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***Square Pegs and Round Holes: Performance Measurement in the Police and
Prison Services***

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Introduction

Recent decades have seen a substantial growth in the influence of ‘new managerialist’ techniques of performance measurement within the criminal justice system. Consequently the police forces of England and Wales are increasingly conceptualised in terms of performance, analysis of performance and resource allocation. This paper draws upon an evaluation of a performance measurement project created and piloted by an English police force. Beginning with a general description of performance measurement, we will proceed to outline our research and then apply our findings to the context of the prison service.

Finally we shall argue that the use of strategic performance measurement systems can lead to a compromised and unsatisfactory routine of assessing quality within the criminal justice arena. Namely, target measurement provides the opportunity to erode operational discretion, encourage administrative manipulation and, in some cases, encourage the generation of erroneous quantitative data. Two institutions in particular provide interesting areas of debate in this respect – the police force and the prison service. Both institutions can be said to have distinct occupational cultures (for example Reiner, 2002: Crawley, 2004) and are increasingly subjected to broadly managerialist developments (see for example, the Home Office document ‘Criminal Justice: The Way Ahead’, 2001) in the quest to improve service delivery. Yet research appears to suggest that there are considerable challenges in applying such strategies to public sector organisations because such mechanisms are structured to meet the demands of the private sector and cannot simply be transposed onto the requirements of public sector institutions. Therefore attention needs to be directed at not only the possible clashes between management and officer cultures, but also to the dangers of re-defining the role of criminal justice institutions through the adoption of outcome rather than process based indicators.

A Recent History of Police Performance Measurement

The last two decades have witnessed a pronounced infiltration of private sector strategic management practices into the public sector. From education and health to the criminal justice system, successive governments have pursued strategies that seek to address perceived 'wasteful' public sector working practices. This has led to various bodies, such as the Audit Commission, Her Majesty's Inspectorate of Constabulary (HMIC) and the Home Office to become increasingly involved in the business of police management.

The first significant move towards what might be termed modern 'scientific' police performance was the 1983 Home Office Circular 114 on Manpower, Effectiveness and Efficiency. This document led to a shift of attention away from the processes of policing (eg, such as patrol) to the outcomes of policing (eg, conviction rates). This thread of business management continued into the Sheehy Report (1993) and some of its recommendations, such as the introduction of force policing plans, key objectives and targets, were incorporated into the Police and Magistrate's Courts Act 1994. Importantly, as we will see below, Sheehy suggested a complex method of assessing individual officer performance. As Reiner (1998: 69) suggests, in relation to Sheehy, the 'central plank of the program is to enhance the performance not only of police organizations as a whole but of individual officers'. Although there were protests from police officers in regard to Sheehy's proposals, it nonetheless can be viewed as a pivotal moment in the development of performance measurement within policing. One should not underestimate, as Waters (2000) notes, the timing of such a radical change to the management of police organisations, coming as it did in the light of declining public confidence in the police.

Although this approach was initiated during Conservative administrations, New Labour continued to pursue a policy of police performance measurement. Enshrined within the 'tough on crime' rhetoric of the Crime and Disorder Act 1998, was a further extension of the managerial responsibilities of police forces which placed obligations upon local senior officers to formulate long and short term area plans and targets. This managerialist vigour continued in the consultation paper 'Modern Local

Government: Improving Local Services through Best Value', which recommended that Police Authorities and local police areas should standardise performance. This was closely followed by the Home Office's Strategic Plan for the Criminal Justice System (1999), which again promoted the use of targets and performance indicators.

These recommendations were broadly incorporated into the Local Government Act 1999 which heralded the use of performance indicators, targets, audits and inspections, as well as placing 'best value' responsibilities upon, inter alia, Police Authorities to continually improve their economy, efficiency and effectiveness. HMIC's regulation of 'best value' has led to them being notably proactive in encouraging the spread of managerialist culture. According to Loveday (2000: 24), in 1998 the inspectorate praised both Northamptonshire and Dyfed Powys police for their exceptional performance culture and its impact on crime detection. More recently the white paper 'Policing a New Century' (2001) has bolstered and further advanced managerial practices via the Police Reform Act 2002. Amongst other developments, this Act created the Policing Standards Unit, which provides a greater level of scrutiny via its iQuanta system, into which monthly data is collated and compared to a 'family' of similar police areas. Yet, for all this performance provision Reiner (1998: 55-6) asks why 'There is a gaping hole at the heart of the debates of policing. What is good police performance, and how can it be assessed?'

Our Study

It is against this backdrop of expanding performance scrutiny that our evaluation, like Sheehy's recommendation, sought to appraise individual performance. The project was locally initiated, and was introduced by senior officers who could be characterised within Reiner's (1991: 348) typology of the 'bureaucratic ideal type', through a broadening of skills that highlighted a division between police manager and police officer (see Reuss-Ianni and Ianni, 1983). Their seniority, their ability to control forces and the opportunities presented by governmental policy allowed an identifiable performance culture to prosper. These senior officers felt that the existing performance measurement of patrol officers was too quantitative as there was no measurement of the quality of their work. For example, in the pilot site there was, prior to the study, no difference in recognition of the 'performance' involved in either

dealing with a murder case or charging someone for common assault, such roles were simply quantified rather than qualitatively analysed.

Although, as we have indicated, there is a growing chronology of aims, targets and measurements in the public sector they have been generally broad in their terms of assessment. Hitherto, measurements largely concentrated upon national, force or local targets. Individual performance has been rarely assessed in any depth beyond the quantity of arrests or an improvised production of mobile telephone and seatbelt tickets in order to meet such targets. Consequently, the originality of this model can be evidenced in its aspiration to give senior management a comprehensive view of how well the organisation is meeting aims related to police national Key Performance Indicators (KPIs). Therefore its broad aims were to improve the efficiency of resource usage, the quality of crime investigation, to reduce crime and to improve service delivery to the public. Simultaneously, it sought to aid managers in their appraisal of individual officer performance.

The regime, being loosely based upon Kaplan and Norton's 'Balanced Scorecard', allocated points for certain tasks and procedures undertaken by frontline police officers. Points were available for the arrest of a broad range of offences (generally reflecting their gravity) with additional points available for information collected at the scene of the incident such as the name, address, date of birth of witnesses, as well as the collection of other evidence including, for example, the seizure of CCTV footage or weapons. Points were also available for arrests prioritised under national, county and local policing plans meaning that the arrest of a persistent offender, in a crime hotspot, for a hate crime would receive a considerably greater weighting than a crime that failed to converge with such key strategic areas.

Further enhancements were also awarded or deducted in the long and short term depending upon case outcome. For example, in the short term an arrest resulting in a charge and remand would gain officers points, as would a conviction, whereas a refused detention or a case discontinuance would lead to the deduction of points. Information entered either through the local intelligence network or in case files was marked against a set of objective criteria by 'existing quality gateways' which referred to retired officers and civilian staff in the criminal justice and case review

units. Officers and patrol teams were expected to check their monthly scores on the local computer network as this was, importantly, seen as providing a motivational impetus to enthuse officers to their newly applied strategic goals.

From a managerial perspective the benefits were logical, a performance regime that would be transferable to other forces and governmental agencies. Through improving the initial investigation other benefits would follow. The system would ensure the gathering of important evidence, leading to a reduction in 'unjustified arrests' and a subsequent increase in 'positive disposals'. This could, in turn, satisfy Home Office and governmental concerns about the 'brought to justice' and detection rates. In fact, over the evaluation period, patrol officer's scores generally grew and this was interpreted as an improvement in quality. For example the number of substandard intelligence reports fell from 25% to almost zero during the first year. Similarly, patrol teams, according to the system, improved dramatically, with one team showing an increase of 32,000% in quality. Another apparent benefit from the regime was improved cost efficiency, with managers claiming that after a 'structured and scientific assessment' the regime produced time savings of over 10, 000 hours over a twelve month period leading to a potential force saving of £1.6 million. Managers also saw the regime as identifying training needs, and that low points scores would identify the training and support requirements of individual officers.

Consequences of Police Performance Measurement

The present research was undertaken to assess the positive and negative consequences of the introduction of the aforementioned performance. However, beyond this central focus it became evident that there was a division between patrol officer and management that led to officers at grassroots level, 'to manoeuvre around, outwit, or nullify the moves of headquarters decision makers' Reuss-Ianni and Ianni (1983: 259). Importantly, under the momentum to measure (and modify) police performance, both management and lower-level officers adopted strategies to accommodate or reject such pressures.

As highlighted by our research, officers working under performance regimes were not adequately consulted during the development of performance measures yet, their

contribution should ideally be considered because of their vital role in the provision of service delivery (Loveday, 2000: 24). This perhaps highlights one critical point that this paper wishes to identify, that traditional criminal justice leadership has been superseded, resulting in a managerialist culture driven by abstracted strategic qualities that fail to acknowledge both the values and the working practices of the staff that operate within such institutions. An example of this is the HMIC (1997: 2.18) report on Kent Police where it is noted that there is no forum, such as a 'suggestion box', for junior officers to comment on performance issues. In response Kent senior management provided an informative response by stating that the, 'value of the suggestions made would be unlikely to justify the expense' (Loveday, 2000: 24).

Added to this, the complexities of measuring police performance make it increasingly difficult to measure the true 'quality' of singular officer performance. As Reiner (1998: 63) notes, 'Evaluating individual performance by output measures cannot be done meaningfully since it is likely that any one officer's effect on any indicators of crime will be minimal.' Of course, group appraisal is possible through the collation of individual data, but this does not prevent the possibility of group 'creativity' being utilised in order to achieve prescribed targets. For example, police officers have, in some areas, adopted questionable strategies in order to improve detection rates. The most notorious, according to Reiner (1998, p. 64), was a situation whereby detectives would sit in cafes noting the number plates of passing cars, record them as stolen, then later claim they had been recovered, all without the knowledge of the motorists. In another 'infamous' instance officers were 'routinely fabricating crime figures by persuading convicted criminals to confess to hundreds of crimes they had not committed' (Wilson et al, 2001: 59). One offender, alone, confessed to 87 offences including 34 while institutionalised (Guardian 11th July 2003).

It seems that if there is a target to be met, be it an increase or a decrease in relation to a benchmarked standard, it is possible to record an offence in a manner which satisfies contemporary measurement criteria. A 1999 Audit Commission report shows that forces routinely under-report or under-classify crime. It highlights the way in which multiple burglaries in a block of flats within a short time frame can result in only one crime being recorded. Now the emphasis has changed, due to national recording standards, and the creativity with which some police officers record crime

has altered accordingly. Likewise, a recent episode of Channel 4's television programme *Dispatches*, depicted contemporary methods by which the counting of crime can be influenced by the strategies employed by officers operating under stringent targets.

Public Sector Applicability: The Converging Occupational Demands of Prison Officers and Police Officers

Traditionally public sector organizations tend to offer “a variety of complex services” (Wisniewski and Olafsson, 2004: 605). Similarly, Gambles (1999) asserts that performance targets are not suitable for those organisations which neither seek profit nor engage in trade given that there is no discernible ‘bottom line’. Public sector organisations tend to have strategic aims that are difficult to quantify (Wisniewski and Olafsson, 2004) and their mission statements are rarely based around an acknowledgement of the limited resources that are often available to them (Jackson, 1993). This suggests, therefore, that the use of performance targets within core criminal justice institutions, such as the police and the prison service, will experience some difficulty in actually achieving their aims.

Research into the use of KPIs within the police suggests that their use can be detrimental to performance and morale. Wisniewski and Dickson (2001), in their evaluation of the implementation of KPIs within West Mercia Constabulary, suggested that an excessive amount of performance indicators could lead to an organisation losing its way by simply trying to meet targets. At an individual staff level, the authors noted that an excessive reliance upon performance indicators might result in a surplus of meaningful data which, in turn, can lead to staff cynicism towards and, ultimately, rejection of such strategic goal-setting. Equally, occupational cultures remain one of the key hurdles to successful implementation of performance indicators especially when such targets are adopted in a bid not just to measure efficiency, but also to actively *modify* culturally entrenched behaviours (Mooraj et al, 1999).

Occupational groups such as police officers and prison officers can be seen as having some similar and pervasive cultural traits (see for example Crawley, 2004: 29). Liebling and Price (2001: 43) characterise the prison officer as a “supervisor, custodian, disciplinarian, peacekeeper, administrator, observer, manager, facilitator, mentor, provider, classifier and diplomat”. Police officers can be described in similar terms. In fact, according to the Prison Officer’s Association, the parity goes beyond their roles and, under Section 8 of the Prisons Act 1952, prison officers have the powers, authority, protection and privileges of a constable. Furthermore, as with the police, the use of discretion by the prison officer has become an important occupational tool. Leech (2006: 768) refers to the variety of different ways prison officers may use such discretion to interpret prison rules, for example they may elect to address prisoners informally and decide how quickly they attend call bells or whether they place someone on report. Therefore, it is difficult for formal individual performance measurement when applied to occupational roles that are almost defined by their professional discretion.

Further, Liebling and Price (1998: 4) suggest that little research has been undertaken in regard to prison officers but existing studies, reflecting the extensive literature on the police, emphasise the security and camaraderie of the role, describe cynicism and a desensitisation through bearing witness to a constant cycle of human frailty. Liebling et al (1998) describe another parallel, a tension between ‘what works’ and the ‘rule book’. Leech (2006: 768) notes that prison officer culture has become deeply ingrained with prison officers, like police officers, coming from similar socio-economic backgrounds. Despite recruiting initiatives blunting the negative aspects of prison officer culture, Bryans and Wilson (1998: 56) suggest that it remains powerful enough to over-ride the values encouraged by management during training. Indeed, because of this there are persuasive arguments for increased monitoring of officer behaviours as the prison service has not been subjected to the same degree of scrutiny as has been applied to the police in recent years. For example, Waters (2000: 268) notes that in regard to the investigation into the murder of Stephen Lawrence, Macpherson (1999) highlights ‘professional incompetence, institutional racism and a failure of leadership by senior officers’. It may prove to be the case that the Mubarek Inquiry (2006) will provide a similar impetus for increased individual performance management and cultural change within the prison service.

One challenge for performance measurement is that both police and prison officers (as broad occupational groupings) are predisposed to cynicism (Liebling and Price, 1998), not least towards the systems within which they operate. This may lead them to suspect that managerial methods of assessment, although presented in terms of 'quality', are actually little more than exercises in 'quantity'. Moreover, and as previously suggested, the two groups are viewed as having distinct occupational cultures that, increasingly, might be characterised not only by core factors such as the use of discretion (albeit, eroded discretion) (Crawley, 2004) but also in terms of a pronounced cultural division between lower and management ranks (Reuss-Ianni and Ianni, 1983). Furthermore, the behaviour of lower-level officers in both institutions may be seen as being informed not only by the requirements of their respective managers, but also by the received wisdom of occupational cultures which propose their own historically proven notions of what is to be considered 'appropriate' or 'inappropriate' behaviour.

The potential disparity between KPIs and working practices are another challenge to implementing effective performance measurement regimes. In fact Crawley (2004: 10) notes that some of the problem lies in 'old guard', where experienced officers resent what they view as superfluous changes to their role and how they perform it. There are other considerations, not least, those related to the ways in which indicators are developed to measure effectiveness. Unfailingly, those indicators that measure staff performance are quantitative rather than qualitative and, as such, encourage the measurement of those behaviours or performances which are quantifiable in outcome. Such an approach raises two issues. First, can we ultimately equate satisfactory meeting of outcomes with successful delivery of service? Second, to what extent are we in danger of re-defining the core role of the institution in terms of easily quantifiable outcomes?

In regard to the first issue, Appendix 2 of the HM Prison Service Business Plan 2006-2007 is a recent example of how business methods correlate targets and service delivery. It lists an array of KPIs that cover targets for reducing escapes, assaults, self-inflicted deaths, overcrowding, staff sickness and positive drug tests and for increasing ethnic representation in the workforce, treatment programme completion,

skills awards and post-release accommodation places. The same document states that an objective of HMPS is, “To provide safe and well-ordered establishments in which we treat prisoners humanely, decently and lawfully” (p.2). One might surmise that the alignment between the KPIs and the stated objectives would be seamless. However, when one addresses the KPIs in greater depth it becomes apparent that ‘quality’ in terms of service is always relative. For example, upon closer scrutiny the KPI for overcrowding suggests that if overcrowding does not affect more than 24% of the prison population then that target has been satisfied. This is not to denigrate the challenges faced by prisons and the severe physical and economic resource issues that are part of the modern penal estate. However, the creation of such targets that are both attainable and measurable do little to engage with the experiences of 24% of the population who constitute acceptable failure. As HMCIP note in their Annual Report (1997-1998)

“The danger about using them (KPIs) for anything more, such as management determinants, is that they tend to encourage a quantitative ‘tick-in-the-box’ response, while doing nothing to indicate the quality of the performance. Furthermore their credibility is endangered if the level of performance required is set too low, or no one can achieve them because the level is too high” (p.23)

Moreover, by meeting one indicator there could be unintended consequences to others. For example, Hansard (1996) identifies the daily 12 hour ‘unlocked’ target as contributing to other problems. Through a lack of constructive activity during this period there was increased “drugs trafficking and intimidation of vulnerable prisoners”. Correspondingly, by successfully achieving one KPI, an organisation can concurrently prevent itself from achieving another. For instance when a ‘tick box’ mentality is associated to improvement in the timeliness of response to letters, telephone calls or submission of paperwork, we found in our study that although the system showed improvements in quality, those assessing these indicators said the opposite, that increases in timeliness led to lower quality.

Liebling and Price (2001) recognise the cynicism with which some critics view the use of such target driven regimes within the penal estate. Not least, such targets

suggest that the various component bodies of the criminal justice system should, as a matter of course, be able to present an annual improvement to service delivery. Where such targets fail is in their inability to acknowledge those factors, highlighted in 2005 by HMCIP, that combine to frustrate attempts to protect those entrusted to them – overcrowding, the vulnerability of some sections of the prison population and the ingrained occupational culture of some staff. With regard to the latter, research into the effectiveness of Balanced Scorecards emphasise the problems raised when key targets and indicators have little meaning to the staff working under such regimes. Wisniewski and Dickson (2001: 1064) draw on the work of Roest (1997) to stress the importance of the participation of those staff who will use the Balanced Scorecard in developing the framework. Failure to do so, they note, can lead to performance targets being viewed as “the latest management fad or as something that had been imposed on them by senior managers”. Wisniewski and Olafsson (2004) make the related point that staff whose performance will be measured need to perceive some tangible benefits.

In regard to the second issue, regarding the redefinition of the institutional role, recent measures have already had a discernable impact on the Prison Service and, as both Learmont (1995: 103) and Laming (2000: 14) suggest, the increased administrative burden placed upon the prison service is but one way in which the officer role is redefined. This is an area where police models of KPIs might provide some lessons for prisons. In the authors’ research, the introduction of a point scoring mechanism exacerbated tensions between officers and management, divided the camaraderie of officers and actively sought to promote a different type of policework that, to the officers involved, simply was not policing. Officers perceived the regime as a means of controlling their opportunities to use discretion and, thus, as essentially eroding an important tool in their everyday work. The KPIs with which officers were being scored were based solely upon arrests and case administration with no remit for reassurance or community policing given the problems with quantifying such functions. A majority of officers viewed it not only as a means of measuring what they already did, but an elaborate mechanism that provided unwanted incentives for limiting their role to key strategic domains.

Herein, according to Liebling and Price (2001), lies the crux of the issue. Police and prison services are more than the sum of the key tasks which they carry out and are imbued with a moral and symbolic nature. Such dimensions remain largely ignored under prescriptive regimes which limit officer discretion and although seek to increase professionalism, they have the capability of undermining it. One area in which such KPIs may present a further shift in definition of the core symbolic and moral values of the prison estate is highlighted by the decision to transfer responsibility for education targets to Learning and Skills Councils with effect from August 2006. Such a development clearly parallels the debate caused by the publication of the Review of Core and Ancillary Tasks (1995) which demanded a narrowing of the police role into specific 'core' tasks. Not only do these attempts to narrow the role of an institution arguably pander to unhelpful measurement regimes but, simultaneously, serve to alienate those staff tasked with delivering quality under a regime that recognises only quantity.

Conclusions

As we have noted, due to a perception of inconsistent service delivery within the public sector, private sector business practices are increasingly used to measure occupational and institutional performance with the criminal justice system. Yet performance measurement is necessarily a hostage to bureaucratic complexity, and this challenge is intensified when applied to the criminal justice field. Unsophisticated performance indicators, which fail to account for the diverse roles of the practitioners, have limited repercussions in the commercial world where a 'bottom line' can always be found. Within criminal justice, however, there should be an acknowledgement of the role that discretion has traditionally played in both police work and prison work. Although there are discernable benefits to be reaped, the haste to embrace unrealistic, misleading or even contradictory targets suggests that we should not mistake managerial optimism for proof of a universally applicable prescription. It does not necessarily follow that measurement leads to improvement in quality and, in fact, such changes may simply lead to unhelpful disturbances in the balance of role, function and expectation which simply intensify the bureaucratic burden of which Learmont was so critical.

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