



Knowledge Transfer As A Leverage Of Change: The Case of the Public Prosecutor Office of Naples

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Abstract:

The public prosecutor's office (PPO) of Naples is the largest prosecutorial institution in Italy. Because of its size, visibility and location in Naples the PPO is an interesting and difficult case from an organization development perspective. Innovation programs can be challenging there. Nonetheless this article seeks to see whether there is innovation in the PPO of Naples. To do so it will consider the program called "work experiences" implemented in the PPO of Naples in the first semester of 2013. It was designed within the general framework of a joint partnership signed by the University Federico II and the public prosecutor office of Naples and provided the human resources of undergraduates and graduate students, selected on the basis of merit, and assigned to specific organizational units within the PPO. The program proved to be effective in triggering processes of micro-innovation within these units and in promoting a collective awareness of the tacit knowledge within the informal organization of the PPO.

Keywords: Prosecutor Office; Organizational Innovation; Knowledge Transfer; Learning by doing.

1. Introduction

The public prosecutor's office of Naples is the largest prosecutorial institution in Italy. It is staffed with more than 100 Senior Prosecutors and 9 Vice Chief Prosecutors², in addition there is the administrative staff and police officers attached to it. It is located in an extremely challenging region with a high rate of organized crime activity. According to the Ministry of Justice, during the period 2009-2011 the average number of criminal proceedings filed in the Naples district increased to 159.815, whereas it reached "only" 127.966 in the district of Rome. These figures report only the ordinary proceedings; they do not include those handled by the District Anti-Mafia Directorate (DDA). According to the Italian law, the District Anti-Mafia Directorates are sub-units of the public prosecutor offices, even though not all public prosecutor offices have a DDA. In the case of Naples 30 out of the 100 Senior Prosecutors are assigned to the DDA, which is coordinated by two of the 9 vice-chief prosecutors. This shows a high organizational complexity. Moreover, in the context of the Italian criminal justice system the PPO of Naples can be considered one of the most visible prosecutorial institutions of the country, taking media coverage and the important corruption and organized crime cases filed in at Naples ordinary court. Furthermore, the average administrative staff age is high: 59.1 years.³ According to current national career patterns in the judicial sector most of the clerks and administrative staff do not have any possibility for promotion.⁴ Also the rate of staff turnover in the administration is fairly low.⁵

Because of its size, visibility and location in Naples, the PPO is an interesting and difficult case from an organization development perspective. Innovation programs can be challenging there: transaction and communication costs are high and moral costs are equally high in case of a failure. Furthermore, teamwork is costly, ease of communication in the organization is difficult to achieve and consequently a rapid sharing of knowledge and information is not spontaneously realized. Nonetheless the PPO in Naples succeeded in improving its performance.

In this article I will try to reply to the following research question: why was the innovation program in the PPO of Naples an initial success? To answer I will rely on the results of a qualitative research project. In doing so, I will first briefly explain

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² Italian High Judicial Council, www.csm.it (last access September 2013).

³ First Instance Tribunal of Naples, Administrative Head Officer, Official Document, last update December 2012.

⁴ Source: Ministry of Justice.

⁵ Interview to of administrative chief unit, Naples December, 2012.

the methodology, followed by a description of innovation theories for the justice sector, including those of the CEPEJ of the Council of Europe. Then I will describe a program called “work experiences” (WEP) implemented in the PPO of Naples in the first semester of 2013, constituting the innovation drive.⁶ I will assess the results achieved regarding the theoretical framework, and especially in terms of transferability and sustainability.

1.1 Methodology

The empirical data presented is framed in the context of organizational theory, especially the concepts of “tacit knowledge” and “reflexive knowledge”. *The methodology used in this research is qualitative.* The case study is based on two rounds of data collection; data covering the official documents as well as the perceptions of key actors by conducting interviews. The interviews were conducted by the author during the period December 2012 - June 2013. I used a standard protocol for the students and half open questionnaires for the others interviewed. The students were selected on the basis of the tasks assigned, to maximize their representativeness. Those interviewed were: the chief and deputy chief prosecutor, those responsible for the Innovation office, six coordinators of the administrative units, 20 students appointed under the work experience program, the Rector of the University of Naples (UNINA), two supervisors acting on behalf of the University, and finally the expert responsible for the impact assessment. The actual impact assessment, which would complete this analysis, is not yet available, because there has been insufficient time since the innovation program considered here ended.

2. Knowledge transfer and Council of Europe Opinions as heuristics for this case study

2.1 Theories and Discourses on Innovation In the Justice Sector

The innovation debate on the justice sector is broad and multi-disciplinary. From the point of view of literature on court management and judicial administration the issue of ensuring efficiency/effectiveness on the one hand and protecting independence on the other has been broadly considered. Scholars have depicted its theoretical nature (Mohr and Contini, 2007; Voermans, 2007; Langbroek, 2010; Kosar, 2013) and have transformed these abstract views into concrete policies (Mak 2008), Steelman et al., 2004, Bunjevac 2011, Hanson et al., 2010).

For a public prosecutor’s office two more points are important. The first concerns the need to ensure data protection, especially during the investigations and before the trial stage. The second point refers to the peculiar institutional nature of a public prosecutor office. Whereas a court plays the role of an impartial dispute resolution mechanism (Shapiro, 1971), a public prosecutor’s office is orientated to play the role of a goal-orientated institution. Its goals consist of uncovering, prosecuting, and sanctioning the prosecution of crimes. I will come back to this aspect later on.

From the point of view of the policy discourse the aspects mentioned are at the core of the agenda of international organizations and generally of all those agencies that are involved in the programs of judicial reforms, rule of law assessment and quality of justice assessment (Fabri et al., 2005; Pauliat, 2007; Piana, 2010; Colombet and Gouttefangeas, 2013). However, these policies do not rely on a comprehensive and consistent analysis of the role played by *knowledge and knowledge transfer* in this field. As a matter of fact, any action of judicial reform, especially those promoted by external watchdogs, do exploit the mechanisms of knowledge transfer. Presumably, the idea of the transfer of knowledge as a leverage of change appears insignificant if compared with the policy principles and goals fixed in the European discourse about the quality of justice and the rule of law. In the framework of the European policy of rule of law promotion and of judicial co-operation, some ambitious goals have been set. Especially the Council of Europe, that has forcefully promoted the quality of justice by means of a number of legally but not binding instruments (Piana, 2010).⁷

In one of the recent documents drafted by the Consultative Committee of European Prosecutors (CCPE) it is clearly stated “Even if the powers of prosecution services to manage autonomously their own budgets and resources vary from one member State to another, autonomy of management represents one of the guarantees of their independence and efficiency. Therefore, relying on professionals in management and elaborating common principles as regards the management of means, particularly financial, is indispensable” (2012, art. 11). In other words: the CCPE highlights two points:

- 1) The differences in the way prosecution services are organized in Europe;
- 2) The importance of managerial accountability, also where the principle of prosecutorial independence has been realized (as referred to in the preamble of the Opinion n. 7).

⁶ A work experience program consists into training activities and working activities carried on within a private or a public institution.

⁷ Relationship between prosecutors and the prison administration, Opinion n. 8.

PPO's are very important institutions for the correct, predictable, and legitimate implementation of the rule of law. This is even more critical in those countries where PPO's are front running in the fight against organized crime, such as Italy, a condition which leads PPO's easily to engage into policy making, develop goal orientated management, and ultimately a problem solving approach in prosecuting crimes. Despite the traditional format which is typically featured by civil law countries, which are marked by a rule-based rather than a case-based adjudication and prosecution, in Italy costs/benefit ratios and strategic rationality are more natural and intensive in PPO's than in courts. For example, in Italy the fight against organized crime requires the planning of investigation, somehow the prevention of counter-acts from criminal organizations, and a forward looking approach. As a consequence, PPO's demand a well-developed organizational approach in terms of goal-orientated management.

Combining the goals commended by the CCPE and the theoretical views on organizational learning and organizational accountability I can highlight three key points.

First and foremost, the respect for legal procedure is necessary but not sufficient to ensure the respect of the principle of rule of law in the realm of criminal justice. Managerial accountability needs also to be considered. From the literature we know that this works only if human and material resources are used and allocated according to a multi-annual plan.⁸

Second, limitations on monetary and human resources. The increased demand of 'accountable justice' corresponds in theory to an increased demand of resources, such as IT, specialist staff, vocational requalification, etc. However, this is not a viable solution. In the specific case of Italy one cannot expect an expansion of the public expenditure to give a strong answer to the demand of justice because the public expenditure is under strict control (both at domestic and the global level) (Natalini and Di Mascio, 2013).

Third, those who have managerial responsibilities in the Italian PPO's face a challenge: improving the service they offer to the citizens by means of a more effective and efficient management of the existing resources rather than by means of financial increase.

Knowledge management and knowledge transfer is an unusual manner to approach the desire for organizational inflexibility. Let's refer here on the scholarship stream which considers knowledge as a social practice and develops the distinction between tacit and explicit knowledge (Polani, 1964) Tacit knowledge is produced and managed in a specific way. Further research showed that tacit knowledge can be intentionally transferred via a process of knowledge conversion in a complex organization (Nonaka, 1999). This allows staff units to reframe and retrieve existing knowledge conceptually. Nonaka focuses on the creation of organizational knowledge, i.e. "the process of making available and amplifying knowledge created by individuals as well as crystallizing and connecting it to an organization's knowledge system (Nonaka, and Krogh, 2009, p. 635). Without entering into the scientific debate on knowledge as a key analytical tool to explain organizational phenomena (Argyris and Schon, 1978; Jelinek, 1979; March and Olsen, 1989; Turner, 1994) I present here an analysis of intentional and non-intentional consequences originating from a process of knowledge transfer. Scholars as well as practitioners know that 'knowledge adopts alternating forms so as to mutually enhance tacit and explicit elements. Because knowledge is the capacity to act based on explicit and tacit elements, enhancing this capacity means making use of existing and new tacit and explicit knowledge' (Nonaka, and Krogh, 2009, p. 638).

Why is this point interesting for our case study? The story of the Work Experiences Program displays two important elements which both fit the description above. The first one is the launch of a process of knowledge transfer as a way to reach a "reflexive knowledge" (Schön, 1984) of those who are employed in the PPO of Naples. This fuels 1) a better exploitation of tacit knowledge; 2) a critical assessment of routines practiced for years and years without any external scrutiny. The second element regards the resources management. The WEP is framed into a broader framework of inter-institutional cooperation between the PPO and the University of Naples, which aims also to combine an efficient provision of expertise (from the University to the PPO) with the guarantee of the institutional autonomy of the PPO in using this expertise.

3. A Successful Innovation Program

The case of the PPO of Naples seems particularly worth telling because it encourages taking seriously the process of knowledge transfer as a way to innovate in a resilient way. Why is this so important?

Most of the Italian judicial offices are medium or small-sized. Naples, as a few others, belongs to the group of the large-sized offices. Beside this, in Italy courts and PPO's suffer a shortage of administrative staff. In some cases the gap between the formal formation and the actual endowment of administrative human resources reaches 30%. This holds also

⁸See: [Consultative Council of European Prosecutors OPINION \(2012\) No. 7](#)

for Naples's offices. More importantly, the lack of any credible policy aiming to offer vocational and in service training to clerks and secretaries as well as the refusal or the incapability of the last four governments to introduce junior staff into the judicial sector (as administrative staff) created a critical situation:

- 1) No professional or monetary reward can be expected by administrative staff employed in the judicial sector;
- 2) No potential to transfer know how and knowledge exist. Senior clerks are often working without any contact with colleagues under 40 years of age;
- 3) The prospect to retire undermines the motivation to learn new skills, such as the capacity to work with specialized and advanced IT tools (to manage the cases, to manage the budget, etc.).

These specific features mark the Italian judicial system, both in the civil and in the criminal field. They impede the effective implementation of any innovation if this requires the active participation of both the judicial and the administrative staff. Once the project has been concluded the knowledge produced is almost redundant, without any chance of being transmitted or integrated with other types of know how. Because innovation and change demand continuity in time the lack in change of personnel is a real obstacle to the improvement of the quality of Italian justice.

4. A Case of a Grounded and a Participated Innovation

The judicial district of Naples is located in the administrative region called Campania. This has for long time been one of the Italian regions targeted by the European regional policy. Financial resources provided by the European Structural Funds (ESF) regularly supported programs of vocational training. They represented an external stimulus for a more efficient and effective encounter between the labor market and higher education. However, the judicial sector remained marginalized during the first three rounds of European regional policy planning. This has changed over the last three years, when the Italian government decided to address the financial resources of the ESF for the judicial sector.

The first two steps in the direction of setting up a new practice of organizational innovation are accomplished outside the judicial sector. The first one takes place rather within the University of Naples. This consists of the launch of a functionally specialized organizational unit within the University Federico II. This is called the Center of Specialized Projects Coordination (COINOR). The purpose of this unit mainly consists of raising funds and managing projects, going through the entire project cycle from the design to the final evaluation and accounting. The second step comes from the engagement of the Region Campania into several activities aiming to promote the full exploitation of the professional, technological, and highly specialist expertise existing in the local area.

These two steps stipulated two favorable pre-conditions: managerial capacities and monitoring capacities provided by an external institution (COINOR) legitimized by the University.

The "work experience" program (WEP) was the initiative of one of the vice-chief prosecutors of Naples, Giovanni Melillo, who administer the managerial competences developed throughout the program as delegated vice-chief prosecutor for the PPO management. The WEP was designed within the general framework of a joint partnership signed by the University Federico II and the public prosecutor office of Naples. This joint partnership creates a new policy window for tailored services provided by the University or some of its sub-units under the umbrella of a formal agreement. Up to now this has been put into motion by means of a number of micro-instruments, such as an agreement for the provision of expertise and knowledge in the fields of toxicology, information technology (to mention some) and prospectively in statistics.

Table 1 below shows a synoptic view of these micro-instruments. The reader can easily detect the added value not only in terms of content – knowledge and expertise – but in terms of method – the process whereby inter-institutional trust has been built and strengthened. To make this happen, participants involved have been forced to overcome internal barriers in both organizations. Therefore, the individual commitment to the first steps proved to be a dramatically important condition to the setting up of this partnership.

Tab. 1. Micro instruments of the inter-institutional cooperation UNINA-PPO

Instruments	Goals
	University
Framework agreement	Development of research activities and applied research aiming at fostering processes of technological innovation, rationalization of the production cycle and of the services offered by the PPO.
Joint agreement between COINOR and the PPO [JA 1]	Methodological and professional support to back up: administrative activities; management; human resources empowerment.

Instruments	Goals
	University
Addendum to the joint agreement N. 1	COINOR is vested with full competence as administrative and technical unit managing the IT platform used to trace the entire management of seized cars (two institutions involved: PPO and Prefecture)
Joint agreement between the Department of Chemistry, the PPO and the District Carabinieri Headquarter.	Highly specialized toxicological analysis of narcotics
Joint agreement between the Department of Advanced Biomedical Sciences	Highly specialized toxicological analysis of narcotics
Joint agreement between the Department Experimental Medical Sciences	Highly specialized toxicological analysis of narcotics
Joint agreement between the Department of Electric Engineering and Information Technology	Support to the development of IT tools
Joint agreement between the Department of Political Sciences	Training of judicial police staff; support to collection and analysis of statistical data with specific significance for the PPO management.
Work Experiences – joint agreement between UNINA, the Naples first instance court and the PPO	Start-up September 2012; WEs last six months; extended under a national governmental financial agreement.

The significance of these agreements is manifold. It establishes a mechanism of trust building between two institutions and the organizational units that operate within each of them. It represents a solution to circumvent the barrier created by the national deficit of public money, which would have put under pressure the capacity of the PPO to sustain the costs of high quality expertise and professional counseling. Furthermore, it is up to the PPO to ask for the services and the expertise of the University. Hence, the PPO preserves its autonomy, exemplified in this context by the power of initiative. The agreement exists and gives a formal framework. Only on the basis of the objectives and the functional needs of the PPO that these agreements are activated and the mechanisms of collaboration put into motion.

The WEP emerges in this context. It has been conceived to tackle three major problems faced by the public prosecutor office and, likely, by most of the larger Italian judicial institutions:

- The lack of personnel change in the administrative staff which reduces the enthusiasm of clerks and administrative operators to engage in innovative experiences
- The lack of specialized non legal training for the administrative staff
- The low level of inter-organizational knowledge transfer and knowledge management (this latter problem affecting the judicial as well as the administrative staff)

The design of the work experience is inspired by the possibility of a mutually profitable exchange between the judicial offices and university. This is to be measured in terms of knowledge management, whose main components are knowledge production and knowledge transfer.

With the financial resources provided by the ESF and put at the disposal of the work experience project by the Region, the university launched a call for graduates or undergraduates – but in the last year of enrollment – students. The winners will benefit from an integrated training program which will be deployed within the judicial offices of Naples, i.e. the first instance court and the public prosecutor office. The call covers 165 places: each of them corresponds to a 500 Euro monthly salary. The launch of the project has been modestly covered by media. However, events promoting students' participation took place within the university (such as http://www.news.unina.it/dettagli_area.jsp?ID=12627).

5. The Innovation Office

The first objection addressed to projects aiming at the development of modernization and rationalization processes in the public sector is the low capacity of the recipient organization – in the case analyzed here the PPO – to be ahead of the entire process of project implementation.

I argue that in the case of the WEP the design of the program supported the actors involved during the implementation process.

This is composed by five steps:

- the creation of the WEP steering committee
- the selection of the candidates

- the training of the candidates
- the assignment of the selected interns to an organizational unit
- the appointment of a responsible person within each organization unit, whose task is to ensure that the interns have clear tasks and receives feedback
- the creation of an innovation office with a team within the PPO given the responsibility to ensure the effective implementation of the WEP (and eventually of other innovation programs).

The WEP started with the evaluation of the candidates. Most important, given the cultural background of Italian justice organizations, is the extension of the WEs beyond candidates with a legal profile. Almost half of the candidates are students with a law degree. However, social sciences broadly speaking are well represented.

Once the selection reached its conclusions, the selected candidates were assigned to the six sub-projects to which they had requested in their applications. The correspondence between the initial request of the candidates and the actual assignment was extremely high (92%)⁹. Only two candidates have been reassigned because they were not able to develop fully their daily activity. The first activity which sees a joint management of the project consisted of the organization of training sessions. This happened with the participation of the academic staff of the university as well as with the judicial staff of the PPO. Student surveys highlighted the moderate effectiveness of these first training sessions, which in some cases were considered to be too theoretical and abstract.

What students consider as the key turning point in terms of vocational training is the “learning by doing” activity which takes place in the unit where the student is assigned under the supervision of high or medium ranked administrative or judicial officers.¹⁰

This specific part of the training activity turned out as the most appreciated and the most valuable of all, according to both students and staff. In most of the cases the daily activities – which are practical in their own nature – are backed up by sessions – mostly informal and without the need of preliminary planning – where the responsibility of the sub-project details the range of activities performed in the areas where the students are. Theoretical and practical training proved very effective. Of course, students in the WEs also benefitted from their previous training in their academic programs. A high number of people assigned to six different projects in more than thirty different offices spread over a fairly extended location might create a dispersion of information and a lack of coordination. This has been prevented with the creation of a comprehensive system of governance, pivoting on the Innovation office and providing a system of mutual control designed as a matrix. Six individuals (tutors) are responsible for each sub-project. Horizontally however, across the different offices where the students were assigned, highly or medium ranked administrative officers were given the responsibility of tutoring the students that are assigned to a particular administrative service. The coordination of the entire WEP was ensured from two sides. On the one hand, all individuals assigned to a sub-project, which shared the same type of tasks and the same type of organizational problem with which they have been asked to deal are under the coordination of the tutor. On the other hand all the staff units that interact with the students assigned to a specific administrative or judicial organizational unit (such as the human resource department; the IT department, etc.) were coordinated by the Steering Committee and the Staff of the Innovation Office.

The entire machinery worked only because of the full engagement and the personal commitment of the head of the innovation office.¹¹ This is ensured on the basis of three mechanisms. The first has been the human reward of interacting with the interns. Senior clerks felt valued by transferring their tacit knowledge to these young employees. Secondly the communication among all people involved has been fostered and guaranteed by the Innovation office coordinator. He has performed the function of a “complexity reduction” mechanism and, at the same time, has played the role as a creator of the collective memory. The time spent in the different rooms where the administrative staff was working next to the interns has been an investment of temporal and cognitive resources. This has paid off especially when considering the fact that after three months all people involved were aware of what was going on in other parallel units. A collective knowledge has been created and this has also facilitated the creation of reflexive knowledge. The last mechanism consisted of scheduling regular formal and informal meetings, engaging also with the judicial staff.

I noticed that the involvement in the WEP has been used in itself as a reward. The visibility, the refreshing feedback (working with young people with new ideas and new energies) had a revitalizing effect), and responsibility assigned by the high ranked officers (the vice-chief prosecutor on the basis of the delegation he received from the chief prosecutor) created, altogether, a favorable condition for the commitment of the administrative staff.

⁹ First report of the WEP Steering Committee.

¹⁰ Interviews to three administrative chief units, Naples, December, 2012.

¹¹ Interview to dr Abelardo D’Agostino, December, 2012 Naples and January, 2013 Naples.

Furthermore, the appointment of one high ranked clerk as Innovation Office coordinator has represented a reward, close in terms of motivating effects, to a real promotion. The same applies to the administrative coordinators. In general these last ones offer a particularly positive appraisal of the entire experience.

These choices represented a way to localize – and therefore rationalize – the managerial responsibility. As I said in the first paragraph one of the lessons drawn from past experiences of organizational innovations inserted in the judicial sector is the critical dimension of the managerial accountability. Once the innovation program starts the responsibility for what happens should be clearly indicated and made visible. This allows also allocating of moral costs in case of a failure. Moral costs are surely crucial in contexts. In fact the Italian system does not allow monetary sanctions in case of low performance. One of the problems that the leaders of this project wanted to avoid is the ineffectiveness of the implementation process. The set-up of a mechanism to assign clear responsibilities is a way to monitor and revise the implementation process along the way.

The governance of the entire project performed well in terms of effectiveness. All persons surveyed declared that they felt supported along the whole process. Horizontal mechanisms of exchange and mutual supports among the WEP beneficiaries have been also set up. This has been facilitated by the informal sessions of training organized within the specific services where they have been assigned.

A crucial aspect which deserves some supplementary attention is the delegation mechanism. Within the judiciary delegation, which is intimately linked to responsibility and accountability, has a very rare application. The head of the judicial office however did delegate some responsibilities. In an interview with Giovanni Melillo, vice-chief prosecutor, he confirmed that he wanted to create an organizational mechanism which, once on the right track, could move on without his permanent and daily drive. This can function properly only under conditions of delegation to staff units who have adequate skills. In a sense, the vice chief prosecutor, as a policy entrepreneur, in setting up a system of governance to steer the innovation processes, wanted to create the conditions for permanent change. To do so he detected latent managerial capacities and skills among the staff already employed in the office and thereby delegated accordingly the responsibility of monitoring the implementation process of an innovation program.¹² The strategic choices made to set up the program and the governance of the implementation process are good indicators of leadership. This latter comes out as a key pre-condition for a successful innovation program.

6. Monitoring Processes and Work-Projects

The work experience model incorporates three mechanisms of quality assurance. The first one targets the implementation process. Regular meetings are held among the work experiencing staff and those responsible of the innovation office. This creates a feedback mechanism and accordingly the refinement of two aspects: 1) the match between the expectations of the interns and the actual tasks they are expected to perform; 2) the match between the institutional goals and the actual impact of the WEP in terms of vocational training. The second mechanism is of pure governance. It consists of a series of meetings among those actors that participate with different responsibilities in the project. This also involves the permanent contact with the university. This contact however is strengthened via informal and one to one interactions and communications. The third mechanism is the evaluation of work-experiences. After three months the interns have been asked to design a project which consists of a proposal to improve the daily working life within the unit where they are assigned. Here one of them is illustrated to show how it touches the behavioral as well as the cognitive dimension of individuals within the organization.

The starting point of the project design is the map and the analysis of the current system to pay wiretapping costs. This is an extremely sensitive budget line from a local and a national point of view. The Naples PPO engages in a regular and intensive investigative strategy to fight against mafia activity. Stringent budget control is therefore crucial in this prosecutorial office. More generally the Italian debate reached an acute tension about the management of wiretapping as an investigative instrument. Therefore, a visible and effective policy to hold wiretapping costs accountable and to ensure an efficient and transparent payment seemed to be highly desirable. A group of 15 interns, working in four different administrative units (management and security of IT data unit; a specialist team to prosecute crimes against people and property; a specialist team in pre-trial investigating activities concerning crimes against public administration and financial crimes; economic and financial management of the administrative processes unit) gathered and listed a number of shortcomings affecting the current system. The first problem encountered is the lack of an integrated net-based management which enables sharing information; the system relies on the hard copies of the invoices, and the timeframe (the entire administrative proceeding required to finalize the payment is 17, months on average).

¹² Interview to dr Giovanni Melillo, May, 2013, Naples.

The project-work falls into a project of micro-innovations in three moves. First, the entire information flow concerning the invoices should be based on an IT system. Second, a shared and internally accessible folder should be created in order to reduce unnecessary transaction costs (communication among the units is phone based or directly face to face). Third, regular use of the digital signature that allows the prosecutor assistant to validate the invoice and to speed up without any further intermediate step the finalization of the payment¹³

From the objective point of view – actions and behaviors – the project-work creates a chance for improvement. It addresses the time frame, the costs of printed papers, the communication and the transparency of proceedings. However, these effects can be jeopardized or simply ignored once the interns have reached the end of their training process and the WEP is over. The project work creates a reason to launch a discussion within the administrative unit. The discussion creates awareness and a collective experience of debate. These are in themselves positive outcomes for an organization where the opportunities to exchange ideas and to critically review the daily working practices have always been very few. As a matter of fact the group of 15 interns worked in permanent cooperation and under the supervision of the units' chiefs. This situation created an incentive not only for the interns to learn but also for the administrative and the judicial staff to teach. Teaching means here different sub-processes of knowledge conversion and knowledge transfer. Each intern is socialized in the organizational daily life. To do so clerks and administrative staff units who get in touch with her or him are in the position of explaining the daily organizational practices that represent the living organization, the so called informal organization, i.e. the part of an organization that cannot be inferred from the organizational organogram. Secondly, once the goal of the interns to critically assess these practices, the employees are asked to make explicit the unspoken premises on the basis of which they act and the reason for that behavior. Routines and habitual problem solving strategies are accordingly worded and phrased in such a manner that they will become part of the explicit knowledge. This process in itself creates an incentive for a rise of awareness and thereby of a critical reflection about the daily organizational practices. These two steps – socialization and externalization – took place in four different units (as mentioned above). Since the project-work covers the work of all of the interns they are asked to integrate the explicit (externalized) knowledge acquired from personnel and to combine it into a comprehensive scheme. This has happened under the supervision of the units' chiefs. The combined effect of the externalized knowledge has been shared and made accessible to all people working in the units engaged into this exercise. Finally the project-work designed to improve the practices adopted in these units has been presented and discussed. In this way it started to represent a common frame, a starting point to discuss, a sort of cognitive focal point.

The project-work can improve the way the wiretapping costs are paid. Moreover a person who performs a regular and specialized role is asked to externalize, critically assess, and change her or his way of doing things, the learning effect does not only concern the specific routine. It concerns also a meta-level, i.e. the capacity of learning. She or he will know – and will be aware of – how to externalize, teach, describe for other persons (a potential public), and critically assess the way she or he works. Furthermore, if this process runs in a collective context and the awareness is not only individual but is collective then one can expect that mutual expectations of knowledge conversion rise. The need to describe and justify the ways of doing things they follow is a way to force – without any legal instrument – to improve themselves not for other reasons to protect their self-image.

Discussion: what can we learn from the work experience program?

Out of the large varieties of experiences carried on within courts and – to a lesser extent – within public prosecutor offices, an external observer, getting a comparative picture of this phenomenon, is in the favorable position of detecting some, key lessons to be drawn.

- Changes introduced because of external leverages collapse and disappear easily once the external inputs - sometime in the format of a clear constraint – dissolve. This holds in the cases of all most twinning and Erasmus projects, whereby inputs that have been pointed, adopted, partially made into daily practice and then never made into an institutionalized routine within the targeted judicial office.
- Changes come under the spotlight of the donors – such as the EU or the national authorities – only if the change agents show up. Without individual factors triggering the process of change this latter does not move on. This favorable condition is not only crucial in the stage of the start-up; rather it proved also to be fundamental to give continuity and thereby sustainability to the change itself.
- The injection of innovative inputs into a complex organizational matrix is an open process. In most of the case studies described in the current literature, the need for a permanent monitoring process which readjusts the process of implementation and creates opportunities to adapt day by day is easy to understand. In most cases this capacity of governing the change has been interpreted as a pure

¹³ Documents submitted to the Committee of Coordinators, May, 2013.

external audit. This mechanism misses completely the potential force embedded into the individual capacity of self-monitoring which is specially featured by aging staff.

- In the justice sector most of the judicial reforms spanning from innovating IT platforms to training clerks and judicial staff units demonstrate a peak in performance immediately after the first implementation step and then a reduction in performance which is directly related to the lack of a systemic view of the outcomes (not just the products) provoked at the macro level (at the level of the entire judicial office).

Can we argue that the WE program escapes some of the risks featured by the bulk of the programs of quality of justice promotion, especially of those that have been implemented without any injection of new human resources into the targeted office?

The research project I carried out pointed to some favorable conditions, which seem to be necessary for the successful implementation of an innovation program in a complex organization like the PPO of Naples. The first one is the existence of a change agent.

Change agents are located in the top of the partner organizations and are the engine of the entire project design. During the implementation process they have delegated but once the project comes to the end the impulse of the change agents is needed again. This is also due to the lack of internalization of the project within the judicial office. People who did not get in touch directly with the interns did not have the chance to challenge the eventual cognitive barriers raised against any change (since it is a costly and time consuming activity). A more publicized awareness of the project should be promoted within the judicial office. This can also be phrased in terms of institutionalization. Only when the practice of injecting new human resources in the organization will be considered as a value in itself regardless the leadership of the actor that is promoting it, this will become part of the organizational life.

The second favorable condition falls into the availability of financial leverage. The European Structural Funds will come to an end and the future sustainability of the project needs to be ensured. This has been already been done with the extension of the project under a governmental finance program. However, a more comprehensive activity of fund raising should be made. This might involve also COINOR. A recent act adopted by the Ministry of Justice creates a formal basis to extend the training process of those people that have participated¹⁴ in training projects at the provincial or regional level. This offers a financial framework under which the interns compensation can be ensured for an extended period.¹⁵ A third positive determinant is the introduction of a goal oriented management.

Despite this might evoke internal barriers the latent effects produced by the collaboration with the interns should be crystallized and consolidated into a collective discussion to set up a system of goal oriented management, not only at the macro level, but also at the micro level, within the administrative services.

7. What Needs to be Monitored Further?

First, the reversibility of the positive effects. To ensure this latter *transfer of knowledge held by senior administrative staff should be intensified*. Second, the sessions of training offered at the beginning of the project have been evaluated by the students as the less effective part of their experience. One possibility is to postpone theoretical and general sessions to the end. Formalization and abstraction should come later than practice and daily activity.

Why, to sum up, is this case so interesting for practitioners, judicial staff and judicial policy makers? This mostly refers to the structure of the mechanism set up by the PPO in collaboration with the University. First appoint the policy entrepreneur, namely the vice-chief prosecutor, who during the start-up stage and is still within the judicial office. This comes from an improbable, but extremely positive combination of the strong motivation and capacity of the policy entrepreneur (which is in this case was the vice chief prosecutor) the availability of latent capacities and skills brought into the projects by key administrative officers; such as the responsibility of the Innovation Office and some ordinary public prosecutors. The second and eventually more critical point refers to the creation of a specialized structure to manage the innovation in detail. This initiative fits perfectly with a functionally specialized conception of innovation. The governance of all change processes triggered by any strategy of organizational innovation should be integrated and handled as a specific function of a large-sized organization, such as the PPO of Naples. This is also coherent with the idea of knowledge transfer as a leverage of change. In fact the process of socialization, externalization, conversion and internalization does not take place within the formal boundaries of an administrative unit. Knowledge flows beyond and across the cutting lines of the organogram. An integrated view is therefore of utmost importance to avoid redundancy and

¹⁴ Act n. 101/DG/37 April, 23rd 2013.

¹⁵ For the first six months, the financial resources came from the European Structural Funds assigned to the region of Campania, where Naples is located.

to ensure efficiency. The third point we want to stress here is the fact that the driver for change is within the judicial organization. In Italy the institutional status of the public prosecutor is characterized by individual as well as systemic independence. Judges and prosecutors are appointed by the High Judicial Council, which is the body of judicial self-government. Accordingly the executive does not have any say on the prosecutorial choices. In terms of PPO management the offices retain some autonomy too. In large offices, such as Naples, The chief prosecutor delegates a vice-chief prosecutor to settle the organizational plan (“piano organizzativo”) as well as the managerial strategies of the office. Therefore, in the Italian system, the institutional independence and the autonomy of the PPO are fairly high. The program I described here seems to be a way to combine the provision of fresh resources fueling the micro-processes of innovation without jeopardizing the autonomy of the office.

8. Conclusion

To sum up, the project features three positive characters. The first one is the injection of refreshing energy and resources. All interns witnessed the extremely positive attitude of the staff they have been working with for six months. The second one is the drive to an enhanced and more forward looking knowledge management system within the judicial office. If the change of personnel does not take place the knowledge transfer is interrupted. This does create several problems. Knowledge is lost and the capacity of the staff to see the solutions they adopted and the ways they do things from a different point of view is very low and jeopardized with the passing of time. Teaching activities, particularly when informal, are extremely effective in motivating the staff to share their knowledge (organizational and specialized in case of judicial staff) and to see what it is used to do from a new point of view. This does not in itself ensure the success of future innovations. But it creates favorable grounds where the seeds of innovation can be cultivated. A third point refers to the responsibility for the management. Italian judicial institutions have traditionally been used to thinking about their own organizational life as something which falls under the care of the central institutions. Self-organization used to be very rare. Nowadays this has been changed profoundly. However, self-organization is fairly risky in terms of accountability. The clear assignment of tasks and intermediate goals is a step towards a more accountable self-organizational pattern of innovation.

These remarks go hand in hand with the problems mentioned in the Introduction. This is one – presumably the most compelling – reason for a judicial office to resist structured cooperation with the external environment. In those cases where this difficulty does not exist, judicial offices have always been concerned by the image offered to the local community. Not only do they need to be independent. They also need to be perceived as such.

The WEP is framed into a context of inter-institutional cooperation where the knowledge management and the knowledge transfer takes place in a two move game. First, from the university to the PPO. Second, alongside the regulations adopted in each agreement (as listed in the table 1), from within the ordinary daily activities in the PPO-organisation, to the university. Those internal activities are ranging from investigating, processing data, managing costs and expenses, etc. The system set up features of an intrinsic openness based on the organization of the UNI-PPO cooperation in the shape of a menu. Know-how and knowledge is requested under one or more than one of the agreements. So for instance, if the analysis of toxigenic substances and drugs is needed the PPO has at disposal the possibility to refer to the specialized and highly advanced scientific and technical knowledge of the departments of Chemistry, Biomedical sciences, Experimental medical sciences, etc. For these reasons this system has so far been able to combine a bilateral cooperation with the autonomy of the office.¹⁶

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¹⁶ Interview with dr Giovanni Melillo, May, 2013, Naples.

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