# Witness experience in the Finnish courts

Tero Jyrhämä

2023 Laurea

**Laurea University of Applied Sciences**

# Witness experience in the Finnish courts

Tero Jyrhämä
Degree Program in Service
Innovation and Design
Master's thesis
May, 2023

**Laurea University of Applied Sciences** **Abstract**

Degree Programme in Service Innovation and Design

Master of Business Administration (MBA)

Tero Jyrhämä

Witness Experience in the Finnish Courts

Year 2023 Number of pages 74

How witnesses experience the court process has been studied little in Finland. The purpose of this thesis is to provide new knowledge about witness experience for the benefit of the National Courts Administration, a governmental agency responsible for the functioning and improvement of the court system in Finland. The new knowledge can be used when making policy decisions concerning witnesses' role and responsibilities.

More specifically, this thesis provides answers to questions: 1) how witnesses experience the court process, and 2) what are the factors that affect that experience? Based on the findings on these two questions, a development work was undertaken with the goal of 3) improving the witness experience, whilst at the same time a) improving the overall court process (*maximum objective*), or at least b) refrain from making it worse (*minimum objective*).

The thesis explores and employs theoretical frameworks developed both within the public and private service management research. The key theoretical (and practical) concepts such as obligation encounter, public value, public value scorecard, service-dominant logic and public service-dominant logic are explored and, ultimately, brought together. This results in a coherent theoretical framework that is then applied for the practical data collection and development work.

Data collection employed qualitative research methods. Desk research and background interviews of court personnel were utilised in the development of the interview guide for witnesses. The main data collection method was the in-depth interviews of witnesses. The interview data was also enriched with observation data.

The development work resulted in a solution, a *Frequently Asked Questions about Testifying* -brochure and website. Prototypes for the brochure and website were developed. The brochure and website were then tested via a survey directed to witnesses.

The main findings of this study are that the witnesses take giving evidence seriously, but often experience anxiety/stress due to, and during the process. The witnesses often felt that they were treated in a professional yet friendly way, although this seemed to surprise many, the expectation being a more formal process and treatment. There is a lot of uncertainty with regard to their role, responsibilities and what is expected of them. Testifying can also be a positive life experience. The main wishes were identified to be: clear and good quality information, and professional yet friendly treatment.

The FAQ-approach devised to tackle the said issues was regarded as very useful by the witnesses. Also, the witnesses reported positive changes in their perceptions about testifying and the judiciary in general. After having received the FAQ-information, the witnesses reported being more motivated, trusting the judiciary more, feeling less anxious/stressed and being more confident of their ability to do well when giving evidence.

These positive findings show that service design work can be useful in improving not only the direct customer experience, but enhancing the perceptions and improving the legitimacy of public services in general.

Keywords: witness experience, legal design, public service, public value, court, judiciary

Contents

# 1 Introduction

Approximately 100.000 witness testimonies are given in the Finnish courts every year.[1] This means roughly 480 unique witness experiences each day. Designing the witness customer experience has the potential of improving those 480 daily witness experiences resulting in 1) less stress and anxiety for witnesses, 2) higher quality of testimonies and thus better judgements, and 3) increased legitimacy and trust towards the judiciary as a whole.

Witnesses are, quite literally, judge's eyes and ears "on the scene". Through witness testimonies, the court is able to discover the relevant facts of a legal case at hand. Finding out the correct and accurate details, be it a suspected crime or a contractual dispute, is indispensable in order to give a fair and just judgement.

Despite their key role in the court process, the witnesses' customer experience (later: witness experience) has been studied little in Finland.[2] The overwhelming majority of research interest has focused on investigating how the witness testimony can be acquired in a manner that is the most useful for the court. The focus has been, quite understandably, in the court's needs rather than in an individual's (witness's) needs. This is of course not to say that witnesses are completely overlooked. Quite the contrary, considerable work and effort goes into making witnesses feel less anxious and better prepared for giving evidence in the daily work of judges, court secretaries, summoners, as well as both private and public legal aid attorneys.

As will be seen later, the efficient court process and a (more) pleasant witness experience need not be mutually exclusive. Rather, the two converge and taking into account the witness's needs has the potential of benefitting and facilitating an efficient court process.

The purpose of this study is to add to and strengthen the slender existing knowledge of witness experience in Finland, to devise a concrete solution to address the identified issues as well as to open up avenues for service design work in the sphere of public services and law in general.

---

[1] In 2019 approximately 50.000 main hearings were held in Finnish courts (HE 133/2021 vp, 36). On average (median), two witnesses were heard in the main hearing *in civil cases* (Sarasoja & Carling 2020, 30). No statistics could be found on criminal cases but assuming that on average the number would be the same as in civil cases, it can be calculated that in 2019 there were ~100.000 witness appearances in the Finnish courts. It is likely that some of those who have appeared in court have done so multiple times, for example police officers and security personnel who may have been called to testify in multiple different cases in their official position.

[2] Some studies exist. Those studies will be elaborated in more detail in chapter 4.

### 1.1 The client - National Courts Administration (*Tuomioistuinvirasto*)

This study is conducted in collaboration with the National Courts Administration (NCA), which is the client of this study. The NCA is a rather new independent governmental agency that was founded in 2020. The NCA was founded to ensure and strengthen the judiciary's independence from the executive and legislative powers, and to increase the efficiency and productivity of the administrative tasks of the judiciary as a whole.[3] The NCA is in charge of the central administration of the court system and it plans, develops and supports the efficient and appropriate functioning of the courts. It ensures that the courts are able to maintain a high level of quality in the exercise of their judicial powers and that the administration of the courts is organised in an efficient and appropriate manner (Courts Act 673/2016, 19a:1 and 2 §).

### 1.2 Choice of topic and objectives

The topic was chosen together with the NCA. The NCA had noticed that witnesses were an understudied group of the court process and wanted to know more about how witnesses experience the process. It wasn't a secret that many witnesses experience the process as stressful and anxiety-provoking. Many having experience working in the court, the NCA personnel had good hunches of what may be the drivers and factors behind such feelings (for example, the cross-examination). However, the NCA were eager to acquire more exact data on the topic.

Before commencing with this thesis work, the author conducted a smaller "pre-project" (a course work) with a group of other students, in which the team researched the witness experience of non-Finnish speaking witnesses[4]. The key issues identified were the lack of clear information and the language barrier. A workshop with court personnel resulted in an idea of a short explanatory video giving an overview of the most significant steps of the court process. As a result, a short video was produced[5].

This thesis work continues to research the witness experience. The results of the pre-project suggested that there were still issues to be uncovered, in addition to which further lanes to improve witness experience could be foreseen. In this study, the focus is on Finnish-speaking witnesses as opposed to the non-Finnish-speaking witnesses in the pre-project.

---

[3] Before the founding of the NCA, the courts operated directly under the Ministry of Justice. This was deemed sub-optimal in light of the principle of separation of powers provided for in paragraph 3 of the Finnish constitution, according to which the three branches of governmental powers (legislative, executive, judicial) need to be separated and "insulated" from one another's influence to prevent the centralisation and possible misuse of power.
[4] Non-Finnish speaking witnesses were chosen as the target group because the study group was international.
[5] The video can be found on the NCA's channel on YouTube: https://www.youtube.com/watch?v=mFO1R2nm8ic

Thus, the topic of the master's thesis, "The witness experience in the Finnish courts" was agreed with the client. The objectives of the study were discussed with the client and after the discussions the preliminary objectives were formulated as follows:

1) to understand how witnesses experience the court process;
2) to understand what factors affect the witness experience;
3) based on the findings on objectives no. 1 & 2, to improve the witness experience, whilst at the same time
    a) improving the overall court process (maximum objective), or at least
    b) refrain from making it worse (minimum objective).

The minimum objective 3b represents the idea that development work shouldn't result in a solution that makes the process "nice for witnesses but otherwise dysfunctional".

### 1.3 Why design the witness experience?

Before moving further with the study, it is worth considering why design the witness experience in the first place.

Witnesses have, as shall be seen in more detail later, a legal obligation to cooperate with the judiciary if called upon. Further, they can be compelled to cooperate with the use of coercive measures and a threat of sanctions. Why, then, waste any resources to try to make the experience "nice" or "pleasing" for the witness, if they will have to cooperate anyway, want it or not? Isn't it true what a renowned public service scholar Mark Moore (1995, 38) notes, that it is unreasonable to imagine that government "agencies find their justification in the satisfactions of those whom they compel to contribute".

As the reader may guess, there are reasons indeed. For one, one might counter and ask why not try to make the experience easier and less intimidating for the witness. Isn't it just a fair and humane thing to do?

But there are also more directly utilitarian rationales. Studies show that witness satisfaction makes witnesses more willing to cooperate and engage in the future (Franklyn 2012; MORI Social Research Institute 2003)[6]. Thus there's a reason to believe that witness satisfaction can translate into a more autonomous (free-willing) participation and cooperation, resulting in less need to resort to coercive measures. This has two direct consequences. First, no-one likes to be coerced. As a restriction of a person's autonomy and freedom, coercion inherently feels bad. Coercion is also inclined to erode the public service's (and ultimately, the state's) legitimacy. After all, the state exists to serve its citizens, not the other way around. Second,

[6] The results emphasise the importance of the treatment by the *police*, but as the study as a whole pertained to the whole Criminal Justice System of the U.K. including courts, the results are likely to hold true also in case of treatment by the court and its officials.

the more the state has to use coercive measures, the more expensive it becomes for the state. And the more expensive it is for the state, the more expensive it is for the taxpayers. This, too, is inclined to produce dissatisfaction among the citizens if all they see is an expensive public service that does nothing but forces them to do things they don't want to (to exaggerate a little).

Another 'end result' the witness satisfaction can translate into, is the confidence the witnesses show in the judiciary as a whole (see e.g. Whitehead 2001, 50-52). Again, it can be argued that the more confidence the citizens show in the judiciary, the more legitimate it is regarded. And the more legitimate the judiciary is perceived to be, the better it will likely meet its societal objectives (the judiciary's societal objectives are discussed in chapter 2).

There may even be reasons that directly affect how useful the witnesses are in the proceedings, and how good of a judgement the court will be able to make. How? As shall be seen in more detail later, witnesses experience stress and anxiety for appearing in the court. This matters, because other studies indicate that human memory performs better if not hindered by stress right before or at the time of memory retrieval (Shields, Sazma, McCullough & Yonelinas 2017), for example right before or at the time of giving evidence. Thus by reducing witnesses' stress and anxiety, it may be possible to obtain more accurate testimonies leading to more accurate, correct judgments.

Having considered some of the potential benefits of designing the witness experience, it is time to turn the attention to the definition of the scope of the study as well as consider some delimitations.

### 1.4 Scope & delimitations

This thesis work focuses on witnesses appearing in the District Court of Helsinki, a choice that is justified next.

The Finnish judiciary consists of two main branches; 1) the general courts[7] and 2) the administrative courts[8]. Additionally, there are four special courts[9]. The general courts and especially the 20 District Courts are what people understand and typically refer to as "the court". The District Courts are the first instance to handle criminal, civil and petitionary matters, for example assault crimes, contractual disputes and divorce, respectively.

The District Courts handle the bulk of the legal cases in Finland: approximately 543.000 in 2020. This represents ~93 % of all the cases resolved in all of the Finnish courts (general,

[7] The general courts comprise 20 District Courts, 5 Courts of Appeals and The Supreme Court.
[8] The administrative courts comprise 6 Administrative Courts and the Administrative Court of Åland as first instances and The Supreme Administrative Court as the highest instance.
[9] Market Court, Labour court, Insurance court and High Court of Impeachment.

administrative and special courts and all the instances) annually (Tuomioistuinlaitoksen vuositilastoja 2022).

Witnesses appear predominantly in the District Courts. This is due to the aforementioned fact that the overwhelming majority of all cases are resolved in the District Courts. Also, cases in the administrative courts are by nature such (an evaluation whether a public authority has made a correct decision or not) that witnesses are not so often involved. The higher instances (the Courts of Appeal and The Supreme Court), on the other hand, focus on the legal evaluation (as opposed to evaluation of evidence) of a case coming from a lower instance. Currently, the political objective is to further focus the receiving of testimonies to the District Courts and to decrease the number of testimonies received in higher instances for process-economical reasons (HE 133/2021 vp).

Due to the aforementioned reasons, the overwhelming majority of witnesses appear in the District Courts, totaling up to 480 testimonies each day. Accordingly, this study will focus on the witness experience in the District Courts. The administrative courts, special courts and the higher instances are out of the scope of this study.

Witnesses appear in both criminal and civil law cases. Witnesses may rarely appear in petitionary matters if a petition becomes disputed. Processually a disputed petitionary matter unfolds much like civil law cases, meaning that in practice there are two general types of witness experiences: one in criminal and one in civil law cases. This study will focus on both, thus taking the perspective of witness experience in general.

Another option would be to focus solely on either criminal or civil law cases. After discussions with the client, it was decided that such limitation will not be made, as it was in the interest of the client to get a clear picture of witness experience in general.

As the author resides in Helsinki, the scrutiny is further narrowed down to the District Court of Helsinki for practical reasons. The District Court of Helsinki is the largest District Court in Finland both in terms of personnel and the cases handled annually. This makes it in all likelihood the most representative District Court to study, with a large variety in both the cases handled as well as the demographics of the witnesses appearing in the court.

To conclude, this thesis studies the experience of witnesses appearing in both criminal and civil cases in the District Court of Helsinki.

### 1.5 Research oriented development project

This study is a development project. The aim is to devise practical ways to improve witness experience, backed by researched data.

Ojasalo, Moilanen & Ritalahti (2013) characterise the *research oriented development* as evidence-based practical development work. Being a sort of middle-ground between purely academic research ("this is how things should be") and entirely practical, common-sense type of problem-solving ("as long as it works, I don't care why"), the research oriented development builds on the existing knowledge, often generates new knowledge and justifies the conclusions and the practical development work with researched data.The motto of the research oriented development is: "let us thoroughly understand the problem so that we can make it better". (Ojasalo et al. 2013).

Research oriented development can be divided into seven phases: 1) identification of initial development needs and objectives, 2) exploration of the existing knowledge about the subject-matter and the development of appropriate knowledge base for the project, 3) setting the scope of the project and identifying and defining the required tasks, 4) exploration and choosing the research methods (qualitative / quantitative) etc., 5) data collection, 6) development work, and 7) assessment of development process and outcome. (adapted from Ojasalo et al. (2013)). These seven phases are taken as the basis of this study as discussed next.

## 1.6 Structure of the thesis

In *chapter 1*, the initial development objectives have been set, the main interest being in how witnesses experience the court process and what factors affect the experience. Also, the scope and delimitations of the study were discussed and narrowed down to the witnesses appearing in the District Court of Helsinki, in both civil law and criminal law cases.

*Chapter 2* explores the role of the judiciary in the society, as well as the role of the witness in a court process. This chapter provides the context in which the thesis work takes place.

*Chapter 3* provides the theoretical grounding for the study. Questions like 'what is value?', 'what is public value?' and 'who are the customers of a public service?' are explored. The chapter also presents the paradigm known as the *Service-Dominant Logic*, reviews some of the potential hurdles of its application to public services, and concludes by resolving those hurdles. Importantly, this chapter also introduces the concept of 'obligatee'; a person who is obliged to cooperate with a public agency in order to provide the public service to others, and how this concept helps to understand the role of the witness. Lastly, the chapter introduces service design, which is the method and a set of tools to improve services and which is utilised in this study.

In *chapter 4*, the results of desk research are presented, i.e. what is currently known about the witness experience in courts. One of the reasons this study is made is because there is

little research on witness experience in Finland. As shall be seen, however, some domestic studies on witness experience could be found, as well as more extensive studies from abroad.

*Chapter 5* presents this study's data collection (mainly: interviews), as well as the results of the data collection.

*Chapter 6* presents the development work undertaken on the basis of findings in desk research (chapter 4) as well as this study's data collection (chapter 5). Further, the chapter presents the solution devised to improve witness experience, as well as the results of testing the solution.

*Chapter 7* concludes this thesis with a summary of what was done and achieved. In this chapter, the results and potential research avenues for the future are discussed. The chapter also contains the author's reflective analysis of the thesis work itself.

On a linguistical note, this study utilises the pronoun "they" also in a singular form in place of "he/she", in order to allow for the maximum protection of the participants' anonymity.

# 2 Court's and witness's role

The judiciary is one of the three branches of state government, the other two being the legislative (parliament) and the executive (government) branch. Since Montesquie, it's been a guiding principle of state organisation in the western world to keep these three branches sufficiently separate from one another in order to avoid the centralisation of power and the negative consequences such centralisation may lead to (misuse of power).

## 2.1 Courts as providers of public service

Just as is the case with the legislative and the executive branches, the purpose of the judiciary is to serve the people. In other words, the judiciary is a provider of public service.

When examining an organisation, phenomenon or an entity, one should always start by understanding its main purpose. This is the case especially with a development project like this study. Failing to understand the judiciary's purpose in society, one would risk to propose changes that run contrary to that core purpose or wouldn't be well aligned with it. With such an important societal service as the judiciary, this understanding is all the more important.

So, what are the core purposes of the judiciary in society? According to an English judge and legal thinker Lord Denning: "[t]he law as I see it has two great objects: to preserve the order

and to do justice"[10] (Denning 1955). The latter objective can further be slightly rephrased, expressing it in the words of another English judge and legal thinker Lord Devlin: "[t]he social service which the judge renders to the community is the *removal of a sense of injustice*" [emphasis added] (Devlin 1976, 3). Leaning on these two legal thinkers it can be said that the fundamental purpose of law, and by extension the judiciary as its enforcer, is 1) to preserve the order and 2) to remove a sense of injustice.

However, the picture can be made yet clearer. In Finland, the objectives of *correctness*, *quickness* and *cheapness* of court decisions are typically emphasised[11] (HE 15/1990 vp, 5-6; HE 133/2021 vp, 6). Another fundamental objective is the *fair trial*, which is provided for in section 21 of The Constitution of Finland (731/1999). Fair trial includes at least the publicity of proceedings,the right to be heard, the right to receive a reasoned decision and the right of appeal.

If the objectives of preserving the order and removing a sense of injustice are the "why" the judiciary exists, it can be said that the correct decisions and fair trial are the outputs, or the "what" the judiciary should produce. Lastly, the objectives of doing all of this quickly and cheaply are the "how" the judiciary should operate (Figure 1).

| | | |
|---|---|---|
| **Why** | To preserve the order<br>To remove a sense of injustice | |
| **What** | Correct decision<br>• based on correct facts<br>• correct legal provisions interpreted correctly | Fair trial<br>• publicity of proceedings<br>• right to be heard<br>• right to receive a reasoned decision<br>• right of appeal |
| **How** | Quickly<br>Cheaply | |

Figure 1: The objectives of the judiciary

Summarised in one sentence, the judiciary should "quickly and cheaply provide correct decisions and a fair trial, in order to preserve the order and to remove a sense of injustice".

[10] The more complete quote goes: "The law as I see it has two great objects: to preserve order and to do justice; and the two do not alway coincide. Those whose training lies towards order, put certainty before justice; whereas those whose training lies toward the redress of grievances, put justice before certainty. The right solution lies in keeping the proper balance between the two."

[11] Correctness refers to a decision that is based on both 1) correct facts, and 2) correct legal provisions that are interpreted correctly. Additionally, the correct decisions should be reached as quickly and cheaply as possible.

These central objectives of the judiciary are subsequently borne in mind in the following research and development work. Should any of the proposed solutions risk to compromise these central objectives of the judiciary, a new solution shall be devised.

## 2.2 Witness and their role

Witness means a person who is heard in the court to find out the relevant facts about the case and who is not a party to that case (e.g. the injured party, claimant, respondent). (Lappalainen & Rautio, 2022, V Todistelu, 2. Todistuskeinot).

What the witness's role is, and how they experience the court process is affected by the purpose and objectives of the judiciary elaborated above. Most evidently, the objective to make correct decisions based on correct facts is the fundamental reason there are witnesses in court proceedings in the first place: to find out the correct facts on which to base the judgement.

The strong objective to make correct decisions dictates that, as a general rule, anyone (other than a party) may be heard as a witness (Code of Judicial Procedure (CJP) 4/1734, 17:18 §) and is also obliged to come to testify if called upon (CJP 4/1734, 17:9 §)[12], albeit the rights and obligations to remain silent limit this obligation (CJP 4/1734, 17:10-23 §§). Such is the importance of obtaining the facts that the law provides for certain coercive measures in order to ensure the fulfilment of the obligation to testify, such as the penalty payment, fetching and coercive imprisonment (CJP 4/1734, 17:62-64 §§). Once in the courtroom, the witness is obliged to tell the truth, for which they give a witness's affirmation (CJP 4/1734, 17:44 §). Providing false information or concealing a relevant circumstance is punishable as a crime (The Criminal Code 39/1881, 15:1 §).

Witnesses are summoned to the court either by the court or by one of the parties (CJP 4/1734, 17:41-42 §§). In practice, the court (a summoner) usually subpoenas the witness in criminal cases and the parties take care of summoning in civil cases. The subpoena must contain information on, among others, the date, time and location of the main hearing and “the necessary information regarding the parties and the case” (CJP 4/1734, 17:41.3 §). Witnesses are entitled to compensation for their efforts, the paying of which being the responsibility of the party who summoned the witness (CJP 4/1734, 17:65-66 §§).

As can be seen, the witness's role in the proceedings is highly utilitarian. The witness's purpose is to serve the court in finding out the relevant facts. By doing that, the witness is ultimately serving the parties who, because of the witness, may obtain a fair and correct decision in their case.

---

[12] Except the President of Finland, who shall not be called upon to testify (CJP 4/1734, 17:32 §).

The witness's role as a 'coerced informant' is such that they can hardly be called 'customers' of the judiciary. The real customers are obviously the parties of the case. This question of customer-status in public services is, among other necessary theoretical constructions, explored in the following chapter.

# 3 Theoretical grounding

This chapter reviews important theoretical frameworks and concepts pertaining to the provision of services and public services. Until quite recently, (private) service management theory and public service management theory have been two largely distinct streams of thought not discussing with one another much. As this study concerns a public service, the stream of public service management theory and concepts developed therein is reviewed first. After that the chapter moves on to review the current state of the (private) service management theory and its concepts, developed primarily with private services in mind. The (private) service management theory is arguably the more developed and generalizable of the two, but as will be seen, public service management theory has some very important insights to offer.

After introducing each stream of thought, the chapter continues by bridging the gap between the two, showing how the insights of the public service management theory can be incorporated into the more general service management theory.

Having bridged the theoretical gaps, the chapter briefly introduces the practical framework utilised in this study, service design.

## 3.1 Public service

Historically there have been different approaches on how to understand, manage, provide and improve public services. The three major phases of public service management thought are called 1) the 'traditional' Public Administration, 2) New Public Management, and 3) New Public Governance (NPG)[13]. Table 1 summarises the basic tenets of these phases.

[13] Other authors use the term Networked Governance, see e.g. Hartley (2005). However, the basic tenets are the same. For the sake of simplicity, only the term New Public Governance (NPG) is used in this paper.

| | *'Traditional' Public Administration* | *New Public Management* | *New Public Governance / Networked Governance* |
|---|---|---|---|
| *Timeline* | late 19th century - 1970s | 1970s - early 2000s | mid 2000s -> |
| *Theoretical roots* | Political science and public policy | Neo-classical economics, rational/public choice theory and management studies | Organisational sociology and network theory |
| *Role of policy-makers* | Commanders | Announcers/commissioners | Leaders and interpreters |
| *Emphasis on* | Administering set rules and guidelines (policy implementation) | Service inputs and outputs | Service processes and outcomes |
| *Role of public managers* | 'Clerks and martyrs' | Efficiency and market maximizers | 'Explorers' |
| *Focus* | The policy system | Intra-organizational management | Inter-organizational management |
| *Governance mechanism and actors* | Hierarchy / public servants | Market / purchasers & providers; clients & contractors | Trust or relational contracts / networks & partnerships; civic leadership |
| *Needs/problems* | Straightforward, defined by professionals | Wants, expressed through the market | Complex, volatile and prone to risk |
| *Population* | Homogenous/unitary | Atomized/disaggregated | Diverse/plural and pluralist |
| *Role of population* | Clients | Customers | Co-producer |
| *Key concepts* | Public goods | Public choice | Public value |

Table 1: The evolution of understanding of public service management (adapted and combined from Hartley (2005) and Osborne (2006)).

For the purposes of this study it's not necessary to go into fine details of each phase. On a general level each phase could be summarised in one word of *gatekeeping*, *producing* and *collaborating*, corresponding to the traditional Public Administration, New Public Management and New Public Governance, respectively.

In the gatekeeping phase, the civil servants were guardians of public resources and ensured that the public services and resources were administered strictly to those in need and according to the set rules and guidelines. In the producing phase, the focus shifted from restricting access to optimising production as public agencies focused on 'producing' public services as efficiently as they could, focusing on lowering the unit cost. In the current collaborating phase the focus has again shifted from optimising to cooperating (this cooperation can take place in many dimensions: public-public, public-private, public-citizen), in acknowledgment that the society is and has become more complex and the best way to provide effective and impactful public services is to cooperate with many stakeholders, including the customer.

### 3.1.1 Customers of public service

Who are, then, the customers of public service? Public services differ from private sector services in various ways, one of which is the fact that the customer doesn't typically pay for public services directly. Rather, customers often pay for public services indirectly through taxes. Or the whole dynamic can even be flipped upside down; the public service *is* the act of granting money to a citizen, instead of the citizen paying something to the public service provider (for example social benefits). If the payment doesn't help us to identify the customer, what will?

Even if the customer doesn't pay for a public service directly, there's still usually someone who directly benefits from the service, like in the aforementioned case the recipient of the monetary benefit. This 1) *service recipient*[14] is one of three customers that public service scholar Mark Moore (1995) (2013) has identified for public services. These service recipients are those who get the direct benefit from the public service and are thus closest to a typical private sector customer. Another example of a service recipient is a patient in public healthcare.

The other two customer types are 2) *citizens* and 3) *obligatees* (Moore 1995; Moore 2013). *Citizens* represent the community at large. Citizens are not direct service recipients of a public service, but they still enjoy the indirect benefits of the public service. For example, all citizens collectively enjoy the benefits of an increased employment rate and thus increased tax returns, which may be the result of successful unemployment services. While citizens are not currently the service recipients of a public service, it's possible that they have been in the past or they will be in the future. Of course, it's also possible that a particular citizen will never be a service recipient of a particular public service (for example the unemployment services). In any case, citizens enjoy the indirect benefits of a public service and care about the overall efficiency, legitimacy and the general usefulness of that public service: they want their tax euros spent wisely and fairly. (Moore 1995; Moore 2013)

*Obligatees* are the ones most relevant to this study. They are the people who are compelled by law to assist in the provision of a public service. The state expects them to sacrifice their resources, typically time and effort, for the good of society and without obtaining any direct benefit from the service themselves. Given choice, most would perhaps not voluntarily choose to engage. Such compelled interactions with public agencies are called 'obligation encounters'. Obligatees are an integral part of providing a public service, and the service wouldn't work without their contribution. An example of an obligation encounter is military

[14] The terminology is slightly adapted from Moore's original. For Moore, service recipients could also be 'beneficiaries' or 'clients' and citizens could also be 'the public'.

service, in which young men are obliged to participate in the provision of a public service called national security. (Moore 1995; Moore 2013).

Another example of obligatees is, of course, witnesses. They are obliged by law to cooperate (CJP 4/1734, 17:9 §)[15] and they do not get any direct benefit (other than a small monetary compensation for their efforts) from appearing in the court. Claimants, respondents and applicants (i.e. the parties) are service recipients. It is their sense of injustice that is being removed and the *inter partes* order that is being preserved by a court's decision. The rest of the society who are not (currently) engaging with the judiciary fall into the category of citizens. For them the preservation of order is the most important benefit of the judiciary's work. They appreciate knowing that while they engage in their own day-to-day lives, criminals are being put behind bars and disputes are being solved in a civilized manner to prevent societal instability and unrest.

### 3.1.2 Public value

The final concept being explored with regard to public services is the public value. The concept of public value has caused a headache to many public service researchers. The notion of "public value is what the public values" (Talbot 2006, 28) contains, albeit sounding tautological, a grain of truth. It conveys the basic idea that "public value starts and ends within the individual" (Meynhardt 2009, 215), meaning that each of us as part of the society defines both for ourselves and as a collective what's valuable for us.

The real problem is how to know what the public values. The three customer types identified by Moore bring an additional dimension to the equation: it's not enough to know that the service recipient thinks the public service is valuable. One should also ensure that the public at large (citizens) and those compelled to cooperate (obligatees) consider the public service to be legitimate and worthy. Otherwise the government risks alienating the people. At its extreme, it may even become difficult to motivate the obligatees to cooperate even if threatened with heavy sanctions, if obligatees don't think that the public service is legitimate. Or citizens may start to demonstrate against a public service that they don't consider a valuable and wise way of spending their tax euros.

In an attempt to take into account the three types of customers and to recognize ways to ensure that value can be created for them all, Moore has developed a scorecard approach (public value scorecard). Moore develops his argument for public value through an analogy to private sector financial statements. He proposes to sum up the positive value constituents to

[15] The first paragraph reads: "Every person has the obligation to appear in court in order to be heard for probative purposes and to present an object or a document to the court as evidence or to allow the conduct of judicial view, unless provided otherwise in law. Separate provision apply to the obligation to serve as an expert witness".

derive the gross public value (or “value revenue”), and then subtract from it the use of collectively owned assets and associated costs (or “value generation costs & value losses”), a calculation that results in the actual net public value (or “value profit”) (Moore 2013). Figure 2 shows the public value scorecard as adapted from Moore (2013) (in apostrophes “ “ are author’s own terminological additions to hopefully further clarify the point).

| **PUBLIC VALUE SCORECARD** | |
|---|---|
| *Use of collectively owned assets and associated costs (“value generation costs & value losses”)* | *Gross public value (“value revenue”)* |
| Financial costs<br><br>Unintended negative consequences<br><br><br><br><br>Use of state authority - restrictions to individual freedoms and liberty | Mission achievement<br><br>Unintended positive consequences<br><br>Client satisfaction<br>Service recipients<br>Obligatees<br><br>Use of state authority - justice & fairness<br><br>In Operations (at individual level)<br>In Results (At aggregate level) |
| *Net public value (“value profit”)*: | |

Figure 2: Public value scorecard (adapted)

*Mission achievement vs. financial costs* is a measure of how well the agency has achieved its stated societal objectives, its mission, compared to the required (financial) sacrifices. The mission is thought to represent the citizens’ needs and desires as they voice them through their parliamentary representatives, who in turn have defined and set the particular mission and objectives for an agency, typically by law. An agency is also given a budget with which to meet these objectives. Meeting the objectives with less costs, as well as meeting “more” of the objectives with the same amount of costs results in more public value. (Moore 2013, 47-49.)

Pursuing its mission, an agency may cause *unintended positive and/or unintended negative consequences*. Unintended positive consequences could be, for example, recognizing public libraries not only as places to store books and media, but as possible meeting and gathering places for people. An example of unintended negative consequences could be the environmental damage or hazard an agency causes or contributes to while pursuing its mission. While Moore readily admits that this category is a complex one and by nature all the unintended consequences cannot be accounted for at the outset, he encourages the public service managers and overseers to see it as “a kind of invitation” to “stop every now and then to imagine all the potential consequences of their actions”. (Moore 2013, 49-52.)

Whereas mission achievement is thought to indirectly represent the satisfactions of the citizens, *client satisfaction* is intended to directly measure the satisfactions of those customers who are directly transacting with the agency, i.e. service recipients and obligatees (Moore 2013, 49-52). Such satisfaction or dissatisfaction can be measured for example by surveys or interviews to the target customer segment.

Lastly, a public manager needs to factor in the gains and losses of *using state authority.* On the costs side there are the obligations imposed on citizens, ultimately via coercive measures, which are in essence restrictions to individual autonomy, freedoms and liberty and which should be seen as value losses. Thus, if the otherwise same amount of gross public value could be achieved with either more or less use of state authority (obligations and coercive measures), the latter should be seen as preferable and as producing a greater amount of net public value. In addition to such negative value, the use of state authority can also produce positive public value, when an agency's conduct is just and fair on an operations level and when the agency's operations produce just and fair societal outcomes and results. (Moore 2013).

## 3.2 Service

Above we have looked into the theoretical groundings for public services. As mentioned earlier, the academic research of public services and (private) services have largely been their own distinctive streams of thought. In this section, the branch developed mainly among (private) service marketing and management literature is reviewed.

### 3.2.1 Service-Dominant Logic

Service-dominant logic (SDL) is a paradigm to understand the nature of value, service and markets. At its heart is the subjective experience of an individual. Only the individual can determine whether and how much value has been created for them by any given service or good. As the original authors of SDL, Stephen L. Vargo and Robert F. Lusch have put it: "value is always uniquely and phenomenologically determined by the beneficiary" (Vargo & Lusch 2008, 9). In this sense, SDL shares the same core assumption and tenet that the public service researchers have identified too, namely "public value starts and ends within the individual" (Meynhardt 2009, 215) or, in the words of Moore, that the "value is rooted in the desires and perceptions of individuals" (Moore 1995, 52).

The individual constructs the value by integrating their life-world (e.g. past experiences, memories, expectations, connections and opportunities) with the offerings of a service provider (e.g. a weekend stay at a hotel), resulting in a unique "value blend" that's unlike any other. This nature of value being dependent on the one who experiences it has been

called *value-in-use* and more recently, *value-in-context*, to highlight the contextual nature of value emergence (see e.g. Vargo, Akaka & Vaughn 2017).

From this originating point SDL builds on with five axioms, which are:

- *Value is always uniquely and phenomenologically determined by the beneficiary* (Axiom 4). Value emerges from the act of integrating (mental and physical) resources, and
- *All social and economic actors are resource integrators* (Axiom 3). This means that everyone has the capacity to create value for oneself (self-service) by integrating mental and physical resources for one's own benefit (e.g. learn to use scissors to cut one's own hair). However, everyone also has the capacity to integrate mental and physical resources for the benefit of others (e.g. learn to cut someone else's hair). This is called service. Because all the value in the world emerges from someone's act of integrating mental and physical resources (service) for someone else's benefit, it must follow that
- *Service is the fundamental basis of exchange* (Axiom 1), and for example money is just an accounting system for how much value was created. However, it's important to note that even in self-service, some resource is in practice always provided by another actor (e.g. even when cutting one's own hair, the scissors are still provided by the scissors manufacturer). From this it follows that even when value is always uniquely and phenomenologically determined by the beneficiary,
- *Value is co-created by multiple actors, always including the beneficiary* (Axiom 2), and this
- *Value co-creation is coordinated through actor-generated institutions and institutional arrangements* (Axiom 5), meaning that people and organisations have the capacity to organise and coordinate their actions towards maximum value-creation. (Vargo & Lusch 2004; Vargo & Lusch 2016; Vargo, Koskela-Huotari & Vink in Bridges & Kendra 2020)

This study utilises the "SDL lens" elaborated above in that it takes the person of interest, the witness, and puts them into the centre of research and development activities. The research question, "how witnesses experience the court process and what are the factors that affect that experience?" can be expressed in the language of the SDL, as "what is that unique and phenomenological value that a witness derives from the court process, what are the resources and who are the actors that are included in the co-creation of value, and how do the said resources and the behaviour of actors affect that value determination". In the scope of this study, the SDL lens helps to conceptualise how multiple actors such as summoners, court secretaries, judges, legal counsels as well as the process-related "products" such as the subpoena are all included in the value co-creation for witnesses.

Now, it may sound strange to say that the witness could derive some value from the court process, in which the witness is forced to cooperate. This peculiar sort of value is discussed later in section “Bridging the gap”. First, however, the notion of value in general is explored.

### 3.2.2 Value

Earlier the notion of ‘public value’ was explored. In the (private) service management literature the concept of ‘value’ has been studied as well. It was found that both the public and private service management research agree that value is a subjective experience. However, this finding alone doesn’t reveal what are the things that make a service or a good valuable. This question is explored next.

According to Vargo & Lusch value is “*benefit*, an *increase in the well-being* of a particular actor” [emphasis in original] (Lusch & Vargo 2014, 57). Or, as Grönroos has put it, value is about being “better off” (Grönroos 2006, 6).

So what are the things that increase our well-being? The things that make us better off? Osterwalder, Pigneur, Bernarda & Smith argue that a service can create value in three primary ways: by 1) helping the customer to resolve their *jobs-to-be-done*[16] (later also: “jobs”), 2) alleviating the customer’s *pains*, and/or 3) providing the customer *gains*. This framework is known as the ‘value proposition canvas’ (Osterwalder et al. 2014, 12-17.)

To further clarify these three concepts, *jobs* are the tasks that the customer is trying to get done, for example cutting a christmas tree -shaped christmas card for their child. *Pains* are any grievances and annoyances, as well as obstacles and risks (for example the risk of cutting one’s finger) relating to getting the jobs done. Another specific type of pain could be that there are only right-handed scissors available, making them difficult and uncomfortable for a left-handed person to use. In this scenario, producing and selling left-handed scissors would alleviate the pain that a left-handed person feels. *Gains*, on the other hand, are the social, emotional, physical, mental and resource-related (time, money, effort) benefits that the customer gets by interacting with the service. Continuing with the scissors example, scissors with particularly attractive design or scissors from a renowned and expensive brand could provide the customer gains in aesthetic pleasure or status boost (Osterwalder et al. 2014, 12-17.)

Because of its simplicity, the value proposition canvas is a helpful starting point when considering what on a general level are the elements that provide value for a customer. However, it isn’t the only value taxonomy. Another, arguably a more detailed taxonomy of

[16] The jobs-to-be-done concept was not invented by Osterwalder et al., but created and developed independently by several business thinkers before them, including Anthony Ulwick and Clay Christensen.

what creates value is provided by Almquist, Senior & Bloch. They identify 30 different sources of value that they order into a hierarchical pyramid shape (inspired by Maslow's hierarchy of needs). For them, the different levels of value comprise of (from top to bottom): 1) social impact, 2) life changing, 3) emotional, and 4) functional (Almquist et al. 2016).

The taxonomy of Almquist et al. can be used to bring additional clarity and concreteness to the value proposition canvas by Osterwalder et al. This can be done by distributing the 30 different value constituents to the three "buckets" of the value proposition canvas, namely jobs, pains and gains (Figure 3). This can inform the service provider what exactly it should seek to accomplish in order to provide value to the customer.

| | **Helps to resolve jobs** | **Decreases pains** | **Provides gains** |
|---|---|---|---|
| **Social Impact** | | | · self-transcendence |
| **Life Changing** | | | · provides hope<br>· self-actualization<br>· affiliation / belonging<br>· heirloom<br>· motivation |
| **Emotional** | · provides access | · reduces anxiety<br>· re*duces stress**<br>· *reduces frustration**<br>· *reduces confusion**<br>· *reduces the feeling of being forced or coerced** | · wellness<br>· rewards me<br>· nostalgia<br>· design / aesthetics<br>· badge value<br>· therapeutic value<br>· fun / entertainment<br>· attractiveness<br>· provides access |
| **Functional** | · saves time<br>· simplifies<br>· organizes<br>· integrates<br>· connects<br>· reduces effort<br>· avoids hassles<br>· informs<br>· quality | · reduces risk<br>· reduces cost<br>· reduces effort<br>· saves time | · makes money<br>· connects<br>· variety<br>· sensory appeal<br>· quality |

*) *Not in the original taxonomy by Almquist et al., but added by the author. Reducing any negative emotion can provide value.*

Figure 3: The value proposition canvas with value constituents

This value taxonomy is used later in the study in relation with the development activities. For now, it suffices to understand what are the typical 'value constituents' that will typically appeal to a customer, i.e. what the customer takes into account in their unique and phenomenological determination of value.

## 3.3 Bridging the gap

In this section, the ideas and concepts of the previous two sections are brought together, in order to develop a coherent framework for how to think about customers and value creation in the context of public services.

### 3.3.1 Value in obligation encounters

Returning to the question posed above, namely how it can be said that a witness derives value from a court process in which they are forced to participate, it is essential to realise that value can also be negative. This happens when there's a decrease in the well-being of an individual, i.e. when they become - for some reason or another - worse off than before (Grönroos & Voima 2013, 6).

This is exactly what happens in obligation encounters, such as an obligation to testify. From the perspective of the individual, the obligation encounter itself *creates* jobs-to-be-done (to give testimony) and pains (anxiety for an unfamiliar situation). In other words, the witness didn't have any 'jobs' before they were summoned to testify, nor did they have any 'pains'. When they are summoned to testify, they suddenly have both. The witness becomes worse off for having to do something and possibly experiencing negative feelings that they obviously wouldn't choose to, should they have a choice. It can be further noted that this same element (creating 'jobs' and 'pains') is equivalent to using the state authority and imposing restrictions to individual autonomy, freedoms and liberty, which is considered a negative value constituent in Moore's public value scorecard (see section 3.1.2. and Figure 2 above). Obligation encounter creates both negative value and negative public value.

The aforementioned quality of obligation encounters sets it apart from 'regular' service encounters, in which the idea is to create as much (positive) value for the customer as possible. This difference between a regular service encounter and an obligation encounter can be illustrated in a figure that shows how a typical service encounter increases a customer's value, whereas an obligation encounter decreases an obligatee's value (Figure 4).

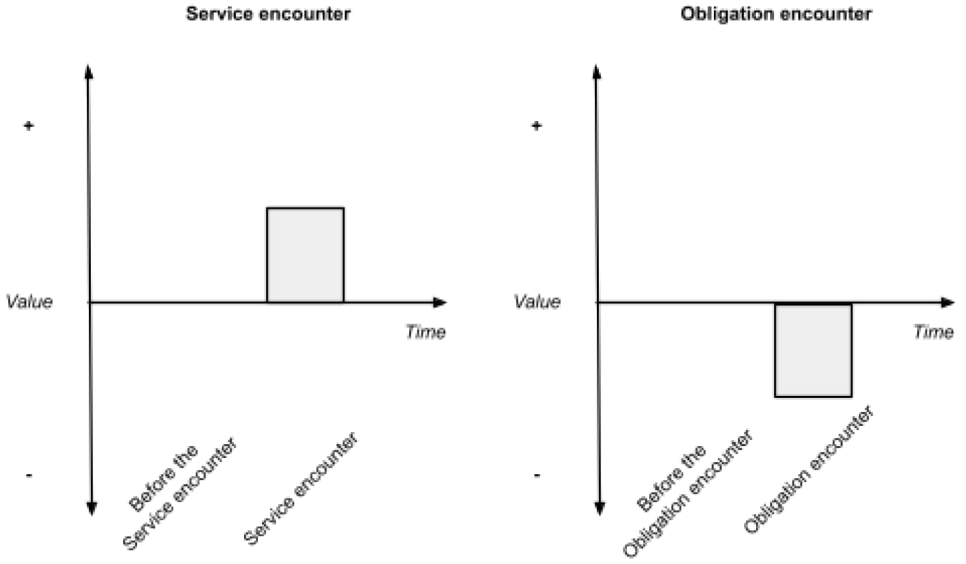



Figure 4: The difference between a regular service encounter and an obligation encounter with regard to value

Thus, instead of maximising the positive value for the customer, as would be the case in a private firm providing regular service encounters, the job of a public service manager in charge of managing obligation encounters becomes *minimising the negative value*. Figure 5 shows how an improved service encounter can provide more (positive) value to a customer in a service encounter, whereas an improved obligation encounter creates less negative value to an obligatee.

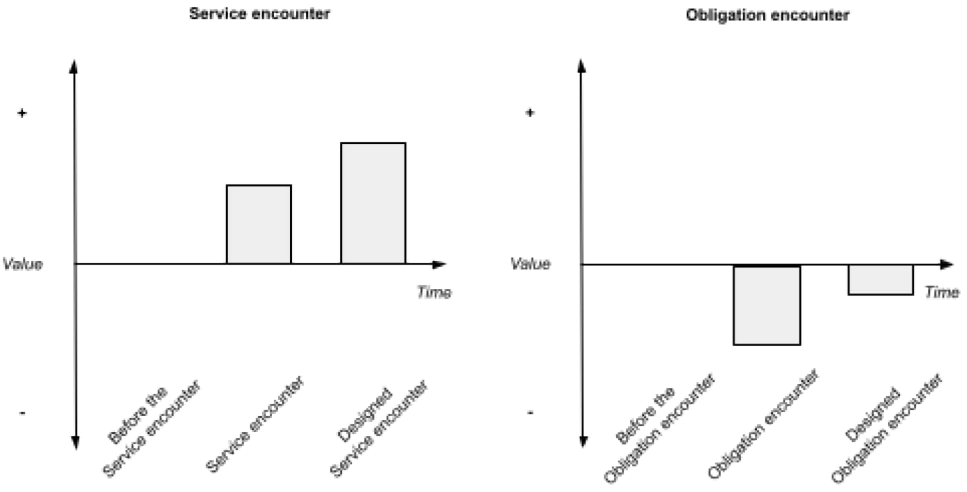



Figure 5: The difference between a regular service encounter and an obligation encounter with regard to improving a service

This minimisation of negative value can be achieved by understanding thoroughly what are the elements that cause the negative value for the obligatee, and then attempting to reduce or remove those elements (jobs and pains) to the extent possible.

Next, this conceptualisation of negative value in obligation encounters is taken to the broader context. Also, the three different customers of public service are revisited along with the question of how to ensure that when minimising the negative value of obligatees, the broader public value of public service stays intact or even is improved as well.

### 3.3.2 Public Service-Dominant Logic

In an attempt to bridge the gap between the two distinct branches of public and private service management research, Osborne, Radnor & Nasi (2013) have argued for the adoption of Public Service-Dominant Logic (PSDL). PSDL is essentially the application of SDL in the context of public services. PSDL calls for the distancing of public service research from the manufacturing management principles in favour of the service management principles (SDL), as well as emphasising the importance of interorganisational processes over intraorganisational ones (Osborne et al. 2013; Osborne 2018)[17]. These two arguments largely correspond to the shift from New Public Management (1970s - early 2000s) to New Public Governance (mid 2000s - ) elaborated in section 3.1 above. In fact, PSDL can be seen as Osborne's attempt to merge the New Public Governance paradigm, the proponent of which he himself is, with the SDL paradigm developed primarily within private service research. Credit to where it's due, in the New Public Governance paradigm Osborne had indeed identified many of the same societal developments that inspired the formulation of SDL, such as the complexity of service production with multiple actors and subsequent need to emphasise interorganisational processes (Osborne 2006).

Osborne et al. (2013) offer four propositions how adopting SDL to public services could be beneficial:

- *"Proposition 1*: By adopting a public service-dominant approach to public services deliv- ery both the citizen and user are situated as essential stakeholders of the public policy and public service delivery processes and their engagement in these processes adds value to both" [see esp. axioms 4 and 2 of SDL];
- *"Proposition 2*: A public service-dominant marketing approach is essential both for turning the strategic intent of a public service into a specific "service promise," or offering, and for shaping the expectations of this service by their users and the role of staff in delivering it. It can also offer a robust framework for developing trust within

[17] In his later work, Osborne (2018) shortens the *Public Service-Dominant Logic* to *Public Service Logic*. In this paper, the first, longer version is used to better reveal the origins of the thought.

public service delivery both between PSOs [public service organisations] and with service user";

- *"Proposition 3*: By taking a public service-dominant approach, coproduction [with the customer] becomes an inalienable component of public services delivery that places the experiences and knowledge of the service user at the heart of effective public service design and delivery" [see axiom 2 of SDL];
- *"Proposition 4*: Without a public service-dominant approach, operations management within public services will only lead to more efficient but not more effective public services. However, without operations management, a public service-dominant approach to public services will lead simply to a "public service promise" unfulfilled."

In addition to these four propositions, Osborne et al. have identified seven challenges or caveats for the simple "cut-and-paste" application of SDL to the provision of public services (Osborne et al. 2013) (Osborne 2018). Reviewing these caveats is essential for the purposes of this study, as they clearly articulate some of the core differences between private and public services and the subsequent difficulties that may arise if one seeks to understand public services through a "private service lens" such as SDL. As shall be seen, however, solutions to these core difficulties (to the extent the solutions differ between the private and public services), have largely been already developed in this study (Table 2).

**1.** *Consumer satisfaction alone is not an adequate measure of service for a public service organisation (Osborne et al. 2013).*

| | |
|---|---|
| **Solution / comment** | The author agrees. However, this challenge can be overcome by properly acknowledging the three different customers of public services: service recipients, citizens and obligatees (see 3.1.1) and taking into account their interests and needs holistically, for example through the use of the public value scorecard (see 3.1.2). |

**2.** *There may be general obstacles to adoption of the service-dominant approaches in the sphere of public services, such as:*

- *professional opposition to user-led services;*
- *passive, partial and/or tokenistic applications of service-dominant approaches;*
- *the danger of overcustomisation leading to inefficiencies in (public) spending (Osborne et al. 2013).*

| | |
|---|---|
| **Solution / comment** | The author agrees that these are real risks that are important to bear in mind. However, the author does not think that these risks are applicable solely to public services. Rather, the author believes the same risks exist when applying service-dominant (user- and value-centred) approaches to private services as well. In this study, however, the aforementioned risks are borne in mind in the development work. |

**3.** *User-centricity and co-production taken too far; thinking that a citizen can do anything a professional civil servant can do; "replacing the surgeon by a patient" (Osborne et al. 2013).*

| | |
|---|---|
| **Solution / comment** | Again, the author agrees that these are important to bear in mind, irrespective of whether one is examining a private or a public sector service. In this study, the risk is borne in mind in the development work. |

**4.** *The development of ICT poses new challenges for public services management, especially for issues such as trust within a service-dominant context (service co-production) (Osborne et al. 2013).*

| | |
|---|---|
| **Solution / comment** | Maintaining trust in public services and public agencies is arguably even more important in the public sector than in the private sector. In general, as service-dominant approach acknowledges the customer as a co-producer/-creator of value (axiom 2) and the customer's "monopoly" in determining the value (axiom 4), it is inclined to yield greater insights into the customer's needs. With greater insights to the |

| | |
|---|---|
| | customer's needs, those needs can be satisfied better, leading to greater customer satisfaction. In studies, customer satisfaction has been positively associated with the willingness to engage with public services in the future (Franklyn 2012) (MORI Social Research Institute 2003) as well as the confidence in public services (see e.g. Whitehead 2001, 50-52). Thus, service-dominant approaches should, if anything, *increase* trust in public services. On the specific question of ICT, while its rapid development certainly poses challenges, given appropriate resources, the advancements in technology are certainly bigger opportunities than risks to the public sector. |
| **5.** | *The difficulty of conceptualising an encounter with an unwilling or coerced user as a service (Osborne et al. 2013) (Osborne 2018).* |
| **Solution / comment** | This challenge can be overcome by conceptualising such an encounter as an 'obligation encounter', acknowledging that an obligation encounter creates negative value to the obligatee and subsequently acknowledging that the improvement in obligation encounter is not so much about an increase in well-being, but rather a decrease in ill-being (see 3.3.1 above) |
| **6.** | *The difficulty and complexity in the application of the SDL due to the multiple and/or conflicting users in public service provision (Osborne et al. 2013) (separated as two arguments in Osborne 2018, for the second, see below no. 7).* |
| **Solution / comment** | The author agrees that there is added complexity compared to a 'regular' private sector service. However, this challenge can be overcome by properly acknowledging the three different customers of public services: service recipients, citizens and obligatees (see 3.1.1) and taking into account their interests and needs holistically, for example through the use of the public value scorecard (see 3.1.2). |
| **7.** | *Private and public services are distinct, since 'repeat business' is a sign of success in private, but a sign of failure in public services. E.g. repeated visits to public healthcare (Osborne 2018).* |
| **Solution / comment** | The author disagrees with this challenge. From the patient's point of view, repeat business (for the same ailment) with a healthcare provider, whether public or private, is definitely a failure. On the other hand, the patient's willingness to choose the same provider again for a different ailment, whether public or private, can definitely be seen as a success for both, as it means the provider has done a good job in taking care of the patient. |

Table 2: Challenges and solutions to applying the SDL paradigm in public service provision

In conclusion, there seems to be a growing scholarly recognition that an approach involving the service-dominant logic is useful not only in understanding private services, but in understanding public services as well.

There certainly are undeniable differences in the nature of private and public services, most notably 1) the multiple different customers (service recipient, citizen, obligatee) in public services with various and possibly conflicting interests, 2) the possibility of negative value creation through statutory obligations and coercion, and 3) the indirectness of payment for public services (through taxes). However, these differences do not weaken the explanatory power of the SDL with regard to public services. Instead, they merely require more elaborate constructs for the concepts such as 'customer' and 'value/public value'.

These differences being acknowledged and the required constructs being developed above (see 3.3.1 for customers, and 3.3.2 for value, respectively), the author concludes that (P)SDL lens is appropriate for application to the public services such as in this study.

If (P)SDL along with the constructs for 'customer' and 'value' developed above offer a theoretical grounding for this study, the next question is how to put that theoretical wisdom in practical use.

## 3.4 Service design & legal design

Service design is a method to improve services. It puts the customer in the centre of any development activities, aligning it well with the (Public) Service-Dominant Logic discussed above.

Service design is a practical application of 'design thinking' to the development of services. It's a mindset, a process and a set of tools to get from a problem to a solution. *Design thinking*, on the other hand, is a structured, practical process to solve complex problems in a human-centred way (both on customer's and provider's side), balancing what's desirable for the customer, technologically feasible and economically viable (Koos Service Design 2022). Thus, the application of design thinking/service design produces results (ideally!) that provide value for the customer and are within the existing technological and economical realms.

Service design process has two major phases: 1) the research, and 2) the design phase. In the research phase, the initial problem landscape is explored. This includes getting acquainted with the context of the phenomenon being researched and the subsequent definition of a problem that will be solved. The design phase includes ideation of how the problem might be solved, after which the solution is prototyped and tested. The most famous conception of the process is the Double Diamond of the British Design Council (Figure 6).[18]

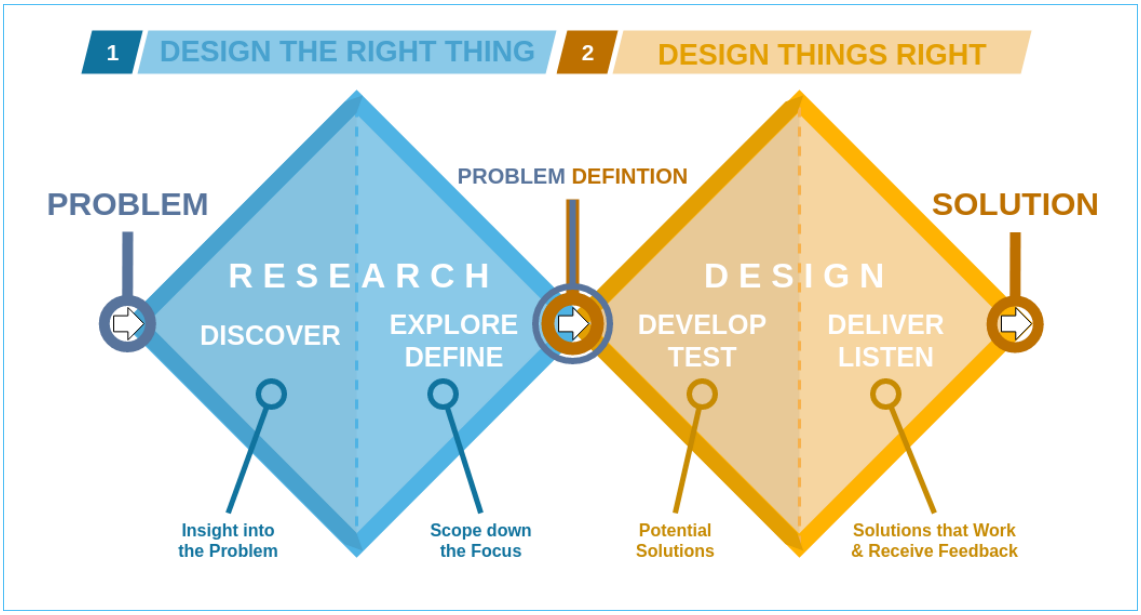



Figure 6: The Double Diamond

[18] The British Design Council has published an updated version of the Double Diamond. However, in this study, the old one was used as a basis of work as it offers simplicity that the new conceptualisation has somewhat lost.

The approach is not linear but rather an iterative and repetitive one and the practical work may, but does not have to, oscillate between the different phases of discovering, defining, developing and delivering. The process can be applied in a wide variety of fields, from product and service innovation to also more complex problems such as social innovation (see e.g. Brown & Wyatt (2010)) and even policy-making (see e.g. Lewis, McGann & Blomkamp 2020)[19].

In this study, service design is deployed in the field of law. This is a specific case of service design that has come to be known as *legal design*.

Legal design has gained popularity in recent years both in Finland and abroad. The fact that law is a notoriously complex and not exactly a customer-friendly field is perhaps the reason why the human-centric design practices have been regarded as nothing short of transforming for the field.

While legal design is still a fledgling practice, some practitioners have tried to give early form to the field. For example, Kohlmeier and Klemola (2021, 6) define legal design as "design deployed in the field of law to transform legal products, services, work, systems, business strategies, ecosystems and user experience", while to Doherty, Compagnucci, Haapio & Hagan (2021, 1) it's important to emphasise that the purpose of legal design has to be to make "the legal system work better for people".

As is apparent though, legal design isn't really anything separate or different from service design or design thinking. It is about applying the same design principles in the field of law.[20]

This study follows the service design process as conceptualised in the double-diamond. It means that the study is roughly divided between research (chapters 4 & 5) and design (chapter 6) phases.

## 4 Existing knowledge according to prior studies

In general, Finns trust the judiciary, which is among the police and the army, one of the most trusted societal institutions. Interestingly though, those who have been in the court (here: parties, not witnesses) trust the system somewhat less than the general public.[21] (Ervasti &

[19] In their critical analysis, Lewis et al. identify limitations to the design thinking approach in policy making, but conclude that if both designers and policy-makers continue to talk to each other, new effective avenues and tools of policy innovation can be found.
[20] One could just as well talk about "marketing design" to improve marketing functions, or "HR design" to improve how people are taken care of in organisations.
[21] The finding may be explained by the fact that inevitably some of those who have been in the court have lost their case resulting in less favorable views. What is curious though is that in the U.K. this relationship seems to be the other way around, with the general public

Aaltonen 2013; de Godzinsky & Aaltonen 2013). This chapter reviews the current knowledge of witness experience in courts.

## 4.1 Studies

The witnesses' customer experience has been studied little in Finland. Ultimately, three studies conducted between 2000 and 2017 were identified that were suitable to draw some conclusions on the witness experience. In total, these studies shed light on the experiences of 100 witnesses.

In Sweden and in the U.K. considerably more research focus has been directed on the topic. In Sweden, nine studies have been conducted between 2006 and 2013, with the total sample size approaching 850 participants. The U.K. is in its own league with four studies between 2001 and 2015 and with the impressive aggregate sample size of nearly 31.000 participants (albeit some of those not being witnesses, but victims of a crime).

Additionally, two other studies were identified, one conducted in South Africa and the other pertaining to the experiences of witnesses in the War Tribunal of Sierra Leone. Although on the face of it it's easy to think that the witness experience may be quite different in the Republic of South Africa and in the War Tribunal of Sierra Leone than in Finland, this isn't necessarily the case. After all, the role and responsibilities of a witness are at their core very similar all over the world: to find out the relevant facts about the case. Thus, the aforementioned two studies were included in the review. Table 3 summarises all of the reviewed studies concerning the witness experience.

| Authors | Sample size (witnesses) | Method | Country |
|---|---|---|---|
| Välikoski, Saranpää, Paulanto & Kulmakorpi 2017 | 31 | Interview | Finland |
| Välikoski 2000 | 64 | Interview | Finland |
| Haavisto 2007 | 5 | Interview | Finland |
| Brottsförebyggande rådet 2013 | 45 | Interview | Sweden |
| • including a summary of 8 prior Swedish court-customer experience studies conducted between 2006-2011 | 800 | Interview | Sweden |

displaying less satisfaction than the participants of proceedings (Franklyn 2012, 2). This might have something to do with expectations. In Finland the expectations might be high but come down after practical experience (especially after losing a case), whereas in the U.K. the general expectation might be lower, in which case participants can be positively surprised by the proceedings.

| | | | |
|---|---|---|---|
| Wood, Lepänjuuri, Paskell, Thompson, Adams & Coburn 2015 | 7.723 (witness & victim) | Interview | U.K. |
| Franklyn 2012 | 18.747 | Interview | U.K. |
| MORI 2003 | 63 | Interview | U.K. |
| | 1.759 | Survey | |
| Whitehead 2001 | 2.498 (witness & victim) | Interview | U.K. |
| Bruce & Isserow 2005 | 456 (witness & victim) | Interview | South Africa |
| Horn, Vahidy & Charters 2011 | 171 | Survey-interview | War Tribunal of Sierra Leone |
| Ministry of Justice 2018 | 48 | Interview | U.K. |
| | 1.031 | Survey | |

Table 3: Studies concerning the witness experience

## 4.2 Results

Witnesses take the responsibility of giving evidence rather seriously and generally seem to understand their role as a “source of information” (Välikoski et al. 2017; Välikoski 2000). They prepare to give evidence by reminiscing about the event, a feat often made more difficult due to the elapsed time between the event and giving evidence (Välikoski et al. 2017).

The convenience of the court date is associated with overall satisfaction of the experience. Those whose date of hearing was not changed were more satisfied than those whose was. However, the timing of notification about the change is important. Last minute changes detract from the overall satisfaction more than changes that are informed well, for example a month, in advance (Whitehead 2001, 16-17). One aspect of this is the late cancellations, which frustrate the witness as they may have already made preparations to testify or even arrived at the courthouse, but are suddenly no longer needed (MORI Social Research Institute 2003, 11). In general, witnesses wish that the schedule would hold (Brottsförebyggande rådet 2013, 55)

In the study made by Franklyn (2012), **the strongest predictor** of satisfaction among witnesses was good quality information (Franklyn 2012). This finding is backed by practically all the other reviewed studies, as the theme of good information about the process systematically turned up, whether the study was domestic or from abroad (Välikoski 2017; Haavisto 2007; Brottsförebyggande rådet 2013; Wood et al. 2015; Franklyn 2012; MORI Social

Research Institute 2003; Whitehead 2001; Bruce & Isserow 2005; Horn et al. 2011). More specifically, witnesses want information on, at least:

- what to do upon arrival to the courthouse (Bruce & Isserow 2005) and how and when to come to the courtroom (Välikoski 2017, 317; Brottsförebyggande rådet 2013, 42);
- the court system, how the process goes and "what happens in the court" (Välikoski 2017, 317; Brottsförebyggande rådet 2013, 42; Whitehead 2001, 13; Bruce & Isserow 2005; Horn et al. 2011);
- the role and tasks of the witness (Välikoski 2017, 317; Haavisto 2007, 36-37; Brottsförebyggande rådet 2013, 33);
- who will be present (Brottsförebyggande rådet 2013, 42) and who will be asking questions (Välikoski 2017, 317);
- what the process is about, i.e. "which of the many crimes I've witnessed this is about?" (this concerns especially police officers and security personnel who have to appear in the court often due to their work) (Brottsförebyggande rådet 2013, 42);
- about their rights to decline to testify, if applicable (Brottsförebyggande rådet 2013, 42).

A notion relating to being informed, that reduces the stress and anxiety and increases the overall satisfaction, is having personal support before the main hearing (Brottsförebyggande rådet 2013, 55). This could manifest itself as having a named contact point to approach in case of questions (Wood et al. 2015, 68), having an access to victim/witness support program (Franklyn 2012), obtaining information from family and friends with experience of giving evidence and/or from the internet (Välikoski 2017, 317) as well as being offered a possibility to a pre-trial visit to the courthouse (Wood et al. 2015, 12). It is worth noting that the police plays a part as well, with those being told by the police about the possibility of being called as a witness reporting higher levels of satisfaction (Whitehead 2001, 9). This seems to relate to the expectations that the witness holds about whether the case is finished after the hearing by the police, or not.

Finding one's way to and around the courthouse may be a source of stress for some witnesses (Brottsförebyggande rådet 2013). Whilst not everyone considers this as stressful (or a study wasn't construed to reveal it) many witnesses still indicate a need for clear instructions on where to go upon arrival to the courthouse (Bruce & Isserow 2005) and if such information is provided, they will feel more satisfied with the experience (Whitehead 2001).

Physical environment plays a role in witness experience (Välikoski 2000) and it would be important that proper facilities are provided so that witnesses don't have to face other

parties if they don't want to, an encounter they may experience as uncomfortable or stressful (Brottsförebyggande rådet 2013, 55; MORI Social Research Institute 2003). This can be seen as relating to a broader notion of concern about personal security and anonymity (Brottsförebyggande rådet 2013, 36; Franklyn 2012; Whitehead 2001, 36; Horn et al. 2011).

Waiting time at the courthouse is a concern for witnesses (Bruce & Isserow 2005). The waiting time that's considered reasonable seems to be around one hour. Other than the absolute waiting time, the expectations witnesses hold over the waiting time and how well the expectations end up being aligned with the reality is linked with satisfaction over the experience (Whitehead 2001; Bruce & Isserow 2005).

Witnesses appreciate friendliness and good and respectful treatment (Välikoski et al. 2017; Välikoski 2000; Bruce & Isserow 2005), which, along with good information, is a **strong** factor of their overall satisfaction of their customer experience (Wood et al. 2015; Whitehead 2001). Importantly, the chairman's friendly tone of voice doesn't seem to detract from their credibility in witness' eyes (Välikoski 2000). However, friendliness doesn't and shouldn't mean going "too far" with informality as it could also backfire, as some witnesses have expressed that legal cases are serious matters and shouldn't be handled too lightly (Välikoski 2000).

Cross-examination can cause stress (Bruce & Isserow 2005) especially if conducted in an aggressive or disrespectful manner (e.g. not given proper time to answer). Those who are not cross-examined at all are significantly more likely to feel satisfied (Whitehead 2001) than those who are. Also, repeated questions and questions whose purpose a witness doesn't understand may cause discomfort and can be deemed as disrespectful ("Don't they believe me?", "What's that got to do with anything?")[22] (Välikoski et al. 2017) (Välikoski 2000). A related notion seems to be that a witness may sometimes feel being accused themselves, when questioned about their conduct at the time of events (Haavisto 2007).

In one study, witnesses who were allowed to give evidence over a video link reported higher overall levels of satisfaction (Wood et al. 2015, 68). This makes sense as it would solve or alleviate many issues elaborated above, including at least the inconvenience of the court date (as without the requirement of being physically present, less time needs to be allocated to the task), the hassle of arriving to the courthouse and -room, the discomfort of having to meet the defendant or other parties at the courthouse, and the waiting time. Further, it is

[22] The problem is, that while repeated or apparently off-the-mark questions may be an indication of questionable litigation tactics aimed to unbalance the witness, they may just as well be legitimate testing of witness's story and/or founded on the fact that the attorney themselves don't have the full picture of the events or what the witness knows and thus needs to resort on 'probing'. In such a case the questions may come across as odd and off-the-mark for the witness. Still one possible explanation is that the witness (who in most cases is lacking legal training) may not understand all the legal intricacies involved and thus cannot see the relevance of certain questions to the case at hand, although they may be highly relevant for the legal assessment.

likely to alleviate the stress of cross-examination as one is able to remain in familiar surroundings (e.g. at home or at work), physically distanced from the cross-examiner. Also, rapid-fire questioning and other questionable or intimidating litigation tactics are much more difficult to pull off over a video-link.

The matter of receiving compensation and how much one is entitled to may be unclear to witnesses (Haavisto 2007).

Lastly, the outcome of the case and its perceived fairness affects witnesses' satisfaction (Wood et al. 2015; Franklyn 2012). As the case of course cannot be decided to please a witness, one should focus on explaining the various outcomes clearly to the witness (in addition to the parties). This includes not only explaining why the case got decided in favour of either the claimant or defendant, but also why proceedings got cancelled etc. (Wood et al. 2015; Franklyn 2012).

Overall, witnesses who felt satisfied with the experience were more willing to engage with the justice system in the future (Franklyn 2012).

### 4.3 Stress & anxiety

One key finding was that witnesses often experience stress and anxiety for having to appear in the court to testify (Välikoski et al. 2017, 319; Välikoski 2000, 949; Haavisto 2007, 39), although in hindsight the experience is often regarded as having been easier or less uncomfortable as imagined beforehand (Välikoski et al. 2017, 320; Välikoski 2000, 951-951; Haavisto 2007, 39).

As such stress and anxiety is definitely a *pain* for a witness (see 3.2.2 and 3.3.1), a closer look was taken to the factors that cause stress and anxiety in order to better understand the witness's experience. According to the reviewed studies, such factors include at least:

- a new and unfamiliar situation, caused often by the lack of information about the court and the processes; not knowing what to expect (Välikoski 2000, 949; Välikoski et al. 2017, 319; Whitehead 2001; Bruce & Isserow 2005; Horn et al. 2011);
- worry about one's own performance and usefulness in the process ("Will I remember everything?") and also how what one says will be interpreted (Välikoski 2000, 949; Välikoski et al. 2017, 317-319; Bruce & Isserow 2005);
- responsibility the witness feel over giving testimony and the impact it will have on the case and the parties (Välikoski 2000, 949; Välikoski et al. 2017, 317-319; Brottsförebyggande rådet 2013, 52);

- fear for the disclosure of their identity, fear for personal safety and possible retaliation (Brottsförebyggande rådet 2013, 32-33, 55; Horn et al. 2011)[23];
- cross-examination (Bruce & Isserow 2005), especially if conducted in an aggressive or disrespectful manner (e.g. not given proper time to answer). Also, repeated questions and questions whose purpose a witness doesn't understand may cause discomfort and can be deemed as disrespectful ("Don't they believe me?", "What's that got to do with anything?")[24] (Välikoski et al. 2017; Välikoski 2000);
- social pressure, especially if the witness knows or is familiar with a party or both parties (Haavisto 2007, 39);
- subpoena that can be deemed as threatening (Brottsförebyggande rådet 2013, 33-34 & 55);
- finding one's way to and around the courthouse (Brottsförebyggande rådet 2013, 34), and although this isn't necessarily a cause of major stress for everyone, the witnesses still have indicated a need for information on where to go upon arrival at the court (Bruce & Isserow 2005) and the satisfaction is higher among those who feel it was clear or whom were shown where they needed to go (Whitehead 2001, 23);
- having to encounter the defendant or other parties, which a witness would rather not like to meet, at the courthouse (MORI Social Research Institute 2003).

## 4.4 Conclusion

This chapter has reviewed the existing knowledge about the witness experience. The two most important factors that contribute positively to witness experience seem to be clear and good quality information, as well as friendly and respectful treatment. Conversely, the lack of clear information and unfriendly, disrespectful treatment are likely to contribute negatively to the witness experience.

Additionally, the sources of stress and anxiety were given a closer, more detailed look. Next, the study moves on to describe and present the methods of collecting new data by interviewing witnesses appearing in the District Court of Helsinki, and the results that were obtained.

---

[23] In case of a war tribunal of Sierra Leone.

[24] The problem is, that while repeated or apparently off-the-mark questions may be an indication of questionable litigation tactics aimed to unbalance the witness, they may just as well be legitimate testing of witness's story and/or founded on the fact that the attorney themselves don't have the full picture of the events or what the witness knows and thus needs to resort on 'probing', in which case the questions may come across as odd and off-the-mark for the witness. Still one possible explanation is that the witness (who in most cases is lacking legal training) just may not understand all the legal intricacies involved and thus cannot see the relevance of certain questions to the case at hand, although they may be highly relevant for the legal appraisal.

# 5 Data collection and the results

In addition to desk research (chapter 4 above), new data was collected to ensure that the current and actual needs and goals of Finnish witnesses could be properly understood. This chapter presents the methods and results of the data collection.

## 5.1 Qualitative research

Data collection was designed to answer the research questions: 1) How do witnesses experience the court process, and 2) what factors affect the witness experience?

For this study, qualitative research methods (as opposed to quantitative methods)[25] were employed as they are particularly well suited to the study of *experience*, enabling the understanding of behaviours, beliefs, opinions and emotions from the perspective of study participants. Qualitative methods help to uncover the meaning that people give to their experience as well as to give voice to the issues of a study population (Hennink, Hutter & Bailey. 2020, 11). In this sense, the study is exploratory, i.e. seeking to understand the phenomenon of giving evidence in the court (see Stickdorn, Hormess, Lawrence & Schneider 2018, 100).

The findings of desk research (chapter 4 above) were used in planning the collection of the new qualitative data. In this sense, this study is also confirmatory (see Stickdorn et al. 2018, 100), as it sought to confirm or disconfirm earlier findings both from Finland and abroad.

In-depth interviews[26] were chosen as a primary method for data collection as they are particularly useful for the identification of individual perceptions, beliefs, feelings and experiences (Hennink et al. 2020, 41, 117).

## 5.2 Interviews

Aligned with the service-dominant thinking, which highlights the co-creation of value by multiple actors, data collection began with background interviews of actors participating in that value creation, i.e. the court personnel (three judges, two secretaries and three summoners) who act as touchpoints for witnesses in various stages of the process. The interviews shed light on the process from the court personnel's point of view. They also helped to identify what kind of perceptions the personnel held of witnesses and what they

[25] Research comes in two broad categories: qualitative and quantitative. As a very broad generalization, the former answers the question "what is the problem?", whereas the latter provides insights to "how big or how common is the problem?". (see e.g. Hennink et al. 2020, 16-17).

[26] There are various different qualitative research methods. For example autoethnography, online ethnography, participant observation, contextual interview, in-depth interview, focus group, non-participant observation, mobile ethnography and cultural probes (Stickdorn et al., 119-124).

had identified as problems in their own work with regard to witnesses. This information allowed the researcher to understand the process holistically and to focus on certain aspects in designing the interview guide.

In-depth interviews with witnesses were based on a semi-structured interview guide (Appendix 2) The interview guide's development was based on both the desk research (chapter 4) and the background interviews. Desk research informed that witnesses often lack knowledge of the upcoming process and that they appreciated friendly and respectful treatment. Based on these findings, the interview guide was designed to uncover the witnesses' emotions during the process, whether they felt they got enough information and about their perceived treatment. Additionally, interviews with the NCA personnel revealed that the topics of compensation and waiting time were known to be problems (also found as problems in desk research) that cause confusion and annoy witnesses, and therefore specific questions concerning these topics were included in the interview guide. Each question had a few topical probes listed as reminders for the interviewer for which may be fruitful directions to probe deeper (Hennink et al. 2020 124-125). Also, close attention was paid to the open formulation of the questions (Hennink et al. 2020, 116).

In total eleven witnesses who appeared in the District Court of Helsinki were interviewed. The cases comprised of five civil law and six criminal law proceedings. One had their main hearing cancelled altogether and therefore did not give evidence at all even though they had already arrived at the court. One interviewee was a police officer testifying in an official role, and one was a practising lawyer dealing with litigations. Five of the interviewees had prior experience of a court process. Two of the interviewees testified in the same case with one another.

One interviewee was recruited through social media. Five interviewees were recruited as they were exiting the courthouse without the researcher having had any prior contact with these persons. Another five interviewees were recruited upon exiting the court*room*, before which the researcher had first observed them give their testimony. These interviewees were thus aware of the researcher's presence in the courtroom. Upon entering the courtroom, judges invariably inquired about the researcher's role in the proceedings - "audience?" -, to which the researcher replied - "a student". The observer effect (or the Hawthorne effect, see e.g. Hennink et al. (2020), 185) was controlled by asking these interviewees during the interview how they had perceived the researcher's presence in the room. All of these interviewees said that they had not paid more attention to the researcher and had in essence forgotten the researcher's presence once the hearing began.

Ten of the interviews were conducted as a video-call and one in person. All of the interviews were recorded with the consent of the participants. The researcher aimed to establish a

rapport (a trust relationship) with the interviewee by beginning with some general questions about the interviewee's background (e.g. profession and education) before moving on to the questions concerning their experience as a witness. The questions were not asked in a specific order but rather the interviewer allowed the conversation to flow and interviewee to tell about their experience in their chosen order and at their chosen pace. The interviewer aimed for minimal interruptions and only intervened if the interviewee veered off to completely unrelated topics for a longer period than just briefly. The interviewer also asked spontaneous questions that arose during the interview and opened up new avenues of research. Some such spontaneous questions were then incorporated to the interview guide and asked from the subsequent interviewees. While this enabled a broader exploration of the topic at hand, it meant that those interviewed later responded to more and slightly different questions than those interviewed earlier. The researcher ended the interviews with a few closing questions. (on conducting interviews see Hennink et al. 2020, 116-131).

## 5.3 Results

The interviews were first transcribed and then the data was labelled by analysing the transcripts. The labels were formed by assigning categories such as "Signs of…", for example "Signs of Anxiety" or "Signs of Appreciating good treatment". For example, if an interviewee remarked unprompted how nice the judge was, and then when asked to clarify said the judge was "warm", this was interpreted as a sign of appreciating good treatment. An interviewee's comment on finding the issue of compensation unclear would be interpreted as "Signs of Uncertainty with regard to the compensation", as well as belonging to a broader category of "Signs of Uncertainty with regard to the process, practices and/or one's own role". This practice enabled the researcher to uncover both the overt and covert sentiments of the interviewees as well as to find broader themes arising from the data.

Next, the results are presented first in a quantitative form, i.e. what were the typical themes and issues mentioned by the interviewees in order to give an idea how common certain thoughts, feelings and perceptions were. Second, more qualitative results are presented with representative quotations to illustrate the point. Third subsection presents three key insights that reveal specific pain points along with a description of why it matters and what are the main hurdles to its satisfaction.

### 5.3.1 Quantitative results

A key positive finding was that witnesses take giving evidence seriously. Witnesses also felt that judges, but also other court officials such as secretaries, treated them well. Witnesses reported quite a lot of anxiety or stress stemming from various sources. There was also a lot of uncertainty with regard to the process, practices and one's own role, which could have contributed to the feelings of anxiety and stress. The question of compensation arose, as

anticipated by the client NCA, as an issue. One of the findings that was quite unexpected and had not turned up in desk research was that many witnesses regarded giving evidence as a positive “life experience”. Figure 7 shows the quantitative results.

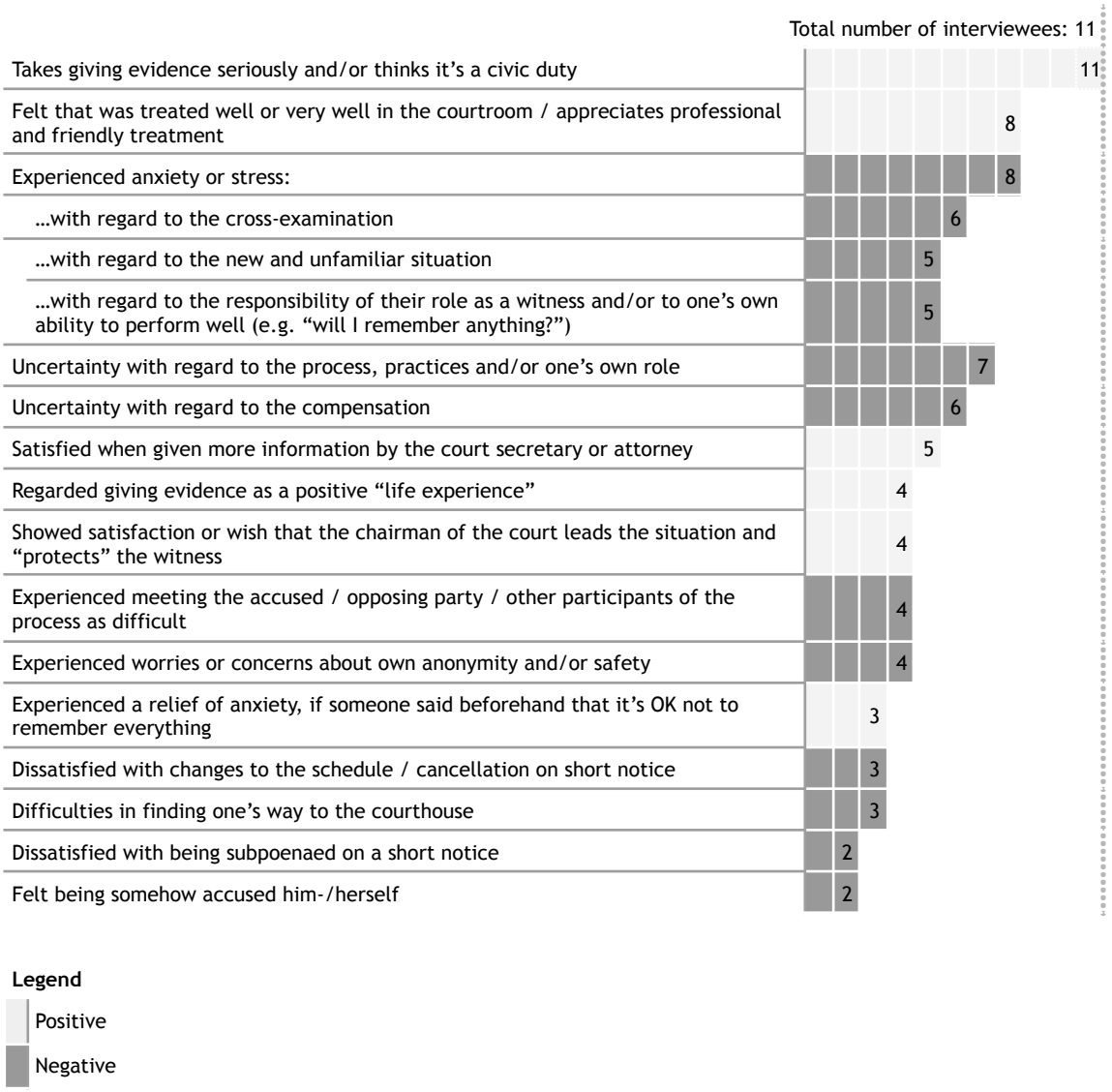



Figure 7: How witnesses experience the court process

It’s important to note that the figure above does not reveal how intense a certain feeling was, for example the intensity of anxiety experienced by a witness during cross-examination. It’s simply an account of all the instances, in which there were signs of certain experience or perception to be detected either through explicit mentions by an interviewee or through inference of how the interviewee told about their experience.

### 5.3.2 Quotes

The quotes in this section are excerpts from the in-depth interviews. They are presented in order to help the reader to better “get inside the witness's head” and thus support the reader’s capacity to empathise with the witness.

The interviews were conducted in Finnish. The quotations presented here are translated[27], meaning that some of the original meaning may be changed a little. In order to increase the transparency, the original quotes in Finnish are provided in footnotes.

Every witness indicated in some way or another that they take the matter of giving evidence seriously. Many stated that they feel it’s a civic duty. This result and choice of words may be affected by the subpoena, in which it is explicitly stated that giving evidence is a civic duty. In any case, the result implies that witnesses take this message to the heart. Sometimes to the extent that they actively worry about their performance and usefulness in the process (“Takes giving evidence seriously and/or thinks it’s a civic duty”).

> "So I consider this [testifying] to be a big thing. Matter of honour."[28] (Witness 1)

> "Perhaps it's a bit stressful when you take the oath and you can't add anything and... you always think twice if your memory is correct."[29] (Witness 8)

A very positive finding was that a clear majority of interviewees felt they were treated well or very well in the courtroom. This sentiment seemed to pertain mostly to the judges. However, no complaints were raised with regard to other professional participants (the prosecutor and legal counsels) either, and they seemed to be at least implicitly included in the “good treatment” assessment made by the interviewees. The good and friendly treatment also seemed to alleviate the anxiety and stress experienced by witnesses beforehand. A popular sentiment seemed to be that the interviewees expected worse, i.e. a more formal treatment. From these positive statements it can be inferred that the interviewees appreciated a friendly but professional treatment (“Felt that was treated well or very well in the courtroom / Appreciates professional and friendly treatment”).

> “Somehow contrary to the perceptions of what judges and the justice system are like ... somewhat more relaxed ... the speaking style made things a little less serious and solemn, which I thought was nice.”[30] (Witness 10)

---

[27] OpenAI’s ChatGPT software was utilised in the translation process.
[28] “Siis mä pidän tätä [todistamista] isona asiana. Kunnia-asia.”
[29] “Ehkä vähän tulee painettakin siinä kun tehdään se vala ja ei saa lisätä mitään ja… aina miettii kahteen kertaan et onko mun muistikuva nyt oikea.”
[30] "jotenkin vastoin mielikuvia siitä, millaisia tuomarit ja oikeuslaitos on ... jotenkin rennompia ... puhetyyli teki asioista vähän vähemmän vakavia ja juhlallisia, mikä oli minusta ihan kiva"

> “It was indeed well done ... people were taken into account as individuals ... very professional handling, as it should be.”[31] (Witness 4)

> “In my opinion, the judge was very calm, clear, and professional, and created a pretty safe feeling.”[32] (Witness 7)

When asked what made the safe feeling, the interviewee continued:

> "It was just his demeanour and then he had a very clear, professional, friendly way of speaking. Nothing attention-grabbing, but somehow it just gave me a calm feeling that this is now in good hands."[33] (Witness 7)

The majority of witnesses indicated that they experienced some anxiety or stress with regard to giving evidence. The most common reasons were the cross-examination, the unfamiliarity of the process and situation in general, and the responsibility associated with the role of being a witness or the worry about one’s own ability to perform well (“Experienced anxiety or stress”).

> "Yeah, it's nerve-wracking when you have to go there because it's somehow such an official matter."[34] (Witness 3)

> "It just feels uncomfortable having to go there... on an emotional level, there is a negation... it feels more distressing to go there..."[35] (Witness 7)

Many interviewees reported uncertainty about the process, practices and/or one’s own role. Mainly those who had acted as a witness before (and the practising lawyer who was familiar with the process due to profession) indicated no noticeable signs of uncertainty. The lack of information seemed to be one of the main drivers of these worries (“Uncertainty with regard to the process, practices and/or one’s own role”).

> "It would have helped a lot ... I would have had a more peaceful mind ... if someone had told me how to act, what was going to happen, how the process was going to

---

[31] "oli tosin hyvin tehty kyllä ... otettiin ihmiset ihmisinä huomioon ... hyvin asiallinen käsittely, niin kuin sen pitää ollakin"
[32] “Mun mielestä tuomari oli hyvin rauhallinen ja selkeä ja asiallinen ja se se loi semmosen aika turvallisenkin olotilan.”
[33] “ihan omalla olemuksellaan ja sitten hänellä oli hyvin selkeä asiallinen, ystävällinen puhetyyli. Ei mitään semmoista huomiota herättävää, mutta jotenkin siis tuli vaan semmoinen rauhallinen olo itselle, että tää on nyt ihan niinku oikeissa käsissä”
[34] “Kyllä se jännittää ku sinne pitää mennä kun jotenkin ihan silleen virallinen asia.”
[35] "se vaan tuntuu epämukavalta joutuu sinne ... tunteen tasolla negaatio ... tuntuu enemmän ahdistavalta mennä sinne..."

> proceed from my point of view, what I was expected to do, and what I could expect to happen."[36] (Witness 10)

The need for information became apparent also from the comments, where the witnesses indicated satisfaction from receiving information before the hearing. Few witnesses specifically appreciated being told that no-one expected them to remember everything ("Satisfied when given more information by the court secretary or attorney").

> "[The court secretary] said that ... you tell what you remember, that you of course cannot tell anything that you don't remember ... so it was a really good thing that she was really helpful in that regard."[37] (Witness 5)

A specific case of uncertainty was related to the compensation. There was a lack of knowledge on both what and how to ask for compensation, as well as how to actually receive it ("Uncertainty with regard to compensation").

> "But it's a bit unclear because I don't exactly remember all the details... like [also something about] daily allowance or such... so it's a bit unclear what all you can even get from there."[38] (Witness 3)

> "We were promised fifty euros per person as compensation, but how does it happen in practice? I have been waiting, but nothing has happened."[39] (Witness 1)

Four of the interviewees indicated that giving evidence was some sort of a positive life experience for them. One, whose hearing was cancelled, specifically indicated a wish to have had the chance to testify ("Regarded giving evidence as a positive 'life experience'").

> "On the other hand, after all the anxiety and hassle of arranging everything, once I had gone there, it would have been nice, in a way... it may sound strange in hindsight, but I would have liked to testify, now that I was there, and having experienced all the nervousness before that, in a certain way I would have been one experience richer then."[40] (Witness 5)

---

[36] "Tosi paljon olisi helpottanut ... olisi ollut levollisempi mieli ... jos joku olisi kertonut miten pitää toimia, mitä tulee tapahtumaan, miten prosessi mun näkökulmasta menee, mitä mun toivotaan tekevän ja mitä mä voin odottaa että tulee tapahtumaan."

[37] "[käräjäsihteeri] sanoi, että ... kerrot sen minkä muistat, että sä et tietenkään voi kertoa mitään semmoista mistä se et muista ... niin se oli semmoinen ihan hyvä kanssa vielä, että hän oli kyllä tosi avulias sen suhteen."

[38] "Mutta se on vähän epäselvä kun en mäkään siis tarkalleen muista et mitä kaikkee… et just [myöskin jotain] päivärahaa tai tällaisiakin… että se on kyllä sinänsä vähän silleen epäselvää että mitä kaikkea sieltä voi ees saada."

[39] "Meille luvattiin viisikymppiä per nenä palkkiota, mut miten se tapahtuu käytännössä? mä oon odotellut, mutta mitään ei oo tapahtunut."

[40] "Toisaalta nyt kaiken sen jännityksen ja säätämisen tai järjestelyjen jälkeen kun mä kerran olin sinne mennyt niin musta olisi tavallaan… nyt jälkikäteen voi ehkä kuulostaa erikoiselta,

Few witnesses reported some anxiety with regard to meeting the accused or other participants of the process (“Experienced meeting the accused / opposing party / other participants of the process as difficult”).

> "I felt anxious about the idea that the defendant is going to be there."[41] (Witness 5)

Some interviewees experienced disruptions by the parties in their hearing, or questioning techniques they were not happy with. In these cases if the judge controlled the situation, the interviewee was typically satisfied (“Showed satisfaction or wish that the chairman of the court leads the situation and “protects” the witness”).

> “The female judge was good when she told [the defendant], that it's not your turn to speak ... so that no one can interrupt in between."[42] (Witness 2)

> "It's confusing that the question can still be continued after the answer ... in my opinion, the judge could interrupt and say, let's stick to the topic, because there can't be any other goal than to confuse the matter."[43] (Witness 11)

Few witnesses that testified in criminal cases reported concerns over their personal anonymity and security (“Experienced worries or concerns about own anonymity and/or safety”).

> “...if we meet there in court and she [the accused] remembers what I look like, but doesn't know my name or anything, is there a risk that she would want to seek revenge at some point?”[44] (Witness 10)

> “It felt a bit uncomfortable to me from the outset that he [the accused] was in the same room and then the anonymity promised to me earlier [by the police] was not maintained anymore.”[45] (Witness 5)

---

mutta minusta olisi tavallaan ollut sitten ihan kiva päästä todistamaan, kun mä kerran olin siellä, ja kokenut sen kaiken jännittämisen sitä ennen niin sitten tietyllä tavalla olisi ollut sitten yhden kokemuksen rikkaampi.”

[41] “Se tuntui jännittävältä se ajatus, että se syytetty on siellä paikan päällä."

[42] “Se oli hyvä se naistuomari kun se laittoi [asianomistajan], että sun vuoro ei ole puhua… ettei siellä kukaan pääse niinku huutelee väliin.”

[43] “Hämmentävää, että kysymystä voidaan vielä jatkaa vastauksen jälkeen… mun mielestä tuomari voisi keskeyttää ja sanoa, että pysytään asiassa, koska siinä ei voi olla muuta tavoitetta kuin hämmentää sitä asiaa.”

[44] “...et jos me kohdataan siellä oikeudessa ja muistaa miltä mä näytän, et saa tietää mun nimen ja kaikkea, että onko siinä jotain sellaista riskiä, että se haluaisi jossain vaiheessa kostaa.”

[45] “Se tuntui musta ehkä vähän epämukavalta lähtökohtaisesti, että hän [syytetty] on siellä samassa tilassa ja sitten se minulle aiemmin [poliisin toimesta] luvattu anonymiteetti ikään kuin ei säilykään enää.”

Most witnesses didn't experience the arrival to the courthouse or finding the courtroom particularly difficult. However, for some, finding the building caused a headache. With regard to the courtroom, the researcher observed at least two of the witnesses to ask guidance from the security personnel in the lobby on where to find the right room. When interviewed, the same persons said that finding the room was easy, suggesting that they didn't mind asking for instructions ("Difficulties in finding one's way to the courthouse").

> "We were wandering a bit trying to figure out how to get inside the building and asked a police officer who kindly showed us how to get in."[46] (Witness 10)

> "I asked in the lobby while going through security, where this room is where they are handling this."[47] (Witness 4)

Changes to the schedule and late cancellations were quite understandably a source of frustration for witnesses ("Dissatisfied with changes to the schedule / cancellation on short notice").

> "Cancellations were somehow ... it was unpleasant, that it was postponed ... it wasn't nice."[48] (Witness 1)

> "It did annoy me ... I sat there for so long ... and then they come and say you're not needed anymore ... my frustration levels were pretty high."[49] (Witness 3)

Also, being summoned on a short notice was deemed annoying ("Dissatisfied with being subpoenaed on a short notice").

> "The only time I got upset was when I received a very short notice that it [the hearing] was actually on the 16th. And then it meant that my own calendar got all messed up."[50] (Witness 8)

Two witnesses reported feelings of being somehow "judged" or "accused" themselves, as if they had done something wrong. Although no explicit causal connection can be established based on the data, it is interesting to note that the same witnesses also reported wishing or thinking at some point during the process that they could forgo the process altogether, while

---

[46] "Vähän harhailtiin siinä että mistä sinne pääsee sisään sinne rakennukseen ja kysyttiin joltain poliisilta ja ystävällisesti neuvoi että mistä pääsee sisään."
[47] "Kysyin siinä aulassa kun olin turvatarkastuksessa, että missä tällainen huone on että missä tätä käsitellään."
[48] "Perumiset oli jotenkin ... se oli ikävää, et se siirtyi ... se ei ollut kivaa."
[49] "Kyllä se ärsytti ... istun siellä vaikka kuinka kauan ... sit tuleekin et ei teitä nyt tarvitakaan ... oli käyrät aika korkealla."
[50] "ainoa harmistuksen aika tulee, että hirveen lyhyellä varoitusajalla tuli sitten tieto että se [kuuleminen] onkin 16. päivä. Ja sitten se tarkoitti, että mulla meni oma kalenteri ihan sekaisin."

none of the other interviewees reported such sentiments. This result may suggest that there is a small but not insignificant minority of witnesses, who experience the process as particularly unpleasant or are more sensitive than others to the tone of voice used in communications (“Feelings of being judged / accused”).

> “From this subpoena, it almost feels like I'm being accused of something, because it's like the witness must speak the truth ... as if there's a presumption that I'm not telling the truth.”[51] (Witness 5)

> "...the thought of it that oh my god, did I do something wrong myself."[52] (Witness 7)

### 5.3.3 Key insights

Based on the analysis and results, and taking also into account the results of the desk research, the following three key insights were formulated. These three insights seemed to capture the most relevant drivers of witness experience and whether it turns out to be positive or negative.

*1. Good treatment comes as a surprise*. Witnesses appreciate professional yet friendly treatment, because it relieves anxiety and in general makes them feel appreciated and “human”. However, even as such treatment seems to be more of a norm than exception (in the District Court of Helsinki), witnesses may often hold negative assumptions and expectations of a formal and “cold” process, an assumption that the often swift call from a summoner doesn’t properly alleviate and the subpoena that can be experienced as “cold” or “threatening” may exacerbate, thus causing unnecessary anxiety before the hearing.

*2. Wish for better information earlier.* Witnesses want information on the process, practicalities and what is expected of them, preferably as early as possible, because it alleviates the anxiety caused by the new and unfamiliar situation, reduces worry and stress about one’s own ability to perform well and helps them to act confidently in the situation. However, currently this kind of information is obtainable only from the legal advisors (mainly civil proceedings) and even then often unnecessarily late in the process (because legal advisors typically prep the witness only a week or a few days prior to the actual hearing). This causes the witnesses in criminal proceedings to be left completely, and the witnesses in civil proceedings for an unnecessarily long time, without good quality information to answer their questions and alleviate anxiety.

---

[51] “Tästä kirjeestähän tulee melkein semmoinen olo, että minuakin syytetään jostain, koska tämä on silleen, että todistajan on puhuttava totta… ikään kuin lähtökohtaisesti epäillään, että mä en puhu totta.”

[52] “...ihan se ajatus siitä että apua että oonko minä itse tehnyt jotain väärin.”

*3. Clarity to compensation*. Witnesses want clarity and instructions to matters relating to compensation, because they experience uncertainty about how to request compensation and how much one is allowed to request. However, currently the more detailed instructions and advice relating to compensation is obtainable mainly from legal advisors, in addition to which the instructions found on the internet are deemed unclear or even contradictory to one another.

# 6 Development work

This chapter presents the development work that was undertaken based on the results of both desk research and interviews.

## 6.1 Solution

The data collected via interviews conveyed a message that witnesses experience a lot of uncertainty with regard to process, practicalities and one's own role. Taking into account the findings of desk research, it seems clear that witnesses have a strong need for more and better information as early in the process as possible (key insight 2).

Another significant factor was the professional yet friendly treatment, again both in the new data as well as in previous studies. In the data collected via interviews the main problem wasn't, however, that the treatment was bad. On the contrary, the treatment was generally regarded as good, but it seemed to come as a surprise, i.e. the main problem seemed to be the *expectations* that witnesses held of appearing in the court (key insight 1). In such expectation management, good quality information can be a vital tool (see also section 3.3.2 and proposition 2 by Osborne et al. (2013) suggesting how service-dominant approach applied in public services can be used in managing obligatees' expectations and formulating a clearer "public service promise").

Based on these two main findings, an approach was chosen that was hypothesised to cover both aspects: a *Frequently Asked Questions about Testifying* -brochure and a website that would both 1) provide witnesses with clear information and help to manage their expectations, and 2) do it in a format and a 'tone of voice' that's casual, friendly, relevant and feels approachable to witnesses. The FAQ-approach was also deemed well suited to answer the many different questions regarding many different topics that came up in the interviews. As such, it was seen as a sort of "catch all" -solution.

In chapter 2 the central objectives of the judiciary were identified, in order to avoid a situation where a solution would be proposed that "is nice for a witness but ruins the process". As a reminder, the central objectives of the judiciary were to "quickly and cheaply

provide correct decisions and a fair trial, in order to preserve the order and to remove a sense of injustice".

So does the FAQ-approach compromise these central objectives? It would seem that no, it would not. Actually, the FAQ-approach could further the attainment of these objectives in the following ways. The fact that the witness is given good quality, standardised information may reduce the witness's need to ask questions from a summoner or to reach out to a court secretary. In this way, the FAQ-approach may ease the workload on both summoners and court secretaries, freeing them to do other tasks and thus making the whole process more efficient. If the FAQ-approach works as hypothesised and reduces the stress/anxiety the witness feels, the approach may lead to small gains in the accuracy of testimonies (because witnesses' memory may function better) and thus better judgements (see section 1.3). In conclusion, the FAQ-approach shouldn't compromise the central objectives of the judiciary, but possibly facilitate their attainment.

Then it was controlled how the chosen approach would fit to the value taxonomy developed earlier in section 3.2.2, and what types of value elements could possibly be fulfilled with the chosen approach. As shown in Figure 8, the approach could tick approximately a half of the value elements, most of which are functional and help to resolve jobs and decrease functional and emotional pains. Additionally some positive value elements belonging to the "Life Changing" and "Social Impact" categories could be fulfilled as well.

**F.A.Q. ABOUT TESTIFYING**

| | Helps to resolve jobs | Decreases pains | Provides gains |
|---|---|---|---|
| **Social Impact** | | | · self-transcendence (letting the witness know how they are helping the parties to get a just decision) |
| **Life Changing** | | | · provides hope (of doing well as a witness)<br>~~· self-actualization~~<br>~~· affiliation / belonging~~<br>~~· heirloom~~<br>· motivation |
| **Emotional** | ~~· provides access~~ | · reduces anxiety<br>· *reduces stress*<br>· *reduces frustration*<br>· *reduces confusion*<br>· *reduces the feeling of being forced or coerced (by increasing autonomous motivation)* | ~~· provides access~~<br>~~· wellness~~<br>~~· rewards me~~<br>~~· nostalgia~~<br>~~· design / aesthetics~~<br>~~· badge value~~<br>~~· therapeutic value~~<br>~~· fun / entertainment~~<br>~~· attractiveness~~ |
| **Functional** | · saves time | · saves time | ~~· makes money~~ |

| | | | |
|---|---|---|---|
| | • simplifies<br>• Organises (information)<br>• ~~integrates~~<br>• ~~connects~~<br>• reduces effort (of finding the relevant information and figuring out what to do)<br>• avoids hassles<br>• informs<br>• ~~quality~~ | • ~~reduces risk~~<br>• ~~reduces cost~~<br>• reduces effort (of finding the relevant information and figuring out what to do) | • ~~connects~~<br>• ~~variety~~<br>• ~~sensory appeal~~<br>• ~~quality~~ |

Figure 8: Potential value elements of the F.A.Q. approach

With theoretical backing ensured, an early version of FAQ-brochure and FAQ-website was drafted. The brochure is intended to be handed to a witness when they are first subpoenaed, along with the subpoena.

## 6.2 Testing

The brochure and website were first rapidly tested by showing them to three witnesses in the District Court of Helsinki while they were waiting their turn to give evidence. This initial feedback was very positive and encouraging. Based on that, a more formal survey and a set of questions were developed to uncover whether specific goals could be met through the FAQ-brochure and website.

The survey was designed to prove or disprove the usefulness of the FAQ-approach. Witnesses were recruited to answer the survey by the summoners of the District Court of Helsinki and by the author.

The initial approach was for the summoners to hand out the FAQ-brochure along with the subpoena at the time the witnesses were normally subpoenaed. The FAQ-brochure contained links to both the FAQ-website and the survey. This represented the most accurate use case of the brochure and the website, as the brochure was intended to be used in the said manner, providing supplemental information already at the time when witnesses were first summoned. In terms of testing and obtaining answers to the survey, however, this turned out not to be an effective method. Even though all of the summoners of the District Court of Helsinki were handing out the brochure (containing a link to the survey) for two weeks, only one answer was obtained.

At this point, a new approach was devised. Next, the author went to the District Court to hand the brochure personally to the witnesses waiting their turn to testify. The witnesses could either respond to the survey then and there on a printed version of the survey or follow the link in the brochure to respond to the online version. This approach was not optimal in a sense that it didn’t fully correspond to the intended use of the brochure (to be delivered to

witnesses at the time they were summoned). Rather, in this approach witnesses received the brochure just before going to testify, instead of weeks or even months earlier when they were first subpoenaed by the summoner, meaning that the survey couldn't accurately test these witnesses' sentiments in the authentic setting. Also, it's possible that some witnesses responded to the survey, and acquainted themselves with the FAQ, *after* having testified, since they didn't necessarily have much time to do so before being called in the courtroom.

The aforementioned compromise in the test setting's authenticity with regard to the place and time of information provision has to be taken into consideration. Familiarising oneself with the FAQ-brochure and -website and responding to the survey just before going to testify, or (possibly) even after having testified, could've affected these responses. If there were any responses after having testified, it's possible that those responses were more positive since the stress and anxiety of giving evidence was over. On the other hand, receiving the information and responding to the survey just before giving evidence when the anxiety and stress is perhaps at its highest might have, too, made these responses more positive as the relief produced by obtaining the information was most significant. Additionally, it may be difficult in general for witnesses to evaluate how the information *might have* influenced them, had they received it earlier when being summoned. In any case it is certain that at least seven out of 11 respondents responded to the survey before giving their testimony, leaving a potential of 0-4 responses to be possibly given after giving testimony.

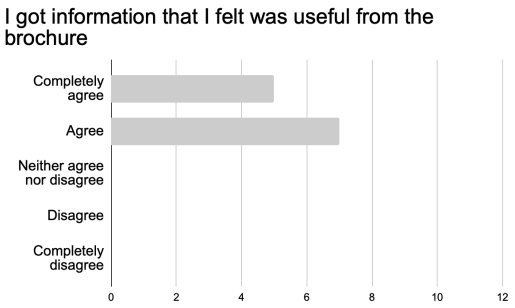
Bearing in mind the aforementioned reservations, this approach did yield much better participation ratings, and the sufficient number of responses (11) was obtained.

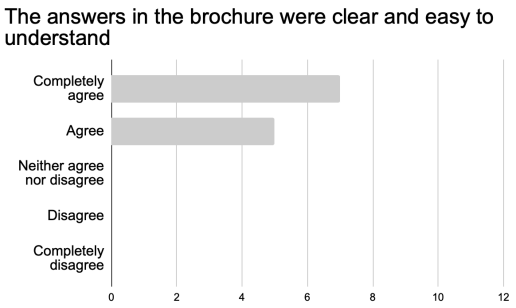
## 6.3 Results

This section presents the results of the survey, i.e. what the witnesses thought of the FAQ-brochure and website. It is divided into three subsections. First provides the results regarding the questions of perceived general usefulness of the approach and the general clarity of language, as well as the amount of information. Second provides the results on questions regarding how witnesses perceived the information affected them. Third presents the open feedback.

### 6.3.1 Usefulness of information

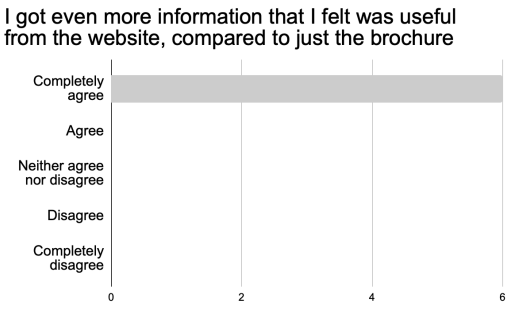
Witnesses felt they got useful information from the brochure. They also thought that the language in the brochure was clear and easy to understand (Figures 9-10).

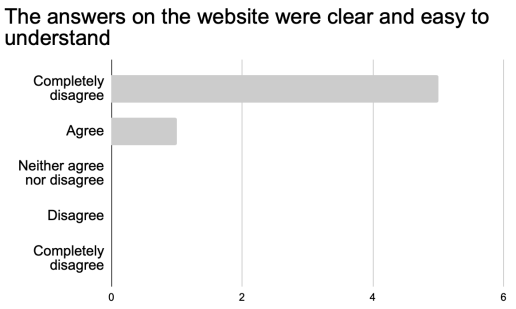



Figures 9-10: Respondents' views on the usefulness of (9), and clarity of the information in (10) the brochure

The website was very successful. All of the respondents "fully agreed" that they got useful information from the website. Also the language was perceived as very clear and easy to understand (Figures 11-12).




Figures 11-12: Respondents' views on the usefulness of (11), and clarity of the information on (12) the website

Respondents were also asked about the amount of information on the website. This question was included because after creating the website the author felt it might be considered overwhelming. This turned out not to be the case, as most thought that there was a good amount of information. One felt that there was a lot of information but that it didn't bother because they found the information they wanted easily (Figure 13).

| **On the website, there was…** | **N = 6** |
|---|---|
| Too little information | 0 |
| Too much information | 0 |
| A good amount of information | 5 |
| A lot of information, but it didn't bother me because I found what I needed easily | 1 |
| Other [open] | 0 |

Figure 13: Respondents' views on the amount of information on the website

### 6.3.2 The effects of information

The next section of the survey sought to uncover if there was any link between the information that was provided, and more general views about the judiciary and acting as a witness.

For five out of twelve respondents the provided information made giving evidence feel like a more important thing to do (Figure 14). Seven out of twelve felt more confident for their ability to do well as a witness (Figure 15).

The information affected witnesses' motivation too. Two respondents said they were much more motivated and another two more motivated to testify. Seven felt there was no effect while one saw their motivation decreased by the information (Figure 16).

A clear majority (10/12) reported more positive expectations about appearing as a witness (Figure 17). One respondent reported being much less stressed/anxious and two less stressed/anxious. Eight respondents reported no effect while one said they felt more stressed/anxious (Figure 18).

Six of the respondents (50%) indicated that after being given the information, they trusted the judiciary more (Figure 19). Lastly, three respondents reported feeling the obligation to come to testify as less tedious after having received the information (Figure 20).

*How did the information in the brochure (and on the website) affect…*

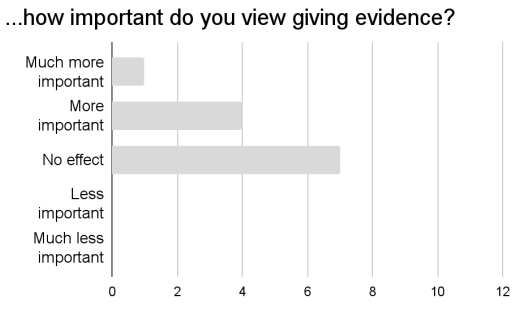



Figure 14: Importance of testifying


Figure 15: Confidence to do well

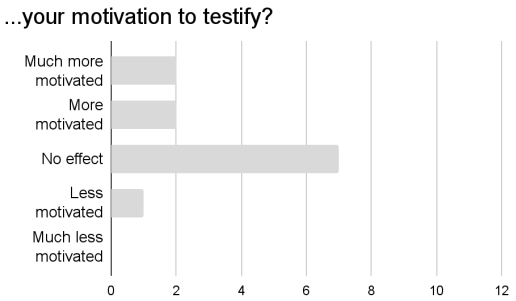



Figure 16: Motivation to testify

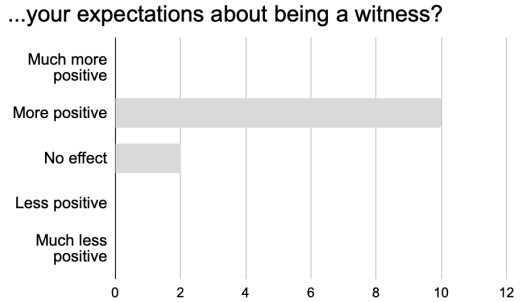



Figure 17: Expectations about being a witness

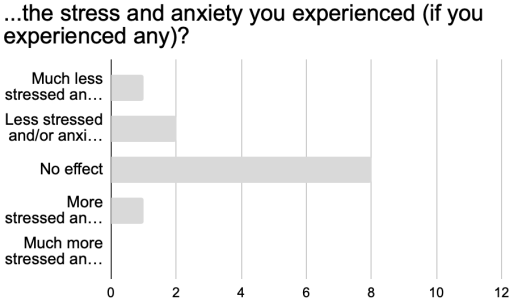



Figure 18: Stress and anxiety

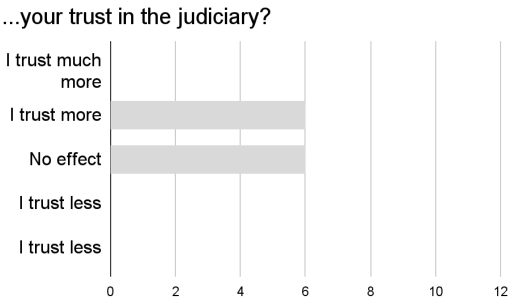



Figure 19: Trust in judiciary

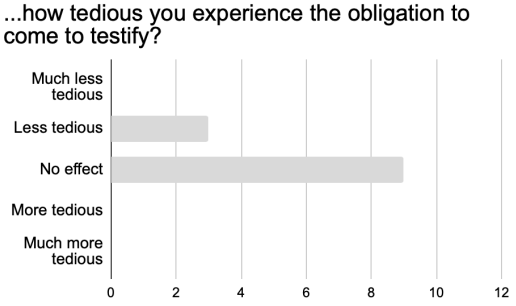



Figure 20: Perceived tediousness

### 6.3.3 Open feedback

Open feedback was also requested. Some expressed approval of the F.A.Q concept.

> "I liked this and it genuinely helped! What I also would have hoped for is that the subpoena would be available somewhere online, such as suomi.fi or oikeus.fi. Now

> the subpoenas tend to disappear and I myself couldn't remember when I have to be and where."[53] (Respondent 7)

> "Good brochure and website."[54] (Respondent 9)

Others expressed a wish that they would've received the information already earlier at the time they were first subpoenaed. As explained earlier, this is how the FAQ-brochure is intended to be used and the comments are thus borne of the compromise in test setting's authenticity (see section 6.2). At the same time, the comments confirm the need and wish to receive this kind of information as early on as possible, a finding that was earlier formulated as a key insight of "Wish for better information earlier" (see section 5.3.3).

> "The contents of the brochure should be included in the letter from the summoner [subpoena]."[55] (Respondent 7)

> "It could be helpful to add guidance on finding the instructions beforehand to the summon letter for appearing as a witness, so that they can be found more easily."[56] (Respondent 1)

One comment seems to be more about the case that the witness was going to testify in, but it can also be read as a sign of uncertainty or concern of how the process unfolds and what is expected of the witness.

> "I have to change what I said during the police interrogation. Hopefully, it is possible."[57] (Respondent 6)

### 6.3.4 Conclusions

In conclusion, all of the witnesses (100 %) either agreed or completely agreed that the information was useful. They also (100 %) agreed or completely agreed that the information was clear and easy to understand.

Despite the amount of information especially on the website, it wasn't deemed as being too much. This was a positive finding because sometimes providing a lot of information can be experienced as overwhelming and thus turn against its original purpose.

---

[53] "Pidin tästä ja tämä aidosti helpotti! Sen minkä olisin myös toivonut on, että haasteet olisivat jossain verkossa löydettävissä esim. suomi.fi tai oikeus.fi. Nyt haasteet tuppaa häviämään ja itse en ainakaan muistanut monelta tulee olla ja missä."
[54] "Hyvä esite ja verkkosivut."
[55] "Lomakkeen sisältö olisi hyvä olla mukana jo haastemiehen kirjeessä."
[56] "Opastusta ohjeiden löytämiseen etukäteen voisi olla hyvä lisätä kutsuun todistajaksi saapumiseen, niin ne löytyisivät paremmin"
[57] "Joudun muuttamaan poliisikuulustelussa lausumaani. Toivottavasti onnistuu."

The FAQ-approach managed to reduce witnesses' negative experiences, with 25 % reporting a decrease in perceived tediousness of having to testify, as well as 25 % reporting a decrease in anxiety/stress they felt (albeit one witness reporting an increase in anxiety/stress).

Witnesses also reported gaining something positive, with ~58 % of the witnesses reporting they felt more confident of doing well after having received the information.

In the category of what was positive for both the witness individually as well as for the judiciary societally, ~83 % reported having more positive expectations of appearing as a witness, 50 % trusting the judiciary more, ~42 % perceiving giving evidence as more important, and ~33 % being more motivated to testify, after having received the information.

# 7 Conclusion

In this chapter, the research and development work is summarised and the results are discussed. Additionally, the study's value and the transferability of results are considered and the trustworthiness of the research is considered. Finally, the thesis work is reflected in light of what the author learned.

## 7.1 Summary

The study set out to answer the following research questions and objectives:

1) How do witnesses experience the court process?
2) What factors affect the witness experience?
3) Based on findings on objectives 1 and 2, to improve the witness experience, whilst at the same time
    a) improving the court process (maximum objective), or at least
    b) refrain from making it worse (minimum requirement)

Witnesses experience the court process and their obligation to testify as something important, many referring to their 'civic duty'. They feel that they are generally treated well by the court personnel, although this good treatment seems to come as a surprise, many expecting a more formal or 'cold' treatment. Most witnesses indicated uncertainty with regard to the process, practices and one's own role. This uncertainty was one of the reasons for anxiety and stress that witnesses experienced. Another major reason for anxiety/stress was the cross-examination. The degree to which such feelings are felt varied from person to person. Approximately a third of the witnesses felt that there's also something positive to take away from the process, indicating that it was an interesting life experience. Around a third of the witnesses indicated dissatisfaction with the timing and schedule, being discontent

with for example a short notice to come to testify and the changes to the hearing date or time. Two of the 11 interviewees indicated that they experienced feelings of being somehow accused themselves.

Multiple factors affecting the witness experience were identified. As witnesses experienced a lot of uncertainty with regard to the process, practicalities and one's own role, clear and good quality information was identified as one of the major factors affecting the witness experience. Receiving information about the process from e.g. a court secretary or attorney was regarded positively. A friendly and professional treatment seemed to be a factor in both easing the anxiety and in making the witness feel being treated well. The chairman's active process leading and protective approach, when needed, contributed to the witnesses' satisfaction. Having to meet the opposing party was sometimes experienced as uncomfortable. The schedule of hearing and how it would hold was found to be a factor, with summons on short notice and late cancellations causing annoyance.

With the backing of the interview data as well as the desk research data, the two major findings, the need for better information and the desire for friendly and professional treatment, were taken as the basis of the development work. A *Frequently Asked Questions about Testifying* -brochure and website were hypothesised to tackle both problems by providing relevant and understandable information in a format that is more warm and down-to-earth than the official summon letter.

The solution was then tested with witnesses and positive feedback was received. The FAQ-approach was regarded as useful and generally deemed to decrease the negative experiences related to being a witness and giving evidence, increase confidence, as well as to cause other positive changes in witnesses' perceptions about their role, testifying and the judiciary as a whole.

## 7.2 Conclusion

Based on the summary above, the author concludes that the research questions were answered and objectives were met. The study managed to summarise the prior knowledge of witness experience both from Finland and abroad. Essentially, the study also produced new relevant knowledge of how witnesses experience the court process, a thus far understudied topic in Finland.

The findings of this study very much align with prior research. The two most important findings, the need for better information and the desire for friendly and professional treatment were found to be factors of witness satisfaction both in the prior research as well as in this study. Other themes were also largely found in prior research. Perhaps the only

finding that the author could not anticipate at all based on desk research was how giving evidence could be viewed as an interesting life experience.

The key question yet to be answered is: Did the development work result in an improved witness experience, and if yes, did the court process improve at the same time or was it at least unaffected (research objective 3). Based on the test results (section 6.3), it is concluded that the research objective of improving witness experience was satisfied and successful. Every surveyed witness either agreed or fully agreed with the statement that they got useful information from the brochure and the website. Also, every surveyed witness agreed or fully agreed with the statement that the information in the brochure and on the website was clear and easy to understand. Thus, the FAQ-approach clearly managed to provide clear, good quality information.

The information provision also had measurable benefits. It helped to alleviate some of witnesses' *pains* and resolve some *jobs*, as 25 % reported both a decrease in anxiety/stress as well as in perceived tediousness of giving evidence, after having received the information. With this result it must be remembered though, that one witness reported an increase in anxiety/stress. Again from the positive side, ~58 % reported feeling more confident that they will do well as a witness, thus providing *gains* for these witnesses. The FAQ also improved how the judiciary and testifying were perceived in general, with ~83 % having more positive expectations about appearing as a witness, ~42 % viewing giving evidence as more important, ~33 % being more motivated to testify and 50 % trusting the judiciary more, after having received the information.

These results can be seen as increasing the judiciary's perceived legitimacy, thus helping in part to meet the strategic objectives of preserving the order in the society and (increasing a trust) that the judiciary will be able to remove a sense of injustice of the parties. Further, witnesses' more autonomous motivation and commitment to the cause can also be seen as contributing to the successful court process in general. As such, it is concluded that the objective 3b, "improving the witness experience, whilst at the same time improving the court process" (*maximum objective*), was successfully met.

Whilst a reduction in anxiety/stress was found and studies indicate that human memory performs better when not hindered by stress at the time or right before memory retrieval, this effect is likely minuscule in the context of this study and can only be hypothesised.

Finally, the account of the whole public value profit that was generated with the FAQ-solution can be given. The intention here is not to provide a very "scientific" calculation, but a rough idea how the FAQ-solution may have helped to generate public value and more "bang for the buck" for taxpayers with regard to the judiciary (Figure 21).

| PUBLIC VALUE SCORECARD OF THE IMPROVED WITNESS EXPERIENCE | | | |
|---|---|---|---|
| *Use of collectively owned assets and associated costs ("value generation costs & value losses")* | | *Gross public value ("value revenue")* | |
| Financial costs | | Mission achievement | |
| Printing costs of the FAQ-brochure | - | More trust in the judiciary → more legitimacy → more order in the society and more trust that the judiciary is able to remove a sense of injustice of the parties | + |
| Unintended negative consequences | | Unintended positive consequences | |
| | N/A | Other parties of the court process (claimant, defendant) may also find useful information from the FAQ-website aimed at witnesses | (+) |
| | | Client satisfaction | |
| | | *Service recipients* | N/A |
| | | *Obligatees* | |
| | | Jobs: information was useful, less tedious<br>Pains: less anxiety/stress, less tedious<br>Gains: expectations more positive, more confidence in oneself, more motivation, giving evidence regarded as more important (social impact) | +++ |
| Use of state authority - restrictions to individual freedoms and liberty | | Use of state authority - justice & fairness | |
| More motivation, giving evidence regarded as more important<br>→ less need for coercion | + | *In Operations (at individual level)* | N/A |
| | | *In Results (At aggregate level)* | N/A |
| *Net public value ("value profit")*: +++ | | | |

Figure 21: Public value scorecard of the improved witness experience

## 7.3 Value of the study and transferability of results

The author considers the following to be some of the contributions of this study that may have broader applications.

The development of a coherent and actionable framework of how to utilise the 'SDL lens' in the context of public services (section 3.3). This framework was developed primarily through the understanding of three different customers of public services and the acknowledgment of the negative value in obligation encounters. It was found that the aforementioned constructs solved the major challenges posed by Osborne et al. (2013) and Osborne (2018) to the application of the SDL to the public services (Table 2).

The importance of clear, good quality information in obligation encounters. Obligation encounters are in some sense one of the most sensitive areas in a western society respecting

individual freedoms and liberty. Being based on statutory obligations and (the possibility of) coercion, they are by nature in conflict with those freedoms and liberty. That's why a strong buy-in from the citizens is important: that they share the idea of the importance of the public service requiring obligation encounters. This study saw clear increases in witnesses' motivation to testify, trust in the judiciary and the perceived importance of giving evidence, suggesting that good quality information (the obligatees know what is expected of them and *why*, and what they need to do to succeed) may be a beneficial way in obtaining that buy-in and thus alleviating the negative societal consequences of coercion.

The encompassing of the way in which design work can be utilised in the field of law and within the context of public services in general. In that, this study steps beside the ones preceding it, broadening the representation of design work in the field of law and public services in Finland. To mention a few, Hanna Valli (2020) has researched and re-designed the District Court's appeal instructions, while Ville Väänänen (2022) has studied ways to make bankruptcy petitions to the District Court easier to make by ordinary citizens. Concerning public administration in general, Anu Ranta (2022) has designed and developed the electronic Claim for Adjustment -procedure (in Finnish: *oikaisuvaatimus*) for KEHA-centre. Assi Ahlstedt (2021) researched ways to make the National Enforcement Authority Finland's (in Finnish: *ulosottolaitos*) documents more understandable and accessible. Jenni Valonen (2022) re-designed the decision the Patient Insurance Centre gives to its applicants to be more understandable and accessible. Rosamari Rissanen (2021) has researched how the Finnish system of public administration can be made more understandable and accessible to the citizens. In her study, Susanna Ronkainen (2022) researched and created three prototypes for a new tax card delivered to every working Finnish citizen every year. This study, along with the aforementioned, serve to trailblaze the way for broader adoption of design principles in the context of public services.

The deepening of understanding of witness experience in Finland. This, of course, is the main contribution of this study. The results of this study can be utilised to inform future policy decisions concerning the witnesses. For example, even more emphasis can surely be put in delivering good quality information at every stage of the process. With its concrete and in some ways surprising results (being a witness can be regarded as a positive life experience), the study also hopefully serves to pique the interest of future researchers and service designers of witness experience, as it's certain that much is still undiscovered and a lot of improvement work still awaits to be made. For one, the different experiences that witnesses in criminal and civil law proceedings clearly have, would be something to look at. Some findings that could be discerned in the context of this study include, for example, that criminal cases were generally associated with more negative feelings, such as fear for one's anonymity and security (retaliation by the offender). Some interviewed witnesses had received threats. Even when a witness wasn't actively concerned for their safety, appearing

as a witness in a criminal case was clearly regarded as a more uncomfortable experience than appearing in a civil law case. Witnesses in civil law cases were also better informed about the process and the practicalities. This was due to the fact that the legal counsel of the party that summoned them typically prepared them beforehand.

## 7.4 Trustworthiness of the research

A good research and its results can be trusted. According to Yvonna Lincoln and Egon Guba, the trustworthiness of a qualitative research consists of credibility, dependability, confirmability and transferability (Lincoln & Guba 1985, 289-301).

*Credibility* refers to the use of appropriate 'research processes' — such as triangulation and negative case analysis — to ensure the collected data represents reality as closely as possible. *Dependability* requires a detailed description of which research methods — such as in-depth interviews, observations etc. — were employed and how, in order to allow the study to be repeated. *Confirmability* comes from the appropriate justification of a) the chosen research methods — why in-depth interviews, observations were chosen — and b) conclusions drawn — why this is the best explanation for the observed phenomenon — to allow the integrity of research results to be scrutinised. Lastly, *transferability* requires a detailed description of the phenomenon and its context to allow comparisons to be made and thus to allow future researchers to determine whether the results are applicable in their own study setting. (Shenton 2004) (Lincoln & Guba 1985).

### 7.4.1 Credibility

Triangulation is a method for ensuring the validity of data by collecting it from multiple sources, using multiple methods, and analysing it by multiple researchers. In other words, looking at the phenomenon through different vantage points to get the as complete a picture as possible (Stickdorn et al. 2018, 107-110; Silverman 2017, 208-210). In this study, data concerning witness experience was collected from multiple sources (witnesses, judges, court secretaries, summoners, NCA personnel), using multiple methods (in-depth interviews, observation). Due to the nature of the study as a master's thesis, it was out of the scope to have multiple researchers analyse the data. Based on the aforementioned, the author considers that the requirement of triangulation and subsequently credibility, was sufficiently met.

### 7.4.2 Dependability and confirmability

Sections 5.1-5.2 contain the description and justification of the chosen research methods and how they were employed. The beginning of section 5.3 elaborates on the method used in analysing the data. In section 5.3.2 "Quotations", examples of witnesses' sentiments are

given, along with a note to which category the sentiment was labelled to belong to in the data analysis phase. Also, as the interviews were conducted in Finnish, the original Finnish quotation is provided to increase transparency. These are intended to enable the critical evaluation of the author's choices in order to increase dependability and confirmability of the study.

### 7.4.3 Transferability

To be transferable, the study needs to provide a detailed description of the phenomenon and its context. Towards this end, both the judiciary's role and core purposes in the society, as well as the statutory framework providing for the witness's role and obligations, were considered and laid out in chapter 2. Further, an overview of the Finnish court system as well as the magnitude of the phenomenon of witness experience (~480 unique testimonies each day) were provided in section 1.3. These are intended to provide the necessary context and description of the witness experience in Finland to satisfy the requirement of transferability.

## 7.5 Reflection of the process

The author encountered various challenges throughout the thesis work. As the goal of the thesis work is to learn how to do service design, this last section contains reflections on the two major bottlenecks encountered, as well as author's learnings therefrom.

### 7.5.1 Recruiting interviewees

Recruiting witnesses to be interviewed was at first difficult. The first approach was to go to the District Court of Helsinki, stand by the exit and ask the exiting persons "blindly" whether they had been acting as witnesses or not. This was ineffective, as a large number of persons coming and going are not witnesses, but for example claimants, respondents, lawyers, interpreters, students, friends and family and court personnel. Thus, the hit rate was very low. Even when the person happened to be a witness, it seemed difficult to get them motivated to agree to be interviewed. Many indicated that they had to go back to work or whatever was their next appointment.

The next approach involved arriving later to the courthouse, in the morning at 9:15 (most main hearings start at 9:00 in the morning) or in the afternoon at 13:15 (most main hearings start at 13:00 in the afternoon). The reason for this was the assumption that most of the parties, lawyers and interpreters would be invited into the rooms at 9:00 and 13:00 respectively, and those sitting in the corridors after that were more likely to be witnesses waiting for their turn (witnesses are typically invited in later than parties). Here it was helpful that the author is a lawyer himself as it meant that the author had the necessary background knowledge of how the main hearing unfolds in the court. This approach indeed

proved more effective, and the percentage of how many persons the author approached were witnesses, increased. Still, there were difficulties in motivating them to agree to be interviewed. This was perhaps due to the fact that the witnesses were waiting for their turn to give evidence and were probably anxious and stressed and thus not in a receptive mood to agree to spend still more time on the subject.

After recruiting about five persons like this (over many visits to the courthouse) the author decided to hone the approach. Next, the author chose to hang around the corridors, waiting to hear a witness to be summoned to any of the rooms (summoning happens through a PA-system in the District Court of Helsinki). When a witness was summoned, the author then tried to quickly make his way to the same room to observe the witness to give evidence (the main hearings are public if not explicitly declared confidential). In the courtroom the author observed the witness and the other participants and made notes. After the witness had given the testimony and was allowed to leave, the author followed them out of the room and outside asked whether the witness would agree to be interviewed. A striking 100 % of witnesses approached this way agreed to be interviewed. In stark contrast to the previous approaches, some seemed genuinely happy for the possibility to share their experience. Along with the perfect success rate, there was the added benefit of being able to also observe the witness, thus obtaining an even richer picture of the phenomenon than merely through the interviews.

Looking back at these three different styles of recruiting interviewees, 1) at the exit, 2) on the corridor before giving evidence, 3) on the corridor after giving evidence (and having observed the instance), the author sought to understand what had made the last approach so much better than the others. The following are the author's hypotheses.

At the exit, witnesses were already almost out of the courthouse, meaning they had put behind the task and mentally shifted to the next task on their day. They were physically on the move, so it was easier to continue moving than to stop to talk with the researcher. The researcher's approach was perceived as random and unexpected. The thought of having to relive the experience when they had already mentally shifted away from that seemed daunting.

Before giving evidence is the moment when the witnesses are most likely to be most anxious and stressed. They don't know what to expect and they focus on remembering what to say once invited to the courtroom. An approach by a researcher is considered a disturbance. Or they may have had to wait already for a while for their turn and they are annoyed by the delay. Either way, the witness is mentally preoccupied and not in a receptive state of mind. The request to be interviewed (in the future) about the experience they haven't yet fully experienced (to give evidence) may feel like committing to something you don't know about.

Immediately after giving evidence the witness is relieved. They have survived the task and are happy about it. They haven't yet had time to mentally shift to the next task; they are still in the mental state of acting as a witness in the court. They have registered the researcher to enter the courtroom with them and sit through the entire affair. As the researcher approaches, he already feels more familiar to the witness. The witness appreciates the fact that the researcher has invested his time to take interest in something the witness is doing and going through. The experience is shared. The invitation to share the witness's own experience is a welcome one, because the researcher already knows what happened in the courtroom so it's easier to talk about it and a chance to give one's own "internal" account satisfies the witness's need to be heard and seen.

These observations may be generalised as a two-folded rule of thumb: 1) live through the experience with the potential interviewee (either overtly or covertly, but overtly may be more beneficial in terms of "getting to yes" to be interviewed), and then 2) approach the potential interviewee immediately after you have shared the experience, when they are still in the mental state of the experience and have not shifted to the next one. This way it may be possible to increase the likelihood of getting potential interviewees to agree to be interviewed.

### 7.5.2 Gathering feedback

Another major bottleneck was recruiting participants to respond to the survey developed for testing the FAQ-solution.

The first approach relied on a QR-code embedded in the FAQ-brochure and getting the witness to follow the QR-code via prompts in the brochure. In the second approach, the author delivered the FAQ-brochure in person, giving little background information about the research and pinpointing to the QR-code link in the brochure, encouraging the witness to follow the link to the survey after having acquainted themselves with the information in the brochure and on the website. Third approach was otherwise the same as the second, but the researcher additionally had a printed version of the survey to be given to the witness if they preferred that over the online survey behind the QR-code.

Only one response was obtained via the first approach, even though the brochure was delivered to tens of witnesses. The second approach yielded a bit better results (four responses, ~20 recruiting attempts), but was quite time-consuming. The third approach was by far the most effective, yielding six responses for eight recruiting attempts.

Between the first and the second approach there were few differences. In the first, the summoner delivered the FAQ-brochure, whereas in the second it was done by the author. Also, the summoners contacted the witness over the phone or in person (either visiting them in

their home or having the witness visit the court to fetch the summon). The subpoena (and the FAQ-brochure along with it) could be delivered by email, regular mail or handed over. Instead, in the second approach the author always contacted the witness in person and handed over the brochure. The summoners were delivering the brochure as part of their daily work whereas the author went out to contact the witnesses for the sole purpose of recruiting them to the survey.

These differences, i.e. always contacting witnesses in person and the author having more time to explain the purpose and background of the survey than the summoners were probably factors why the second approach was somewhat more successful than the first.

Between the second and the third approach the only difference was that the author also had a print version of the survey to hand out to the witnesses. The reason why the print version made such a huge difference can only be hypothesised. Perhaps the print version was perceived as more approachable. For one, it removed one step of having to reach for the phone and scanning the QR-code. The questions were immediately visible so the witness could know in a glance what the survey was about and also the length of the survey. And maybe it wasn't just about easiness, but the feeling of choice. Not being forced to participate in an online survey but having the option to fill out the paper form gives the participant more control to choose their preferred method. It can also be about framing. Without the print version the witness may experience as having a choice between participating in the survey or not participating. With the print version the choice perhaps gets framed as participating by filling out the print version or participating by responding to the online version.

The major upshot from this experience was never to underestimate the power of paper (and more generally, analog), as well as the power of choice and framing, when trying to motivate people to participate.

References

Printed

Ahlstedt, A. 2021. Ulosottolaitoksen asiakirjojen kehittäminen oikeusmuotoilun keinoin. MBA. Legal Design and Expertise. Laurea University of Applied Sciences. https://urn.fi/URN:NBN:fi:amk-2021121626364.

Almquist, E., Senio, J., & Bloch, N. 2016. The elements of value. Harvard business review, 94(9), 47-53.

Brottsförebyggande rådet. 2013. Bemötande i domstol.

Brown, T., & Wyatt, J. 2010. Design thinking for social innovation. Development Outreach, 12(1), 29-43.

Bruce, D., & Isserow, M. 2005. Putting People First? A survey of witness satisfaction in three Gauteng Magistrates' Courts.

de Godzinsky, V.-M., & Aaltonen, M. 2013. Koettu oikeudenmukaisuus hallintoprosessissa.

Denning, A. T. 1955. The road to justice. Stevens & Sons.

Devlin. 1976. Judges and lawmakers. The Modern Law review, 39(1), 1-16.

Doherty, M., Compagnucci, M. C., Haapio, H., & Hagan, M. 2021. A new attitude to law's empire: the potentialities of legal design. In: Hagan, M., Corrales Compagnucci, M., Doherty, M., & Haapio, H. (eds.), Legal Design: Integrating Business, Design and Legal Thinking with Technology, 1-8. Edward Elgar Publishing.

Ervasti, K., & Aaltonen, M. 2013. Osapuolten kokemuksia siviilioikeudenkäynnistä.

Franklyn, R. 2012. Satisfaction and willingness to engage with the Criminal Justice System. Ministry of Justice. Ministry of Justice Research Series 1/12.

Grönroos, C. 2006. Adopting a service logic for marketing. Marketing theory, 6(3), 317-333.

Grönroos, C., & Voima, P. 2013. Critical service logic: making sense of value creation and co-creation. Journal of the academy of marketing science, 41(2), 133-150.

Haapio, H., Barton, T. D., & Compagnucci, M. C. 2021. Legal design for the common good: proactive legal care by design. In: Hagan, M., Corrales Compagnucci, M., Doherty, M., & Haapio, H. (eds.), Legal Design: Integrating Business, Design and Legal Thinking with Technology. Edward Elgar Publishing.

Haavisto, V. 2007. Asiakkaana oikeudenkäynnissä: raportti Joensuun käräjäoikeuden tutkimus- ja kehittämishankkeesta. Itä-Suomen hovioikeus.

Hartley, J. 2005. Innovation in Governance and Public Services: Past and Present. Public money and management, 25(1), 27-34.

Hennink, M., Hutter, I., & Bailey, A. 2020. Qualitative Research Methods. SAGE Publications.

Horn, R., Vahidy, S., & Charters, S. 2011. Testifying in the Special Court for Sierra Leone: witness perceptions of safety and emotional welfare. Psychology, crime & law, 17(5), 435-455.

Kohlmeier, A., & Klemola, M. 2021. The Legal Design Book: Doing Law in the 21st Century. Ground M.

Lappalainen, J., & Rautio, J. 2022. Todistelu. In: Vuorenpää, M., Frände, D., Helenius, D., Hietanen-Kunwald, P., Hupli, T., Koulu, R., Lappalainen, J., Lindfors, H., Niemi, J., Rautio, J., Saranpää, T., Turunen, S., & Virolainen, J. Päivittyvä hakuteos. Prosessioikeus. Alma Talent.

Lewis, J. M., McGann, M., & Blomkamp, E. 2020. When design meets power: Design thinking, public sector innovation and the politics of policymaking. Policy & Politics, 48(1), 111-130.

Lincoln, Y. S., & Guba, E. G. 1985. Naturalistic inquiry. Sage Publications.

Lusch, R. F., & Vargo, S. L. 2014. Service-dominant logic: Premises, perspective, possibilities. Cambridge University Press.

Meynhardt, T. 2009. Public value inside: What is public value creation? Intl Journal of Public Administration, 32(3-4), 192-219.

Ministry of Justice. 2018. HM Courts & Tribunals Service: Citizen User Experience Research (HMCTS Customer Insight Team 2018). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/717315/HMCTS_Citizens_User_Experience_Research_June_2018.pdf.

Moore, M. H. 1995. Creating public value: Strategic management in government. Harvard University Press.

Moore, M. H. 2013. Recognizing Public Value. Harvard University Press.

MORI Social Research Institute. 2003. Experiences of the Criminal Justice System - Victims and Witnesses of Crime.

Ojasalo, K., Moilanen, T., & Ritalahti, J. 2013. Research Oriented Approach.

Osborne, S. P. 2006. The New Public Governance? Public Management Review, 8(3), 377-387.

Osborne, S. P. 2018. From public service-dominant logic to public service logic: are public service organizations capable of co-production and value co-creation? Public Management Review, 20(2), 225-231.

Osborne, S. P., Radnor, Z., & Nasi, G. 2013. A new theory for public service management? Toward a (public) service-dominant approach. The American Review of Public Administration, 43(2), 135-158.

Osterwalder, A., Pigneur, Y., Bernarda, G., & Smith, A. 2014. Value Proposition Design: How to Create Products and Services Customers Want. Wiley.

Ranta, A. 2022. Oikeusturva hallintomenettelyssä: oikaisuvaatimuksen vireillepano ja käsittely sähköisesti. MBA. Legal Design and Expertise. Laurea University of Applied Sciences. https://urn.fi/URN:NBN:fi:amk-2022120125529

Rissanen, R. 2021. Suomen hallintojärjestelmä oikeusmuotoilulla tutuksi. MBA. Legal Design and Expertise. Laurea University of Applied Sciences. https://urn.fi/URN:NBN:fi:amk-2021121726708

Ronkainen, S. 2022. Perusverokortit voimaan vuoden alusta - vai luovutaanko kokonaan? MBA. Legal Design and Expertise. Laurea University of Applied Sciences. https://urn.fi/URN:NBN:fi:amk-2022121931021

Sarasoja, L., & Carling, C. 2020. Oikeudenkäyntikulut pääkäsittelyssä ratkaistuissa riita-asioissa 2019.

Shenton, A. 2004. Strategies for ensuring trustworthiness in qualitative research projects. Education for information, 22(2), 63-75.

Shields, G. S., Sazma, M. A., McCullough, A. M., & Yonelinas, A. P. 2017. The Effects of Acute Stress on Episodic Memory: A Meta-Analysis and Integrative Review. Psychological bulletin, 143(6), 636-675.

Silverman, D. 2017. Doing Qualitative Research. SAGE Publications.

Stickdorn, M., Hormess, M., Lawrence, A., & Schneider, J. 2018. This is Service Design Doing: Applying Service Design Thinking in the Real World : a Practitioner's Handbook. O'Reilly Media, Incorporated.

Talbot, C. 2006. Paradoxes and prospects of 'public value'. Public Money & Management, 31(1), 27-34.

Tuomioistuinlaitoksen vuositilastoja. 2022. Tuomioistuinlaitoksen vuositilastoja. Accessed 28 April 2022. https://app.powerbi.com/view?r=eyJrIjoiOGEwMTUxNWItMGQ1Ni00ZGE4LTlhMzUtODJiNWEwOGNkZGJkIiwidCI6IjdjMTRkZmE0LWMwZmMtNDcyNS05ZjA0LTc2YTQ0M2RlYjA5NSIsImMiOjh9&pageName=ReportSectionea784f77af9fc2b4499e

Väänänen, V. 2020. Käräjäoikeuden konkurssihakemusprosessia oikeusmuotoilemalla kohti digiajan oikeusturvaa. MBA. Legal Design and Expertise. Laurea University of Applied Sciences. https://urn.fi/URN:NBN:fi:amk-202203223821

Välikoski, T.-R. 2000. Viestintätaidot korostuvat suullisessa istuntokäsittelyssä. Lakimies: Suomalaisen lakimiesyhdistyksen aikakauskirja, 98(6), 948-954.

Välikoski, T.-R., Saranpää, T., Paulanto, T., & Kulmakorpi, T. 2017. Todistajankuulustelukokemus vuorovaikutustilanteena oikeudenmukaisuuden näkökulmasta. Oikeus, 46(3), 310-328.

Valli, H. 2020. Ymmärrettävyyttä käräjäoikeuden muutoksenhakuohjeisiin. MBA. Legal Design and Expertise. Laurea University of Applied Sciences. https://urn.fi/URN:NBN:fi:amk-2020121628779

Valonen, J. 2022. Asiakaskokemukseen vaikuttaminen oikeusmuotoilun menetelmien avulla. Tradenomi (YAMK). Liiketoiminnan uudistamisen ja johtamisen koulutusohjelma. Haaga-Helia ammattikorkeakoulu. https://urn.fi/URN:NBN:fi:amk-2022053113811

Vargo, S. L., Akaka, M. A., & Vaughan, C. M. 2017. Conceptualizing value: a service-ecosystem view. Journal of Creating Value, 3(2), 117-124.

Vargo, S. L., Koskela-Huotari, K., & Vink, J. 2020. Service-dominant logic: foundations and applications. In E. Bridges & K. Fowler (Eds.), The Routledge Handbook of Service Research Insights and Ideas (pp. 3-23). Taylor & Francis Group.

Vargo, S. L., & Lusch, R. F. 2004. Evolving to a new dominant logic for marketing. Journal of marketing, 68(1), 1-17.

Vargo, S. L., & Lusch, R. F. 2008. Service-dominant logic: continuing the evolution. Journal of the Academy of marketing Science, 36(1), 1-10.

Vargo, S. L., & Lusch, R. F. 2016. Institutions and axioms: an extension and update of service-dominant logic. Journal of the Academy of Marketing Science, 44(4), 5-23.

Whitehead, E. 2001. Witness satisfaction: findings from the Witness Satisfaction Survey 2000. Home Office Research, Development and Statistics Directorate.

Wood, M., Lepänjuuri, K., Paskell, C., Thompson, J., Adams, L., & Coburn, S. 2015. Victim and witness satisfaction survey. Great Britain: Crown Prosecution Service.

Official sources

Code of Judicial Procedure (Oikeudenkäymiskaari) 4/1734. Accessed 28 April 2023. https://www.finlex.fi/fi/laki/ajantasa/1734/17340004000

Constitution of Finland (Perustuslaki) 731/1999. Accessed 28 April 2023. https://www.finlex.fi/fi/laki/ajantasa/1999/19990731

Courts Act (Tuomioistuinlaki) 673/2016. Accessed 21 August 2021. https://www.finlex.fi/fi/laki/ajantasa/2016/20160673

Criminal Code (Rikoslaki) 39/1889. Accessed 26 April 2023. https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001

HE 15/1990 vp. Hallituksen esitys eduskunnalle riita-asiain oikeudenkäyntimenettelyn uudistamista alioikeuksissa koskevaksi lainsäädännöksi. Accessed 26 April 2023. https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/he_15+1990.pdf

HE 133/2021 vp. Hallituksen esitys eduskunnalle suullisen todistelun tallentamista ja vastaanottamista yleisissä tuomioistuimissa koskevan lainsäädännön uudistamiseksi. Accessed 26 April 2023. https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_133+2021.pdf

Electronic

Koos Service Design 2022. The difference between design thinking and Service Design. Accessed 28 February 2022. https://koosservicedesign.com/blog/the-difference-between-design-thinking-service-design/

Figures

Tables

Appendices

Appendix 1: The interview guide

# Haastattelu - todistaja

### Tarkoitus

Kartoittaa todistajien asiakaskokemusta tuomioistuimissa sekä sitä, mikä merkitys todistamisella on kansalaisille.

### Valmistelu

1) Kerro haastattelun tarkoitus;
2) Kysy, onko OK nauhoittaa haastattelu;
3) Pyydä allekirjoittamaan suostumus tutkimusdatan käyttöön;
4) Kerro, että haastateltavalta kysytään henkilöön liittyviä perustietoja ja niiden ainoa tarkoitus on varmistaa edustava otos haastateltavia;
5) Tietoja käsitellään nimettömänä - anonymiteetti → ei tarvitse kaunistella asioita

A. PERUSTIEDOT

| | |
|---|---|
| Sukupuoli | |
| Ikä | |
| Ammatti | |
| Koulutus | |
| Rikos- / riita-asia | |
| Oikeudenkäynnin aihe | |
| Todistamisen pvm | |

B. VALMISTAVAT KYSYMYKSET

1. Kertoisitko lyhyesti itsestäsi?
   Probe: Ikä, ammatti, koulutus

2. Oletko aikaisemmin ollut / asioinut tuomioistuimessa? [jos kyllä]: Millaisissa muissa asioissa olet asioinut tuomioistuimessa?
   Probe: Milloin, missä roolissa, miksi, millaisessa asiassa

~~3. Oletko aiemmin ollut tekemisissä poliisin kanssa? [jos kyllä]: Kertoisitko lyhyesti kokemuksistasi poliisin kanssa?~~
   ~~Probe: Milloin, missä roolissa, miksi, millaisessa asiassa~~ [*poistettu 13.12.2021 wi5 jälkeen - SYY: ei ole vaikuttanut relevantilta*]

4. Minkälainen suhde sinulla oli tuomioistuinasian osapuoliin?
   Probe: Sukulaisuus, naapuri, tunteminen, ei mitään

5. Millaisia ennakko-odotuksia sinulla oli todistamisesta ennen kutsun saamista? [*lisätty 13.12.2021 wi5 jälkeen - SYY: havaittu hyväksy kysymykseksi wi5 haastattelussa*]

C. KOKEMUKSET TODISTAJANA TOIMIMISESTA

6. Kerro omin sanoin, millä tavalla sinut kutsuttiin oikeuteen todistamaan?
   Probe: kirje, puhelu, henkilökohtaisesti

7. Millaisia ajatuksia tai tunteita kutsun saaminen herätti?
   Probe: Epätietoisuus, stressi, haluttomuus olla asian kanssa tekemisissä, positiiviset tunteet

8. Mitä teit kutsun saamisen jälkeen, mitä kutsu sai sinut tekemään?
   Probe: Työjärjestelyt, informaation etsiminen todistamisesta

9. Milloin ja miten aloitit istuntopäivään ja todistamiseen valmistautumisen?
   Probe: Reittiohjeet, pukeutuminen, yhteys tuomioistuimeen, informaation etsiminen todistamisesta
10. Miten ja mistä sait tietoa valmistautumisesi tueksi?
    Probe:

11. Millä tavalla sinulle kerrottiin tai miten sait muutoin tietoa siitä, mitä sinulta todistajana edellytetään?

12. Oliko saamasi informaatio mielestäsi riittävää?
    Probe: miksi, miksi ei

13. Kuvaile vapaasti ~~saapumistasi käräjäoikeuteen~~ *istuntopäivää*? [*muutettu saapuminen → istuntopäivä - SYY: kattavampi kysymys*]
    Probe: saapuminen (pysäköinti, turvatarkastus)

14. Miten käytit odotusajan?
    Probe: vessat, kauanko kesti, mitä teit, tiesitkö että voi kestää, milloin tulit

15. Miten sinut otettiin vastaan mennessäsi saliin?
    Probe: mitä puheenjohtaja sanoi, paikallaolijoiden esittely

16. Millä tavalla huomioitiin se, että tilanne voi olla sinulle jännittävä?

17. Kuvaile vapaasti todistelun eteneminen omasta näkökulmastasi?
    Probe: muut paikallaolijat, epävarmuus / onnistuminen

18. Millaisia ajatuksia tai tunteita liittyi kuulemiseen?
    Probe: oma suoriutuminen, muut paikallaolijat ja heidän toiminta

19. Miten hyvin sait vastata kysymyksiin haluamallasi tavalla?

20. Millaisena koit muiden salissa olijoiden (tuomari, syyttäjä, avustajat, asianosaiset) toiminnan kuulemisen aikana?

21. Koitko, että muut salissa olijat kuuntelivat sinua? [*lisätty 17.12.2021 wi6 jälkeen - SYY: taustatutkimuksen perusteella kuulluksi tuleminen on tärkeää, nousi esiin myös wi5 haastattelussa*]

22. [jos olen ollut seuraamassa]: Millä tavalla minun läsnäoloni vaikutti?
no ei kyllä mitenkään - silloin kun tulit perässä niin tuomari kysyi että yleisöä

~~Miten sinulle kerrottiin oikeudestasi todistajanpalkkioon / -korvaukseen?~~

23. Kerro todistajanpalkkiosta / -korvauksesta?
    Probe: korvaus, muut tiedot, jatkokäsittely, poistuminen

24. Mitä ajattelet kokemuksesta (kokonaisuutena) jälkikäteen?
    Probe: vastasiko odotuksia, hyvä / huono, miellyttävä / epämiellyttävä

25. Koitko, että turvallisuuttasi ja yksityisyyttäsi suojeltiin riittävällä tavalla? [*lisätty 13.12.2021 wi5 jälkeen - SYY: taustatutkimus paljasti, että turvallisuus ja yksityisyys merkittäviä tekijöitä asiakaskokemuksessa*]

26. Kerroitko kokemuksestasi muille? [*lisätty 13.12.2021* wi5 jälkeen - *miksi: wi5 sanoi, että olisi halunnut edes kokemuksen tultuaan paikan päälle (kuuleminen peruuntui viime hetkellä)*]
    Probe: miksi kerroit, kenelle kerroit, mitä kerroit, oliko selvää että sait kertoa

D. VIIMEISTELEVÄT KYSYMYKSET

27. Onko jotain, minkä olisit toivonut tietäväsi etukäteen?
    Probe: osapuolten roolit, paikallaolijat, pukeutumiskoodi, palkkioon liittyen

28. Onko jotain, minkä olisit toivonut menevän toisin?

29. Mitä todistajana toimiminen tarkoittaa sinulle?
    Probe: velvollisuus, kunnia / ylpeys, stressi, epätietoisuus, vastuu

30. Onko jotain, mikä olisi saanut sinut halukkaammaksi tulemaan todistamaan? [*lisätty 20.12.2021 - SYY: tuomioistuimelle on eduksi, jos todistaja on halukas tulemaan todistamaan*]

31. Onko jotain, mitä haluaisit vielä sanoa?

E. LOPPUSANAT

Kiitos paljon osallistumisesta. Vastauksista on paljon hyötyä. Tuloksia käytetään anonyymisti.

Appendix 2: *Frequently asked questions about testifying* -brochure

# ESITE - USEIN KYSYTTYJÄ KYSYMYKSIÄ TODISTAMISESTA

## YLEISTÄ TODISTAMISESTA

**Miksi minut kutsutaan todistamaan?**

Todistajan kuulemisella selvitetään, mitä rikos- tai riita-asiassa on tapahtunut. Avullasi osapuolet saavat asiassa oikeudenmukaisen, mahdollisimman oikeaan tietoon perustuvan ratkaisun.

**Kerroin jo kaiken mitä tiedän poliisille. Eikö se riitä?**

On osapuolille reilua, että he kuulevat havaintosi suoraan sinulta, ja voivat esittää sinulle kysymyksiä.

**Miten onnistun todistajana?**

Kun kerrot rehellisesti mitä tiedät, etkä salaa mitään, onnistut. Voit valmistautua kuulemiseen muistelemalla tapahtumia sekä palaamalla tapahtumien aikaisiin kalenterimerkintöihin, viesteihin ja kuviin.

**Entä jos en muista tapahtumia enää kovin hyvin?**

On luonnollista, että ajan kuluessa yksityiskohtia unohtuu. Todistajana emme odota sinulta muuta kuin että teet parhaasi. Jos et muista jotain tai olet epävarma, voit avoimesti sanoa sen.

## ISTUNTOPÄIVÄNÄ

**Voiko kuulemisen ajankohta vielä muuttua?**

Tämä on mahdollista. Noin kolmasosa kaikista rikosasioiden ensikuulemisista joudutaan siirtämään. Ilmoitamme siirrosta heti, kun mahdollista. Siirron tarve ilmenee valitettavasti usein viime hetkellä.

**Voinko joutua odottamaan vuoroani? Kuinka kauan voin joutua odottamaan?**

Sinulle ilmoitettu aika on arvio. Useimmiten kuuleminen päästään aloittamaan viimeistään tunnin kuluessa ilmoitetusta ajasta.

**Ketkä ovat paikalla salissa, kun minua kuullaan?**

Oikeuden kokoonpano, rikosasioissa syyttäjä, sekä useimmiten osapuolet mahdollisine avustajineen.

**TV-sarjoissa todistaja pannaan usein tiukoille. Onko kuuleminen tällaista?**

Kyse on pitkälti dramatisoinnista sekä myös oikeuskulttuurien eroista. Suomessa tilanne on tyypillisesti rauhallinen ja asiallinen.

**Olen syyttäjän nimeämä todistaja. Mitä voin pyytää korvaukseksi todistamisesta?**

Valtion varoista korvataan taloudellinen menetys 0-80 €, päiväraha 20 € (45 € jos todistaminen matkoineen kestää yli 8 tuntia) ja edestakaiset matkakulut tuomioistuimeen halvimman kulkuneuvon mukaan.

**Kuuleminen on ohi. Onko asia nyt selvä, vai voinko joutua sen kanssa vielä tekemisiin?**

Hyvin todennäköisesti asia on osaltasi selvä. Vain pieni osa kaikista jutuista päätyy ylempään oikeusasteeseen, ja tällöinkin todistajaa harvoin kuullaan uudestaan.

Kiitos panoksestasi.

**Tältä verkkosivulta** löydät lisää usein kysyttyjä kysymyksiä (linkki ja QR-koodi):

https://sites.google.com/view/ukk-todistaminen-testi/etusivu

Appendix 3: *Frequently Asked Questions about Testifying* -website

URL: https://sites.google.com/view/ukk-todistaminen-testi/etusivu