



The FTO Process—A Once-in-a-Career Opportunity

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The probationary employment period presents public safety leaders with a unique opportunity to evaluate performance, identify “red flags” and take proactive measures to address misconduct. **For most officers, the close supervision and continual feedback that they receive from their Field Training Officers (FTOs) during this period will not be replicated for the entirety of their career.** If, during this period, FTOs find probationary officers to demonstrate fundamental job deficiencies, **there is no better time to have the difficult but critical conversation concerning whether the officer is salvageable.**

While it is certainly normal for probationary officers to make mistakes, there is often a clear distinction between understandable mental mistakes versus performance issues that reflect on core character issues such as honesty, willingness to accept responsibility for errors and ability to receive corrective feedback.

There is no good time for agency leaders and front-line supervisors to determine the severity of performance issues with the possibility of termination on the table. But, from a legal liability standpoint, there is no better time than during the FTO process—prior to an officer’s status shifting from probationary to permanent, with all of the arbitration, appeals and/or due process rights that come with this change in employment status.

There are **several key factors that make the FTO process crucial to supervisors’ ability to effectively gage officer performance and make fundamental decisions regarding the men and women that represent their agency now and for years to come.**

- (1) **For many probationary officers, this is not just their first job in public safety. It is their first job of any kind** or, at least, the first job in which they will be subjected to the unique challenges associated with encountering people in crisis. It is often unreasonable to expect a background investigation or even an academy curriculum to reveal all that an agency should want to know about the character and resiliency of their latest hire. **Your FTOs may prove to be the people best suited to genuinely vet applicants before they are permanent employees.**
- (2) **The probationary period is typically a period of unparalleled supervision and constant corrective feedback.** A new officer’s ability and/or willingness to accept that feedback and respond appropriately to that often proves to be an indicator of future problems. The refusal to accept responsibility and engage in a good faith effort to meet performance expectations is frequently cited by public safety leaders as one of the telltale signs of a toxic officer who can present a career’s worth of problems for the agency.

- (3) **The in-depth documentation of this corrective feedback and the officer's responses is likely more consistent, detailed and accurate than the performance evaluations that will follow for the remainder of a permanent officer's career.** If termination is necessary during the probationary period at the urging of hands-on FTOs, it is likely to be accompanied by documentation demonstrating the objective performance and misconduct issues that have led to the termination decision.
- (4) The legal protections afforded to permanent employees in public safety is generally substantial—including federal and state anti-discrimination protections, state police officers' bill of rights laws and due process rights. While probationary employees do have some legal recourse in the face of termination, **the burden placed on the agency to demonstrate that a probationary employee was lawfully terminated for performance deficiencies often *pales* in comparison to the burden they face in terminating a permanent employee.**

In light of the window of opportunity presented by the probationary employment period, public safety agencies would be well served to analyze the time and resources that are dedicated to the FTO process. In our [*Recruiting and Hiring for Law Enforcement*](#) training, we discuss the concept of the FTO process as an integral part of the hiring and vetting process. Also, in our [*Confronting the Toxic Officer*](#) training, we identify the probationary period as the best available opportunity to make necessary termination decisions that stick when subjected to legal challenges.

Agencies across the country often realize too late that the chance to streamline the evaluation and possible termination of the few bad apples inside the department has come and gone only *after* the FTO process has ended and a problem officer's status has gone from probationary to permanent.