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Article in *Information Polity* · December 2011

DOI: 10.3233/IP-2011-0249

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# Video surveillance and security policy in france: From regulation to widespread acceptance

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**Abstract.** This article presents a historical account of the introduction and use of video surveillance cameras in France. Specific reference is made of the introduction of regulatory and legislative arrangements and to political debates surrounding the provision of video surveillance cameras. A feature of the French context has been a desire by national government to install cameras more widely in public places and a resistance to do so by local regions (departments). This highlights a traditional tension between central and local government in France and the significance of political rhetoric to the ongoing installation and operation of video surveillance cameras.

## 1. Introduction

All over Europe, video surveillance is now central to public security policy. In France the situation has evolved over a number of years. The government first began to take action on this issue in the middle of the 1990s, and at that time the policy was to regulate the use of video surveillance rather than to promote it. Throughout France, the introduction of these methods was pushed forward by local politicians, keen to find ways to put a stop to the increasing number of criminal acts and satisfy the legitimate expectations of their citizens. When Nicolas Sarkozy became President in May 2007, the approach of the Ministry of the Interior changed radically. Up until that time, video surveillance had been used selectively in those urban places which were the most vulnerable to attacks on both people and property but from 2007 onwards it started to be seen as a tool which had to be used in all circumstances and all places. Whilst deciding to reduce police numbers (9,000 posts were lost over the course of three years), the Ministry launched an ambitious plan which aimed to convince regional and local authorities to use video cameras. Was this their only objective? How did central government proceed? What were the results? These are some of the questions that this article will seek to answer.

## 2. State regulation

In the 1990s remote surveillance systems were used above all by private companies seeking to prevent crime in the commercial sector (for example shopping centres, banks, jewellers). Few towns had decided to make use of these systems on the streets, in fact fewer than a dozen in 1990 and sixty in 1999 [6]. The laws on decentralisation which define how responsibilities are to be shared between central government

and local authorities effectively gave the latter greater political and financial autonomy, but when it came to issues of security, mayors above all used the resources they had to increase the size of their municipal police force and/or to develop other ways of preventing crime. For example, over a period of about twenty years, the number of police working in municipal police forces tripled, from about 5,600 in 1984 to 16,500 in 2004 [14].

In the 1990's there were a lot of companies that produced and installed surveillance cameras – 150 in 1999, employing 2,900 people – but they were small: only 35% of the turnover of the five biggest companies was generated by these products, whereas they represented 87% of the turnover in the sector that deals with transfers of funds [9]. Another striking aspect from this period is that the debates around video surveillance brought into opposition two radically different ideological views which disagreed on the ways of maintaining law and order. On the one hand there were the left-wing parties, supported by independent institutions responsible for the protection of private life (for instance the CNIL – Commission Nationale de l'informatique et des Libertés/National Data Protection Agency) and by campaign groups which strongly criticised the intrusive nature of these new surveillance techniques and questioned their usefulness. On the other hand, there were the right-wing parties, supported by senior police officers who referred to growing threats from terrorism and violence in the inner cities, claimed there was a 'security deficit' and emphasised the positive ways in which these systems could support the police [17]. During the second period of 'cohabitation' between a right-wing Prime Minister (Edouard Balladur) and a left-wing President (François Mitterrand), March 1993 until May 1995, the political divide over security questions was very much in evidence.

### *2.1. A law to regulate the use of video surveillance*

It was in this context that the French Ministry of the Interior decided to use a new law on security matters passed in January 1995 (Loi d'Orientation et de Programmation pour la Sécurité/LOPS) to legalise the use of video surveillance. The terms used by the parliamentary rapporteur throw a great deal of light on government policy in this area. He explained that:

*"It is not a question here of forcing local and regional authorities and private companies to buy video surveillance equipment but, on the contrary, of regulating the growth of these systems which, even more than the remote detection of cars, can constitute a threat to private life. For indeed the only places adequately covered by laws currently in force are strictly private places or professional premises which are covered by workplace legislation. However, video surveillance calls into question not only civil liberties but also the coherence of the organisation of public security. That is why I believe that, without denying the usefulness of such practices, they must be strictly regulated. Video surveillance must be used highly selectively and restricted to the most vulnerable areas"*<sup>1</sup>

The introduction of safeguards to regulate the work of video operators was the subject of heated discussion during the preparatory stage. Specialists in the field of civil liberties campaigned for the CNIL, an independent body with high moral standing in the country, to be put in charge of ensuring that the legislation being prepared was respected. However, the Ministry of the Interior wanted to entrust this task to the *préfet*, who in each *département* represents central government and had no reason to oppose the installation of cameras which the police might find useful [18]. In the end, Parliament decided to accord

<sup>1</sup>Translated from original French. Law Number 95-73 (21 January 1995), Loi d'Orientation et de Programmation Relative à la Sécurité, *Journal officiel*, 24 Janvier 1995. [17].

authority to the *préfets*, who were to give their authorisation once a request had been discussed by the ‘Video Surveillance Agency’ (Commission Départementale de la Vidéosurveillance). This authorisation laid out all necessary precautions, in particular regarding the measures to be taken to ensure that the law was complied with. Indeed, the law stipulated the places for which an authorisation was required before video surveillance could be installed, and this included public places such as streets, buildings and public facilities and private places or institutions open to the public (for instance shops and sports centres). The law gave the public a right to ‘clear and permanent’ (*clair et permanent*) information wherever surveillance cameras were in operation and the right to see any recordings in which they figured. Finally it set out that “*video surveillance of public places is to be carried out in such a way as not to include the inside of residential buildings or specifically their entrances*”<sup>2</sup>. The video surveillance agencies in each *département* started work at the end of the following year (1996).

Information about the work of these agencies between 1997 and 2004 is provided in a report by the Ministry of the Interior [6]. This tells us that during this period, they authorised the installation of 61,600 video surveillance systems, more than half of them in 1997 and 1998 (34,270), a period which thus served to bring systems already in place into line with regulations. After 1998, the agencies authorised between 4,000 and 5,000 new systems annually. The number of requests turned down was low (165 in 2004 for example) and the number of complaints from members of the public was even lower, totalling 14 for the whole of France in 2002, 16 in 2003 and 17 in 2004 [6]. Most video surveillance systems were found in commercial settings: banks (28,100), department stores (4,500), chemists (1,100) and car parks (920) and almost 600 towns and cities chose to use video surveillance techniques, 275 specifically on the streets [6]. It should be stressed that these systems were concentrated in about a dozen *départements*, the most urban ones with the highest density of population (Paris and the surrounding region, Lyons and its *département*, the regions of Provence and the Côte d’Azur) and between them they had more than a third of all authorised video surveillance cameras.

In addition, from the year 2000 onwards, the left/right political divide over the use of video surveillance for security reasons gradually diminished. After the attacks of 11 September 2001 and the defeat of Lionel Jospin (Socialist candidate) in the first round of the presidential elections in April 2002, beaten into third place by Jean-Marie Le Pen, leader of the extreme right, the left-wing parliamentary parties no longer opposed the idea of using cameras in the fight against urban crime. The notable exceptions were the Communist Party and the Greens, whose politicians regularly opposed the installation of cameras in the areas where they were in power. Looking carefully at a map showing where these cameras are makes this abundantly clear. Thus, the region surrounding Paris (Ile-de-France), which is run by the Socialists, had already spent 24 million Euros on video surveillance in public transport between 1998 and 2002 (30% of the budget available for security) and from 2003 to 2007 this rose to 70% of the budget available. Similarly, the city of Lyons, which has a Socialist mayor, set out a vast plan for the installation of cameras; between 2001 and 2007, 180 cameras were installed, requiring 7.3 million Euros of investment and an annual budget of 200,000 Euros to run the system (not including staff costs) [1]. There are plenty of examples of large and middle-sized, right-wing or left-wing, towns and cities gradually investing in these systems.

## 2.2. Systems used for local security

Even though the video surveillance market underwent considerable expansion at that time, turnover progressing from 224.4 million Euros in 1993 to 490.3 million in 2003 (+118%), this growth was not

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<sup>2</sup>Translated from original French. Law Number 95-73, Article 10.II [5,17].

backed up by active support from the government. This is in contrast to the situation in Great Britain in the 1990s, where the Home Office played a major role in the development of video surveillance [16]. In France, cameras were paid for almost entirely by municipalities, *départements* and regions. In other words, they were above all a means used by towns and cities to meet the expectations of their inhabitants and address local problems. As a study carried out in three French cities shows (Lyons, Grenoble and Saint-Etienne), they generally managed to do so by bringing together a coalition made up of local authorities, businesses and technology-providers amongst others, whose arguments in favour of the project contributed to its gradual acceptance [4]. This was similar to the strategy described by Coleman and Sim in Liverpool ten years earlier [2].

France's central government was not inactive, but the measures it took remained limited, aiming mainly to adapt regulations to take account of difficulties on the ground or to understand new security issues. Thus, a law passed in May 2007 made it possible for small towns which on their own may not have the resources to finance a video surveillance system, to join together in order to do so<sup>3</sup>. Similarly, the 'antiterrorist' law passed in January 2006 allowed the police to get access to images from video surveillance equipment belonging to someone else (local authorities, public transport providers and so on), whereas previously this had only been allowed in the context of a judicial enquiry or, failing that, if the body responsible for the video surveillance asked the *préfet* for police intervention. This new possibility applied to all systems, whatever their purpose. The same law stipulated that the equipment used (cameras, transmission networks, facilities for stocking images and so on) had to conform to technical norms set out by the Ministry of the Interior, but that was the extent of it. In a circular sent to all its departments in April 2006, the Ministry reminded everyone of the limits established, stating that "*the installation of a video surveillance system must not lead to any additional costs for the police*"<sup>4</sup>. As a result, it was very firmly indicated that the police should neither directly manage a video surveillance system nor have anything to do with operating cameras [3].

### 3. State promotion and funding

A few weeks after his election, the new President Nicolas Sarkozy declared in an interview with the press on 8 July 2007 that he had asked the Ministry of the Interior 'to think about an extensive plan for installing cameras' as a means of combating crime and the terrorist threat. On 26 July, the Minister of the Interior Michèle Alliot-Marie announced her decision to triple as quickly as possible France's video surveillance capabilities. On the 9 November she gave more detail about her aims in an official address:

*"I have both quantitative and qualitative ambitions. Quantitatively, I want to triple the number of cameras on the streets in two years, increasing from 20,000 to 60,000. Qualitatively, I would like modern equipment, giving police the possibility to have access to images recorded by municipalities and those in charge of major public spaces (transport, shopping centres, sports centres. . .)"*<sup>5</sup>

In order to achieve these objectives, the Ministry needed to convince the public and local politicians that this massive use of video surveillance to ensure public security was justified. In the remainder of this article, it will be shown that this was only partially successful.

<sup>3</sup>Law Number 2007-297 (5 March 2007) on the prevention of crime. The structure aimed for 'state institutions for cooperation between towns' ('établissements publics de coopération intercommunale') [10].

<sup>4</sup>Translated from original French [3].

<sup>5</sup>Translated from original French [7].

### 3.1. The only doctrine was beliefs

As we have seen, up until then, the use of video surveillance was selective and limited to the places where people and property were the most at risk. Moreover, this reasoned use of cameras was in line with the doctrine developed by the Ministry of the Interior concerning the fight against terrorism. A confidential report written in 2005 by the ‘General Inspectorate of the Administration’ (Inspection Générale de l’Administration/IGA) shows this:

*“It is not advisable in the coming years to go in the direction of installing cameras absolutely everywhere; it would be more in line with the legal situation, financial constraints and operational needs to define priority areas. [...] First of all, within our legal framework, having cameras everywhere is not compatible with the exercise of civil liberties. Financially, it would be a very expensive solution, not a good use of public money, which can be used to fight terrorism through other channels such as intelligence. From an operational point of view, the police’s antiterrorist strategy would not necessarily be reinforced if cameras were installed all over the country. Having too many images runs the risk of making it difficult to make intelligible use of them”<sup>6</sup>*

The report’s conclusion is logical, calling for priorities to be defined and for surveillance systems to be used in a limited fashion so that specific areas and activities can be targeted.

These recommendations were however not followed by Nicolas Sarkozy who, once he became President, decided to encourage the use of video surveillance cameras all over France and to invest considerable sums of money in them. Having severely criticised the ‘inaction’ of his predecessor (Jacques Chirac) and made security a major theme of his electoral campaign, Sarkozy needed to take some initiatives quickly in this area and video cameras have one characteristic which made them entirely suitable for this purpose: members of the public, who are also voters, can see them. Apart from this symbolic aspect, the plan to install cameras also served the practical purpose of increasing the effectiveness of the police, whose performance had been weak. In order to do so, the government had to convince municipalities to extend and/or modernise their systems so that the police could get access to the increasing volume of images recorded. Up until then, systems had been designed with the needs of local security in mind, but it now became necessary for them to correspond to what was required by the police, who were looking for productivity gains in the judicial field, specifically the number of crimes solved.

On this point, it is important to indicate that in order to obtain the support of politicians and the public for this approach, the government systematically referred to the British experience. Thus, in her July 2007 declaration, as in all the others that were to be made by supporters of the presidential camp, Michèle Alliot-Marie declared that:

*“The effectiveness of video surveillance in significantly improving security in our daily lives is unquestionable. Experiences in other countries have clearly proved this, especially in the United Kingdom, where child murders and terrorist crimes have been solved. On a daily basis, local experiments show this is the case. So we can only conclude that our country has fallen behind”<sup>7</sup>*

Any well-informed reader familiar with the work done by British researchers on the effectiveness of video surveillance will be surprised by this declaration. For some studies conclude that these systems have no impact at all and others show them to have a limited effectiveness, which varies considerably

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<sup>6</sup>Translated from original French [14: 14].

<sup>7</sup>Translated from original French [7].

depending on the crime committed, the type of area being filmed, the equipment used and the staff running the system [10]. In addition, up until 2009, no work of this type had been done in France [12]. This is indeed something that is peculiar to France, for the evaluation of public security policy is almost non-existent. It also means that the doctrine behind the push to increase coverage by CCTV cameras was above all based on beliefs, an unshakeable faith in the effectiveness of video surveillance systems.

### 3.2. *Subsidies to win over local authorities*

In addition, another technique used by the Ministry of the Interior was to provide money for local authorities to have systems installed. The method used was based on the one pioneered by the Home Office in the 1990s (CCTV Challenge Competition for example), which meant that the Ministry contributed to the costs of installing cameras (as long as other partners also provided funding), but did not cover the running costs.

The main measure involved using the interministerial fund for the prevention of crime (Fonds Interministériel de Prévention de la Délinquance/FIPD)<sup>8</sup>. In concrete terms, each year the Interministerial Committee for the Prevention of Crime (Comité Interministériel de Prévention de la Délinquance) sent a circular to *préfets*, outlining the areas eligible for funding according to the government's priorities. It was then up to the *préfets* to award funding on a local basis, according to the instructions received and the amount of money available. A total of 72.1 million Euros (and an increasing proportion of the funds available to the FIPD) have been spent on video surveillance: 13.4 million in 2007 (309 projects, 30% of funds), 11.7 million in 2008 (347 projects, 30% of funds), 17 million in 2009 (538 projects, 45% of the budget) and 30 million in 2010 (almost 60% of the budget) [8]. As the project has gradually been rolled out throughout the country, these subsidies have mainly been paid out to local authorities who wish to install CCTV on their streets (three quarters of all projects), along with transport companies, schools and providers of social services. The rate at which equipment is financed varies from 20% to 50% depending on the complexity of the system and the density of cameras installed, but it can be as high as 100% when the subsidy is financing a connection between a town's video operators and the departmental or national police (39 in 2009). By the end of 2006, 53 towns and cities had put in place a system such as this but by the end of 2009, with the help of the FIPD, 80 more towns had such a system [8].

In addition, in order to provide support for these systems, two administrative structures were created. The first, the National Committee for Video Surveillance (Commission Nationale de la Vidéosurveillance) is a consultative organisation responsible for advising the Ministry of the Interior on technical advances and the principles behind the use of the systems. The members of this committee were appointed in November 2007 and they started work in the following months, discussions being chaired by a businessman who had been giving advice to local authorities on these issues for some years. Little is known about the work of the committee, given that their advice is not published. The second body, the Committee for Strategic Operations (Comité de Pilotage Stratégique) is responsible for devising and proposing all the measures necessary to realise the National Equipment Plan. Officially, this committee has members who are highly qualified ('aux très hautes qualifications') but in reality this expertise does not yet exist in the Ministry of the Interior, which is why, for example, when the committee decided to put together a methodological guide to their activities, the task was entrusted to a specialised private lawyer's office<sup>9</sup>. Nevertheless, the committee's range of activities gradually expanded and in 2010

<sup>8</sup>Created in March 2007, the FIPD has a specific budget to be used for financing crime prevention measures. These funds are provided by the income from traffic fines.

<sup>9</sup>See [www.videoprotection.interieur.gouv.fr](http://www.videoprotection.interieur.gouv.fr) [accessed June 2011].

they took over from the *préfets* the allocation of FIPD funds. As far as regulation is concerned, the organisation and running of committees within *départements* responsible for dealing with requests for authorisation submitted to *préfets* were revisited so as to simplify and accelerate the process from January 2009 onwards<sup>10</sup>.

In spite of all these efforts, the official objective of tripling in two years the number of cameras on the streets was not achieved. At the end of 2009, there were 27,000 cameras on the streets in France, a far cry from the 60,000 promised by the Minister of the Interior in 2007. This may explain why the Ministry of the Interior became so active within Parliament, where discussion was beginning on a bill which determined the objectives and the funding of police for the next four years (Loi d'Orientation et de Programmation pour la Performance de la Sécurité Intérieure/LOPPSI). In the course of debates, the Minister of the Interior returned to an old rhetorical device which consisted in underlining the incompetence and/or idealism of opposition politicians who saw the increasing use of video surveillance as ineffective, expensive and a threat to freedom. In no particular order, the 'angelic Socialists' ('les socialistes angéliques'), 'the ideologists' ('les idéologues') and 'the great thinkers who live in posh areas' ('les grands penseurs qui vivent dans les beaux quartiers') were all denounced.

A more fundamental point was that the government presented several amendments to the bill in order to give new impetus to the installation programme. The first aimed to give *préfets* the right to override a mayor who refused to allow video cameras to be installed. This initiative was mentioned as early as November 2009 by Nicolas Sarkozy when he visited the Paris suburbs and chaired a round table on security. He said at that time, "*I will not allow security to be approached ideologically, I want results and pragmatism*"<sup>11</sup>. This strategy of increasing the tension between camps ended up being counter-productive because it served to bring together once again local politicians on both the left and right, who traditionally close ranks when central government attempts to reduce the powers of mayors. In the end, the government was forced to withdraw this amendment even before debates had begun in Parliament. The second initiative was more successful since it presented a significant financial advantage for politicians. It allowed a local authority to entrust the running of its video surveillance system to a private company, which had been forbidden by law up until then. This proposal was adopted by Parliament in autumn 2010. The government's third initiative was apparently harmless and came down to a question of wording. The amendment voted on read: "In all legal texts and all regulations, the words "video surveillance" are replaced by "video protection"<sup>12</sup>. In arguing for the passing of this amendment, the government presented the following points:

*"The law of 21 January 1995 states purposes which can justify the installation of a video protection system. Such systems serve to protect public buildings and facilities and their access routes, assure the security of installations which play a role in national defence, regulate traffic, record traffic offences and prevent attacks on people and property in places which are particularly vulnerable to mugging or theft. Reading these objectives, it is clear that recording images serves to protect people and property and the words 'video surveillance' are therefore inappropriate because the term 'surveillance' can lead members of the public to think, wrongly, that such systems could represent a threat to their private lives. There is thus a case for replacing 'video surveillance' by 'video*

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<sup>10</sup>Decree Number 2009-86 (22 January 2009) which modified decree Number 96-926 (17 October 1996) on video surveillance, *Journal Officiel*, 24 January 2009.

<sup>11</sup>Translated from original French, see <http://www.elysee.fr/president/les-dossiers/securite/2009/deplacement-en-ile-de-france-24-novembre-2009/lutte-contre-l-insecurite.7001.html> [accessed June 2011].

<sup>12</sup>Translated from original French, see [www.senat.fr/dossier-legislatif/pjl09-292.html](http://www.senat.fr/dossier-legislatif/pjl09-292.html) [accessd June 2011].



*protection', which better reflects the legislator's intentions as well as the measures taken to help the public"*<sup>13</sup>

This amendment was passed without much debate. The extremely rapid vote deserves a series of comments by way of conclusion.

#### 4. Conclusion

The fact that the government could express its desire to legislate on the words used by the public to describe one object or another brings back very bad memories. Of course, George Orwell's 1984 and his 'newspeak' come to mind, but also the work of the German philologist Victor Klemperer on the language of the Third Reich. Klemperer demonstrated the power that words have to 'think in the place of' the person using them and, even more importantly, to have an impact upon consciences and contaminate minds [13].

So is the French government turning into an authoritarian regime? The answer must be 'no'. It is however legitimate to wonder about an initiative such as the one described above in the current political climate in France, for this initiative is a good example of the way in which those in power act at any given moment. So how can we interpret their wish to get rid of words whose meaning is not orthodox? We can first of all see this as a sign of the government's arrogance, convinced they would be able to impose on the public (who 'think, wrongly' as the justification for the amendment points out) their opinions concerning the meaning to be attached to the development of surveillance technologies. This is a very clumsy way of trying to close down the debate on the balance between the defence of civil liberties and individual security, a discussion which continues to be entirely justified. This legislative initiative also indicates the great difficulty the government has had in getting local authorities to support its plans. Indeed, as the article has shown, up until 2007 video surveillance was a tool in the hands of mayors who had the power to decide to use it (or not) to support the work of the police. By developing a national scheme for installing cameras, the Ministry of the Interior has clearly indicated to local politicians that they are no longer in charge and, even though central government has excluded the possibility of becoming actively involved itself, systems must be designed in such a way that police can get access to the images. Yet as Senator Charles Gautier rightly points out, "*If the purpose of a system is to clear up crimes, which is entirely the job of central government, why should local and regional authorities pay for it?*"<sup>14</sup> Launched by central government, the plan relies mainly on finances provided by local and regional authorities and that is precisely the problem. By providing a contribution to installation costs (through the FIPD), the government has a carrot with which it can convince politicians and by demanding the replacement of 'video surveillance' by 'video protection' it has the stick which the public might use to beat mayors who refuse to install cameras to ensure their population's 'protection'. It remains to be seen whether a carrot and a stick will be enough to see 60,000 cameras suddenly appearing on the streets of France, but there is reason to doubt it.

#### Acknowledgement

Translated by Joy Charnley.

<sup>13</sup>Translated from original French, see [www.senat.fr/dossier-legislatif/pjl09-292.html](http://www.senat.fr/dossier-legislatif/pjl09-292.html) [accessed June 2011].

<sup>14</sup>Translated from French, interview with *La Gazette des communes*, 23 March 2009, p. 30.

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