journalists whenever they wanted to relativize the minister's self-satisfaction. But the action of the police forces was no more responsible for that rise than it was for the drop in car thefts—for four reasons:

First, the table shows that this increase in acts of violence is not specific to the 2002-2007 period, but rather, is obviously a continuation of the previous period.

Second, whereas victimization surveys corroborate police statistics on the downward trend in thefts and burglaries, they contradict them where acts of violence are concerned.⁸ Since the late 1990s, the proportion of people claiming to have suffered a physical aggression over the past two years is stable, on

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the whole.⁹ The only upward trend corroborated by these surveys is in verbal violence.

Third, recording of offending is also affected by changes in the legislation. The offenses pursued by the police forces are defined by criminal law, meaning that when the law changes (modifying the definition of offenses), offending changes as well. Now, since the early 1990s, the law has constantly been modified so as to implement more severe repression of violent offenses, so that police officers and gendarmes can now go after behavior that was difficult to criminalize in the past, and they now receive complaints from people who could not have been viewed as victims previously.

Fourth, behind this legislative evolution, it is actually our whole society that has operated a genuine mutation in its relationship to violence over the last thirty years, in that it has transformed the *status* of violence, by increasingly stigmatizing and delegitimizing it. Hence, what is only seemingly a paradox: the widespread feeling that violent behavior has increased may very well go along with an acceleration of the tendency to report it, along with a stagnation, or even a regression, in its actual frequency.¹⁰

. . . WHICH ACTUALLY OWES LITTLE TO THE ACTION OF THE POLICE FORCES

Whereas the evolution of acts of violence and property offenses are mostly independent of the activity of the police and gendarmerie, the same is not true for most "breaches of the public order." The reason is simple: in the latter, it is the police that take the initiative, be it through security checks on the streets or judicial police operations. So, now that they have

been enjoined to be efficiently repressive, a (sometimes spectacular) rise is seen for some of these offenses.

1) The 2002-2007 period shows a particularly steep rise (70 percent) in violations of immigration laws. This is visibly the result of the minister's instructions aimed at the increased control of illegal aliens.

2) Drug offenses also rose very sharply (45 percent) during that same period. Detailed scrutiny shows the prevalence of increased punishment of simple drug users (who represent three-fourths of these drug offenders, and whose numbers increase most), meaning, in about 90 percent of cases, that they smoke cannabis. This trend began before 2002, but has gained momentum since.

3) Offenses against a person discharging a public service mission (Opdpsm) are in a separate category here. They progressed considerably between 2002 and 2007, although less so than during the previous period.¹¹ This evolution is indicative both of the continued deterioration of relations between the police and the population (especially in lower class neighborhoods), and of the fact that police officers have now gotten into the habit of filing complaints whenever any clashes occur, especially during identity checks and when taking people in.

AN INTRIGUING REVOLUTION IN ELUCIDATION

The second reason for the minister's self-satisfaction is the rise in the elucidation rate. This rate really did rise by 10 points between 2002 and 2007, going from 26.3 to 36.1 percent of all registered acts, representing a historical trend reversal. The elucidation rates for the police had been stagnating at a very low level for ever so long, whereas the gendarmerie rates had dropped from 75 percent in the early 1980s to 32 percent in 2002. But the reason was not any reluctance, or poor management. It was due to the evolution in lifestyles, with the population now concentrated in urban, and later peri-urban areas characterized by anonymity, lack of community and little or no surveillance of homes and vehicles.¹² When thefts and burglaries rose sharply from the 1960s on, in connection with the greater dissemination of new consumer goods, the police, and soon the gendarmerie, found themselves faced with a much more intense and anonymous kind of offending. How could such a basic trend have suddenly been reversed?

Let us return to the two mechanisms for producing "good figures." First, we must recall one simple structural effect: when the mass of rarely elucidated acts (thefts) decreases and the number of frequently elucidated acts (violent offenses) increases, the elucidation rate rises automatically. Next, the police and gendarmerie report elucidation rates well over 100 percent for several categories of offending, an anomaly (how can you solve more cases than you record?) that has increased since 2003, whereas it had decreased over the previous five years.¹³ Last, detailed examination of those offenses for which the police and gendarmerie have progressed most shows that

10 offenses (of the 107 listed in the statistics) account for nearly 90 percent of the additional cases elucidated in 2007 in comparison with 2002. Some are due to a police initiative, others to victims' complaints.

In the case of police initiatives, both police officers and gendarmes improved their elucidation rate by prosecuting more joint smokers and illegal aliens. These two categories alone account for nearly 40 percent of the additional elucidated cases in 2007. The rest is composed of Opdpsm, possession of weapons, and illicit work (often connected with violation of the immigration laws), with these five offenses representing nearly half of the total. *So increased elucidation is merely due to the intensification of surveillance and the more intensive reporting of offenses discovered (or provoked) during checks.*

In the case of victims' complaints, these naturally involve direct acts of violence: intentional assault and battery (non fatal), verbal violence (threats, "undermining of one's dignity"), breach of domestic and parental duties (child custody, alimony), or theft from a private person. These five offenses alone account for over 40 percent of the total. This means that *police officers and gendarmes generally concentrated on those violent offenses presumably perpetrated by well-identified offenders, since they are known to (or identified by) and denounced by their victims.*

INTENSIFIED POLICE REPRESSION . . . WITH RATHER MEAGER RESULTS

Now let us take a look at the indicators for police repression; that is, the number of individuals taken into police custody, officially suspected, and committed (that is, later placed

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in pretrial detention by a judge). Comparison of the figures for 2002 and 2007 mostly shows a close to 50 percent increase in instances of police custody, which is twice the increment in the number of suspects and twenty-five times more than the (barely 2 percent) increase in incarcerations. A closer look shows that the highest increments are again for public order type offenses (immigration, destruction, drugs, and Opdpsm) and acts of violence. The same is true for suspects, with more illegal aliens and joint smokers than violent offenders. As for decisions to incarcerate, whereas judges partially back the police in drug cases (mainly for dealers), they are more reticent for acts of violence, illegal aliens, destruction/deterioration, OPDPSM, and thefts (except when violence was committed).

This widening gap between police pressure and judicial decisions necessarily reinforced the accusation traditionally brought by the police against judges, according to which the latter almost always release the offenders delivered to them tied hand and foot by the former. Then came the denunciation of the "overindulgent justice system" by the Minister of the Interior in late 2006, in the last phase of his campaign for the presidency. Another interpretation may be advanced, however, according to which the sharp increase in police repression in no way implies that the individuals involved had committed any serious offense, nor that the investigations were solidly grounded. So that, if many of the additional cases brought in by police officers are actually quite minor and/or if the dossiers are put together more hastily and contain more procedural irregularities or insufficient evidence (which is the price to pay for haste and the production of high figures for their own sake, imposed by this "different management" of security), then it is not very surprising that judges do not automatically back up

the police in the policy imposed on them by their minister and their superiors.¹⁴ Or at least not in the sense of enforcing detention, as some people had expected.

WHAT REMAINS, OVER AND BEYOND POLITICAL COMMUNICATION?

“I want you to remember this message: fighting offending also means communicating. . . . You are a communications officer, but that does not mean you must necessarily make speeches. The field workers must be the main performers. To take a metaphor from the entertainment world, you must be the producers and impresarios. The commanders of brigades, companies and squads are your actors.”¹⁵

As we have seen, the evolution of offending depends on all sorts of factors, most of which are unaffected by police action. With the exception of illegal immigration and drug use, there is no direct correlation between the level of police pressure and the efficiency of their action. Generally speaking, the idea that intensified police action is the main factor (direct, through dissuasion, or indirect, through arrests) causing the overall amount of offending to drop is therefore wrong. The only impact of this policy is to intensify repression of petty offending, since judges cannot avoid judging all the petty cases transmitted to them, provided the procedures are correctly observed.

For the rest, this experiment in “different management of security”—now enthusiastically copied by some executives in the private sector¹⁶—has probably, paradoxically, ruined the credibility of its tool for evaluation. There is nothing new about

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a Minister of the Interior using police statistics to assess his security policy. Sarkozy was far from introducing a rupture, but at the same time as he gave the illusion of continuing the previous government’s effort at transparency (by setting up the National Crime Watch—*Observatoire national de la délinquance*), he pushed this logic further than anyone had dared do in the past, to the point of setting in advance objectives containing predefined numerical results. Once President of France, in July 2007, he wrote a “letter of mission” to Michèle Alliot-Marie, his replacement as Minister of the Interior, stating that “offending must continue to decline, by 5% in two years for offending in general, by 10% for street offending,” and that “the elucidation rates for felonies and misdemeanors must be brought up to 40%.” And to guarantee success, police officers are now sometimes evaluated directly in accordance with the nature of their day-to-day interventions.¹⁷

Miraculously, the forecast is now coming true, according to the Minister, who announced the figures for 2008 at her January 19, 2009 press conference.¹⁸

Under these conditions, it is hard to understand how commentators can still pretend to believe that “success story” they have been told about fighting offending, and how they can put any faith in figures that no longer have the slightest relevance to the reality of offending. Police statistics have become a pure tool for internal administrative control and political communication to the outside world. Beyond that, this is also a dangerous example of the instrumentalization of public statistics, offered to the French political class, as was in fact illustrated by the unusually extensive controversy over the unemployment

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figures for the first half of 2007. In that sense, one wonders whether this is not a calamity for democracy.

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NOTES

- 1 Speech to prefects, September 26, 2003.
- 2 B. Aubusson de Cavarlay, "What and How do Police Statistics Count?," *Penal Issues*, 1997.3 (on line on www.cesdip.fr).
- 3 The enforcement order creating bonuses for results was issued on October 21, 2004. Bonuses could be awarded to individuals or sections, with an envelope of 5 million euros.
- 4 In France, policing is handled by the police department in urban areas and by the gendarmerie in rural areas. The Paris police prefecture is a special administrative area, with respect to policing. (Translator's note).
- 5 D. Monjardet, "Comment apprécier une politique policière? Le ministère Sarkozy," *sociologie du travail*, 2006, 2, pp. 193-194.
- 6 J.-H. Matelly, C. Mouhanna, *Police: des chiffres et des doutes. Regard critique sur les statistiques de la délinquance* (Paris: Michalon, 2007, pp. 60-86).
- 7 On the real trends in offending and the main explanations thereof, see L. Mucchielli, "Dix ans d'évolution des délinquances en France," *Regards sur l'actualité*, 2007, n° 336, pp. 5-16.
- 8 Victimization surveys are performed on representative samples of the population, questioned on offenses suffered over a given lapse of time, even if they did not lodge a complaint. They are therefore a better reflection of the real picture than police statistics.
- 9 On the INSEE surveys, see H. Lagrange, Ph. Robert, R. Zauberman, M.-L. Pottier, "Enquêtes de victimation et statistiques de police: les difficultés d'une comparaison," *Déviante et société*, 2004, 3; T. Le Jeannic, "Insécurité: perceptions et réalités," in *Données sociales* (Paris: Insee, 2006). See also, the INPES survey which finds the same stability: C. Léon, B. Lamboy, "Les actes de violence physique," in *Baromètre santé 2005. Premiers résultats* (Paris: Inpes, 2006).
- 10 L. Mucchielli, "Penser la violence. Une analyse socio-historique des violences interpersonnelles en France, des années 1970 à nos jours," *Déviante et société*, 2008, 32(2), pp. 115-147.

- 11 Perhaps because it is the only category of “violence” for which reporting is entirely in the hands of the police (police officers being both judge and judged), it is one of the rare possibilities for limiting the rise in violent offenses, the minister’s Achilles’ heel.
- 12 Ph. Robert et al, *Les comptes du crime. Les délinquances en France et leur mesure*, (Paris: L’Harmattan, 1994, pp. 79 ff.).
- 13 J.-H. Matelly, C. Mouhanna, *Police: des chiffres et des doutes*, op. cit., pp. 159 ff.
- 14 In 2007, the press (in this case *Le Monde* danted February 16th) revealed an in-house Ministry of Justice (Direction of Criminal Affairs and Pardons) report noting a “lower quality of [police] procedures” observed in most courts.
- 15 Pierre Mutz, then General Director of the national gendarmerie, on January 2003, during “communicators’ day,” quoted by J.-H. Matelly, C. Mouhanna, *Police: des chiffres et des doutes*, op. cit., p. 205.
- 16 G. Lelarge, *La méthode Sarkozy. Les stratégies gagnantes du manager* (Paris: Editea, 2007).
- 17 This is illustrated by an “Operational evaluation card” to be filled in daily, experimented at the end of the first semester 2007 among the CRS in the Seine-Saint-Denis département. This card aims at giving them a number of points that varies with the reasons for which they took people in (*Libération*, July 11, 2007). The idea, then, is to tell the police in advance which offenses they should uncover in their work.
- 18 http://www.interieur.gouv.fr/sections/a_1_interieur/le_ministre/interventions/presentation-chiffres-delinquance A closer look shows contrasts among those figures for 2008. The elucidation rate is close to 38 percent, the decline in offending has slowed down considerably (down less than 1 percent in 2008). Actually, the indicator that has changed most is probably the number of police custodies—580,000 in 2008—nearly 72 percent more than in 2001. According to these figures, then, there is a widening gap between the level of overall repression and its impact on concretely prosecuted offending, which points to a problem of civil liberties.