

Like me, the arbitrator concluded in his advisory opinion that when Sgt. Hale commented to the post with: "Ha! Truthøhe delivered a message "directed at black communities, since those neighborhoods often face the highest murder rates in many cities nationwide. This is certainly the case in Louisvilleø said Metro Corrections Director Mark Bolton. The arbitrator went on to describe the posting and its impact as follows:

This is a thinly veiled way of saying, "Without us, you would all kill each other, so you should stop complaining and appreciate what we do for you because you need us to survive.øClearly the post is discounting, racist, grandiose, arrogant, and inflammatory. Sgt. Hale recognizes this and has taken full responsibility for his actions. He also takes full responsibility for violating LMDC regulations by listing himself as a Sergeant with the LMDC on his Facebook page.

While Sgt. Haleø behavior did not produce physical injury to anyone, his actions resulted in emotional and situational injury to Louisvilleø black population as well as to other populations that have a history of enduring racism, injustice, and marginalization. His actions also harm the credibility, morale, and efficacy of the LMDC (in terms of the costs and resources that must be applied to resolve this matter and the diminished moral authority necessary for the department to fulfill its mission).

"When I became aware of the Sgt. Haleø post I did not take the easy way out by terminating Haleø employment", said Director Bolton. "He remained an employee because I felt he could learn from his mistake and become a better employee. I made my decision to suspend him and demote him out of compassion for him. Compassion is not something a person earns. It is not always easy to give and it is not necessarily for people who ask for it. But whenever it is given, it is meant to be transformative both for those who have the power to give it and for - as some might think - those who do not deserve it. Compassion has the power to heal."

The arbitrator concluded what Hale did was unacceptable and beneath the level of professionalism of the LMDC where thirty-four percent of the work force and forty-five percent of the inmate population are African American. And at the same time the arbitrator mentioned that Hale acknowledged the harmful impact of his posting, publicly conveyed that he regretted his actions, and recognized that his behavior must be corrected. The arbitratorø recommended that Haleø 29 day suspension, without pay, remain but that Hale should be restored to his position as a Sergeant. "As the Director, I will continue to hold Hale to his word while I consider the arbitratorø recommendation and independently decide what is in the best interest of the Department."

---