

A black and white photograph showing the silhouettes of two firefighters in the foreground, standing with their backs to the camera. They are looking towards a fire truck in the background, which has its headlights on. The scene is filled with smoke or steam, creating a dramatic, high-contrast atmosphere. The fire truck has "ENGINE 2" visible on its front.

# PERFORMANCE EVALUATIONS: Worth The Risk?

4 common mistakes public safety agencies  
make with personnel assessments

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## Introduction

Gordon Graham here with a few words on a topic that's integral to getting and keeping good people in your public safety agency: performance evaluations.

I have a different view of performance evaluations than most people. In fact, I think we should do away with them completely—at least the current way we do them.

Before you dismiss this as the ramblings of some psycho ex-California cop who got hit in the head too many times, hear me out. As a lawyer, I have learned that performance evaluations are written documents prepared annually (allegedly) without a lot of thought. They then “lie in wait” until they come back to haunt the agency—which happens on a regular basis. As a lawyer, I have learned to hate performance evaluations because they pose risk.



But I also wear my “risk management” hat. And as a risk manager, I *love* performance evaluations—*so long as they are taken seriously*. A properly prepared performance evaluation is an excellent risk-management tool. It is a regular opportunity to assess how a given employee is currently doing and what future risks they may face, and provide appropriate control measures to address those risks, with the ultimate goal of improving the employee's performance.

But here is the rest of the story. I have been around a long time, and have consulted in every one of the 50 states in this great country, and I am not aware of any public safety agency—not one—that takes performance evaluations seriously. They are a joke, and everyone knows they are a joke. Deep down, you know you agree with me.

A lot can go wrong with performance evaluations, but to keep things simple, let's focus on four things.

## Mistake #1

### Using The Same Or Similar Evaluation Year After Year

In many agencies, performance evaluations have turned into a “search/replace” exercise. The supervisor pulls up the last evaluation prepared for a given employee and asks himself, “How much do I have to change to make it look fresh?” In some cases, the supervisor may use large chunks of the same text for different employees. Word processing made this possible; poor management allows it to continue.

If you believe your agency is taking performance evaluations seriously, I have a challenge for you. Pull up 10 performance evaluations at random that were prepared last year.

Then go back one more year and pull those same employees’ evaluations. Then compare the evaluations. I guarantee you that at least one of the 10 sets (possibly more) will be identical except for the date.

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## Mistake #2

### Overrating Employee Performance

Public safety performance evaluations consistently overrate employee performance. To test this, take the names of those same 10 employees from the previous page and take them to your internal affairs, professional standards or HR people and ask: “Have you had a negative contact with any one of these 10 employees over this two-year window?”

At least one of the employees will have had a negative contact. And what is said about that negative contact in the performance evaluation? NOTHING. And I’d be willing to bet that, if I could get the employees’ supervisors talking honestly (perhaps after a few cold ones!), they would have a lot more to say than what they wrote in the performance evaluation.

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The real reason that cops and firefighters are overrated is ... *it’s easy*. It is the path of least resistance. No one complains when they get overrated.

The bottom line: Your average cop or firefighter is overrated every year.

Why does this occur? One reason we tend to overrate people is bias. Supervisors and managers generally like their people—they have worked together, they know the spouses and the kids, and their employees are generally good people. Even if the supervisor wants to be accurate, there is a built-in bias in favor of their personnel.

But the real reason that cops and firefighters are overrated is ... *it’s easy*. It is the path of least resistance. No one complains when they get overrated—this has never happened in the history of public safety. I cannot picture a cop or firefighter making an appointment with their chief and saying, “You have to do something about this, Boss—once again I have been overrated!” This has not and will not happen. But if someone thinks they have been *underrated*, they will be pounding on the boss’s door with their union rep, and there will be some big investigation to determine the accuracy of the performance evaluation. The supervisor will be in the hot seat.

## Mistake #3

### Rewarding Mediocrity

At this point you might be tempted to think, *“If this is going on everywhere and has been for years, where’s the harm in it?”*

Let me tell you.

When mediocrity or poor performance is rewarded, it spreads. Do not think that your personnel do not share their performance evaluations with each other. And when a known “sluggo” gets evaluations that grossly exaggerate his/her usefulness to the organization, you have just told every other employee there is no need to work hard, for they, too, will be equally rewarded for doing nothing. The system is self-reinforcing; even new supervisors who want to do the right thing will be shot down if they attempt to give honest performance evaluations—or worse, accused of harassment, bias or discrimination.

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## Mistake #4

# Building A Case For Retaliation Claims

And that leads into the final major mistake public safety agencies make with personnel reviews: allowing them to become fodder for retaliation suits. Let's say an employee files a hostile work environment case against your agency. These cases are very difficult for employees to win for many reasons. But smart employment lawyers know that with a little patience, they can turn this into a retaliation suit.

Not following? Year after year, the supervisor has given said employee a good evaluation—because that is the way things are done in your agency. But when the supervisor is named as a defendant in the hostile work environment case, the supervisor is now angry. When evaluation time comes around, the supervisor may well—honestly—rate the employee as “unfit” or “needs improvement” or “doesn't meet standards.” To a future jury, this honest evaluation is now evidence of retaliation against the employee for filing the hostile work environment claim.

This may seem far-fetched to you, but in every employment law case I am involved in, performance evaluations become an issue—too often coming back to haunt the involved agency because lazy supervisors continue to overrate employees.

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## How Can We Improve Performance Evaluations?

I'm a huge proponent of finding solutions to problems. If we can agree the performance evaluation process in most public safety agencies is inherently flawed, what's the solution?

A properly designed performance evaluation system must include:

- Meaningful job descriptions
- Identified objectives for each job
- A process to ensure employees are meeting these objectives
  - A process to collect and analyze data regarding an employee's performance
    - Goals for the next reporting period
    - A validated rating system

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If you are not committed to taking performance evaluations seriously, they are just another problem lying in wait.

With respect to this rating system, you only need three categories: Meets Standards, Exceeds Standards, and Doesn't Meet Standards. Over the years I have seen up to nine categories of performance—this is absolutely unnecessary. Either people are doing the job or not doing the job. Some (the “10 percenters”) will exceed standards and some (the other “10 percenters”) will not meet standards. Everyone else will be in between—and that's OK. There is nothing wrong with receiving an evaluation that says you “meet standards.”

For those *not* meeting standards, you need a performance improvement plan to help them get up to speed—a roadmap to successful performance. The employee's progress along this

roadmap must be monitored. And if the employee can't or won't meet standards, then it is time to find them a job in the organization more in line with their abilities, or separate them from the organization.

You will also need strict management control of the process. For example, all performance evaluations should be reviewed by management prior to them being signed by the employee and supervisor. Along with that, you need a robust audit process to ensure the process is being taken seriously by supervisors and the managers reviewing these documents.

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You need a robust audit process to ensure the performance evaluation process is being taken seriously by supervisors.

I started by saying we should do away with performance evaluations. That's not exactly true. But as public safety professionals, we need to take a long, hard look at our current evaluation processes. Performance evaluations are great when they are taken seriously. But if you are not committed to taking them seriously, they are just another problem lying in wait.

## About Lexipol

Lexipol provides comprehensive, continuously updated policies and related training for more than 3,000 law enforcement agencies, fire departments and corrections facilities in 35 states. With more than 2,000 years of combined public safety experience, our staff creates policy solutions that help public safety leaders reduce risk and keep their personnel safe by improving policy access, understanding and compliance.

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[info@lexipol.com](mailto:info@lexipol.com)

[www.lexipol.com](http://www.lexipol.com)

844-312-9500

## About The Author

Gordon Graham is a 33-year veteran of law enforcement and the co-founder of Lexipol, where he serves on the current board of directors. Graham is a risk management expert and a practicing attorney who has presented a commonsense risk management approach to hundreds of thousands of public safety professionals around the world. He holds a master's degree in Safety and Systems Management from University of Southern California and a Juris Doctorate from Western State University.