

THOMAS M. WALLER
Cincinnati, Ohio

November 29, 2022

Chairman Baldrige, Vice Chair McClain, Ranking Member Sheehy, and Members of the House Transportation and Public Safety Committee:

Thank you for the opportunity to provide proponent testimony on House Bill 736.

My name is Tom Waller, I'm 71 years old and from Cincinnati, Ohio where I have lived all my life. In 2009 I retired from the Cincinnati Police Department, where I had the privilege of serving for 40 years.

My career began on July 20, 1969, the day Neil Armstrong walked on the moon. The next day, myself and 25 other 18 and 19 year old young people began the police academy. We were all scared, not knowing what to expect. It helped to talk to each other and I quickly met a young man named Dave Cole. We made it through the academy, graduated as Police Cadets, and began 3 years of going to school at the University of Cincinnati, and working for the police department.

Dave and I got to be close as we attended U.C. We studied together, played together, and somehow made it through the next 3 years. We graduated from U.C. in August of 1972 with an Associate Degree. In October of that year we began our second police academy together now as Police Recruits. For the next 4 months we studied, worked hard and graduated the following February as police officers.

We received our assignments to the Patrol Bureau. Dave went to District 6 and me to District 7. A year later, we were all transferred. I went to District 3, and Dave took my place in District 7. He also joined the Ohio National Guard.

On July 17, 1974, Officer Dave Cole was patrolling in the exact same neighborhood I had been assigned to. There he handled a "routine" call, just as I had so many times before. Except this time it wasn't the same. Two other young men – about the same age as us – had chosen another path in life. Both of them were armed when Officer Cole encountered them on Florence Av. Both of them were prepared to do whatever they had to do to escape apprehension – up to the point of taking the life of another human being.

Dave Cole was a good man and a good police officer. But that made no difference to those two men.

Dave wore a badge, he had taken a solemn oath to serve and protect. But that made no difference to them.

He was just doing his job. But that too, made no difference to them.

He did nothing wrong, and certainly did not deserve to die. But that made no difference to them. .

I probably would have reacted the same way Dave did that night. He didn't have a chance. Outnumbered, and outgunned, they "got the drop" on him. As he lay dying in the street, they finished him off and shot him again. Their intentions were not just to flee – their intention was to murder a police officer, to murder the only witness who could identify them; Dave Cole. They assassinated Patrolman David Lee Cole. On that night he truly made the ultimate sacrifice.

Their actions constituted Aggravated Murder (with specifications). They were found guilty and sentenced to death, as the law prescribed. But for some reason, the rules changed, and they were spared the same judgment they had given to Officer Dave Cole. They were given the mercy that they chose not to give to him.

On July 20, 1974 – exactly five (5) years after he began his career, David Lee Cole was buried. I had the honor, and privilege, to carry him to his grave. It is a day I will never, ever, forget. He was only 24.

Patrolman Cole left a young grieving and confused widow; Cheryl. She was only 23. What she endured then – and every day since – I cannot imagine. She received very little help after that. At that time there was no financial help whatsoever given to survivors. There was nothing from the Federal, State, or City governments - nothing even from the FOP. She was left with nothing but an empty house and a stack of bills she paid to have David buried.

She has always believed, as do I, that David's sacrifice was never recognized as well as it should be. Your actions in approving this very special honor for Dave will go a long way towards helping her heal a little more.

It is been over 48 years now, but Dave Cole is - and will always remain - a hero for the citizens of Cincinnati and the State of Ohio. Thank you for your consideration of this most deserving honor.

Respectfully

Thomas M. Waller
Cincinnati P.D. (Ret.)
1969-2009