

Measuring the Immeasurable? Performance Measurement at the Dutch Police

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1. Introduction

Almost thirty years ago, Michael Lipsky wrote ‘Job performance in street-level bureaucracies is extremely difficult to measure ... For some purposes bureaucracy itself may be defined in part as a large organization whose output cannot be evaluated through market transactions. Such a definition distinguishes bureaucracies from business organizations, whose behavior is in a sense assessed through profitability.’ (Lipsky 1980: 48) Lipsky noticed that already at that time, street-level bureaucracies nevertheless tried to measure performance, as such feedback was essential for the leaders (or, in economic terms, the ‘principals’) to control the street-level bureaucrats in their organizations (the ‘agents’ in economic principle-agent theory). In the absence of direct performance indicators, indirect operationalizations or ‘surrogate performance measures’ were produced, ‘to provide the agencies and the public with control tools, even if the tools are not quite appropriate and may even be counterproductive to the purposes.’ (Lipsky 1980: 53)

Notwithstanding the reservations and criticism which Lipsky already expressed in 1980, performance measurement in public sector organizations has taken a surprisingly great flight ever since. This can be contributed to two developments: the rise of neoliberalism on the one hand and increasingly strong calls for democratic accountability of public sector organizations on the other hand. Increasingly assertive citizens demand to see whether their tax money is well-spent and the public agencies well-regulated and controlled. Both neoliberalism and the need for more democratic oversight have produced what has become known as New Public Management (NPM) (Osborne and Gaebler 1992, Pollitt 1993, Pollitt and Boukaert 2000). A core tool of NPM is performance measurement (PM). From the larger field of NPM, our paper will focus on this aspect.

NPM starts from the assumption that the private sector is more effective and efficient due to its exposure to the forces of competition. Competition keeps businesses on their toes and punishes bad performance, slack, or inefficiency. Therefore, the leadership of private organizations in constantly under pressure to develop better management techniques and the idea is that the public sector can learn from the private. And this is precisely what NPM is trying to achieve. A key assumption is that the effectiveness and efficiency in the public sector can be increased if models from the private sector are applied to the public one. The ideal is privatization and deregulation: turning public organizations into private ones and exposing them to competition. We have seen a great deal of this in the last decades. In particular those sectors of the government which produce services – which in German has its own appropriate word ‘Leistungsverwaltung’ - have been privatized, such as publicly owned industries like coal, steel and weapons, telecom, public transport, harbor facilities, social security, prisons, garbage collection, the parks and public gardens department, theaters, museums and other cultural facilities as well as many others. Many countries are still experimenting with or considering privatization and marketization in sectors where this is more difficult, though not considered impossible, such as health care, education, or employment exchange.

However, in other public sectors privatization is no realistic option, e.g. because there is a natural monopoly, which prevents development of competition, or because it concerns a core task of the state. Such is the case with that part of the government which in German is called the ‘Ordnungsverwaltung’. Occasionally it may be possible to introduce less far reaching measures here by creating pseudo-markets or at least some competition even among public organizations. Yet, even this would be difficult for the core law and order sectors: the police and the courts. The rule and the unity of the law is likely to be endangered if competition would be introduced

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among the police and in the courtroom. As a side note, it must be said that the US has

experimented with competition between different inspections that enforce regulations in a similar field, like environmental pollution, health and safety at work, or highway safety.

In general, when neither privatization nor semi-competition has been possible, NPM has focused on introducing at least some form of explicit performance measurement. If effective and efficient performance cannot be exacted by the introduction of competition, performance could at the very least be measured and evaluated by comparisons with some objective norm, between past and present performances, between different regional agencies, or with those in other countries, i.e. through international benchmarking. Upon evaluation, political authorities can if necessary impose sanctions for poor performance.

In this paper we are particularly interested in some possible unintended consequences of the introduction of New Public Management and Performance Measurement. We want to investigate a rather paradoxical hypothesis: Could it be that the introduction of performance measurement has led in actual practice to more rather than - as intended - less bureaucracy? I.e. has this development created new and more regulations, reports, paperwork, inspections, controls, visitations and formalizations? That would confirm the broader tragic hypothesis which lies behind our study, namely that Democracy and Liberalism – both fierce critics of Bureaucracy throughout history – have inadvertently and unintentionally produced more of what they have been trying or at least claimed to avoid or reduce: Bureaucracy.

To elaborate on our hypothesis we focus on a case study of performance measurement in the organization of the Dutch police. In what follows we shall first elaborate in section 2 why the police is an interesting case to look at concerning their performance measurement. Section 3 discusses the policy measures of the introduction of PM in the Dutch police and section 4 the experiences with it, notably by the policemen and women themselves. Section 5 rounds the paper of with a conclusion.

2. Why Focus on the Police?

2.1. Pressure to Perform

In this study, we chose to focus on the police force. We do so for various reasons. Firstly, as the bearer of the monopoly of the state on the legitimate exercise of force, the police perform one of the core tasks and responsibilities of the state, namely the provision of security, of the protection of life, liberty and property of its citizens. There is no liberty and democracy without a minimum degree of security. The police is responsible for the security on the street and other public spaces - and even some private ones - while specialized police services, or regulatory and inspection agencies, do so for specialized societal locations such as different markets and workplaces. In order to perform this task, the police has public authority, at the most basic level the authority to carry weapons and to use them if necessary, albeit under more or less narrowly circumscribed conditions.

A good performance of this task is necessary in order to legitimize the monopolization of the legitimate exercise of force by the state. If this is not forthcoming, or not enough to the satisfaction of citizens, the latter may be tempted to take the defence of their security into their own hands by acquiring weapons or hiring security forces. The result could be a Hobbesian 'war of all against all', which is precisely what the monopolization of the legitimate exercise of force aimed to avoid.

In the discharge of this duty, the police stands in the middle of society and is probably the most visible part of the state bureaucracy for its citizens. Policemen and -women usually work in the public space, on the streets, squares and markets of society, and are, thanks to the fact that they often wear uniforms, clearly visible to the citizens. For many, the police uniform is the concretization of the abstract concept of 'the state'. The uniform is supposed to emit authority and raise expectations, such as respect, security, and for those with bad intentions fear.

Thirdly, citizens do not only expect protection by the police, but also against the police. In order to avoid that the police becomes not the solution, but the problem itself, societies have over time developed and elaborated the principle of the rule of law. The police does not rule, the law does. It is meant to prevent arbitrary use or even abuse of police powers, including all forms of corruption, which in the extreme could produce a 'police state'. Thus the use of police powers is narrowly circumscribed by the law: when, under what conditions and how to use powers like the right to access private places or demand private information, to search suspects, to use weapons, to impose sanctions, etc. The law also provides options to appeal police decisions, all in order to prevent the arbitrary use of that power.

This is by the way the major difference between the police and the mafia. Both provide protection, but: a) the mafia makes it into a private good: only those who pay get it; and b) the mafia itself has over time become the major threat from which citizens pay to be protected (cf. Gambetta 1993).

These three characteristics of police work, core tasks, visibility, and rule of law - and in particular also the tensions and trade offs between them, such as how much power should go to the police, and under how many constraints, all contribute to frequent politicization of police work. The latter easily becomes the subject of heated debate in the public and political arenas, leading to an ever increasing visibility and sensitivity of any issues concerning the police.

Citizens know the police, or at least believe they do so. And they have their opinions about them, which they voice either directly to individual policemen, or indirectly and more generally through the media, in opinion polls, or in satisfaction studies which the police or the government organizes itself such as the Police Monitor. The press itself takes also initiatives to monitor police work actively. Crime, security and police work are popular news items. The police figures prominently in the media and a substantial percentage of the news involves it in one way or another (Beunders, 2007). Politicians mirror the interests and needs of citizens and the press and call for regular democratic accountability of the police and its politically responsible superiors.

The expectations of the public, press and politicians as regards the police are high, but also often contradictory (see more extensively Van warden 2009). On the one hand citizens expect the police to do its job, to fend off all kinds of threats to their security, and it is willing to endow the police with all necessary means to do so: general and special investigative powers, the right to wiretapping private communications, to combine various sources of information, to carry and use weapons. On the other hand, it wants to tie the hands of the police in using those powers. Those constraints could even threaten the effectiveness of the police, which in turn induces frustrations among citizens. Flight *cs.* (2006: 30) quote a number of critical citizens: 'The police is tied with hands and feet', 'If you give the police weapons, they should also be able to use them', 'A blow with a club should be possible'. This shows the contradictory nature of the expectations citizens put on the police.

Citizens also expect the police to be available, approachable, accessible, communicative and friendly. They expect policemen/women to come 'out of their car', that they listen to their

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complaints and take the time for it, that they are 'one of us', or 'our best buddy'. But at the same

time citizens expect that the police does not waste its time with endless chatting, but that it catches criminals and keep them off the streets. And, curiously enough, some distance, some respect for authority, is also being valued. Flight cs (2006) found that the Dutch have more trust in the German police (88%) than in the Dutch (67%) and explained the difference between the 'soft image' of the Dutch police, while the German police supposedly would radiate more authority, befitting the more hierarchic German culture.

Moreover, expectations fluctuate over time. When crime is on the rise, when a sudden event threatens our feeling of security, we are immediately willing to give the police more powers and more freedom to use them. But when scandals of abuse of that power or even corruption are in the news, as before and after the work of the Dutch parliamentary investigation of the so-called Committee Van Traa ... in ..., the calls for tighter control become more vocal and acquire greater priority.

The legitimacy of the police depends on its ability to satisfy these often inconsistent or even incompatible expectations. Citizens expect the police to do its job, provide security, but to do so without abusing the powers it has been endowed with to do that job well. It needs both output and input or process legitimacy. This requires often walking on an instable tightrope.

In order to provide such legitimacy the public want to hold the state, and in particular the police, accountable. 'We, the people', want to know what 'our' civil servants do in the time that we pay them with our tax money. Democratic institutions provide a plurality of channels for such public oversight, control, and criticism: periodic elections, the ministerial responsibility and hierarchic oversight, oversight by the public prosecutor, administrative courts, a free and critical press and an Ombudsman. Recently, in 2003, a system of performance measurement within the Dutch police administration was added to this list. The popularity of NPM ideas was finally also carried over from other policy areas towards that of the police.

2.2. Difficulties of Organizing Performance Measurement: The Need for Discretion

There may be a demand for detailed regulation and measurement of the performance of the police. Yet, that is not so easy to realize, for various reasons.

First, the police is part of the state administration for which it is more difficult to develop criteria by which to measure performance. As addressed above, the Germans make a useful distinction within the state administration, first identifying *Leistungsverwaltung*, that part of the administration that provides concrete services such as the construction and maintenance of the societal infrastructure, public transport, social security, health care, or cultural activities and secondly identifying *Ordnungsverwaltung*, denoting that part of the government that is concerned with its 'core tasks' of providing law and order. The concrete services of the *Leistungsverwaltung* are relatively speaking easier to measure and hence their performance is easier to evaluate. The police, however, is part of the *Ordnungsverwaltung*. These departments produce a less concrete and visible output. It is not easy to find performance indicators that are both measurable and make sense, insofar as that they are clearly related to the tasks of these organizations. Hence it proves a cumbersome task to measure their performance. If there is pressure to nevertheless do so, there is a good chance that less relevant indicators are chosen.

Second, though an obvious candidate for a performance criterion would be a reduction of crime and/or an increase in public safety - the main tasks of the police - this is fraught with problems. Apart from the problem of how to measure safety, there may be only a distant and

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loose link between the efforts of the police and the effects on public security as one can imagine

many intervening societal, economic and political variables that affect public security but which the police cannot - or only indirectly - influence. Examples include unemployment, poverty, economic crisis, mobility, migration, social cohesion, housing quality, and many others.

Third and necessary to underline, performance measurement is likely to be complicated by the relatively large degree of discretion that policemen and -women on the street need to have. The democratic desire to constrain the power of the police with strict and detailed regulations and to keep a close watch on its performance stands in conflict with the need for the police to have some discretionary space.

In order to do their work effectively and efficiently all implementers and enforcers of government policy need discretionary authority, some freedom of action to be able to react quickly, decisively, but if necessary also flexibly, appropriately and adequately to the many unpredictable and unforeseeable situations with which they can be confronted.

That holds in particular for the police. Of all civil servants the police perhaps has the broadest task, as it is the intervention and enforcement agency of last resort. That task has to be carried out, not in a predictable environment of an enclosed factory or office, but in all of the public spaces as well as private spaces. Many unpredictable situations can thus occur, because that space is open to an in principle unlimited number and diversity of people with different interests, attitudes and behavior. Policemen typically have to deal with those people who display the least predictable behavior in public space: that of foreigners from different cultures, criminals, drunks, homeless, psychiatric patients and others. Police work therefore requires the ability to act quickly and as one thinks fit. Unforeseen problems can occur which may require split second reactions. A recent Dutch case was the September 2009 music festival on the beach of Hook of Holland, where the police was confronted with unexpected violent attacks by fully drunk mobs which became eventually so threatening to them that quite a few policemen saw themselves compelled to pull their guns and shoot in the masses. Another case was that of two policemen who were called to help.... but were unsure what to do and waited below at the door while upstairs one man butchered another. Appropriate reactions need to contain a combination of ingredients: communication, tact, and if necessary also the use of force. To find the appropriate combination the police needs some degree of freedom to improvise. But that is not always easy, and once in a while the policemen on the spot take the wrong decisions.

The uncertainty does not only stem from the unpredictability of situations with which policemen and - women may be confronted, but also from the contradictory expectations of citizens, possibly the insecurity whether one will be sufficiently covered by one's superiors, and from more general societal developments such as the informalization of society (Wouters 1990), the greater assertiveness of citizens, the increased acceptance of violence against the police, or the change from what De Swaan (1983) has called the change from a command- to a negotiation-household.

Apart from the need for a certain discretionary space there is also room for it, i.e. an opportunity if not inevitability. It is difficult for the leadership of the police organization to limit the freedom of its cops on the street. Just as it is also difficult for a taxi-entrepreneur to control his drivers, alone in their cars on the road. Most policemen and -women do their work alone or with a few colleagues in the capillaries of society, on its streets, neighborhoods, companies, at some physical distance from their superiors. This 'principal-agent' problem, of how the principal can control that the agent will realize the intentions of the principal precisely, creates a certain discretionary space.

Still, citizens and politicians expect the leadership to be in full control. They expect it to

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ensure predictability of police action, and equal treatment of all citizens. Arbitrary decisions and

favoritism are not accepted. That is, as a general principle. Of course, each individual citizen would like to get for him- or herself an exception, where and if needed. Legal security and legal equality are important values, strongly embedded in the consciousness of citizens. In order to meet those expectations, police organizations have developed 'standard operating procedures' or protocols, standardized reactions for every imaginable situation. And the police organizations train their personnel in such standard reactions.

Notwithstanding such attempts, the reality is that police work is not easily caught in detailed protocols. There may be a need for it - by the way also in the interest of the security of the policemen and -women themselves. Yet it remains difficult to standardize. Policemen do not work in the protected and easily regulated environment of a factory - where Frederick Winslow Taylor could in the early 1900s standardize and simplify the work, dequalify labor, select less qualified workers, and train them to do routine jobs, a kind of routinization and simplification which since bears his name: Taylorism. The nature and environment of police work involves just too many variable and hence uncertain factors: the broad and diffuse task, the location and work situations, the sort of people, etc.

3. Performance measurement at the Dutch Police

3.1. Introduction

The introduction of performance measurement in the Dutch police occurred rather late, only in the early 21st century, almost 25 years after Lipsky wrote already critically about it. There are several reasons why it took the Dutch government until after 2000 to start experimenting with performance measurement in the Dutch police organization. For one, the Dutch are known for their pragmatism, and this pragmatic style also included leaving the functioning of the police up to the organization itself, as long as it performed its duties and abided by the rule of law. In addition, the Dutch have had traditionally quite a high trust in their public sector, including the police. In 1999, 72% of the Dutch population said they trusted their police, compared to e.g. only 43% in Belgium, 56% in France, 60% in Italy, and 67% in Germany and the UK. Only Denmark scored higher, with 85% trust. This high public trust in the police did not necessitate performance measurement. The government report entitled "Police in Change" (1977) set out the parameters for the functioning of the police, leaving it a large amount of autonomy (Van Dijk and Hoogewoning, 2007). At that time the idea was that these civil servants were professionals and that the best way to allow the police to do its job, was to trust it and allow it a large amount of discretion in doing its job. It took almost 30 years for this viewpoint to change. This happened with the next overarching report "Police in Development" (2005), when performance measurements had already been put into place. Overall, what tipped the move towards performance measurement off was really the foreign import of New Public Management as one expression of neoliberalism. PM was implemented in quite a few government agencies and eventually also the Dutch police.

Performance measurement in the police organization was launched with the new National Police Framework, which contained so-called performance 'contracts'. It was presented in 2003, and signed by the Ministers of Interior Affairs and Justice as well as by the chiefs of the police departments in the Netherlands.

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3.2. Background of Dutch performance measurement

The Dutch police, like many Dutch institutions, has been reorganized repeatedly over the last decades. It has experienced multiple and far-reaching reforms including attempts to measure, evaluate, and sanction performance. The general 'year-plans' of the 1980s, that targeted the main areas of focus for each year, and the subsequent monthly reports introduced in 1996, prepared the foundation for performance measurement. These monthly reports kept scores of the general performance for each division, and addressed particular points in need of improvement.

In the late 1990's, the Dutch government took more and more measures to constrain the police and to give the minister more possibilities to steer the police in desired directions. This resulted in a change of the Police Law (2000) and the creation of a Policy Plan for the Dutch Police for the period of 1999-2002 (Kleuver, 2007). This Policy Plan formulated goals that were supposed to lead to a 'visibly safer Netherlands', and focused on several specific themes all the police divisions should prioritize. Each theme, for example youth delinquency, crime on the street, or serious organized crime, was given a target, but as these were rather general they were not measurable. Thus for youth delinquency the target was to lower the amount of youths in the criminal circuit by increasing their chances of getting caught and by confronting them more with the consequences of criminal actions. Evaluations of the Policy Plan made it clear that in order to be effective, the targets needed to be better specified and formulated as measurable criteria (In 't Veld, 2001).

These developments, and the persistence of NPM in other sectors of the Dutch government, led to the creation of a performance measurement system for the police, with elaborate financial benefits, national and regional targets, and concrete criteria to measure output.

3.3. First Generation Performance Contracts

The first generation of performance measurement contracts was developed for the years 2003 to 2006. They were first drawn up at the national level. The national targets were then translated and elaborated at regional levels, dividing the target numbers proportional to the size of each police corps. The performance results were furthermore linked to the funds each police corps received, so for each regional corps it was essential to ensure reasonable performance criteria as well as reasonable norms on those criteria. Though only 2 per cent of the budget was allocated according to the performance scores, this margin was nevertheless vital for the organization, so each corps aimed to achieve the targets. Yearly, 52 million euros were put aside as a financial reward for those corps which achieved their targets.

Concerns in the selection of criteria for this first generation of contracts were among others that output should be measurable and that each indicator could be translated into concrete actions for the policemen and -women. Three types of quantitative indicators were developed. First there were objective output norms such as the number of tickets given by the police or the number of criminals arrested; secondly subjective performance indicators, such as the satisfaction of citizens with the police; thirdly, internal performance indicators measuring the efficiency of the police divisions. Table 1 below summarizes the main performance criteria and the national goals on these.

Table 1

Performance measure	Goal
Output measures	
Number of fines and transactions	180,000 additional fines and transactions after police stops per year - an increase of 15 percent
Number of charges forwarded to the public prosecutor	40,000 additional charges forwarded to the prosecution council annually - an increase of 20 percent
Subjective performance measures	
Satisfaction with police services	Substantial improvement in percentage of citizens that is (very) satisfied with the most recent contact with the police as measured in the Citizen Police Monitor (PMB), a substantial improvement is achieving the highest score attained by that force over the period 1993-2002
Satisfaction with availability of police	Substantial improvement in availability as measured in the PMB survey, a substantial improvement is achieving the highest score attained by that force over the period 1993-2002
Measures of internal performance	
Timely processing of charges against young, persistent offenders	80 percent of the charges against (young) persistent offenders should be forwarded to the public prosecutor within 30 days
Overall efficiency gains	Efficiency improvement of at least 5 percent in terms of active police officers - forces that have a sick leave percentage of lower than 8 percent can subtract the difference from the 5 percent efficiency improvement
Sickness absence percentage	Sickness absence percentage should be reduced from 10 to 8 percent
Quality of emergency and other telephone service	To be defined goals for responsiveness to 0900-8844 calls (National Phone number Police, Landelijk Telefoonnummer Politie), responsiveness to emergency 112 calls, and the overall quality of 0900-8844 calls Source Vollaard, 2006: 65

It was difficult to estimate in advance whether the targets set to measure performance were realistic. In hindsight the goals of the first generation contracts were not very demanding and were largely met by each corps. Nevertheless, in order to achieve the targets, the mindset of the organization had to be adjusted. The performance standards required every policeman and - woman to emphasize certain aspects of their work more than others and to be more aware of the general targets they had to attain. This implied a significant reform of police work.

3.4 Critical Opinions from the Outside and Second Generation Contracts

Even before the first generation performance contracts was implemented, critics voiced already their concerns over this type of measurements and their possible effects on the functioning of the police. Criticism came from academics, some politicians and media, and citizens.

Bordewijk and Klaassen (2001) argued that 'we cannot measure that which we want to measure, thus we measure something else, even if this might not be as relevant'. This could lead to a shift in prioritizing certain police tasks over others. Those tasks that produce scores on performance criteria might be attended to first, while other tasks, which might be just as or even more important, would be neglected. Smith (1995) has called this 'indicator-fixation'.

Performance measurement could also induce undesirable strategic behavior by the policemen and -women. First, they had an incentive to try to find 'loopholes', ways to conduct their work in such a manner that performance targets are met, but not always in the best possible way. Secondly, they could engage in 'gaming' (Vollaard, 2003: 67). This entails that police districts try to exaggerate their own performances, without paying attention whether this contributes to the general objectives of police work or engage in creative performance bookkeeping. Such strategic behavior can have adverse or even perverse effects. It leads to an undesirable redirection of attention of the police, and create distorted images of reality.

The experiences confirmed these expectations. The early fixation on quantitative targets led to several unintended effects and partially decreased the effectiveness of the police work, shifting the focus of the organization from providing safety to achieving targets. As a result, contrary to what was intended, performance measurement did not contribute to a positive popular image of the police. The latter came to be dismissively referred to as a 'ticket-factory' because the performance norms required a minimal number of tickets, and this became quickly known among citizens through the media. People who got stopped and ticketed were quick to remark, 'Oh, I guess I have to help you get your ticket quatum'. Critical citizens also feared that the performance contracts would become a serious constraint on the police, impeding them in their work.

In addition to such criticism circulating in the media and among the public, several evaluations were conducted to assess the effects of the first generation performance contracts. They identified both positive and negative effects of performance measurement, and emphasized the need for adapting the performance measurement system. (Algemene Rekenkamer, 2003, AEF 2005, Hoogeboom, 2006).

The government was willing to learn quickly from these experiences, evaluations and criticisms and came already four years later with a Second Generation of Performance Contracts. In 2007 a National Framework laid the base for this new generation of contracts of 2007 and 2008. The new ones were less number-oriented, focused less on quantity, and tried instead to focus more on the quality of the tasks to be performed. Some of the output indicators were taken out completely, such as the targets for amount of tickets, while other indicators were adapted. While this learning process was in itself a positive development, it created new problems, such as how to measure the 'quality' of tasks without using numbers. Clearly, it is vital to navigate the middle road between quantification and emphasizing quality, yet this has also proven difficult in trying to measure the performance of the Dutch police.

4. Critical Opinions from the Inside

4.1 Introduction

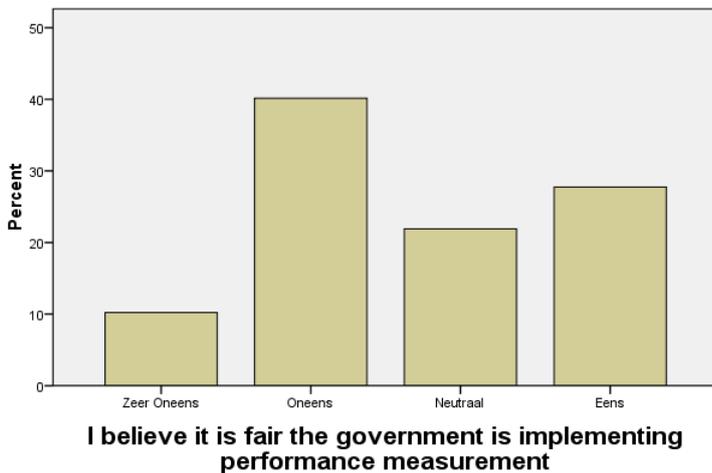
Criticism did not only come from the public, but also from the police itself. We have conducted qualitative interviews and a quantitative survey among policemen and -women themselves, working both in street-level and middle-management positions. Among others, we asked them about their experiences with and observations concerning the effects that performance measurement has had on their own police work and the Dutch police more in general. The survey was distributed among a large part of the 535 employees of the Police Corps Flevoland, of which 146 returned the questionnaire. That is a response rate of 27%, and 31% if we disregard administrative personnel.

In general, the policemen and women declare that they are aware of the implementation of performance measurement and the majority states that they do make a conscious effort to achieve their own performance targets. Only 5% claim not to be familiar with the performance standards for their work. These are mostly police officers who have worked with the police force for over 20 years, see the performance measurement contracts as ‘yet another new tool that will blow over eventually’, leading them not to take it very seriously. Other respondents however, especially younger policemen and women, consider the performance contracts important and have used them frequently in their police training.

4.2 Merit of Performance Measurement

When asked about the added value of performance contracts, the police officers indicate that they appreciate the value of the performance measurement system and understand why this was introduced. One respondent points out that the police ‘is itself responsible for the need to introduce such tools’. He refers to a number of scandals and failures on the part of the police in the late 20th century. Figure 1 shows that half of the respondents do not agree with the statement that it is fair that this system was implemented. The answer depends on their function in the police organization. Policemen officers who work on the operational street level are more critical. Those who are placed higher up in the police hierarchy and who have to implement and justify performance measurement to their subordinates tend to view this instrument more positively.

Figure 1: Implementation of Performance Contracts



Concerning the content of the performance contracts, i.e. the exact performance indicators that police work is being measured with, the respondents have diverse opinions. On the one hand, more than one-third of the respondents consider the performance indicators unreasonable, while on the other hand almost one-quarter indicate that performance measurement gives a meaningful direction to their police work. One respondent says: 'I have nothing against performance measurement per se, but only if it is translated to realistic targets per department'. According to this criminal investigator this is not the case with the current targets. Another respondent criticizes the emphasis on quantitative evaluations in the performance contracts and gives the following example: 'Take the regular community policeman, he has to know this neighborhood, his community, top to bottom, he has to be able to gather any kind of information and know the place from A to Z. You cannot translate that performance into numbers'. Other aspects respondents mentioned as not being possible to measure, yet important, were the integrity of cops, job satisfaction, the feeling of safety and well-being, opposing discrimination, and the gathering of intuitive data in certain neighborhoods.

That measurability is a serious problem also became obvious in discussions on the way that targets are measured. Quantification unifies and obliterates differences that are nevertheless useful. No distinction is made among the different tickets given out or the arrests made. As one respondent puts it, 'The weight of one ticket or one arrest is not dependent on the issue at hand. It could have been for a simple transgression but also for a complicated case or on a strategic location'. As both complicated and simple cases count as only one case, this could influence the choice of cases to be tackled or the spots where tickets are handed out. Concerning criminal investigations, one respondent conceded that in such a case, one could 'take the easiest, least labor-intensive cases, which is not always the best choice'.

The financial reward system is also criticized by our respondents. Respondents indicate that while it is important to set certain goals and expect good performance from the police, the current system complicates police work. The financial incentive for attaining the performance targets means is strong. 'If you did not make it, you would not have the better cars, no radar controls, no alcohol blow tests and other gadgets'. This 'pricetag' on performance is not

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appreciated among by the respondents, as it induces strategic behavior.

The subject most criticized by our respondents is the output norms, especially the necessity to impose a certain minimum amount of tickets. As mentioned, this particular performance indicator was also heavily criticized and ridiculed by citizens and the media. More than half of our respondents criticized this aspect of the first generation of performance contracts. Policemen complain that this indicator obliges them to 'run after tickets' instead of 'doing normal police work'. They call this the most 'perverse effect of performance measurement'. A staggering 40% of our respondents concede that they have, at one time or another, written tickets merely to achieve their targets. One respondent: 'Because of the performance norms policemen and -women go out on the street to detect trivial offenses, or even to look for them, because not doing so has consequences for their own assessment. If they do not get their target amount, they will have an unsatisfactory assessment. It is no longer about preserving security on the street'.

On the other hand, there are also respondents who state that the 'ticket-hunt' is not as dire as it is made out to be, indicating that the targets of the first generation contracts were not exceedingly high and could be met by virtually all districts. The groups of those who criticize this aspect and those who see it as an easily reachable target differ by the region where they have to meet their targets, the amount of people in their district, and the direction they received from their superiors on this issue. There is also a distinction between those police officers who work on the street and those who conduct criminal investigations. A team that specializes in investigating criminal financial networks cannot estimate how long a certain case will take or how many arrests will come out of it. Thus, it is difficult for them to adhere to certain targets in arrests. A community policing team that gives out speeding tickets has an easier job in achieving their required number of tickets by working strategically.

This strategic approach to police work is expressed in various ways. Especially during the implementation of the first generation performance contracts, the focus on numbers and quantities called for a significant shift in mentality of police officers. Respondents concede that 'numerical thinking' sometimes became excessive. Generally, when it became apparent at the end of the year that a certain division was not reaching its targets, 'loopholes' were invented to achieve these goals. One example of such a case is as follows: Towards the end of the year, station X observes that they are not reaching their quota for arrests for that year. Hence, they choose a place that will get them as many arrests as possible, for instance a drugs-inspection at a large party. This way they are guaranteed a maximum number of arrests in the shortest time possible. After arrest, these people are questioned and their files sent to the prosecutor. Usually, there the cases are thrown out, but the police station has obtained the required amount of arrests. Another policeman recounts: 'What do you do when you do not have imposed enough fines at the end of the month, but do not want to get the reputation to be a ticket machine in your own neighborhood, where you have to work again with the same people the next day? You go to a different neighborhood just to get your ticket quotum. However, your colleague from that other neighborhood might do the same in your own district. If we do this mutually this still spoils the reputation of the police in general'. For them, such output norms do not represent an added value. Rather they are a constraint on their police work. However, respondents note that the police organization has learned, that progress has been made and that there is a development towards performance measurements that better reflect reality.

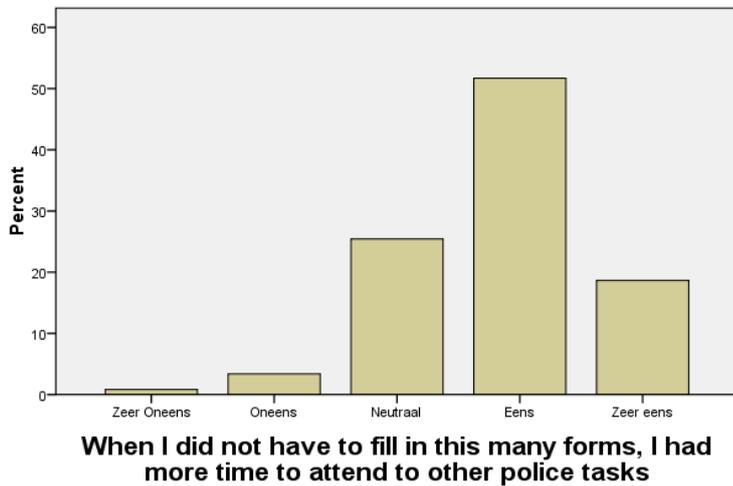
A major point of dismay among respondents is the additional 'paperwork' that performance measurement involves for the police. Two-thirds of respondents indicate that they 'lose far too much time with filling in forms and writing reports'. Figure 2 shows that virtually

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all respondents feel that the time they spend on forms could be better spent elsewhere. Again, a

distinction can be made here between police officers on the street and those working in criminal investigation departments. Especially the latter mention that partially because of performance measurement the amount of paperwork has tripled. One respondent: ‘The problem in the criminal investigation department is that the new forms have come on top of old procedures and forms, meaning that you have to do everything three or four times, taking away time from other police tasks.’

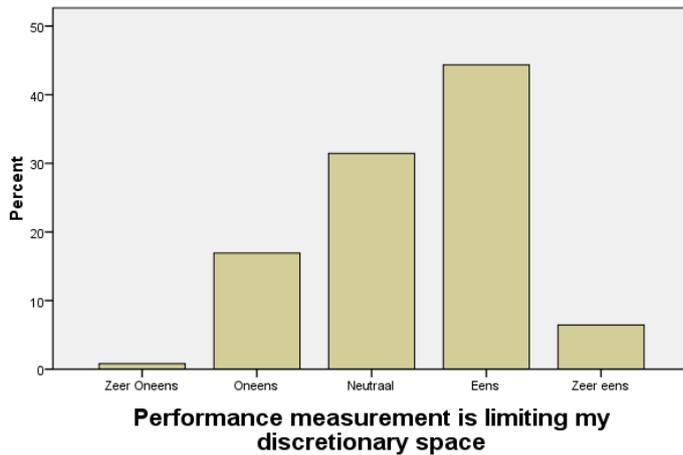
Figure 2: Filling in Forms



4.3 Performance Measurement and Discretionary Space

In our survey as well as during group interviews, we focused a set of questions on the relation between performance measurement and the perceived discretionary space of the police officers and their ideas on the impact of the former on the latter. Overall, many respondents see a certain relation, but not all respondents feel that the impact has been significant. Still, as portrayed in Figure 3, more than half of the respondents feel that performance measurement has limited their discretionary space and has given them less autonomy in performing their police tasks and setting their priorities.

Figure 3: Performance Measurement and Discretionary Space



Especially police officers from the criminal investigation department feel that their freedom has been constrained extensively. One such respondent suggests that they have ‘no inch of freedom at all’. Another colleague elaborates that ‘[It is] all documented in protocols, whenever you want to act in a certain way you have to negotiate that with the prosecutor. After that you have to discuss your intended act with your superiors and then you have to get a written approval and wait until you get the approval, after which you have to commit all your actions to other forms, including also those things you do not choose to do. So basically you are spending all your working hours typing and that does not leave many criminal investigators who can go outside and do their job’. In open questions, respondents also make the link between the diminishing discretionary space and the performance contracts. Respondents single out pressure to perform as one of the main causes for the change in discretionary space.

Lastly, we also asked respondents whether they would be able to come up with better performance measurement indicators. Half of the respondents answered this question, with the answers ranging from ‘more visibility on the street’ and ‘a better and more efficient way of dealing with requests’ to ‘performance is unmeasurable’. One respondent proposed that we progress to a system with no quantities at all, but instead focus on the needs of each citizen. Well ...

5. Conclusion

The introduction of performance measurement in the Dutch police organization has been fraught with problems and notably with effects, which were unexpected and unintended, at least for and by those involved. Yet, anyone familiar with the classical 1980 study of Lipsky on street-level bureaucracy should not have been surprised. Many of the problems that he already identified popped up again in the PM experiments in the Dutch police (1980: 49 ff): goal ambiguity over broad goals such as 'securing public safety'; difficulty developing measurable and still sensible proxies and performance indicators from such goals; difficulty to link such performance indicators to efforts of the police; due to difficulty to determine what would have happened in the absence of intervention; that is, the presence of variables outside the influence of the police that can affect the desired policy outcomes, etc.

As 'provision of security' is the core task of the police, it would be most logical to develop performance criteria from this basic goal. They can be found: objective ones, such as the crime rate, and/or subjective ones, such as the feeling of safety among the citizenry. These indicators can also be measured. Yet, it may not be fair to use them (alone), as both objective and subjective security are also influenced by outside factors, beyond the control and responsibility of the police. It would be something like measuring the performance of Dutch academics by the degree of innovation of the Dutch economy, assuming that the final goal of investments in education and research would be sufficient economically exploitable innovations. If at all, there would only be a very indirect relation here. That between police activities and public safety might be more direct; still it seems fair to hold the police organization only to performance indicators that they could more or less influence.

That has resulted in proxies and their indicators that measure more some of the instruments intended to realize the goal of security than the realization of that goal itself. Such typical instruments are time spent on the beat, amount of tickets given or of cases passed on to the public prosecutor's office. They are in principle measurable, but may be only distantly related to the final goals or may measure only one dimension of the police work. Of all people, Einstein criticized that already: 'Not everything which can be counted counts, and not everything which counts can be counted' (From a sign hanging in Einstein's office at Princeton). And De Swaan (2008) lamented that under the 'delusion of the free market ...all organizations are being assessed solely on the basis of measurable countable results, with as implication that what is not measurable or countable has no value.' Policemen and -women who had read neither Einstein nor De Swaan had come to the same critical conclusion based on their own experience.

This approach has produced a number of unintended and less desirable consequences as we have again learned from the experiences of the Dutch police with performance measurement. First, pressure to perform becomes a pressure to score well on the indicators. Policemen and -women have experienced that well. That tends to produce less rational goal displacement: the means become the real goals of the organization. Second, in order to score well the police can and does engage in strategic action focused merely on scoring, even if that does not contribute to the real goals of the organization or even frustrates their realization. Policemen and -women report that they do and we have given several examples of such strategic behavior.

Third, an inevitable consequence over which policemen and -women complain a lot is the increase in bureaucracy. Performance measurement implies more regulations and standards, more inspections, greater need for record keeping and forms to be filled out. Performances have to be scored and activities have to be reported. Documents have to be stored and statistics

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composed. That takes resources such as time, labor and money, resulting in their being less

available for the 'real' police work. That fuels complaints such as 'the police spends too much time on administration', 'the police sits only behind desks to fill out forms in stead of going after the criminals' (see also Flight cs 2006: 30). The evasive strategies of the street level bureaucrats may add to what citizens experience as 'bureaucracy' as these strategies often imply a more formal attitude towards citizens. If they have to write more tickets before the end of the month they may seek occasions and formal arguments to do so and/or enforce the law occasionally more rigidly. Moreover, if policemen are more formally evaluated by their superiors they may be inclined to assume also a more formal approach towards citizens. The tragedy of the story is that this bureaucracy over which not only citizens and the press but also policemen and - women complain, has come about in reaction to calls from those same citizens and press for more transparency and accountability. More critical discussions among the public and in the press over the police could very well only continue this perverse cycle.

Fourth, what to do in case of good versus poor performance? New Public Management teaches that incentives are needed to induce police organizations to score well on the performance criteria, and that sanctions should be imposed if they do not. The political authorities decided to reserve 2% of the police budget for this goal. Departments would only get this 2% following good performance. It would be withheld in case of poor scores. However, as poor performance could be very well caused by work overload or understaffing, a lower budget might only aggravate the situation and there would be a good chance that that department would perform even worse next time. Yet, not linking resources to performance would take away all incentives for performance. A real Catch 22 situation!

In a real competitive free market that would not be a problem. It may even be intended. Poor performing business organizations deserve to be driven from the market. In an open contestable market more effective and efficient organizations would emerge to take their place. Overall service provision and efficiency would increase as a result of such creative destruction.

Could that also hold for the police? We cannot afford to have a police department go broke or be dissolved, if only, because it has a monopoly in its territory. There is no competitor to take over the service provision. And the service that it is supposed to provide is absolutely necessary. As said, it is a core task of the state. This impossibility of serious sanctions seems to limit the use of performance measurement in a public organization such as that of the police. Thus performance measurement seems hence to be only a very limited instrument to improve performance. Or does it? Could there be solutions to the problem of sanctions, and the other identified problems?

5.1. Alternatives: Soccer Stars as Role Model for the Police?

The New Public Management movement has tried to make public sector organizations more effective and efficient - read: also less bureaucratic - by borrowing from the private, competitive, commercial sector. However, there are limits to do so in the public sector, particularly in that part that the Germans call the 'Ordnungsverwaltung'. Considering such limits, only half-heartedly a few management instruments from the private sector have been copied. Performance measurement was one such measure. It has turned out not to be very effective and produced some serious unintended side-effects, like a focus on the means (getting the 'scores') rather than the ends, strategic behavior of civil servants frustrating the real work to be done, cynicism and demotivation among policemen, and last but not least more bureaucracy. I.e. it realized the very

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opposite from what was intended: less bureaucracy. In that sense the policy backfired.

Could it be that this lack of success was merely the consequence of the half-heartedness of the NPM-policies? Would a more radical policy borrowing from the private sector perhaps produce better results? Are there alternatives imaginable for the performance measurement contracts as practiced these last years by the Dutch police? In considering different options, we will be a bit speculative and let our fantasy free reign. By way of conclusion we will produce some food for further thought.

What about full-fledged privatization of the police? Other formerly public sectors, notably those that provided services like telecom, public transport, postal services, labor exchange, garbage collecting, road infrastructure, public theaters, or care for public gardens have been more or less successfully privatized. In the US, even the penitentiaries and the military (Singer 2003) have been partly privatized. Why not the police? What would be against it?

After all, the police provide also services such as security, protection, and care for the rule of law; services which to some extent and in some areas have already been cared for by private organizations for a long time. The care for the rule of law is partly in the hands of lawyers. These liberal professionals play an essential role in the judicial system, yet they are nevertheless private actors, commercially organized and motivated and active on the markets for legal services. Protection is also provided by private security services, for hire by corporations and individuals. Personal protection, e.g. for politicians threatened by terrorists, is provided by such security services. In 2004 there were way more privately employed security officials in the Netherlands than publicly employed police: 90.200 versus 57.811 (Van Waarden 2006: 236). Many territories, private spaces, buildings, offices, factories, even whole harbor facilities/areas, are controlled by private security employees. Some of them are even endowed, as 'honorary' public officials, with some public authority, e.g. to carry weapons, or to make arrests. This is e.g. the case with the security patrolling the Rotterdam harbor.

Thus there is already quite a large private security providing sector. Why not extend this to the police and turn them into liberal professionals or commercial organizations? A less extreme form would be where a core public police would hire additional personnel through private security corporations, just like the US Army in Iraq enlists the support of various types of private mercenaries.

Complete privatization would imply turning police services from a public good into a private one. Characteristic of a public good is non-excludability - no citizen can be excluded from profiting from the services - and non-rivalry - the use by one citizen would not mean that there is less for others. This is currently more or less the case with public police. Every citizen has a right to their protection. Rivalry there is a bit more. The capacity of the police force is in principle limited and policemen protecting in one location cannot do so at another. Typical of a private good is the opposite: excludability and rivalry. That allows for charging a price for this service, which implies that police protection would only be available for those who individually pay for it (or who can find someone or organization to pay for them). Such is the case with the very rich - in especially third world countries - having their own private security protecting them in fortified housing. As we would not be willing to accept such unequal access to security services, that would most likely be a step too far. It would also contravene constitutional law and human rights. After all, we citizens have consented in giving the state the monopoly on the legitimate exercise of force in exchange for effective protection for all. If the government cannot provide sufficient protection for the life, liberty and property of its citizens, it loses legitimacy and citizens may take the care for their protection in their own hands or hire legal or illegal security forces. That could end in a Wild West situation, the Hobbesian 'war of all against all'.

If full-fledged privatization would be too far fetched, a less extreme variation would be the introduction of some competition with rewards for the well performing and/or punishment for the less performing. The problem was that the ultimate sanction on competitive markets, bankruptcy, is not acceptable for the police services. But aren't there examples of other markets where less well performing competitors also cannot go bankrupt? Where competition does not have to be a life-and-death struggle?

Yes indeed, there are: the market for spectator sports such as soccer. Soccer teams also compete, and the losers do not go bankrupt. Actually, they should not. The soccer world cannot afford to have teams go broke and disappear from the market. What makes soccer special, and different from many other industries and markets, is that here the competition itself is the product, the commodity. Hence it has not only to be kept alive, but even if in any way possible, enhanced: the fiercer the competition, i.e. the more equal the competing teams, the more interesting the game, and hence the higher the prices that can be charged for watching.

Thus teams have an interest in keeping their opposing teams not only alive but also kicking, very well kicking. Mergers and acquisitions of teams and players, leading up to a monopoly, would not make sense: the monopolist would not have any opponent to play against (c.f. Van Waarden 1997). If the resources - the best players - would become concentrated in only a few teams, perhaps even only one, the richest one, it would have no opponents of equal quality any more, the games would become boring, and the (paying) public might turn their back on soccer after all. Then soccer would lose the competition from other spectator sports).

Financial sanctions have the disadvantage that they may lead to a struggle for life-and-death, as money may be needed for survival, or only already for being able to do a good job. Punishing poor performing police departments by lowering their budget may hinder them in their attempts to improve performance. But rewards and punishments do not necessarily have to be of a pecuniary nature. Here the source of NPM, microeconomics, has sneaked through its bias. In the crude variety of its model of man it limits incentives that motivate economic actors to quantifiable units, usually money. This is however a very limited perspective on human nature: We know that people are just as much, or perhaps even more, motivated by social rewards and sanctions: recognition, admiration, esteem, distinction, fame, honor (cf. also Pels 2007). Bankers seem to value and insist on their towering bonuses not so much for all the goodies they can buy with them, but as a symbol of esteem, as a number which locates their position on the ranking among their peer group of bank directors. Academics seem to be more motivated by fame and citation scores, which earn them the admiration of their peers, than by their salaries. Why do football teams work so hard to perform? Admittedly, the players get well paid. Still, the primary incentive seems to be honor and admiration - symbolized in the cup or trophy - both by their fans and by their opponents. The Dutch have often been portrayed as having a less well developed culture of honor than other societies. Nevertheless, Dutch youngsters also dream of becoming a football or pop star, not so much because of the money they would reap, but because of the fame and glitter. TV shows involving competitions for fame enjoy remarkable popularity. Humans are curious in that they are social animals, also in the sense that they are willing to do almost anything to gain the admiration of their fellow humans. So why not titillate the sense of honor of the police, by rewarding the best with honor and recognition, rather than by punishing them for poor performance with a lower budget?

Still, even if it would be possible to motivate police departments with the carrot of honor and recognition, it would still leave the problem unsolved how they could and should score their goals. What would be in this 'police competition game' the criteria which distinguish the winner

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from the losers? We may have solved the problem of a sensible reward for performance.

However, we are still left with the problem of how to measure this performance. The Dutch police organization and the Interior Ministry have experimented with different criteria in their experiments with performance measurement. They have also showed a remarkable capability to learn quickly from good and bad experiences. Improvement has been made. But the system of performance measurement is still not very popular among the policemen and -women themselves. Perhaps a more stimulating positive reward could increase the popularity of PM among the police.

Condition for this is however that the reward is not ridiculed. Both in Eastern Communism and Western Capitalism (notably the US and Japan) - and now in Communist-Capitalist China - production organizations have tried to motivate their workers by selecting and honoring a 'worker of the month' or 'the worker of the year'. When one passed a factory in former communist Eastern Europe one could see huge billboards with the pictures of such exemplary workers, just as one could see them also in the US. In this respect, communism and capitalism were similar. However, it did not work so well, as it was often ridiculed by the audience. Honor and recognition can only be a good incentive if it is real, if it is not imposed top-down, but emerges bottom-up. Only then will citizens be really proud of and admire the good performers. This might not be easy in a country like the Netherlands which has the reputation to cherish statements like 'just be ordinary, then you are already crazy enough' (doe maar gewoon dan doe je al gek genoeg'). Still, it seems possible, considering the popularity of popularity competition programs on TV recently.

Soccer and soccer players contending for honor, wouldn't that be a fantastic role model for policemen (and even - women!) and police departments? Perhaps it would even be possible to make police work into a kind of spectator sport. The media do already pay quite some attention to it. Police work and police organizations figure frequently and prominently in the media. In the US there are even specialized 'reality TV' channels figuring the police in action, ambulance chasing, and real court room entertainment. They make the democratic requirement that trials should in principle be public very real and they create new forms of punishment: they have introduced a new version of the pillory: from the classic physical village square to the virtual village square. In Dutch TV programs like 'Criminals Wanted' ('Opsporing verzocht') the police is soliciting the aid of citizens while at the same time providing entertainment. Such programs could be extended by including also critical reports on the performance of the police in such and other cases. One could even imagine different police departments competing for the approval of the public. This would be another, more creative way, to solve the problem of accountability of public organizations to the 'demos'. It might have its drawbacks - problems with the rule of law, the rights of suspects, etc. - but it would certainly be a more engaging way to hear from citizens how they evaluate the performance of their police than through the rather traditional way of sending surveyors around to the doors and phones of citizens to score the answers to a few very general questions, which form the basis of the 'Police Satisfaction Monitors' that the police supervisors currently periodically organize.

In this way, the critical press, a major institute of checks and balances in a democratic constitutional state, could play an active role in controlling the performance of public organizations such as the police. It may have its disadvantages: less balanced and more ad hoc evaluations, limited representativeness, hence lack of fairness, etc. However, the current official top-down forms of performance measurement also have their drawbacks as we have argued. And, the press does it anyway: critically following the police. Why not rely more on this and relinquish the ideological brainwaves of the New Public Management movement? At the very

least it might mean less forms for the police to fill in, i.e. less bureaucracy. Or ... would we then get new forms of recordkeeping regarding media-management?

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