

## **A NEW ERA FOR THE DISCIPLINE PROCESS: EDUCATION-BASED DISCIPLINE** **Sergeant Al Cobos, Education-Based Discipline Unit**

### **Sheriff Leroy D. Baca Presents at Harvard Law School**

Harvard Law School located in Cambridge, Massachusetts is the oldest continuously running law school in the nation. It is a prestigious institution with a world-wide recognition for its academic rigor. Harvard Law School has produced a variety of notable alumni including two of our nation's presidents, Rutherford B. Hayes and Barack H. Obama. In addition to being the preeminent law school in the nation, the Harvard Law School hosts a variety of conferences addressing a wide spectrum of issues affecting the nation.

In April of 2009, Harvard Law School, co-hosted by American Police Beat Magazine, hosted the 10<sup>th</sup> Annual Police Union Leadership Seminar commonly known as "The Big 50." The Big 50 consists of police unions which represent law enforcement officers from the 50 largest cities in the country. Participation in the seminar by police unions is by invitation only, and simply participating in the event is significant. Seminar speakers are leaders in the law enforcement community at the local, state, and national levels.

The unions represented at the conference concern themselves with a wide variety of significant issues facing the modern day police officer. Unions are often empowered to represent police officers in discipline issues, collective bargaining, pension fund management, and many other management issues. Unions frequently have significant influence with the officers whom they represent. The goal of the conference was to provide an exchange of ideas, knowledge, and beliefs that were aimed at improving the law enforcement community in general. When invited, the seminar offers an opportunity for nationally recognized leaders in law enforcement to address the unions directly.

The number one law enforcement representative in the nation, United States Attorney General Eric J. Holder Jr., was a featured speaker for the conference. His contributions to the law enforcement discussion focused on building relationships with all levels of government while addressing his three top priorities: gang violence, border security, and combating crime given the current economic realities. He spoke to about 70 different union representatives who reacted positively to his comments.

Nationally recognized, Sheriff Leroy D. Baca of the Los Angeles County Sheriff's Department (LASD) was invited to present his concept of Education-Based Discipline (EBD). EBD was conceived from conversations that Sheriff Baca had with deputies of the LASD. It was through these conversations that the Sheriff became convinced that an alternative to traditional unpaid suspensions was needed. His alternative is now known as Education-Based Discipline.

The notion of Education-Based Discipline is unique in the law enforcement community, and the LASD is the first in the nation to utilize an organized education plan as an alternative to punitive discipline. To assist employees of all policing agencies, Sheriff Baca is proactively providing the concept and protocols of EBD to all law enforcement agencies who request it. EBD changes the interaction of employees and management and it changes the impact of the discipline process forever.

Fundamental fairness is a primary component of the Department's Core Values statement. Sheriff Baca believes that offering an educational alternative instead of the standard discipline of unpaid suspension days is beneficial to the employee and the Department.

In presenting his EBD concept at Harvard Law School, Sheriff Baca's words were well received by the union representatives and academics who listened attentively to his views on the discipline process. His presentation generated a significant amount of interest for everyone present at the seminar and many of the attendees brought the concept of EBD back to their respective departments.

### **The Education-Based Discipline Process**

EBD provides an option for employees to voluntarily participate in an individualized remedial plan that emphasizes education, training, and other creative interventions which promote a successful outcome.

EBD is offered to an employee who is facing a one to thirty day suspension. This alternative discipline cannot be utilized for demotions or discharges and not currently for Policy of Equality violations. The Department is currently developing policy to include alcohol-related offenses into EBD.

The decision to participate in Education-Based Discipline rests solely with the employee who may opt not to participate in the EBD process. The employee retains all grievance rights including the right to accept a suspension.

EBD will be offered as an alternative to an unpaid suspension to employees facing a suspension. If an employee agrees to participate in EBD, the employee will agree to any combination of the following: attend classes, attend training, conduct briefings, author a research paper, or participate in an activity addressing the behavior that resulted in the discipline. In each case where an employee agrees to participate, all EBD related activities will be conducted while on-duty.

EBD can be offered at several junctures during an investigation, including as part of a predisposition settlement agreement, or it can be offered when the employee receives their Letter of Intent to Discipline. If instead an employee files a grievance, EBD may be

offered at the conclusion of the grievance process at the discretion of the unit commander.

EBD is an alternative to unpaid suspension days. An employee receiving a suspension does not have to participate in EBD. An employee is welcome to consult with their union representative regarding the EBD proposal. All employee rights regarding the discipline process remain intact.

### **Lieutenants' Interactive Forum for Education (LIFE) Class**

One mandatory component for an employee choosing EBD is participation in the Lieutenants' Interactive Forum for Education (LIFE) class. The LIFE class is the foundational course for EBD. With guidance from Sheriff Baca, the LIFE class was developed by LASD Sergeant Brian Fitch, PhD (Human and Organizational Development) and Lieutenant Charles Stringham. LIFE is about the influences that affect decision making.

LIFE is an eight hour class facilitated by lieutenants and professional staff middle managers from throughout the LASD. Each facilitator has received training in how to facilitate the decision-making class. Sheriff Baca had decided that lieutenants were the primary facilitator since the rank of lieutenant is usually the highest rank in which a typical employee would have regular contact.

LIFE typically has 12 to 16 students with 2 to 3 facilitators and will not be conducted at LASD facilities.

### **Education-Based Discipline Unit**

The Education-Based Discipline Unit was created by Sheriff Baca in late 2008 and is now headed by Lieutenant Reinhardt J. Schuerger. Located at STARS Center in Whittier and part of the Training Bureau, the Education-Based Discipline Unit can be reached by phone at (562) 946-7006 or preferably via email at [EBD@lasd.org](mailto:EBD@lasd.org). Anyone is welcome to contact the EBD Unit with questions.

### **EBD on the Internet and LASD Intranet**

From Harvard Law School, to police unions across the country, to the National Sheriff's Association conference, and police agencies in Canada, there is international interest in EBD. Therefore, an EBD website was created on [www.LASD.org](http://www.LASD.org) as well as the LASD intranet site. General information about EBD can be accessed through each of the sites, but the intranet site contains more specifics about available classes as well as the "Guidelines for Discipline and Education Alternatives."

Education-Based Discipline is the latest innovation in education by Sheriff Lee Baca. EBD works well with the Deputy Leadership Institute, Leadership and Professional Development Coordinator Program, courses offered through the Regional Community Policing Institute – California (RCPI-CA), LASD University Consortium, and other education-based successes. These efforts all combine to a commitment to all employees by Sheriff Baca for the personal and professional growth of the LASD's valued and respected professionals.

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**Al Cobos** is a sergeant and 20-year veteran of the Los Angeles County Sheriff's Department. He has worked a variety of patrol, jail, and detective assignments, and is currently assigned to the Education-Based Discipline Unit of the Leadership and Training Division. He is a graduate of the Sherman Block Supervisory Leadership Institute and is a facilitator for the Deputy Leadership Institute.

Sergeant Cobos is a squad sergeant for the Sheriff's Response Team, which is responsible for handling tactical responses to large civil disturbances. He is also a member of the Los Angeles County Emergency Operations Center Team, where he functions as a planning and intelligence officer during large scale disasters and emergencies. He has earned a Bachelors degree in Vocational Arts and a Masters degree in Emergency Services Administration from California State University, Long Beach. His focus is on developing department personnel in both their professional and personal endeavors.