

Meeting Minutes
IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS
MEDAL OF HONOR COMMISSION

Wednesday, February 10, 2021
10:00 A.M. MST

Office of the Idaho Attorney General
Statehouse, Room 210
700 West Jefferson Street
Boise, Idaho

Note: Due to COVID-19, this meeting was held via video-conference and the in-person attendance was limited to comply with social distancing requirements.

The meeting can be viewed at:
<https://www.youtube.com/channel/UC3ouMPXe9am2bWa2I9g4M6Q>

Attorney General Lawrence Wasden, chairing the meeting, called the meeting to order at 10:00 a.m.

Item 1a – The Commission Secretary called roll.

The following Commissioners were present:

- Lawrence Wasden, Attorney General, Office of the Idaho Attorney General
- Kirk Carpenter, Chief, Idaho Fire Chiefs Association
- Jason Davis, Sheriff, Idaho Sheriffs' Association
- Wayne Denny, Chief, Bureau of Emergency Medical Services & Preparedness
- Louis Hougaard, Office of the Governor
- Brad Johnson, Division Administrator, Police Officer Standards & Training Council
- Tim Miller, Captain, Idaho Peace Officers Association
- Bryan Taylor, Prosecuting Attorney, Idaho Prosecuting Attorneys Association

The following Commissioner was absent:

- Jeff Lavey, Chief, Idaho Chiefs of Police Association

Others present:

- Scott Graf, Public Information Officer (OAG)
- Andrew ("Andy") Snook, Division Chief of the Contracts & Administrative Law Division (OAG)
- Lieutenant Tony Glenn, Bonneville County Sheriff's Office
- Lieutenant Kevin Casper, Bonneville County Sheriff's Office
- Captain Jason Mealer, Post Falls Police Department

Marshall Haynes, Idaho Department of Fish and Game
Sheriff George Nourse, Former Canyon County Sheriff's Office
Chief Frank Wyant, Caldwell Police Department
Officer Joey Hoadley, Caldwell Police Department
Adam Matthews, Caldwell Police Department
Garrett de Jong, Fire Chief, McCall Fire Protection District
Knute Sandahl, Idaho State Fire Marshall
Jeff Klone, Lieutenant, Lewiston Police Department
Kimi White, Commission Secretary (OAG)

The Chair announced a quorum was present.

Ms. White informed the Commission that Chief Lavey was absent because he resigned from the Medal of Honor Commission. His vacancy has not been filled by the Governor's Office.

Chairman Wasden requested that each Commissioner give a short introduction of themselves since two new Commissioners, Chief Carpenter and Sheriff Davis, were in attendance.

Item 1b – The agenda was reviewed; no amendments were made.

Item 2 – Chairman Wasden asked if there were any changes to the proposed February 11, 2020 minutes and the February 20, 2020 special telephonic meeting minutes. Commissioner Taylor moved to approve the February 11, 2020 and February 20, 2020 minutes. Commissioner Johnson seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 3 – Legislation Update. Chairman Wasden requested Andy Snook, Chief of the Contracts & Administrative Law Division for the Office of the Attorney General, update the Commissioners with a summary of the revisions signed into law during the 2020 Legislative Session to Idaho Code title 67, section 88 relating to the Idaho Medal of Honor. Mr. Snook informed the Commission that most of the revisions were of a housekeeping nature, but that the revisions made to Idaho Code section 67-8803 provided the Commission with more flexibility for scheduling and planning of the awarding ceremony. The responsibility for payment of awards was not addressed in these revisions and remains unchanged. There were no comments or questions from the Commissioners.

Item 4 - Qualifications – Chairman Wasden reviewed the rules for awarding the Idaho Law Enforcement, Firefighter and EMS Medal of Honor. The Chairman called for comments and/or questions.

Commissioner Miller stated that some incidents do not rise to meritorious conduct. Commissioner Taylor pondered what constitutes meritorious conduct; what is the next step of above and beyond the call of duty. He felt each nominee should be reviewed on a case-by-case basis. Commissioner Denny stated that he appreciates law enforcement

officers' and fire fighters' attendance at the Commission meetings, as they provide their insight and prospective of the risk. Commissioner Hougaard stated that when multiple officers are nominated for the same incident, it is important to evaluate each individual's actions.

Item 5 – Consideration of the Nominees.

Item 5A – Posthumous nomination of Deputy Wyatt Maser of the Bonneville County Sheriff's Office. Lieutenant Tony Glenn and Lieutenant Kevin Casper were in attendance to provide the summary of the incident and to be available for questions. The Chair then opened up the floor for questions by the Commission members. The Commission members discussed their understanding of the incident and the nomination at length to determine if the qualifications were met. Chairman Wasden asked if there was any further discussion. Hearing no further comments, he called for a motion. Commissioner Hougaard moved to award the Idaho Medal of Honor to Deputy Wyatt Maser. Commissioner Miller seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The Commissioners who voted in favor of the motion were: Commissioner Davis, Commissioner Hougaard and Commissioner Miller. Those who did not vote in favor of the motion were: Chairman Wasden, Commissioner Carpenter, Commissioner Denny, Commissioner Johnson and Commissioner Taylor. The motion did not pass. Chairman Wasden requested unanimous consent from the Commission to send a letter to the family of Deputy Maser and to the Bonneville County Sheriff's Office expressing the Commissions' condolences for the tragic loss of Deputy Maser and commendation for his service. No objections were made to the Chairman's request: the Chairman will send the letters on behalf of the Commission.

Item 5B – Nomination of Justin Anderson, Patrol Sergeant for the Post Falls Police Department. Captain Jason Mealer was in attendance to provide the summary of the incident and to be available for questions. Chairman Wasden asked Captain Mealer to describe the incident to the Commission. The Commission members discussed their understanding of the incident and the nomination at length to determine if the qualifications were met. Chairman Wasden asked if there was any further discussion. Hearing no further comments, he called for a motion. Commissioner Johnson moved to award the Idaho Medal of Honor to Sergeant Anderson. Commissioner Davis seconded the motion. Chairman Wasden asked if there was any further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 5C – Nomination of Randy Martinez, Senior Conservation Officer for the Idaho Department of Fish and Game. District Conservation Officer Marshall Haynes was in attendance to provide a summary of the incident and to be available for questions. Chairman Wasden asked Officer Haynes to describe the incident to the Commission. The Commission members discussed their understanding of the incident and the nomination at length to determine if the qualifications were met. Chairman Wasden asked if there was any further discussion. Hearing no further comments, he called for a motion. Commissioner Miller moved to award the Idaho Medal of Honor to Officer Martinez. Commissioner Taylor seconded the motion. Chairman Wasden asked if there was any

further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 5D – Nomination of Kelly Montoya, Lieutenant of the Canyon County Sheriff's Office. Former Sheriff George Nourse was in attendance to provide the summary of the two incidents detailed in the nomination application and to be available for questions. The Commission members discussed their understanding of the incidents and the nomination. The Chair then opened up the floor for questions by the Commission members. Commissioner Hougaard inquired if the criteria for awarding was based on incidents or if it should be based on a career. Mr. Snook informed the Commission that the statute is geared toward an incident more than a career. Chairman Waden agreed that nominations are incident based, not career. He inquired if the nomination was proper since it was not endorsed by the chief law enforcement officer of the department of the nominee, as provided in Idaho Code section 67-8807(3). Former Sheriff George Nourse has retired and is no longer with the Canyon County Sheriff's Office. Sheriff Nourse informed the Commission that he has not discussed the nomination with the current Canyon County Sheriff. Chairman Waden suggested that the Commission table this application to give Sheriff Nourse the opportunity to seek Canyon County Sheriff Kieran Donahue's endorsement. Commissioner Miller moved to table the nomination. Commissioner Johnson seconded the motion. Chairman Waden asked if there was any further discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 5E – Item 5I – Chairman Waden clarified that Items 5E through 5I are nominations of officers who participated in the same incident, but that each officer had different involvement. He asked the Commissioners if they would like to proceed by first getting a description of the event and then consider each officer's individual participation. The Commission unanimously agreed. Commissioner Taylor informed the Commission that based upon his involvement with this case as the Canyon County Prosecutor, he will be abstaining from voting on the applicants from the Caldwell Police Department. Nominations of Robert Heaton, Patrol Officer for the Caldwell Police Department, Celina Mortensen, Patrol Officer for the Caldwell Police Department, Paul Stevens, Patrol Officer for the Caldwell Police Department, Ben Heinrich, Corporal for the Caldwell Police Department, and Seferino Tapia, Patrol Officer for the Caldwell Police Department. Chief of Police Frank Wyant, Lieutenant Joey Hoadley, and Officer Adam Matthews were in attendance to provide the summary of the incident and to be available for questions. The Commission members discussed their understanding of the incident and the nominations at length. The Chair then opened up the floor for questions by the Commission members. The Commission members then discussed the individual accounts of the incident for each nominee at length to determine if they meet the qualifications. Chairman Waden asked if there was any further discussion. Hearing no comments, he called for a motion. Commissioner Johnson moved to award the Idaho Medal of Honor to Officer Robert Heaton. Commissioner Hougaard seconded the motion. Chairman Waden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Commissioner Johnson moved to award the Idaho Medal of Honor to Officer Celina Mortensen. Commissioner Denny seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Commissioner Johnson moved to not award the Idaho Medal of Honor to Officer Paul Stevens. Commissioner Carpenter seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed with a majority of six ayes and one nay from Chairman Wasden. Chairman Wasden provided explanation for his dissenting vote. He stated that since Officer Stevens exposed himself to an unknown situation and placed his body over the top of a citizen, he felt those actions raised him to the level of the Medal of Honor. Chairman Wasden stated that Officer Paul Stevens will receive a letter of commendation from the Commission.

Commissioner Johnson moved to award the Idaho Medal of Honor to Corporal Ben Heinrich. Commissioner Davis seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Commissioner Johnson moved to award the Idaho Medal of Honor to Officer Seferino Tapia. No Commissioner seconded the motion and it failed. Commissioner Johnson then renewed his motion to award Officer Seferino Tapia the Idaho Medal of Honor. Commissioner Davis seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Commissioner Louis Hougaard left the meeting.

Item 6 – Per the revised statute, it is no longer a requirement for the Idaho Medal of Honor Ceremony for law enforcement officers to be held during *National Law Enforcement Recognition Week*, or for firefighters and EMS recipients to be awarded during the annual *Idaho Fallen Firefighter Memorial* ceremony. The revised statute now provides the Commission with the flexibility to set the ceremony during the legislative session or on a date as decided by the Commission. Commissioner Taylor stated that he would like to have all of the recipients be awarded in one ceremony. Commissioner Johnson agreed that he would like to have a combined ceremony of law enforcement, firefighters and EMS recipients, but that it should not be held during Police Week. Commissioner Denny concurred with Commissioners Johnson and Taylor and felt that the focus should be on the Idaho Medal of Honor. Commissioner Miller expressed his concerns with scheduling due to the Covid-19 pandemic. Chairman Wasden suggested that the ceremony be held outdoors to decrease issues that may arise due to the pandemic.

Chairman Taylor moved to have one ceremony for the 2021/2020 Idaho Medal of Honor recipients. Commissioner Johnson seconded the motion. The motion passed unanimously.

The Commissioners discussed possible outdoor locations and dates. Chairman Wasden suggested the Commission provide the Chair with the authority to make the ceremony plans. Commissioner Carpenter moved to allow the Chair the authority to plan the

ceremony during the last two weeks of August or the first two weeks of September at a location as close to the Capitol as possible. Commissioner Taylor seconded the motion. The motion passed unanimously.

Item 7 – Chairman Wasden called for a motion to adjourn. Commission Miller moved to adjourn. Commissioner Johnson seconded the motion. Chairman Wasden called for the vote. The motion passed unanimously.

The Commission meeting adjourned at 12:36 p.m.