

## TREATMENT OF THEFT AND BURGLARY BY THE *GENDARMERIE NATIONALE*

*Renée ZAUBERMAN, researcher at the CNRS, is now researching criminal investigation work by the Gendarmerie Nationale. Some of her findings are presented here.*

Over two and a half million thefts and burglaries are recorded annually by the police and *gendarmerie* in France, and the figure is rising constantly<sup>1</sup>, representing about two thirds of the recording activity of these agencies<sup>2</sup>.

For victims, this offence is a definite cause for concern and a point of frequent contact with the policing institutions, since 60 to 98 % of victims, depending on the type of theft, file complaints. The fact that people are increasingly insured against theft does not suffice to account for this proportion : in France, complaints filed with the police or *gendarmerie* are not systematically followed by notification of the insurance company<sup>3</sup>.

In contrast to the demand reflected by this considerable caseload, the yields of police investigation activities are quite mediocre : since 1992, the elucidation rate for theft cases has dropped below 15 %, and a bare third of victims are satisfied with the way the police handled their case.

Police and *gendarmerie* participate unevenly in this overall result, however : while the *gendarmerie* recorded 23 % of all theft cases reported in France in 1992, it was credited with the elucidation of 49 % of such cases ; but this relatively advantageous picture is marred by the steady decline, at least since 1980, of the elucidation rate attributed specifically to the *gendarmerie* in this type of case : it went from 49 % to 40 % in 1985, then down to 36.1 % in 1989. In 1992, it dropped below the 30 % line, a "mere" three times better than the police...<sup>4</sup>.

Two points are generally made when accounting for the performance of the *gendarmerie* : the obligation of absolute availability, written into its military statutes, enables it to have a large "labor force" in the field everywhere, at all times ; secondly, being traditionally rooted in the countryside, it was left to cover a decreasing population load and declining number of cases, in local communities where social control continues to be exerted by constant mutual surveillance.

Now, both the means and the operating context that seemed to give the *Gendarmerie Nationale* serious advantages in its field work have been seriously modified :

- ◆ in keeping with demographic movements, *gendarmerie* units are increasingly frequently established in suburban

<sup>1</sup> It crossed the million bar in 1974, the two million mark in 1982, and two and a half millions in 1992 (ROBERT Ph., AUBUSSON de CAVARLAY B., POTTIER M.L., TOURNIER P., *Les comptes du crime en France. Les délinquances en France et leurs mesures*. Paris, L'Harmattan/Logiques Sociales, 1994, 14, 80).

<sup>2</sup> Ministry of the Interior, *Aspects de la criminalité et de la délinquance constatées en France en 1995*, Paris, La Documentation Française, 1996, 10.

<sup>3</sup> ZAUBERMAN R., ROBERT Ph., *Du côté des victimes, un autre regard sur la délinquance*, Paris, L'Harmattan/Logiques sociales/Déviancel CESDIP, 1995, 60.

<sup>4</sup> ROBERT Ph., AUBUSSON de CAVARLAY, POTTIER M.L., TOURNIER P., 1994, appendices A4a and b.

or "rurban" areas where their investigational police work comes up against new conditions, the same as those facing the police : that is, a more dense population with looser social ties, and anonymity.

- ◆ following the quasi-trade unionist<sup>5</sup> protest movements of 1989 expressing their exasperation with the increasing work load placed on them by the various administrative agencies, their inability to cope with citizen's demands for security and their concern with the increasing gap between their living conditions and the standards of the urban petty bourgeoisie, with whom they share aspirations to more free time, the *gendarmes* obtained some improvements in their working schedules, with more rest, fewer duties, the organization of Operational Centers in charge of manning work in each *département*, and specifically, of distributing the night duty workload over all of its units.

The qualitative research presented here studies the handling of this sizeable, delicate and insufficiently elucidated case load by the *gendarmerie*, whose efficiency is greater than that of the police but constantly declining. Participant observation, completed by interviews, was conducted in 1993-1994 within two territorial units (TU) and one criminal investigation unit (CIU), all three located in the same greater Paris *département* and commanded by the same hierarchy. The Montréal<sup>6</sup> TU is located on the outskirts of a new town, in a predominantly single-family housing area. A force of 22 members covers a population of about 45,000 inhabitants. Thefts and burglaries represented 79 % of all recorded offences in 1993, with a 26-point increment since 1989. With a dozen officers, the Neuvic TU covers a population of about 8,000 inhabitants, 5,000 of whom live in the small town in which it is located ; thefts and burglaries represent 56 % of recorded offences, with a 16-point increment since 1989. Both TUs have exclusive responsibility for law enforcement in their respective districts, are not in competition with the Police and their numerous administrative, judicial and military policing activities definitely make them what may be called an "all-around" (*polyvalente*) type of unit. A victim who wishes to file a complaint goes to the TU.

The criminal investigation unit covers the *département*<sup>7</sup> : it is a "second line" unit and victims theoretically do not file complaints with it directly : it is in a supportive position for investigations conducted by the TU.

### 1. Handling of thefts and burglaries

While the *Gendarmerie Nationale* has a considerable investigational logistic apparatus at its disposal - with specialized units, officers trained in the most recent, most

<sup>5</sup> Being a military institution, the *gendarmerie* is not allowed to form trade unions.

<sup>6</sup> All place names have been changed.

<sup>7</sup> This is not necessarily the case : the competence of a CIU may be confined to the Company level, which covers the smaller territory of an *arrondissement*.

sophisticated evidence-collection techniques and a forensic sciences service, the IRCGN<sup>8</sup> - this apparatus is not used for the immense majority of thefts and burglaries handled by the territorial units. The deployment of the complete battery of investigational means depends on whether the criminal investigation unit is called in, since at the time of our study these technical means were in the hands of the latter, through the TICs<sup>9</sup>. As a rule, the CIU covers all serious cases (bloodshed, rape, suicide, arson) but only looks into thefts and burglaries when they seem to involve *gipsies*. When the CIU does not intervene and the case is handled by the territorial unit only, the process is what may be called minimum investigation, although it does not stop at the recording of the victim's complaint.

### *Theft of a motor vehicle*

Stolen vehicles are recovered by the crossing of broad surveillance of public places with the information (registration and description) contained in the national stolen vehicle file (FVV) :

- ◆ broad surveillance by the *gendarmerie*, consisting of very frequent consultation of the FVV when patrolling, to make sure that the vehicles they see are not stolen ones. Actually, patrolling *gendarmes* rarely uncover stolen vehicles through these checks.
- ◆ surveillance by the public at large, which, by sheer numerical impact, is much more effective in covering the urban fabric : vehicles that seem abandoned are generally reported by ordinary citizens. This accounts for the fact that for the country as a whole, and despite the constant decline over the last ten years, the rate of recovery of stolen vehicles still exceeds 70 % (75 % in 1995)<sup>10</sup>.

Clearance of thefts and burglaries is the result of a combination of factors.

### *Other thefts*

Officers systematically **visit the site of a burglary**. Evidence collection mostly involves sketches and photos. Traditionally, photography plays a major role in the criminal investigation techniques of the *gendarmerie* ; in comparison with other techniques, it has the immense advantage of not requiring extensive training. Taking photos of marks left by burglars is not nearly as difficult as, say, the much more complex operation of taking moulds of footprints in mud.

**Information-seeking** is traditionally viewed as the specific task of the TU on its territory. It encounters two limits, however :

- ◆ a saturated schedule : the combined weight of the demands of victims and of the administrations for which the *gendarmerie* - precisely because of its remarkable territorial coverage - serves as general handyman, along with the pressure to expedite procedures on to the next phase of the criminal justice process, does not leave much time for neighborhood investigations, for instance.
- ◆ social relations : the large population, the forms of local sociability - the fact that people are not home during the day, absence of strong ties between neighbors -, and the

difficult social integration of young *gendarmes*, who are eager to put an end to this first, difficult assignment to the Paris area, are all factors that are hardly propitious to those long chats with citizens, "for talking's sake", at the end of which "you end up finding out".

Another difficulty is the incompatibility between information-collecting and traffic policing : how much cooperation can be expected of someone to whom you have given a ticket for speeding or not wearing his/her seat belt ?

The **circulation of information** depends on how work is organized. In Montréal, the organization is not conducive to informal exchanges, particularly through some customary forms of sociability such as the morning coffee break, so important for the circulation of news, gossip and information on work in progress. The combination of the organization of duties (patrolling, ongoing training, paperwork, transfer of prisoners...) and of leaves, off-duty periods and free time for a large-sized personnel means that several days, or even weeks, may go by without a given *gendarme* meeting some other one, whereas officers in a smaller unit, as in Neuvic, see each other constantly in the course of all of their duties and at the many coffee breaks.

Realization of this led Montréal to concentrate and systematize all factual information pertaining to burglaries on one of the unit's computers. Crossing of information on precisely where and when they were committed, the way the offender operated and what objects were stolen should presumably make it possible to identify the handful of individuals suspected of having committed a large fraction of these offences.

**Having a suspect on hand**, with the possibility of obtaining a confession, seems to be the best possible situation for a *gendarme*. Confessions play a central role in criminal investigation work : simply for investigational reasons, they are most valuable for a TU with limited technical means, since it is easier to back up a confession - and their efforts to accumulate information, their neighborhood surveys, sketches, photos, descriptions of how the offender operates are all rewarded here - than to advance proof when the person denies the facts. Moreover, clearance rates are directly linked to the strategy of attempting, during questioning, to have the accused person admit as many offences as possible other than the one(s) for which he/she was arrested. The 150 burglaries elucidated in one fell swoop are legendary in Montréal as a great moment in criminal investigations policing.

**Writing up the case file** is a key point in the investigation. Processing of the case is not by any means confined to putting a name on an offence or a series of offences, since what the *gendarme* - like the police officer - transmits to the Prosecutor's office is not so much the offender as an individual as a legally constructed object, the "case file".

This construction is a complex activity, variously appreciated by the officers, and one that must be learned. It must meet a number of requirements :

- ◆ reduce ambiguity to a minimum : "ye shall eliminate all doubt" seems to be the first commandment of the *gendarme* when writing a report.
- ◆ formal coherence : respect of the legal forms may be relatively unrelated to the actual unfolding of the acts in the case file, as long as the written documents - reports on

<sup>8</sup> *Institut de recherche criminelle de la Gendarmerie Nationale.*

<sup>9</sup> Technicians in criminal identification.

<sup>10</sup> ROBERT Ph., AUBUSSON de CAVARLAY B., POTTIER M.L., TOURNIER P., 1994, 75 ; Ministry of the Interior, 1996, 57.

the search, interrogation and beginning and end of police custody - form a coherent whole.

- ◆ economy, since time is in short supply.

## 2. Contradictions within investigating police work

To sum up, the TU must cope with an avalanche of cases of theft and burglary - up to 8 out of 10 of its criminal recordings - and has no hopes of regulating the tide. Its success in recovering stolen vehicles tends to be passive rather than the outcome of actual autonomous activity. Investigation of offenders involves minimum evidence-collection work requiring no special forensic techniques, a small attempt to obtain information in an inconducive environment, confessions obtained from suspects in police custody and the structuring of the information thus collected. The sum of these elements, when properly put together in case files, constitutes an argument in a "negotiation" with the suspect in a burglary or car theft case who, when faced with a photo of the looted dining room of some private home or of a car with its windshield cut out, is in a position to acknowledge that this was his/her doings. Moreover, a collection of material elements and confessions is a more powerful argument for convincing the Public Prosecutor's office than the simple presentation of a recorded complaint against an unknown offender, with no other document in the accusation file.

This construction is still **relatively** effective, as shown, for the time being, by statistics on clearance, but the fact that it suffers from tensions at a number of points does make it somewhat fragile.

### *Functional specialization or multiple tasks ?*

First, and perhaps unexpectedly, there is something of a contradiction between work on the streets and criminal investigation work. The time spent doing the paperwork required by the latter means that much less time is spent in the field, but field work continually produces paperwork. In Montréal, considering the nature of the area, the commander's decision to be present in the public space, to "put blue out there" puts it in a position where the more, and the longer, *gendarmes* are out on the streets, the more written documents it must produce. In Neuvic, on the other hand, there is little evidence of tension of this sort between paperwork and field work. The inflow of cases is not great enough to prevent them from being put into standard written form, at least minimally, with reports on visits to the scene, interrogations and pictureboards. So that in fact, it is Montréal that runs the greatest risk of dislocation of the *gendarmerie* work : whereas priority in human resource allocation is given to exhibiting the men in public, as of the time of our observation this policy had not yielded any noteworthy preventive effect in terms of the easing of pressure due to a smaller case load. In fact, the case load is constantly increasing, and this strategy seems to have had the opposite effect : it prevents field work from being carried through into investigation work, and ultimately into the paperwork that is the formal expression of it.

The specialization of functions - between policing the streets and investigational police work, the latter entirely devoted to the clearance and presentation of cases - may be viewed as a solution to this contradiction. It is in fact the compromise solution adopted by the *gendarmerie*, which, gradually, since

the end of World War II, has developed criminal investigation units to second and sometimes even replace the TU in cases where investigation requires both availability, in terms of time, and serious scientific competency. Aside from the fact that functionally specialized police units are as unsuccessful as the others in elucidating thefts and burglaries, we arrive here at the second fragility of this construction.

There is indeed every reason to believe that, viewed from the "all-around" units that constitute the basic cells of the *gendarmerie* at the *département* level, this specialization is rather incompatible with the image that *gendarmes* have of their profession. While the CIU are theoretically in the service of the TU, the prevailing feeling is rather one of dependency of the TU on the CIU.

To this extent, the introduction of forensic techniques at the territorial unit level, susceptible of giving fresh impetus to investigating, cannot be effective unless these are an integral part of a truly multipurpose system in which investigative work is construed as a "profession", rather than a smattering of fragmented tasks.

### *Massive case load and local integration*

If we suppose, then, that the professionalism of police investigation work is preserved, there remains one real, moot question : is there still any common measure between the massive load of theft and burglary cases and the means available for conducting true criminal investigations work ?

Let us compare this with the police and *gendarmerie* handling of another massive case load, traffic offences. Here, the "order-giver" for law enforcement is the political authority, in an attempt to implement a public road security policy, for which it charges the police agencies with enforcing the criminal traffic laws. Now, the offences defined by the latter do not exist unless detected, "seen" by the police and *gendarmerie*, who may therefore subject them to a selection process, involving both the extent of the phenomenon to be dealt with (the number of offences recorded) and the nature of the process (severity or leniency) to which they are subjected. Since repressive road policing is a friction point between the population and the *gendarmerie*, the latter, it has been shown, does not rank this among its top priorities, and tends to modulate the means devoted to it to fit its main objective, which is local integration. To some extent, there is reason to contend that it acts on two dimensions of the problem : its extent and the means allocated to its control<sup>11</sup>.

The picture is quite different where thefts and burglaries are concerned : the "order-giver" here is the victimized citizen, who demands that the police deal with the problem, the extent of which is therefore determined by individual reporting decisions. The police forces are rather passive in this respect : they are unable to curb the extent of the demand and in urban areas they quickly reach the limits of the means they are able to devote to responding to it. Worse still, where lack of action in road policing may be an asset in their relations with the population, their inability to control property offences may well alienate them from the same people, to cries of "But what is the

<sup>11</sup> For a discussion of the overall treatment of these offences, see PÉREZ-DIAZ C., *L'indulgence, pratique discrétionnaire et arrangement administratif, Déviance et Société*, 1994, 18, 4, 397-430 ; for a microsociological approach, see ZAUBERMAN R, la répression des infractions routières : le gendarme comme juge, *Sociologie du*

police doing?".

Given these aporias, it may be wise to admit that while criminal investigation definitely needs to become more professional, it can no longer constitute the sole and unique response to the social problem raised by predatory acts.

State budgets have ceased to be elastic, and however indispensable the constitution of a *public safety service*, defined in the *Gendarmerie 2002* plan of action, the redeployment of *gendarmerie* forces from the areas covered by the State police to the suburban areas in which they are exclusively in charge will not close the gap between the means and the goals.

We have seen the specific difficulties encountered by units in coping with theft and burglary, over and beyond the relatively rewarding strategy of "making the most" of each arrest. These difficulties are directly linked to the challenges resulting from their recent assignment to suburban settings. Dissuasive presence in the public space and systematic integration in local social life are part of the very fabric of the profession of *gendarme*: but these techniques were born and prospered in a rural society where staying on good terms with the prominent political figures and landowners was enough to establish oneself solidly on the local scene.

This type of relations cannot be purely and simply transposed into the suburbs, where longstanding, stable groups are now a tiny minority, not to speak of the "problem" neighborhoods where what is at stake is the very possibility of the police being present. With this in mind, the crucial point will be the reformulation of how units may achieve local integration, or more accura-

tely, the identification of new key actors, with special emphasis on people in citizens' groups.

In particular, it is well known that the main victims of crime in the ghettos - when such ghettos do really exist - are the residents of the area, and also, that the police units have everything to lose by confusing the interests of all of the inhabitants of problem areas with the interests of the more or less organized delinquents who live and operate there. In *gendarmerie* terms, this means admitting that in problem areas too, there is "a healthy part of the population", barring which a segregative logic may well be reinforced.

The *gendarmerie* has a major asset in this undertaking: its staff members reside at their place of work, their wives work there and their children go to school there. Were it the only form of integration, this in itself would further genuine establishment of the unit in the area, and prevent *gendarmes* from being complete strangers among the people they are policing.

A modernized form of integration of the *gendarmerie* in the suburbs obviously is powerless to combat unemployment and the uncontrolled effects of housing policies, any more than a dubious integration through the educational system. Analysis of the management of a type of offence - thefts and burglaries - so closely tied to people's everyday experience does indicate, at least, that it is a prerequisite for conducting professional investigation work.

Renée ZAUBERMAN