



**IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS
MEDAL OF HONOR COMMISSION**

Office of the Idaho Attorney General
Statehouse, Room C210
700 West Jefferson Street
Boise, Idaho

MEETING MINUTES

Wednesday, March 8, 2023

11:00 a.m.

Item 1 – Call to Order. Attorney General Raúl R. Labrador, chairing the meeting, called the meeting to order at 11:00 a.m.

Item 1a – The Commission Secretary called roll.

The following Commissioners were present:

Raúl R. Labrador, Attorney General, Office of the Idaho Attorney General
Kirk Carpenter, Chief, Nampa FD, Idaho Fire Chiefs Association
Jason Davis, Sheriff, LCSO, Idaho Sheriffs Association
Wayne Denny, Chief, Bureau of Emergency Medical Services & Preparedness
Jeremy Engbaum, Chief, Buhl PD, Idaho Chiefs of Police Association
Brad Johnson, Division Administrator, Peace Officer Standards & Training
McKenzie Johnson, Advisor, Office of the Governor
Tim Miller, Executive Director, Idaho Peace Officers Association
Bryan Taylor, Prosecuting Attorney, Idaho Prosecuting Attorneys Association

The Chair announced a quorum was present.

For the record, all Commissioners attended in person except for Sheriff Jason Davis, who attended via conference call. Due to connection difficulties, Sheriff Davis joined the meeting at 11:12 a.m.

Others present:

Chief Roger Schei, Pocatello Police Department
Major Russ Wheatley, Idaho State Police
Chief Ryan Bertalotto, Heyburn Police Department
Captain Tony Glenn, Bonneville County Sheriff's Office
Mitchell Toryanski, Associate Attorney General (OAG)
Beth Cahill, Director of Strategic Communications (OAG)
Haline Anderson, Newly Appointed Commission Secretary (OAG)
Kimi White, Commission Secretary (OAG)

Chairman Labrador introduced himself to the Commissioners, as this was his first time attending and Chairing a Medal of Honor Commission meeting. He asked the other Commissioners to introduce themselves. Chairman Labrador then introduced the members of his staff in attendance: Mitchell Toryanski, Associate Attorney General, Beth Cahill, Director of Strategic Communications, and Haline Anderson, Constituent Affairs Director. He informed the Commissioners that Ms. Anderson has been designated as the new Medal of Honor Commission Secretary, and will take over this position from Ms. White following this meeting.

Item 1b – Review of Agenda. The agenda was reviewed; no amendments were made. Comm’r. Taylor moved to approve the agenda. Comm’r. Brad Johnson seconded the motion. Chairman Labrador called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 2 – Prior Meeting Minutes. Chairman Labrador asked if there were any changes to the proposed August 17, 2022 minutes and the March 2, 2022 minutes. Comm’r. Denny moved to approve both minutes. Comm’r. Taylor seconded the motion. Chairman Labrador called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 3 – MOH Rules and Qualifications for Awarding Review. Chairman Labrador called for any questions and/or comments regarding the rules and process. There were none.

Item 4 – Re-evaluation of MOH Awarding Process and Rules. Chairman Labrador called for discussion on the awarding process and rules. He asked the Commissioners if they felt the rules should be revised to provide a better means of deliberation. Comm’r. Brad Johnson expressed the need to discuss this matter in greater depth. Chairman Labrador informed the Commissioners that he may call for a special meeting for further discussion next month, if necessary. Comm’r. Taylor provided the historical process of the Commission’s deliberation process. Comm’r. Denny stated that it is helpful to have the nominating officials attend the meetings when they are deliberating because they provide additional information and perspective on the incident. Chairman Labrador expressed his concerns on how to distinguish between exceptionally meritorious conduct and the everyday conduct of law enforcement officers, firefighters, and EMS workers. Comm’r. Taylor stated that this is the hardest Commission he has ever been on because awarding the recipients is typically never a black and white decision. Chairman Labrador called for further discussion. There was none.

Item 5 – Executive Session. Chairman Labrador informed the Commissioners that the Commission pursuant to Idaho Code section 74-206(1)(d), they should go into an executive session when deliberating on nominations that include discussions of records that are exempt from disclosure as provided in Idaho Code sections 74-105(1)

and 74-106. Comm'r. Taylor agreed. Comm'r. Miller stated that he does not recall ever discussing personnel matters in past deliberations. The Commission reserved the right to go into executive session if necessary to discuss exempted information during the deliberation of nominations.

Item 6 – Discuss 2023 Nominations and Select 2023 MOH Recipients.

Item 6A – Item 6B – Chairman Labrador clarified that Item 6A, the nomination of Officer Demetrius Amos, and Item 6B, the nomination of Officer Makenzie Handel, are the nominations of officers from the Pocatello Police Department, who participated in the same incident. As such, he Chairman Labrador asked Chief Roger Schei to describe the incident to the Commission. The Chair then opened the floor for questions. The Commission members discussed their understanding of the incident and the nominations at length to determine if the qualifications were met.

At 11:31 a.m., a motion was made by Comm'r. Taylor to convene in executive session to consider personnel matters under Idaho Code section 74-206(1)(b) and to consider records that are exempt from public disclosure under Idaho Code section 74-206(1)(d). Comm'r. Denny seconded the motion. *Roll Call Vote: Aye:* Labrador, Carpenter, Davis, Denny, Engbaum, B. Johnson, M. Johnson, Miller, Taylor; *Nay:* None; *Absent:* None. The motion passed unanimously.

Executive Session – Nominations of Officer Demetrius Amos and Officer Makenzie Handel. Idaho Code section 74-206(1)(d) – To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code, specifically Idaho Code section 74-124(1), related to the disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency.

At 11:47 a.m., a motion was made by Comm'r. Taylor to dissolve the executive session. Comm'r. Brad Johnson seconded the motion. *Roll Call Vote: Aye:* Labrador, Carpenter, Davis, Denny, Engbaum, B. Johnson, M. Johnson, Miller, Taylor; *Nay:* None; *Absent:* None. The motion passed unanimously.

Chairman Labrador asked if there was any further discussion. Hearing none, he called for motions. Comm'r. Brad Johnson moved to award the Idaho Medal of Honor to Officer Demetrius Amos. Comm'r. Miller seconded the motion. Chairman Labrador asked if there was any further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Comm'r. Miller moved to award the Idaho Medal of Honor to Officer Makenzie Handel. Comm'r. Engbaum seconded the motion. Chairman Labrador asked if there was any further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 6C – Item 6D – Chairman Labrador clarified that Item 6C, the nomination of Officer Jordan Johnson and Item 6D, the nomination of Detective Joel Weinheimer, are the nominations of officers from the Pocatello Police Department, who participated in the same incident. Chairman Labrador asked Chief Schei to describe the incident to the Commission. Chief Schei described the incident to the Commissioners. He informed them that the canal the victim’s vehicle was in was 5 to 6 feet deep and that the victim was under water for approximately 6 minutes. The Chair then opened the floor for questions. The Commission members discussed their understanding of the incident and the nominations at length to determine if the qualifications were met. Comm’r. Taylor asked whether the either nominee received the life-saving award from their agency. Chief Schei informed the Commission that they did not. Comm’r. Taylor then asked the other Commissioners if they felt these Officers’ actions went above and beyond their normal duties. Comm’r. Brad Johnson stated that their actions are in line with past Medal of Honor recipients. Comm’r. Carpenter stated that entering water is highly dangerous and he believes it is beyond the scope of normal work and in line with awarding the medal. Comm’r. Denny stated that the nominees could have requested that the firefighters and EMS workers who were on the scene respond and rescue the victim.

Chairman Labrador asked if there was any further discussion. Hearing none, he called for motions. Comm’r. Miller moved to award the Idaho Medal of Honor to Officer Jordan Johnson. Comm’r. McKenzie Johnson seconded the motion. Chairman Labrador asked if there was any further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Comm’r. Denny moved to award the Idaho Medal of Honor to Detective Joel Weimheimer. Comm’r. Brad Johnson seconded the motion. Chairman Labrador asked if there was any further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 6E – Nomination of Corporal Andrew Fisher from the Idaho State Police. Chairman Labrador asked Major Russ Wheatley with the Idaho State Police to provide the summary of the incident and respond to questions. The Commission members discussed their understanding of the incident and the nomination at length to determine if the qualifications were met. Chairman Labrador asked if there was any further discussion. Chairman Labrador asked the Commissioners if they felt this incident and Corporal Fisher’s actions reached the level of meritorious conduct. Comm’r. Taylor stated he had the same question. Comm’r. Brad Johnson concurred with their question and stated that he felt it might have better met that definition had Corp. Fisher encountered the suspect. Comm’r. Miller stated that he didn’t feel this incident meets the awarding criteria because relaying information is an expectation of the position. Comm’r. Engbaum inquired if there have been past nominees with similar incidents that have been awarded the medal. Comm’r. Denny did not believe so.

Chairman Labrador asked if there was any further discussion. Hearing none, he called for motions. Comm'r. Miller moved not to award the Idaho Medal of Honor to Corporal Andrew Fisher. Comm'r. Denny seconded the motion. Chairman Labrador asked if there was any further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Comm'r. Taylor made a motion to have Chairman Labrador send a letter of commendation to Corporal Fisher, on behalf of the Commission. Comm'r. Brad Johnson seconded the motion. The motion passed unanimously.

Item 6F – Nomination of Officer Cole Kuta from the Heyburn Police Department. Chief Ryan Bertalotto was in attendance to provide the summary of the incident and to be available for questions. Chief Bertalotto described the incident to the Commission and stated that the case is still being adjudicated.

At 12:26 p.m. a motion was made by Comm'r. Taylor to convene in executive session to consider personnel matters under Idaho Code section 74-206(1)(b) and to consider records that are exempt from public disclosure under Idaho Code section 74-206(1)(d). Comm'r. Brad Johnson seconded the motion. *Roll Call Vote: Aye:* Labrador, Carpenter, Davis, Denny, Engbaum, B. Johnson, M. Johnson, Miller, Taylor; *Nay:* None; *Absent:* None. The motion passed unanimously.

Executive Session – Nomination of Officer Cole Kuta. Idaho Code section 74-206(1)(d) – To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code, specifically Idaho Code section 74-124(1), related to the disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency.

At 12:37 p.m., a motion was made by Commissioner Taylor to dissolve the executive session. Commissioner Brad Johnson seconded the motion. *Roll Call Vote: Aye:* Labrador, Carpenter, Davis, Denny, Engbaum, B. Johnson, M. Johnson, Miller, Taylor; *Nay:* None; *Absent:* None. The motion passed unanimously.

Chairman Labrador asked if there was any further discussion. Comm'r. McKenzie Johnson stated that it is clear that Ofc. Kuta placed himself in a deadly situation by attempting to stop the suspect. She asked whether the officers take home their vehicles and if there is an expectation to act or respond when off duty. Chief Bertalotto informed the Commission that it is not excepted, but their choice. Comm'r. Davis asked what the damage to Ofc. Kuta's vehicle was. Chief Bertalotto informed the Commission that it was totaled by ICRMP.

Chairman Labrador asked if there was any further discussion. Hearing none, he called for motions. Comm'r. Miller moved to award the Idaho Medal of Honor to

Officer Cole Kuta. Comm'r. Taylor seconded the motion. Chairman Labrador asked if there was any further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 6G – Posthumous nomination of Deputy Wyatt Maser of the Bonneville County Sheriff's Office. Captain Tony Glenn attended via conference call to provide a summary of the incident and to be available for questions. The Commission members discussed their understanding of the incident and the nomination. Chairman Labrador asked Captain Glenn if this is the second time this nomination has been submitted for consideration. Captain Glenn stated that the same nomination was submitted to the Commission in 2021. Comm'r. Taylor asked if there is any new information to present to the Commission for consideration. Capt. Glenn stated there is not. Comm'r. McKenzie Johnson asked if traffic had been stopped. Capt. Glenn informed the Commissioners that it was not because that the Officers did not have time to shut it down before Deputy Maser was struck. Comm'r. Brad Johnson stated that this incident was horribly tragic, but unfortunately, Deputy Maser's actions did not meet the criteria for the Medal of Honor. Comm'r. Davis provided his thoughts on the impact to the mental health and morale this incident likely had on this law enforcement agency.

Chairman Labrador asked if there was any further discussion. Hearing none, he called for motions. Comm'r. Taylor moved to not award the Idaho Medal of Honor to Deputy Wyatt Maser. Comm'r. Miller seconded the motion. Chairman Labrador asked if there was any further discussion. Hearing none, he called for the vote. *Roll Call Vote: Aye:* Labrador, Carpenter, Denny, Engbaum, B. Johnson, M. Johnson, Miller, Taylor; *Nay:* David; *Absent:* None. The motion passed.

Item 7 – 2023 Ceremony Location and Date. The Commissioners discussed possible dates to hold the ceremony. Chairman Labrador stated he has been informed that in the past, the Commission provided the Chair with the authority to make the ceremony plans. Comm'r. Taylor moved to allow the Chair the authority to plan the ceremony during August, to be held in the Lincoln Auditorium. Comm'r. Miller seconded the motion. The motion passed unanimously.

Chairman Labrador then asked the Commissioners if they had any interest in him calling a special meeting sometime to discuss the rules and qualifications, and deliberations for awarding. The Commissioners voiced their interest.

Item 8 – Chairman Labrador called for a motion to adjourn. Comm'r. Miller moved to adjourn. Comm'r. Taylor seconded the motion. Chairman Labrador called for the vote. The motion passed unanimously.

The meeting adjourned at 1:15 p.m.