Law Enforcement Performance Evaluations: Performance Contracting to Achieve Agency Goals

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Abstract

This is a study of employee performance evaluations in the criminal justice field. A review of literature focusing on employee performance evaluations is included. A survey was conducted seeking employee evaluation practices and attitudes of Florida's Sheriff's Offices. This survey revealed there is room for improvement in the employee evaluation processes of these Sheriff's Offices. This study advocates a performance planning approach to employee performance evaluations, incorporating agency goals, objectives and values into the employee evaluation process.

Introduction

Evaluations of employee performance are a fact of life in the criminal justice system. Kinzler's (1995) survey of 96 criminal justice agencies in Florida revealed 95% evaluate employee performance on a regular basis, but only 5% made positive comments about their current evaluation system. Even though the Criminal Justice System recognizes evaluations are a necessity, dissatisfaction with them has been widely expressed. Some questions have arisen about employee performance evaluations. First, where are we now with law enforcement employee performance evaluations, and what direction should be taken in the refinement and development of new evaluation systems? Is there a system available in the law enforcement community or the private sector that better promotes fairness and accuracy? Are we measuring what we value as an agency? Recent initiatives in the criminal justice community have emphasized community policing, problem-solving abilities, ethical issues, and implementation of mission and values statements. Are we reflecting the emphasis on these initiatives in our performance evaluations? Perhaps just as important, are we providing our raters and employees with the necessary training to effectively participate in the evaluation process? While the criminal justice community often looks inside itself for answers, what is the private sector doing concerning performance evaluations?

The first step in this study was a literature review centered on publications dealing with human resources management in the current working environment. In order to provide a broader base of information, literature focusing on management practices outside the criminal justice system was selected.

Barceila (1996) cited a survey by the American Management Association. Seven hundred forty-five managers responded to the survey, 98% of whom reported their firms had some type of performance appraisal system in place. Of these, only 13% strongly agreed that their current system "improved performance or promoted positive change in work behavior", and only 25% strongly agreed that their evaluation system "improved employee understanding and self-awareness." The same survey revealed 93% of those firms used employee evaluations as a basis for merit raises, but only 19% felt their system gave a "valid and objective basis for that decision."

Middlebrook (1996) cited a survey of 4000 workers and managers that showed only one-third of employees felt their supervisors understood what motivated them, and

less than half reported receiving recognition for good performance, a belief shared by half of their supervisors.

Flynn (1995) reported a survey of 218 companies that revealed 47% felt their evaluation system was of "fair to poor" value to the employees, 51% felt it was of "fair to poor" value to the organization, and 64% had changed or were planning to change their evaluation system. The surveyed companies planned changes such as adding new categories and increased training for managers in observation, evaluation and providing feedback to employees.

Einstein and LaMere-LaBonte (1989) cited research showing performance appraisal as the "most disliked managerial activity". They pointed out problems with appraisals such as supervisors feeling they lacked the information necessary to make qualitative judgements on performance, and inadequate evaluation methods that were difficult to defend against litigation challenging personnel decisions. Einstein and LaMere-LaBonte advocated the ability to use an evaluation system as a motivator, as long as it is fair, performance based, appeals to employee values, and provides proper feedback. They focused on the contract approach to employee evaluation and appraisal. In this system the employee and the manager share the responsibility for creating standards for employee performance, an approach that focuses on work or performance planning. In this model, performance plans are written and agreed upon at the outset of an evaluation period. This document is then signed by both the employee and manager, and serves as a contract for future reference. One purpose of this model is to include the employee in the eventual appraisal. Because when properly set and agreed upon, there is little room for later dissent concerning whether the performance plan was met. Einstein and LaMere-LaBone also advocate a "survival and training contract" for marginal employees unable or unwilling to perform as expected. Einstein and LeMere-LaBonte strongly advocate management by this model as being vital to organizational success.

Magee, Magee and Magee Davies (1985) focus on performance planning as vital to employee growth and development. In this model, planning focuses on results. They stress the necessity of a detailed and well thought out plan, one to which both supervisor and subordinate agree. This approach incorporates difficulties the employee faces to achieve goals as an element of employee input. The supervisor's responsibilities include making the employee aware of the culture, shared beliefs, practices and values of the organization, setting challenging goals and standards, making the employee aware of their own responsibility and authority to achieve these goals and meet these standards. Managers must remind employees of the resources available to them, set appropriate rewards, and above all, design a clear, precise, and measurable performance contract.

Bruzzese (1996) discusses the importance of feedback from multiple sources. The feedback is used to formulate an action (performance) plan. In this 360-degree feedback model, managers receive feedback from subordinates and peers. Peer and subordinate review is not used as a basis for current evaluation, but is incorporated into the performance plan.

Church (1995) also proposes a feedback model, emphasizing the importance of honest, confidential and accurate feedback that can be used by the employee to improve performance. Self-evaluation, including training in the feedback concept, is discussed by Church. While acknowledging that 360-degree feedback can cause initial anxiety and must be carefully examined, Church maintains such input can provide new insight to

employees and managers.

Austin (1992) discusses bottom-up and multi-rater feedback. Austin cites several corporate examples of feedback systems. In the Proctor and Gamble evaluation system, the managers and the employees choose a pool of evaluators to provide input into employee evaluation. Pratt Whitney uses a nineteen-question survey for employees to evaluate their managers, while employing an outside consultant to discuss the results with managers.

Mirabile (1996) discusses the importance of translating organizational values, value statements and mission statements into employee actions, behaviors and expectations. Mirabile proposes a model for identifying core values for an organization, and then requiring that these values be translated into observable behaviors. These behaviors are then incorporated into performance planning, in order to align employee behavior with corporate goals. Mirabile stresses that corporate beliefs must drive behavior as reflected in performance plans.

Straight (1996) discusses the importance of aligning performance results with organizational goals. Straight advocates employee participation in selection of performance metrics and reminds "What you measure is what you get." While this is not necessarily a novel concept, it is important to remember what is selected for measurement influences behavior. Straight mentions citizen input on satisfaction as important to public organizations. Straight cautions against artificially low objectives in performance plans, and not setting too many or too few goals, and recommends identifying metrics that match goals of the organization.

Beatty, Schnieier and Shaw (1994) discuss the problems of inflated ratings. Inflated ratings can have the effect of discouraging top performers, who see less productive co-workers receiving similar ratings. This is counter-productive to the goal of improving performance and leads to complaints of a meaningless evaluation system.

Gerhert, Hollenback, Noe, and Wright (1994) point to the primary goal of employee performance management being to further a company's goals, but cite statistics stating only 13% of companies believe their evaluation system actually furthers their company's goals. Noe et al. also advocate peer and subordinate review for developmental purposes, and stress that in many organizations, the customer is often the only person present to observe employee performance, and "thus the best source of performance information."

Method

In order to obtain data on the uses and usefulness of performance evaluations, a survey was also conducted of 66 of Florida's 67 Sheriff's Offices. Sheriff's Offices were selected because they represent a cross-section of Florida's geographic, economic, and political environment, serving a diverse population base from the sparsely populated Panhandle through South Florida's multi-ethnic communities.

Data was collected by sending surveys to 66 of Florida's 67 counties, eliminating the authors in the interest of fairness. Of the 66 agencies surveyed, 33 responded to the survey, a return rate of 50%. The survey results, with responses by number and percentage, follow. A copy of the survey is attached as Appendix A.

Results

Of the agencies responding, 29 (88%) of the agencies conducted employee performance evaluations, four agencies did not conduct performance evaluations, and two of these indicated they had no intention to implement a performance evaluation process.

The data on the source of the respondents' performance evaluations showed 25 (86%) of the agencies using performance evaluations developed their system from another criminal justice agency, 7 (25%) from the private sector, 18 (62%) developed their system in-house and 3 (10%) used other sources, including evaluation system consultants. (Percentages total more than 100% because the survey allowed respondents to reflect more than one influence on their evaluation systems).

Concerning the use of their evaluation systems, 25 (86%) agencies indicated their evaluation system was used for establishing a threshold for continued employment, 18 (62%) used their system as a basis for transfers, 21 (84%) used evaluations in the promotional process, 17 (59%) used evaluations as a basis for salary incentives and 4 (14%) indicated other uses, including career development.

When asked what recent initiatives were reflected in their employee performance appraisals, 11 (38%) indicated community policing, and 11 indicated other initiatives, including overall job performance, media relations, physical fitness, customer service, bottom-up appraisals and supervisory skills.

Sixteen (55%) agencies indicated goals and objectives were used in their employee evaluation system, 13 (45%) said they were not. Of the 16 agencies using goals and objectives, 7 (44%) used agency-wide goals and objectives, while 12 (75%) indicated goals were specific for each employee. Three agencies indicated both agency-wide and employee specific goals and objectives.

Eighteen (62%) agencies indicated performance planning was a part of their performance appraisal system, 11 (38%) said it was not.

Five (17%) agencies required all employee evaluations to be completed simultaneously, while 23 (79%) said they were due at staggered due dates. The staggered due dates were generally on the anniversary of the employment or promotion.

Training in evaluations was offered to raters by 19 (66%) agencies, training to employees was offered by 12 (41%) agencies.

As to the individual respondents' personal satisfaction with their performance evaluation system, 3 (10%) indicated they were very dissatisfied, 4 (14%) were dissatisfied, 7 (24%) were neutral, 11 (38%) were satisfied and 1 (3%) was very satisfied. In terms of rating the satisfaction of others, one (3%) respondent indicated their management staff was very dissatisfied with their performance evaluation system, 4 (14%) were dissatisfied, 7 (24%) were neutral, 17 (59%) were satisfied, and none were very satisfied. Two (7%) respondents indicated that their employees were very dissatisfied with their evaluation system, 3 (10%) were dissatisfied, 10 (34%) were neutral, 13 (45%) were satisfied, and no agency indicated their employees were very satisfied with their system.

Some interesting responses were found in the narrative sections for management criticisms of their evaluation systems. Management found their systems too general and too much work and felt that a behaviorly anchored system was needed. They felt that too many above satisfactory ratings occurred, that ratings were subjective, that the

system was not job related. The system failed to measure performance, that it was too generic, that there was too much latitude among supervisors, that the system was not used for promotions or salary increases, and questioned whether their evaluation system will stand up in court.

Employee criticisms of their agency's evaluation system included: Limited scope of observation; subjectivity; the rating standards were not flexible enough; the evaluation was not a learning tool; it was not related to job functions; it was not specific enough; it was not used for anything; there were no rewards or incentives for good performance; it was not specific to police work; employees could not get past the numerical rating and use it as a way to improve performance; and, some mandatory rates must be accomplished prior to being eligible for promotion.

Respondents were questioned as to how they would improve their evaluation system. Responses included: Using peering rating or multiple raters; using the evaluation system for promotions, transfers and raises; automating the system; making the system more specific and including a behavioral scale; increasing rating flexibility; upgrading the instrument; training the raters; get to the point; make sure everyone is using the same criteria; and, that every evaluation should be approved by a board to reduce the halo effect.

Discussion

The survey validated the belief that law enforcement agencies continue to rely heavily on employee performance evaluations, with 29 of 33 agencies currently using some form of evaluation system, and two more indicating an intention to develop an evaluation system.   The influences on the development of these evaluation system continue to show a reliance on what other criminal justice agencies are doing, as 25 agencies indicated they developed their system from another criminal justice agency, while only 7 cited influences from the private sector, and three "other" outside influences, including consultants. As the literature review reflects a tremendous body of study and experience outside of the criminal justice system, these results would suggest that we need to examine our current paradigms, with an eye towards the private sector and academic study of evaluation systems. To do otherwise ignores too much information readily available to us.

Almost all the agencies surveyed applied their performance evaluations to other aspects of employee development, including establishing a threshold for continued employment, promotions, transfers, and merit raises. This suggests that the evaluations are given validity by the agency. Criticism was voiced when this did not occur, with employee commentary including that the evaluation was "not used for anything" and that "there are no rewards or incentives for good performance".

The survey did not indicate that recent initiatives in the criminal justice system were heavily reflected in employee performance evaluations. While community policing is a widespread development, only 11 of 29 agencies indicated it was reflected on their performance evaluations, and the remaining 11 agencies reflected 'other' initiatives were that diverse. This appears to contradict the current emphasis on the importance of aligning performance measurement with organizational goals, and the idea that "what you measure is what you get" (Straight, 1996). This failure to emphasize what we say is important must be considered. The possibility that we are sending a mixed message to

employees, emphasizing organizational goals, while making no effort to measure compliance is too important to ignore. Recognizing the importance of translating organizational values, value statements and core values into observable behaviors, and then establishing a measurement of these behaviors (Mirable 1996), the survey raises the questions "Are we using performance evaluations properly, and taking advantage of the opportunity to emphasize agency goals and values?"

The surveyed agencies by a large margin, required employee evaluations to be completed on an anniversary of employment or promotion. This permits raters to devote more time to individual evaluations. However, only 19 of 29 agencies said they train their raters in conducting performance evaluations, and 12 of 29, less than half, trained their employees about their performance evaluations. It is essential that not only the raters are trained in their evaluation systems, but that the employees understand their system, and how they are to be rated.

Problems with present evaluation systems were reflected in the survey's satisfaction ratings. Of individual respondents, management staff and employee categories combined, only one survey indicates a high level of satisfaction (very satisfied), with their present evaluation system, and none of these were in the "management staff" category.

Of the respondents surveyed in this category, 11 of 29 were 'satisfied' with their evaluation system, the employee category showed 13 of 29 agencies indicating 'satisfied' and 17 of 29 showed management staff indicated "satisfied". Realizing that neither management staff nor employees show satisfaction with their evaluation system, and that the mechanism for change is available to management staff, the survey indicates a need for re-evaluation of employee performance appraisal systems.

The direction for criminal justice agencies to take regarding their evaluation system is clear. Employees want their evaluations to "mean something". Management wants their evaluations to be "job related" and "measure performance" in a fair manner, and the literature points towards performance planning incorporating the mission, values and goals of each agency into employee's performance contract.. Instead of evaluations being considered an annual event, they may become a continuing process, with supervisor and employee meeting to plan in advance what performance is expected, what behaviors will reflect performance, and producing a performance contract documenting this agreement. This would allow each evaluation to reflect individual success in meeting clearly identifiable goals and should alleviate complaints of subjectivity on the part of the rater. Management fears of court challenges should also lessen, as this model involves the employee from the inception of the performance contract. This should also lessen employee claims of unfairness in the evaluation system.

Further research is indicated. As several agencies already indicate performance planning is in use in their evaluation system, a focus could be made on these agencies with an eye towards measuring satisfaction in both the evaluation system and the agencies' progress towards reaching organizational goals.

Recognizing that criminal justice agencies continue to depend on employee performance evaluations, it is necessary that we continue as a professional community to

"push the envelope" and further refine our systems, as part of our duty to our employees, our agencies, and the public we serve.

Captain David Murray has bee with the Clay County Sheriff's Office since 1985.

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Appendix A

PERFORMANCE APPRAISAL SYSTEMS
IN
FLORIDA LAW ENFORCEMENT AGENCIES
Survey Questionnaire

Agency   **Date: _____**
Name/Address _____

_____

_____

Name/
Position of person completing this survey_____

Phone_____**Fax**_____

(Please note: All survey responses will be reported anonymously)

1.   Does your agency conduct employee performance appraisals? _____Yes _____No
(If no, please answer questions 1a. and 1b.)
1a. If not, why not? _____

1b. If not, does your agency intend to establish an employee performance appraisal system? _____Yes_____No

2.   What was the source of your agency's current employee performance appraisal system?

_____Another criminal justice agency
_____Private Sector
_____In-house
_____Other (Please specify): _____
_____

3. How are performance appraisals used in your agency? (check all that apply)

_____Establishing a threshold for continued employment
_____Transfers
_____Promotions
_____Salary incentives
_____Other (please specify): _____
_____
_____

4. What recent initiatives are reflected in your employee performance appraisals? (Check all that apply)
_____Community policing
_____Other (please indicate)
_____Other (please indicate)

5. Are goals and objectives included in your agency employee performance appraisal system?
_____Yes _____No
(if yes, please answer question 5a.)

5a. If yes, are goals _____ Agency wide OR _____Specific to each employee

6. Is performance planning part of your performance appraisal system? _____Yes _____No

7. How are employee performance evaluations timed?
_____All evaluations are due simultaneously
_____Evaluations have staggered due dates.

8. Is training conducted for raters in your performance appraisal system?
_____Yes _____No

9. Is training conducted for employees in your performance appraisal system?
_____Yes _____No

10. How satisfied are you personally with your agency's current employee performance appraisal system?
(Please circle your answer)

      Very Dissatisfied   **Dissatisfied**   **Neutral**   **Satisfied**   **Very Satisfied**

11. How satisfied is your management staff with your current employee performance appraisal system?
(Please circle your answer)

      Very Dissatisfied   **Dissatisfied**   **Neutral**   **Satisfied**   **Very Satisfied**

12. How satisfied are your employees with your current employee performance _____ appraisal system?
(Please circle your answer)

      Very Dissatisfied   **Dissatisfied**   **Neutral**   **Satisfied**   **Very Satisfied**

13. Please note management criticisms, if any, of your current employee performance appraisal system.

_____

_____

_____

14. Please list employee criticisms, if any of your current employee performance system.

_____

_____

_____

15. Please list any suggestions or recommendations you have for improving the _____performance appraisal
system in your agency.

_____

_____

_____

Thank you for your help. If you would like of copy of the results of this survey, please indicate so here.

_____