

# Penal Issues

## CESDIP

Centre de Recherches  
Sociologiques sur le Droit  
et les Institutions Pénales

UMR 8183

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## Nightwatchers, a New Contribution to the Regulation of Public Space?

The present edition of Penal Issues draws on a survey conducted by **Jacques DE MAILLARD** and **Patricia BÉNEC'H-LE ROUX** for the city of Paris on the Paris nightwatcher scheme (Research report, « Évaluation de l'activité des correspondants de nuit de la Ville de Paris » (« Evaluation of the Activity of Nightwatchers Employed by the City of Paris »), Guyancourt, CESDIP, « Études et Données Pénales » Series, 2011, 111). It analyses the modes of regulation of public space implemented by this type of activity.

Following an experimental phase during the 1990s, the French social mediation professions expanded considerably with the youth-employment (*emplois-jeunes*) scheme<sup>1</sup> introduced in 1997, which recruited local social mediation agents. The extension of these new occupations was sometimes viewed as a way of renewing the regulation of public space by putting someone in charge of looking after communal spaces, thus contributing to some sort of public order without resorting exclusively to the law<sup>2</sup>. Similarly, but with less focus on the issue of surveillance of public space, other scholars have pointed out that they represent a new figure among the of social work professionals, introducing work based on fluidity, mobility and support, and thus instating a new type of relationship with the population<sup>3</sup>. Another observation, not necessarily contradictory, is that these new activities are contingent, and suffer from a lack of recognition as a profession. Symptomatically, Philippe Robert calls them « the neo-proletariat of security workers »<sup>4</sup>. It is a fact that these activities suffer from a lack of recognition by the established professions, and workers find it difficult to make their skills visible<sup>5</sup>.

When the *emplois-jeunes* scheme ended (between 2003 and 2005), the number of people employed in social mediation activities declined, although to what extent exactly is not clear<sup>6</sup>. Not unexpectedly, waning public investment in these new professions (at least at the national level) has been attended by waning research, whereas at the same time, social mediation schemes have become increasingly structured, with the adoption of a code of social mediation in 2001, defining the goals, missions, and professional ethics of this activity, along with reports attempting to define rules and vectors for professionalising social mediation<sup>7</sup>. Action research has also helped to identify indicators for measuring the social utility of mediation<sup>8</sup>.

We have had the opportunity to further investigate these issues, through a study financed by the City of Paris. Indeed, the city had set up a nightwatcher (NW) scheme (*correspondants de nuit – CdN*) in 2004, and wished to have it evaluated. This directly-run scheme has gradually been extended and now employs 135 civil service agents in neighbourhoods within 9 districts (*arrondissements*), (see the « Description of the study » box).

The present analysis aims at identifying the challenges facing such schemes, over and beyond the example of Paris: challenges to the administration's ability to offer responses to everyday annoyances and to provide a reassuring presence for the population. We will begin with the organizational issues: definition of a mandate, institutional supervision of the activity and assimilation into existing partnerships, following which we will look at the way this scheme contributes to the regulation of public spaces.

### Structure of the scheme

Paris NWs belong to a clearly identified administrative department, they are civil servants, receive two months' training and their activities are relatively well-defined, consisting in particular in the production of forms that circulate within a circle of partners. When these facts are compared to the situation analysed in our previous studies, it is clear that this scheme remedies some of the shortcomings found earlier.

<sup>1</sup> Created under Prime Minister Jospin in 1997, the « *emplois-jeunes* » scheme offered government subsidies to employers from the public and voluntary/cooperative sectors hiring youths under age 26 with difficulties in finding employment (translator's note).

<sup>2</sup> ROCHE S., 2002, *Tolérance zéro ? Incivilités et insécurité*, Paris, Odile Jacob.

<sup>3</sup> ASTIER I., 2007, *Les nouvelles règles du social*, Paris, Presses Universitaires de France.

<sup>4</sup> ROBERT Ph., 2002, *L'insécurité en France*, Paris, La Découverte.

<sup>5</sup> DE MAILLARD J., FAGET J., 2002, Les agents locaux de médiation sociale : un dispositif en quête de légitimité, *Les Cahiers de la Sécurité Intérieure*, 48, 127-147.

<sup>6</sup> A working party set up by the secretary general's office of the *Comité interministériel des villes* attempted to collect data on this. According to it, there are approximately 1,500 workers in transportation and 4,500 local community agents (*Médiation sociale: pour la reconnaissance d'un métier*, 2011, Paris, Éditions du CIV, 23-24). These figures are only hypothetical, since there is no standardised national measurement available.

<sup>7</sup> Secrétariat du comité interministériel de prévention de la délinquance et secrétariat général à la ville, 2012, *Guide sur la médiation sociale en tranquillité publique* (downloadable from the Internet site : [http://www.prevention-delinquance.interieur.gouv.fr/fileadmin/user\\_upload/00-Page\\_d\\_accueil/CIPD\\_Guide\\_mediation-1.pdf](http://www.prevention-delinquance.interieur.gouv.fr/fileadmin/user_upload/00-Page_d_accueil/CIPD_Guide_mediation-1.pdf)).

<sup>8</sup> DUCLOS H., GRÉSY H. E., 2008, *Évaluation de l'utilité sociale de cinq structures de médiation sociale. Rapport final*, Paris, ministère du Logement et de la Ville.

## Institutional Structure of the Activity

Whereas mediation agents are hired under « assisted contracts », which are short-term, NWs are civil servants, lower category agents working at help and surveillance with a social mediation specialty. We in fact discovered, in our interviews, that the civil servant status was definitely instrumental in attracting high-quality candidates.

Employment of mediation agents may take two forms: either within a given organisation (the city, a licensor or a transporter), or assignment to a community group. The benefits and shortcomings of both *modus operandi* are well known: whereas the former gives the institution direct influence on the mediators' action and potentially allows it to be more readily identified by other public services, the latter enables more flexible management of the work force, encourages recourse to agencies that are already skilled in the field, and eventually gives mediators greater autonomy with respect to institutions. Being part of a municipal institution gives Parisian mediators two sorts of benefits: first, in their relations with partners, being part of a well-defined municipal service brings them recognition from the other public service administrations, and secondly, in their relations with some elements of the population, inasmuch as being identified with the city makes them more credible.

The recruitment of teams has changed over time: in the early 2000s, the teams were composed of *emplois-jeunes* youths, therefore extremely homogeneous, which then became problematic since both workers and the youths who were their main target belonged more or less to the same generation. The present scheme corrects this to some extent by varying the age of workers on the teams. Few agents are under 25, and some are over 40. This age mix has turned out to be all-important if NWs are to be in a position to communicate with all sorts of groups within the city.

NWs are asked to accomplish four relatively well-defined tasks: mediation (prevention of nuisances and anti-social behaviour; prevention and solving of petty conflicts in public places), social monitoring (listening to and helping the most vulnerable, and working with social services), technical and residential monitoring (detecting technical defects in city equipment and communicating the information to the proper department) and escorting people. The broad nature of their job will be discussed below.

As for operational supervision, NWs enjoy wide autonomy in their day-to-day work. They spend over half their time in public places without necessarily having any specific duties prescribed by their superiors and with no direct supervision. The city has set up a two-sided supervisory mechanism: monitoring by supervisors at the headquarters, and forms filled in by the agents daily. The latter activity is also a way of producing information for partner institutions.

## Integration in a Network of Partnerships

NWs work in conjunction with a series of other departments, agents, organisations, and citizens' group representatives at extremely varied hierarchical levels. Partnerships are therefore essential for NWs, for several reasons. First, because they do not have many resources for acting alone: they relay information, do monitoring, escorting and direction, which do not enable them to « take charge » on their own. Next, nightwatching constitutes a relatively recent, additional service, adding on to a series of existing schemes and organisations. NWs therefore have to « go along with » the already existing services, and demonstrate the surplus value they generate without encroaching on the missions already fulfilled by their partners. The central NW bureau monitors relations with partners, and continually, stubbornly, works at maintaining relations with the other actors working in the city's public spaces.

These partnerships are grounded in the circulation of the NWs' description forms on the abovementioned themes, which makes them information-producers. Every day the various headquarters send between 10 and 15 forms to their superiors, to be forwarded to partners. This is one of the specific features of this Paris scheme: it has set up a formal, centralised system for sending information upward. Partner agencies point to three different qualities: the forms arrive regularly (and fast), they provide fairly precise information about places, and last, they contain qualitative information giving an idea of the atmosphere in a neighbourhood. The large number of forms raises the problem of sorting out the information, and some people feel that their number does not necessarily generate surplus value. We do note, however, that NWs suffer from a lack of feedback, to the point, possibly, of not receiving any real follow-up, meaning that they are often still viewed as junior partners.

## Professionalisation and Supervision of Missions

Whereas this activity has, as mentioned, definitely become more structured, there are still some moot questions pertaining to the steering and supervision of the missions involved. We see two issues as central in this respect: definition of the mandate and supervision of activities by the upper echelons.

In spite of efforts at specifying the NWs' mandate, it is still quite wide-ranging, and not always easy to define. Being a general practitioner of local ills has the merit of occupying a position that other actors are not always able to fill. NWs insinuate themselves into the system's interstices, to provide individualised responses that the other public services are unable – or no longer able? – to deliver. They make personal contact with people in great distress, such as the homeless, and escort frightened people home.

This local integration raises the question of setting limits to their missions: where should they stop? More specifically, should NWs be asked to monitor the state of « *vélib'* » (bike-sharing) stations? Or again, should they count the prostitutes in an area? On the one hand, the very number of their missions gives them a status in neighbourhoods, where they are recognised by the public, and locates them in the interstices of what other organisations are unable to do, but on the other hand, there is the risk that their image will be blurred by their overly direct identification with surveillance and guard duties.

The second question is their supervision by superiors. There are well-defined statuses, with a clearly defined hierarchy, reliable institutional visibility, definite operating methods for partnerships. The institutionalisation of this scheme has the immense merit of defining the activities of NWs. Partnership relations are handled by the NW central bureau (the BDCN), which has the advantage of providing the scheme with contact people who are sufficiently identifiable for partners, reachable at office hours (whereas NWs work on off-hours), and who ensure the coherent management of relations with partners.

At the same time, the weight of this hierarchy may generate complications that threaten the efficiency of the scheme. We must remember that NWs work in public places, with all the contingencies entailed by this sort of activity. Now, the definition of a chain of command, the requirement of systematically filling out description forms for every noteworthy fact may also weigh the scheme down, by increasing the agents' bureaucracy workload. There is a risk of a shift from the right amount of supervision to excessive bureaucratic control.

## A Contribution to the Issue of Public Tranquillity

Although this scheme does not exclusively address public tranquillity – it has personal accompanying and technical monitoring facets – concern with ordinary petty nuisances not dealt with by institutions is nonetheless one of the main reasons for its creation. From that standpoint, S. Roché has examined the production of rules for the use of communal urban spaces, which are often of interstitial nature, pointing to the emergence of new actors who do not act in the name of the law but who « have to do with establishing and protecting communal spaces » (2002, 227). These new professions do not address the domain of prevention in the usual sense, any more than law enforcement, but seem to correspond to the professionalisation of monitoring and disapproval. The question, then, is whether this represents another way of policing cities and enforcing peace and order, not performed explicitly by criminal justice professionals or directly by the community, but by new professionals attuned to their neighbourhoods.

## Entering into Contact with the Neighbourhoods

The nightwatcher job has to do with contact, NWs work in public places and have to forge relations with the population, making themselves visible and easy to reach on the streets. One of the main challenges is to succeed in relating to individuals with wide-ranging social and cultural statuses and to be able to respond to their demands, which may be contradictory.

To be accepted by their « target » groups (« problem youths », the homeless, prostitutes, drug users, street peddlers, the elderly), NWs draw on specific relational abilities, and attempt to adjust to shifting social and local contexts. They cannot take the same stance when making contact with a homeless person who does not speak French, describing their work to someone who questions them on the street, or again, trying to make contact with unresponsive youths. We were witness, during our fieldwork, to the various resources used by NWs in making contact with youths (seductiveness, linguistic and cultural proximity, the authority of the older person, doing little services, sharing tastes, humour, and so on).

What these various skills show is the ability to adjust to the scene, to feel the rough patches, anticipate rejection and seize opportunities. NWs must remain on the watershed, oscillating between closeness and distance: closeness inasmuch as they must succeed in creating a relationship including a modicum of respect and possibly complicity, and distance inasmuch as they must stick to a role that rules out being « buddies » with the youths. They must be able to settle into the neighbourhood landscape without running the risk of being perceived as bothersome. The interplay in which NWs operate is complex. They must greet youths and make their presence felt, but at the same time be too insistent to avoid any risk of irritating them or attracting unpleasant remarks.

This is very delicate work, as we well imagine (just think of the shifts from one speech register to another, depending on the people involved, or making contact with indifferent, possibly hostile groups of people), and rests primarily on individual aptitudes and personal commitment in relationships, and therefore on skills that can hardly be transmitted. Affiliation with the City of Paris administration unquestionably provides resources, however: it enables partners to identify them easily, simplifies contacts with the various public departments (parks and gardens, gymnasiums, etc.) and enables NWs to be of service in a great variety of ways.

### A Versatile Activity for Regulating Public Space

The NWs' contacts and intimate knowledge of their neighbourhood enable them to develop activities conducive to

greater public tranquillity. Our observations uncovered five such activities:

- *informing*: passing upward some general information about the state of the neighbourhood, exchanging information with partners about situations that disturb the public order, circulating specific information about local nuisances, reporting such environmental blemishes as unauthorized dumps, and so forth.

- *preventing*: ensuring a dissuasive presence in public space by cruising in what are believed to be hot spots and hours, preventing some social and health risks, using dialogue to prevent tense situations and relations from deteriorating, appeasing tensions,

- *regulating*: solving conflicts occurring in public places, attenuating annoyances through dialogue, recalling the rules governing use of public space – streets, sidewalks, parks, gardens, squares –, combating anti-social behaviour in public places and in communal parts of private spaces,

- *reassuring*: tranquilizing people who have suffered minor traumas or who may feel threatened, by their mere reassuring presence or by talking with them,

- *protecting*: accompanying a person who feels threatened.

At the crossroads of these five activities, NWs contribute to the enforcement of public tranquillity. They intervene at skateparks to keep the noise level down, accompany young girl students or elderly people who don't feel safe, maintain a dissuasive presence in hot places at problematic hours, remind people of the rules for using public spaces, do mediation in conflicts taking place in public places: these are the NWs' main activities aimed at regulating public space.

Given the particularly tense scene in some of these neighbourhoods, with the police circulating mostly in motor vehicles, NWs constitute a response located between non response (the administration makes no move despite residents' requests) and over-reaction (police strong-arming in minor incidents). Their interventions aim at making sure the rules for using public space are respected, so that these often very heterogeneous spaces can be attended by all kinds of people. At the very least, they facilitate the coexistence of different ways of using public space, and at best they help to create a social fabric by making contact with somewhat marginalised groups such as the homeless, and with those who are isolated (some elderly people). No doubt, their action can only be successful (and their success is, basically, precarious) if they achieve the difficult reconciliation of these two terms – making sure the rules are respected without seeming to be pure law enforcement officers.

### Handling the Contradictions

Our study stressed the obstacles encountered by NWs, which are due both to the nature of the situations with which they must cope (hostile confrontations between

residents and youths, conflicts around the use of some facilities) and to their limited ability to act. Three uncertainties, perhaps even ambiguities, entailed by their activities, should be emphasized:

- *locating themselves between over-reaction and non-response*: their interventions may help to produce an in-between type of public response, by reminding people of the rules and regulations without calling in the police, going to reassure people who suffered a trauma, and so on. At the same time, we must admit that they are relatively rarely called in by the other public services, by shopkeepers or by residents, who may not clearly identify their role. Several managers of public facilities say that they don't call NWs in when a problem arises because they don't come to mind, or because they are in a notch that is already filled, within a rationale that may be stated as follows: « if it isn't serious, I take care of it, and if it's serious, I call in the police or the City security officers ». Sometimes the NWs' position is tricky. The space between « doing nothing » and « over-reacting » is narrow, especially in the relatively densely populated Paris institutional context (with police officers, Paris municipal security officers, the Paris housing authorities surveillance group, and also, youth workers).

- *Showing authority without exerting constraint*: the second uncertainty has to do with the difficulty of conducting mediation, which involves exerting authority without resorting to coercion. NWs can reprimand, but obtain nothing (when a scooter driver rides through a pedestrian area for instance)... or refrain from reprimanding (not request that the overloud music level be lowered when it bothers residents), to avoid jeopardizing the good relations they had such difficulties building up.

This difficulty in regulating space without using coercion is even greater in areas where behavioural problems are relatively constant (gymnasiums, squares, low-rent developments in which mistrust of the administration prevails). In very tense situations, with individuals who reject any authority, their speech-based action is hardly effective, and NWs find it difficult to impose their authority. It isn't easy to intervene to have a regulation respected without being truly authorized to sanction bad behaviour (although NWs are under oath, they do not make use of their power to file reports). Over and beyond the relative powerlessness of NWs, the public administrations are faced with other, broader problems which the other professionals – Paris security officers and national police officers – find equally hard to regulate.

- *Handling people with contradictory expectations*: the third uncertainty has to do with the relations they entertain with the various groups they address. As we know, these neighbourhoods are split along generational, social and even ethnic lines, so that expectations pertaining to people discharging public service missions vary enormously. So even in neighbourhoods where NWs succeed in establishing day-to-day contacts that are both pacific and of a

good quality with the youths who hang out on the streets, their work is not well regarded by some of the residents who observe them. The latter feel that the NWs place themselves too much on an equal footing with those youths, that they play « pals » with them. They are « on the kids' side », and lend a more sympathetic ear to them than to those other residents. NWs are actually caught up in a complex, contradictory net of relations: by shaking hands with young people they run the risk of being perceived by the rest of the population as « siding with them », whereas playing the representative of the authorities entails the risk of being rejected by youths who refuse to take any orders from them. They walk a tightrope, between the local antagonisms with which they must cope.

## Conclusion

These workers' activities include maintaining the quality of public space by providing a reassuring presence, taking care of the physical appearance of that space and also, dispensing reminders of the rules governing its use, while facilitating dialogue. We have pointed out the contingent nature of those missions, which depend on in-depth knowledge of the area, skills in interpersonal relations, and administrative know-how for this multifaceted activity. For all of these dimensions, the question of partnerships is a crucial one: it is because the major locally-based networks can identify the NWs that the latter are able to participate in the circuits by which information circulates, find contact people, and thus succeed in achieving recognition.

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## Description of the Study

This evaluation aimed at determining what night watchers actually do and the effects of their activity, by analysing:

- i) how they operate, concretely,
- ii) what kinds of relations (and the quality of those relations) they set up with the various actors,
- iii) the effects of their activity on local social life, particularly in terms of public tranquillity.

At the time of this study, there were 8 NW teams covering 9 Paris districts (*arrondissements*). Each of the neighbourhoods patrolled by NWs contained between 12,000 and 25,000 residents, usually with a composite social fabric including shopping areas, low-income housing and sometimes train stations and residential areas. The teams are composed of 14 to 18 workers on duty from 4 P.M. to midnight every day of the year. Workers are identifiable by their dress, like City of Paris workers, and have premises of their own.

Observations were conducted on 4 sites, chosen using two criteria:

- a) how long the scheme was working there, so as to observe areas where it has been in effect for some time and others where it was set up more recently;
- b) the nature of the situations encountered, so as to observe a relatively varied range of problems.

The four sites chosen were: the 10th and 11th *arrondissements* (Grange aux Belles, Buisson Saint-Louis, Orillon, Robert Houdin), the 12th (Érard Rozanoff, Place Frenay, Gare de Lyon), 15th (Dupleix, Saint-Charles, Quatre Frères Peignot), 18th (Château Rouge, Goutte d'Or). Data collection involved 6 main activities: interviews at the Bureau of Night Watchers (BCDN); semi-directive interviews with NWs and their superiors (an average of 5 interviews per site); interviews with institutional counterparts (Paris city hall services, police prefecture, elected officials and colleagues working in the *arrondissement* town halls, security workers, social services, staff working at specific facilities); interviews with the local population and its representatives (citizens' groups, local shopkeepers, individual residents); direct observation (7 observation days per site); collecting and analysing the forms filed and activity summary reports (filled in daily by every worker) and reports produced by NWs about more specific interventions. In all, we did 136 formal interviews, 60 more informal talks (with residents) and 28 days of observation.