

1 suspension, did she? She did not appeal the
2 decision of the --

3 A. Correct. *disc.*

4 Q. -- ~~arbitration~~ decision?

5 MS. BISSINGER: Exhibit 22 is the
6 arbitrator decision for Donte Hill, and
7 Exhibit 23 is the arbitration decision for
8 Dennis Barnette.

9 So I have no further questions for
10 Colonel Theetge.

11 ARBITRATOR STANTON: We are at that
12 bewitching hour, or past that bewitching
13 hour. What's your plan?

14 I know you've got one more witness?

15 THE REPORTER: Do you want this on the
16 record?

17 ARBITRATOR STANTON: Probably not.

18 (A recess was taken from 1:56 to 2:03.)

19 JOE MALLORY

20 a witness herein, having been duly sworn, was
21 examined as follows:

22 DIRECT EXAMINATION

23 BY MS. BISSINGER:

24 Q. Sir, would you please state your name?

25 A. Joe Mallory.

1 Q. All right. What is your current
2 position?

3 A. I'm the Cincinnati NAACP president.

4 Q. And how long have you had that role?

5 A. Two years.

6 Q. Before that, did you have an official
7 position with the NAACP?

8 A. Yeah. I was the vice president for
9 four years.

10 Q. And is this a volunteer position or do
11 you have remuneration?

12 A. It's all volunteer.

13 Q. Okay.

14 A. It's all passion.

15 Q. Okay. Why the NAACP? Why are you
16 there? Why do you work there?

17 A. Because when I see things that are
18 forms of injustice and things that go on in the
19 community, and I feel like the black community
20 doesn't have a voice, I felt like -- that I had
21 skill sets and things I could add to advocating
22 on their behalf on a lot of different issues.

23 Q. And what are your responsibilities?

24 A. Well, I manage the office. We have one
25 full-time staff person. And I sign contracts. I

1 manage the committees and the work we do. And I
2 am the spokesperson on behalf of the Cincinnati
3 NAACP.

4 Q. Okay. Do you attend events?

5 A. All the time.

6 Q. Do you do speeches?

7 A. All the time.

8 Q. Do you write editorials?

9 A. Yes, I do.

10 Q. And do you advocate?

11 A. Yes.

12 Q. What kinds of things do you advocate
13 for?

14 A. Well, we advocate in the areas of
15 health, fighting against health disparities,
16 economic disparities, racial discrimination, hate
17 speech.

18 A lot of times there are employment
19 actions where people feel like they've been
20 discriminated against by their employer based on
21 race, and unlawful termination, or they believe
22 it is. And we can advocate where we can. We
23 don't have a lot of resources to help everybody.

24 But those are some of the things that
25 we do.

1 Q. Okay. I've heard the NAACP described
2 as creating partnerships and trying to build
3 bridges.

4 Is that an accurate statement?

5 A. All the time. We always are trying to
6 build partnerships, you know, anywhere in the
7 community, as long as people are aligning with
8 our core value and mission, you know, our
9 organization.

10 Q. Okay. Just a little history about the
11 NAACP.

12 When was it formed nationally, when was
13 it formed locally, and how did that happen?

14 A. Well, actually, this month is their --
15 the national office's 114th anniversary. So it
16 goes way back.

17 And our branch here in Cincinnati, we
18 have been in existence since 1915, so 108 years
19 for us.

20 And it was begun back when there were a
21 lot of lynchings of blacks. And there were a
22 group of people that gathered together to
23 organize to try to stop that from happening. So
24 it was a group of whites and blacks. And,
25 actually, the first president was white for the

1 NAACP.

2 Now, the title is kind of like a
3 misnomer, where you hear the National Association
4 for the Advancement of Colored People, and it
5 started 170 years ago. That's because of what
6 was happening then. And I tell white people all
7 the time that, you can be a member. You don't
8 have to be black. You don't have to be a person
9 of color. You can join as long as you're in
10 alignment with the mission and the values of the
11 organization.

12 Q. The difference between what the
13 national does and what you all do, just describe
14 what the difference is.

15 There is this big umbrella, and then
16 there are local -- would you call them chapters?

17 A. Yes.

18 Q. How many local chapters, approximately,
19 are there?

20 A. In the country --

21 Q. Yeah.

22 A. -- there are approximately -- it's not
23 exact -- approximately about 2,000 --

24 Q. Okay.

25 A. -- in the entire country.

1 The national is the big umbrella, and
2 all the branches are under it. And they come up
3 with the policy and create resolutions and the
4 things we're going to support and enact. And
5 they have game changes they'd like for the
6 branches to focus on, but they encourage all the
7 branches to be independent and to advocate for
8 things that are important in the community where
9 they are.

10 Q. Is it a fair description to say the
11 locals are the boots on the ground?

12 A. Yeah, absolutely; grass roots. That's
13 the lowest you can go with the NAACP because we
14 are meeting people where they are. And we're
15 directly involved in situations and issues that
16 go on.

17 Like, we see things on the national
18 news. It's the people on the ground in those
19 communities who are the ones who are dealing with
20 the issues first.

21 The national, typically, they'll come
22 in and give support. They don't take over.
23 They'll come in and give support.

24 Q. Okay. You talked about it's a
25 misnomer. You can be white to join.

1 A. Well, there's a membership fee.

2 Q. Yeah.

3 A. You've got to pay \$30.

4 Q. Thirty dollars annually; is that true?

5 A. Yes.

6 Q. All right. And, you know, what is the

7 sort of demographic, for lack of a better way to

8 put it, of your membership, if you know? Is it a

9 majority of African American, some white? What

10 is it?

11 A. We don't do, like, the breakdown.

12 Q. Yeah.

13 A. Because when somebody joins, we don't

14 ask what race they are.

15 Q. Right.

16 A. But the majority, you know, that come

17 to our meetings and that we see are African

18 American. We have Hispanics, we have Asian,

19 but --

20 Q. And Caucasian?

21 A. I was just going to say, we have a lot

22 of Caucasians that come to the meetings because

23 they believe, you know, that the -- things going

24 on that they see wrong, and they want to support,

25 and they want to try to help be part of the

1 solution.

2 Q. Okay. Do you meet on a regular basis?

3 A. We meet monthly.

4 Our memberships -- our membership
5 meetings, we meet once a month, every month. And
6 our executive committee, the officers, we meet
7 once a month, and a week prior to the membership
8 meeting.

9 Q. Okay. So your background -- so the
10 Panel and the Union knows who you are -- know who
11 you are, what is your background? After you got
12 out of high school, what did you do?

13 A. I went straight to the Navy. I
14 enlisted in the US Navy. I went to school for
15 training, was sent to California. Then I was
16 shipped over to off the coast of Iran for about a
17 half-a-year. Then I was transferred to the east
18 coast as part of a multinational peacekeeping
19 force in Beirut, Lebanon. Back when they blew up
20 the barracks, I was there.

21 And after I got out of the Navy -- I
22 served my four years, and I had two years
23 inactive, so a total of six years.

24 Q. So I don't mean to be indelicate. Were
25 you in combat situations?

1 A. Well, we had. We weren't supposed to
2 engage because we were peacekeepers. And the
3 ship that I was on, we brought the Marines and
4 some of the special forces. And I served
5 along -- with different assignments, on the
6 ground, whenever they needed our help. So I
7 actually slept in the building that blew up a
8 month before they blew it up.

9 Q. When you say you were two years
10 inactive, what does that mean?

11 A. That means when you get out of your
12 tour, your first four years, you're on reserve
13 duty, to be called up if there's any action. If
14 it requires more forces, then you could be called
15 back to active duty. So you drill two weeks out
16 of the year --

17 Q. Okay.

18 A. -- and always stay ready.

19 Q. Okay. After you left the Navy, what
20 did you do?

21 A. I got a job at the post office and
22 worked at the post office as a letter carrier.

23 Q. For how long?

24 A. Fifteen years.

25 Q. And letter carriers, as we understand

1 them, you delivered the mail?

2 A. I was a mailman.

3 Q. Yes.

4 A. I was a mailman.

5 Q. And when you were with the postal
6 service, did you have any other roles?

7 A. Well, I got involved in the union. And
8 I was a very active union member. I became a
9 shop steward representing people who were either
10 disciplined or had some kind of collective
11 bargaining infraction against the contract. I
12 represented grievances in arbitrations and
13 mediations.

14 Q. So as a union steward, are you a union
15 steward for a particular branch? Is that how it
16 works?

17 A. Yes. I was -- the branch I was
18 assigned to originally, that's where I got -- I
19 didn't understand how unions really worked. And
20 someone started explaining it to me. And things
21 were happening in the workplace, and I didn't
22 know that they couldn't do the things that they
23 were doing to me. So they said, they can't do
24 that.

25 So then I started to want to know why

1 they did it and how I can do something to protect
2 myself. I started reading the contract, and I
3 learned the contract pretty good. They didn't
4 kind of abuse me as much as they did once I knew
5 the contract.

6 And I started getting involved to
7 represent other people.

8 Q. Okay.

9 A. And I noticed that other people that
10 had been there longer than I had -- they'd been
11 there 20, 30 years, and they didn't even know
12 their rights. And, you know, I was a younger,
13 you know, ambitious person. And I read so much
14 of the contract and almost knew it off the top of
15 my head.

16 And I moved up the ranks and became a
17 union officer and doing other things.

18 Q. So when you're an officer, do you then
19 become more of a regional leader?

20 You said before it was a specific
21 branch as a steward. When you're an officer, is
22 it a bigger area that you're an officer of?

23 A. Well, you're the officer for the entire
24 branch.

25 Q. Okay.

1 A. But my assignment that I got was, they
2 split the county up. And I took the east side of
3 the county.

4 Q. Okay.

5 A. Any grievances that happened in the
6 east side, I would go to those branches, all the
7 branches in that area. And I would go to step
8 twos, which is the next level up. We had step
9 one through step four. And I would do step twos
10 and sometimes the mediation. And then I got to
11 doing arbitrations as an arbitration advocate for
12 the union.

13 Q. Okay. As an officer?

14 A. Yeah.

15 Q. Okay. So during this time that you're
16 a letter carrier and union steward and officer,
17 were you doing anything else?

18 What else were you doing?

19 A. Well, I've always multitasked because I
20 have a lot of energy that I -- my family was
21 involved in politics. So my brother ran for
22 office. I managed his campaign.

23 And the next year, I ran for office
24 where I lived at because I always wanted to be
25 part of trying to come up with solutions. And I

1 was elected to city council in Forest Park, City
2 of Forest Park. And then the councilpeople voted
3 for me to be a vice mayor.

4 So I was vice mayor. I did mayor's
5 court from time to time for just misdemeanors and
6 things like that. And I was on a bunch of
7 different committees for the community.

8 That was after I got off my job at the
9 post office.

10 Q. Okay. So how long were you the vice
11 mayor at Forest Park?

12 A. I did about -- close to four years.

13 Q. Okay. All right. So when did you
14 leave the postal service, what year?

15 A. It was 2000.

16 Q. And where did you go from there?

17 A. I took a job at the Hamilton County
18 Board of Elections --

19 Q. Uh-huh.

20 A. -- as an elections administrator.

21 Q. And what does the mean? Who did you
22 supervise?

23 A. I had about three departments. I had
24 absentee, early voting, in-person and by mail. I
25 had the whole poll worker department, hiring poll

1 workers for elections for the county, about
2 2,000-some poll workers.

3 And then I had poll locations. We had
4 poll locations, signed leases and contracts, and
5 make sure it's accessible for the county.

6 And I did voter education and
7 outreach.

8 Q. Okay. We have your -- now we know you.
9 We have your background, and we know a little
10 more than we probably did before about the NAACP.

11 So in your role as the NAACP president
12 and former vice president, did you become aware
13 of the incident with Police Officer Rose
14 Valentino that was caught on her recording
15 devices on April the 5th, 2022?

16 A. Yes.

17 Q. How did you become aware?

18 A. Well, I think before it came out -- I'm
19 sorry -- before it came out in the media, I --
20 that's my alarm. I have to go get my daughter at
21 about 3:30. So --

22 Q. Yeah. We're having you here and aware
23 you have a hard stop.

24 A. Yeah.

25 So I was hearing rumors that an officer

1 had made some racial slurs, and it was caught on
2 a body-worn camera. And then when it hit the
3 media, you know, I just wanted to wait and see
4 exactly what was said, because you hear that
5 stuff all the time. I wanted to hear what was
6 said.

7 And I'm going to be honest. When I
8 heard it, it kind of -- it kind of hit me to my
9 core, like the way that she made the statement,
10 when she -- you know, f-ing N-words, I f-ing hate
11 them. And it just -- it kind of shocked my
12 conscience. And it had a -- you know, it had an
13 impact on how I felt about what she said.

14 Q. What did you do in reaction?

15 A. Well, I put out a statement on behalf
16 of the NAACP. I started out talking to our
17 executive committee and had to let them know what
18 was going on.

19 And I started drafting a brief
20 statement because the media started calling me as
21 soon as it hit the airwaves. And they wanted to
22 do a lot of interviews on how I felt, in the
23 community, and things like that.

24 So I put out a statement right away,
25 once I got authorization from the executive

1 committee. And we released it to the media. And
2 then different media outlets were calling for
3 interviews.

4 Q. Okay. Whether your members or not your
5 members, did you get -- did people in the
6 community reach out to you?

7 A. Oh, a bunch.

8 Q. And what was the sort of -- you don't
9 have to talk about what John Smith said to you,
10 or whoever, but what was the general tone of the
11 community?

12 A. Well, the general tone -- the first
13 thing that stuck with everybody was when she said
14 f-ing N-words, I f-ing hate them, the, I hate
15 them, part was the part that really -- everybody
16 said, she's got to go, she's got to be
17 terminated.

18 And, you know, we had a lot of people
19 that would call us. They would express how they
20 felt. We had meetings. People voiced how they
21 felt.

22 There were different panels that were
23 happening in the community, different, like,
24 podcasts talking about it, different people in
25 the community that were weighing in. And,

1 actually, I talked about it on a podcast that we
2 had.

3 Q. And did you also have some involvement
4 with some Cincinnati police officers and how they
5 felt about it?

6 A. Well, I did talk to a bunch of friends.
7 I have a relative on the police department. And
8 they were telling me that they had a problem with
9 it because, you know, now that she had expressed
10 how she felt, you know, all of them took offense.
11 And they said they didn't feel safe, more so that
12 they had to work with people that had that
13 mindset, that they didn't come out and openly say
14 it -- and this wasn't an implicit thing, it was
15 an explicit -- and that they were concerned about
16 their sons and their family members out in the
17 community with her out there as a sworn officer
18 on the street.

19 Q. Did you dig further yourself,
20 personally, into records?

21 A. Well, I -- I like to get all the
22 information and see what kind of person she was
23 in her employment. I had a little experience
24 with the union and stuff before, so I made a
25 public records request from the police

1 department, asking for all the body-worn camera
2 so I could hear everything, all the angles, the
3 car thing, then her body-worn, and asked for her
4 personnel record to see if she had any other kind
5 of disciplinary infractions, things like that.

6 And they provided that to me.

7 Q. Okay. Based on your hearing the tapes
8 and it affecting you to your core, community
9 members reaching out to you, community forums,
10 being contacted by the media, doing a podcast,
11 reaching out to police officers, and in your role
12 as the -- you've definitely been an advocate for
13 a good bit of your life, especially in the
14 NAACP -- do you have an opinion about the
15 Cincinnati Police Department or, in this case,
16 the arbitration panel, if she were to return to
17 work?

18 MS. RUTOWSKI: I'm going to object to
19 the extent this man is not a City of
20 Cincinnati employee.

21 MS. BISSINGER: He represents a large
22 segment of this society that Rose Valentino
23 said she hates. I think you can take it for
24 what it's worth, but I think it's worth a
25 lot. That's why I called him here.

1 ARBITRATOR STANTON: Do you want to
2 chat a minute?

3 ARBITRATORS JOINTLY: Yeah.

4 ARBITRATOR STANTON: We'll go off the
5 record.

6 (Executive session was held from 2:22
7 to 2:28.)

8 ARBITRATOR STANTON: Mr. Mallory, given
9 your expansive exposure, if you will, in
10 your community, being an African American
11 yourself, and all the other people that you
12 had conversations with, not only in the
13 police department, your relative that you
14 mentioned was in the department, and your
15 just complete involvement, and, I think, the
16 fact that you have the expansive exposure to
17 these kinds of issues, you would be
18 perfectly capable of giving an opinion about
19 what this means to you.

20 So, Julie, go ahead and -- he probably
21 needs the question again.

22 (The record was read.)

23 A. Okay. So with what was said in her
24 statement, you know, with everything that
25 happened -- it is my belief that, over the years,

1 we were trying to build trust with the police
2 department and community. So we've been working
3 on this journey of building trust. And I think
4 this trust was torn. The fabric of trust was
5 torn in the community.

6 And the community had an expectation
7 that the right thing would be done by the powers
8 that be in the police department. And they
9 expected a termination, nothing less than that.

10 If she were to return to the police
11 force, there would be an outcry in the community.
12 People would be very upset. Because I don't
13 think that's the proper decision myself because
14 of the way she expressed it with such, you know,
15 angry and vitriol over something that seemed to
16 be pretty, you know, innocuous for her to have an
17 outburst that way.

18 And with the tenets, the core values
19 that the police department says they operate
20 under in the community, and the mission of the
21 police department about being fair, delivering
22 their police services in a fair and impartial
23 manner, and when you talk about promoting the
24 public trust and effecting partnerships within
25 the community, treating everybody with dignity

1 and respect, I think she has questionable
2 judgment and not just with this situation, but
3 what I observed in her personnel file, some
4 different incidents, but mainly the behavior
5 of -- the way she expressed her views in that
6 moment, you know, the fear would be her being a
7 liability to the community and to the city.
8 We're all tax payers. She's back on the street,
9 something happens with an African American,
10 everybody's going to second-guess whether we did
11 the right thing.

12 She's already expressed how she feels
13 about those people, and she's back on the street,
14 and you can't get anybody that's going to believe
15 that she didn't resort to her training, when
16 someone does something and she has to use some
17 kind of force out on the street.

18 And she's been trained not to escalate
19 a situation, to be professional, to be at a
20 higher standard, to have a thicker skin when
21 you're dealing with someone on the street. And
22 for her to police the urban community and people
23 seeing her out on the street -- some of the
24 officers even felt like they wouldn't be safe
25 with her out there, that her having their back

1 with how she expressed herself.

2 There was a lot of deep wounds and
3 divide in the department when this happened. If
4 she were to come back, I think it would be
5 something that would take a long time to repair,
6 that trust and the relationship that we've been
7 building in this community, and talking about our
8 gold standard, you know, for the City of
9 Cincinnati Police Department, and what would
10 happen if she comes back, and the police
11 department says, well, we tried to get rid of her
12 because of her behavior. And to be put back on
13 the street, policing an urban community would be
14 a slap in the face. It would be an absolute slap
15 in the face.

16 MS. BISSINGER: Thank you.

17 Ms. Rutowski may ask you a question.

18 ARBITRATOR STANTON: Do you need a few
19 minutes before you do that?

20 MS. RUTOWSKI: Yes, please.

21 (A recess was taken from 2:33 to 2:37.)

22 CROSS-EXAMINATION

23 BY MS. RUTOWSKI:

24 Q. Mr. Mallory, as the president of the
25 NAACP here at the local chapter, are you telling

1 this panel that, if they reverse this decision,
2 if they follow just cause standards and reverse
3 the decision, that you are going to advocate for
4 unrest in the City of Cincinnati?

5 A. I never said that. I said we were
6 advocates.

7 MS. RUTOWSKI: I have no further
8 questions.

9 MS. BISSINGER: Thank you.

10 THE WITNESS: Can I say one last thing?

11 MS. BISSINGER: Sure.

12 THE WITNESS: But I do reserve the
13 right to respond if she's put back on the
14 streets.

15 ARBITRATOR ZEISER: Thank you for your
16 testimony. We appreciate it. Have a good
17 rest of the day.

18 THE WITNESS: Thanks.

19 (Off the record.)

20 CROSS-EXAMINATION

21 BY MS. RUTOWSKI:

22 Q. So, Chief, there was -- the national
23 search had begun last summer for a new chief for
24 the City of Cincinnati, correct?

25 A. I can't remember when they started