

# Process performance improvement in justice organizations—Pitfalls of performance measurement

Petra Pekkanen\*, Petri Niemi

Lappeenranta University of Technology, Department of Industrial Management, PO Box 20, 53851 Lappeenranta, Finland

## ARTICLE INFO

### Article history:

Received 15 September 2010

Accepted 6 August 2012

Available online 17 August 2012

### Keywords:

Performance measurement

Professional organization

Public sector

Justice organization

## ABSTRACT

The paper focuses on the problems and pitfalls of process performance measurement in justice organizations and the possible negative on process performance. The characteristics and pitfalls of process performance measurement in justice organizations are analyzed with two case studies conducted in two Finnish courts. The empirical findings are compared to the attributes of a good performance measurement system adopted from the literature. It is found that the main areas needing attention in judicial performance measurement are: understanding the causal relationships, improving the informativeness of used measures, improving the role of the measures as communication devices, and using the measures as incentives for improvement. On the basis of these findings, some potential solutions for improving performance measurement in public sector professional organizations are offered.

© 2012 Elsevier B.V. All rights reserved.

## 1. Introduction

In frontline economies like Finland, there is an ongoing debate concerning public sector services, not only the question of the right or affordable level of services, but the efficiency and effectiveness of public services as well. Many public services are facing the situation that they need to maintain the current level of service with diminishing resources. This development has forced public sector organizations to seek solutions from the most obvious direction, the private business sector. A key issue in this adoption process has been the introduction of performance measurement systems, which has aroused also research interest (e.g., Brignall and Modell, 2000; Modell, 2001; Wisniewski and Olafsson, 2004; McAdam et al., 2005; Rantanen et al., 2007).

Finnish justice organizations have strived to improve their efficiency and effectiveness having faced demands to shorten the throughput-times of cases. Arguably, justice organizations have a dualistic nature. On one hand, they act like traditional manufacturing environments: the cases flow through the process from one production cell to another, and wait in queues between the cells. On the other hand the “manufactured item” is crafted by highly skilled, independently working professionals. Every “manufactured item” is unique, the time required to carry out the process phase varies strongly, and it is usually unclear to see beforehand the time required for the case. In addition, in the court system the

judges need to be completely independent and “beyond control” to ensure objective rulings. Thus the traditional managerial practices are difficult to apply, making performance measurement the key in controlling and directing the process, operations and actions of workers.

The justice system processes have been studied mainly under the concept of caseload management (see e.g., Coolson, 2008; Steelman and Fabri, 2008). This literature has not paid much attention to performance measurement. There is thus room for research in the area of process performance measurement in the judicial environment, where the features of professional work are combined with an obvious need to apply production and management control principles. This study is a part of a larger research project aiming at reducing delays in Finnish justice system processes. Two case studies were conducted in two Finnish courts of justice. This study focuses on the problems and pitfalls of process performance measurement in justice organizations and the effects they can have on process performance. It analyzes the characteristics of process performance measurement in justice organizations from the perspective of attributes of good performance measurement adopted from the literature. Also potential improvement solutions for performance measurement are suggested.

## 2. Performance measurement in professional organizations

Performance measurement, recently broadened and upgraded in the literature to performance management, has been a relatively popular research subject, but until recently the focus has

\* Corresponding author. Tel.: +358 50 325 4272;

fax: +358 5 6212699.

E-mail address: [petra.pekkanen@lut.fi](mailto:petra.pekkanen@lut.fi) (P. Pekkanen).

been on the traditional business organization. Due to the rapid emergence of knowledge intensive business, performance measurement in them has become a focal research area.

### 2.1. Special characteristics of justice courts affecting performance measurement

The special characteristics of professional work and knowledge-intensive work and their impact on performance measurement have been widely discussed in the literature (see e.g., Boland and Fowler, 2000; Bourne et al., 2005; Bititci et al., 2006; Chan, 2004; Mettänen, 2005; Okkonen, 2004; Pöllänen, 2005; Rantanen et al., 2007; van Thiel and Leeuw, 2002; Ukko et al., 2008, 2009; Wisniewski and Stewarts, 2004; Zapata-Phelan et al., 2009). The most important special characteristics in the operations of professional organizations discussed in the literature are summarized in Fig. 1.

The justice courts' processes are a professional area of work where the research and contributions on factors affecting process performance measurement are still quite limited.

Justice court processes have some distinctive and pronounced characteristics whose effects should be studied more thoroughly. Perhaps the most distinctive characteristic is the even greater emphasis on the autonomy and self-management of the employees than in other professional services. The inherent need for objectivity (objectivity being the most important quality criterion of rulings) makes the issues concerning performance management and new operational procedures quite sensitive and delicate issues. The fear of losing objectivity and autonomy can manifest in the form of a negative attitude towards process improvement. The pronounced role of the need for autonomy and objectivity and the fixed role and duties of the different participants create silo-thinking and restrict the possibilities to utilize co-operation more in the production process.

The Courts can be seen to have many customers, e.g., litigants, state officials, witnesses, the media, tax payers, attorneys, police agencies, victims of criminal cases, and the general public. It is difficult to avoid tension in the customers' interest completely or to design programs that will please all. Different perspectives need to be considered and the customers redefined for the different processes and aspects of court operations. These facts create difficulties in determining the exact goals and performance measures for processes and operations and specifying the value creation process of the organization.

Unpredictability is built into the production process. The unpredictability becomes greater as the heterogeneity of the products increases. There are always going to be adjourned cases, witnesses

not turning up, and so on Townley (2008). As Townley (2008), p. 138 states in his article about justice systems "it is impossible to predict which cases will not go ahead on the day of the trial in advance of the day of the trial and not easy to calculate how long the trial is likely to take". The same applies to estimating exactly the time it takes to prepare a case for trial.

Even though make-to-stock (MTS) is impossible in justice courts due to the customized product, work-in-process inventories play a key task in the process and operations management. The unpredictability of the transformation process and the heterogeneity of the products make the otherwise sensible solution of a first-in-first-out inventory policy impossible. The unpredictability is not only connected to the difficulty of estimating the processing times, it also concerns the lack of "straightforwardness" in the process. For example the products need to be left waiting for settlements or considered a bit longer, or the process needs to be started all over again due to new evidence. The complexity and heterogeneity of the product range create a danger and possibility for products to get side-tracked from the process flow. This makes the planning of production and tight work-in-process inventory control a necessity for good process and operations performance.

The operational practices are also traditional, containing legal and compulsory procedures which need to be undertaken in a certain manner and taken into account in the designing of improvement efforts. The fixed roles and responsibilities create stiffness to the capacity management and resource allocation of court processes.

The conception of quality in justice courts is traditional and highlights strongly the traditional aspects of good rulings and justification. There has not been much room for appreciation of process-based efficiency as a source of quality improvement. The quality conception is largely a reflection of professional pride.

The physical participation of the customer in the process and operations, and the interaction between the customer and the judge are not as notable as for example in health care processes. As the products are highly customized, the customer certainly participates in defining the problem and the choice of appropriate methods and solutions, but is not present in the transformation process. The document files represent the customer, who is physically present only in the end of the process or not at all.

### 2.2. Attributes of performance measurement

The management control theory argues that a management control system is intended to ensure that the employees (1) know what is expected of them, (2) will exert effort to do what is

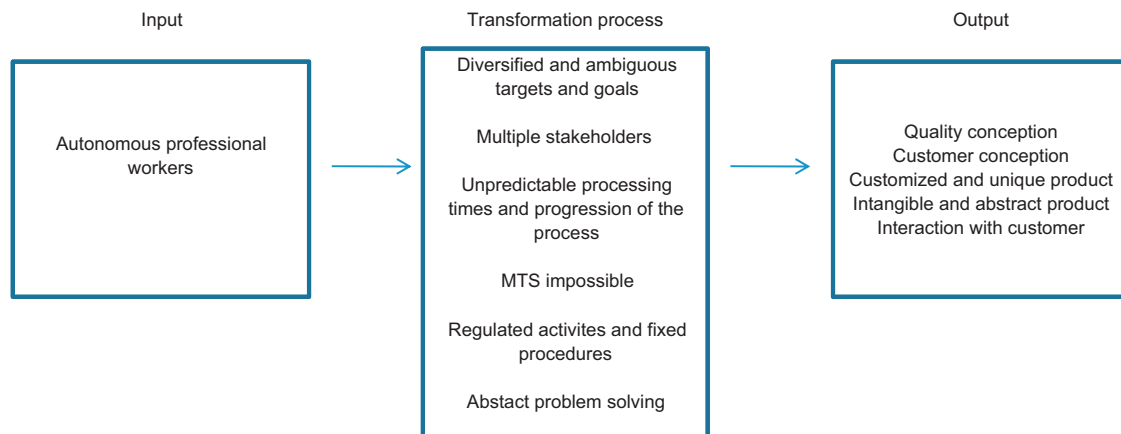


Fig. 1. Special characteristics of the operations of professional organizations.

Download English Version:

<https://daneshyari.com/en/article/5080600>

Download Persian Version:

<https://daneshyari.com/article/5080600>

[Daneshyari.com](https://daneshyari.com)