



governmentattic.org

"Rummaging in the government's attic"

Description of document: Meeting minutes for meetings of the Medal of Valor Review Board. 2010-2013

Request date: 2014

Released date: 05-March-2014

Posted date: 15-June-2015

Source of document: FOIA Request
Office of Justice Programs
Office of the General Counsel
Attention: FOIA Staff
810 7th St., NW
Room 5400
Washington, DC 20531
202-307-0790
Email: FOIAOJP@usdoj.gov

The governmentattic.org web site ("the site") is noncommercial and free to the public. The site and materials made available on the site, such as this file, are for reference only. The governmentattic.org web site and its principals have made every effort to make this information as complete and as accurate as possible, however, there may be mistakes and omissions, both typographical and in content. The governmentattic.org web site and its principals shall have neither liability nor responsibility to any person or entity with respect to any loss or damage caused, or alleged to have been caused, directly or indirectly, by the information provided on the governmentattic.org web site or in this file. The public records published on the site were obtained from government agencies using proper legal channels. Each document is identified as to the source. Any concerns about the contents of the site should be directed to the agency originating the document in question. GovernmentAttic.org is not responsible for the contents of documents published on the website.



U.S. Department of Justice

Office of Justice Programs

Office of the General Counsel

Washington, D.C. 20531

MAR 05 2014

Re: OJP FOIA No. 14-00062

This letter responds to your Freedom of Information Act/Privacy Act request for a copy of the "meeting minutes for meetings of the Medal of Valor Review Board for meetings during the years 2010, 2011, 2012 and 2013."

The Office of Justice Programs (OJP) has conducted a search of its records and enclosed are copies of eight documents, consisting of 35 pages, that are appropriate for release in full and without excisions. This completes the processing of your request by OJP.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy A. Lee".

Dorothy A. Lee
Paralegal Specialist

Enclosures

Medal of Valor (MOV) Review Board

Meeting Summary from Conference Call held on June 30, 2010

A. Purpose of the Meeting

This Public Safety Officer Medal of Valor Review Board meeting is convened to consider issues relevant to the nomination/review process, discuss the pending ceremony and upcoming activities, and to further discuss other relevant Board issues. In addition, the meeting serves as one of the two legislatively mandated meetings that the Medal of Valor Review Board must hold on an annual basis.

B. Attendance

From the Office of Justice Programs (OJP): Gregory Joy – Designated Federal Official, Bureau of Justice Assistance; Theron Pride, Policy Advisor, Office of the Assistant Attorney General; and Summer Duncan, Deputy Director, Office of Communications (via phone); *Representing the Board via conference call in:* William Nolan-Chair; Michael Branham; Chuck Canterbury; Robert Creighton; Stephen Cassidy; Richard Dyer; and Trevor Whipple

Absent: Oliver Boyer and William Pickle

C. Agenda

1. Call to Order

William Nolan (Chair) called the meeting to order at 2:05 p.m. (ET). Gregory Joy thanked the Board for their participation and immediately went through the individual agenda items.

2. Board Complement

Mr. Joy reviewed with the Board the information he had on hand to confirm the source of each Board Member's appointment (i.e. Congressional, Presidential). In addition, he thanked the Board for their continued participation – specifically thanking those Board Members who are in a *holdover*¹ status for their continued willingness to serve.

Correspondence was submitted to Congress in the fall of 2009; informing them of the *holdover* status of certain Board Members and Congress' opportunity to appoint new Board Members should they choose to do so. Mr. Joy informed the Board that at this point there has been no feedback from Congress concerning new appointments. Each Board Member affected expressed their willingness to continue serving on the Board.

¹ *Holdover* status refers to Board Members whose terms of appoint have expired but where the Members continue to serve on the Board.

Medal of Valor (MOV) Review Board
Meeting Summary from Conference Call held on June 30, 2010

3. *2010 application submission and review*

Mr. Joy discussed the continuing use of a 1-3 scoring system when reviewing the applications, and reminded the Board that in a prior meeting there had been a desire by one or more Board Members to review this standard. In addition, Mr. Joy noted that the top score could not exceed "3" but that the Board's continued use of ½ points when scoring applications, did not present any issues.

Mr. Nolan noted that the current system in place worked well and expressed that there was no need to revise it. Mr. Branham and Mr. Whipple agreed and after some further discussion, the Board elected to continue with the current scoring process.

Mr. Joy provided a brief update on the number of 2009-10 applications that to this point have been submitted during the ongoing applications submission period. He noted that the application submission period would end on July 31st after which the Board would be notified to begin their initial review process.

4. *Board Compensation*

Mr. Joy briefly reminded the Board that (3) Board Members are in a capacity (non-governmental employees) that require that they be compensated for their time when reviewing applications.

5. *MOV Ceremonies/vetting process*

Mr. Joy advised the Board that there had been significant discussions concerning the scheduling of a joint awards ceremony for both the 2007-08 and 2008-09 MOV Recipients. He noted that there is a tentative date which he hoped would be finalized in the near future.

Mr. Pride shared that there are significant ongoing efforts to finalize a ceremony date and that he would make that information available to the Board as soon as possible.

Mr. Branham and several other Board Members expressed the desire to be given as much notice as possible (at least 30 days) in order to allow Board Members to attend – noting that there are a number of upcoming conferences and functions that the Board normally participates in, so the earlier a date is finalized the more likely the Board would be able to attend.

Mr. Joy briefly discussed that there have been additional vetting steps instituted and in the event that any of the Board's recommendations were impacted – the Chair would be directly notified of such actions. Mr. Joy reminded the Board of a previous action that had already impacted the 2007-08 initial recommendations made by the Board.

Medal of Valor (MOV) Review Board
Meeting Summary from Conference Call held on June 30, 2010

6. *Outreach efforts*

There was general discussion about prior Board suggestions to engage in activities that increased program visibility or enhanced outreach efforts. Such activities might include: speaking about the Program when participating in conferences and other relevant events and writing articles for trade publications.

Mr. Cassidy advised that he would be participating in an IAFF Conference in August and that he would write a column for that organization's monthly magazine.

Mr. Joy discussed the development of a revised MOV Brochure. At the Board's request, he will distribute² to each member a small supply (approximately two dozen per member) to have on hand.

7. *Vote on the position of Board Chair*

Mr. Nolan expressed an interest in serving as the MOV Board Chair for an additional year. Mr. Branham put forth a motion to nominate Mr. Nolan as the MOV Board Chair. The motion was seconded by Mr. Dyer. Each Board Member present voted to approve the motion.

D. *Additional non-agenda discussion items*

The Board entered into a general discussion about information that could be considered by the Board during the application review meeting.

Mr. Nolan discussed the possibility that a Board Member might have independent knowledge of the events surrounding a nominated individual, and considered whether or not this information should be shared with the Board during the application review meeting and subsequent discussions.

Mr. Joy put forth that in the past when a Board Member knew the nominee and/or had independent knowledge of the valor event, that member would recuse himself from the discussions and the vote. He further advised that the nominating agency is responsible for the content of their application, to include offering witnesses and supporting documentation. If the Board were to consider information not obtained through the application process (I.e. application narrative, witness testimony) then such information could give an unfair advantage to an application and/or create a perceived or real conflict of interest.

² Action was subsequently completed.

Medal of Valor (MOV) Review Board
Meeting Summary from Conference Call held on June 30, 2010

Mr. Canterbury offered that a Board Member could possess information that would tend to impeach a nominee and/or create an embarrassment to the Program, and as such should be available to be considered. Mr. Joy agreed but suggested that such information should be considered in a manner similar to the information obtained during the vetting process which follows the Board's consideration and vote on nominees. The Board agreed that information that might tend to disqualify an applicant should be put forward once the application review/recommendation process is complete.

Mr. Nolan asked if there were any additional items that the Board wished to discuss. Hearing none, he asked for a motion to adjourn the meeting. Mr. Branham put forward a motion to adjourn. The motion was seconded by Mr. Whipple – all Board Members agreed.

The meeting adjourned at 2:45 p.m.

Medal of Valor Review Board
Meeting Minutes from Conference Call held on July 20, 2011

A. Attendance

From the Office of Justice Programs (OJP): Gregory Joy, Designated Federal Official

Representing the Board Via Conference Call: William Nolan (Chair), Richard Dyer, Chuck Canterbury, Robert Creighton, Trevor Whipple, Charles Massarone, Andy Nimmo, and Albert Gillespie

Absent: Oliver Boyer and Stephen Cassidy

B. Agenda

1. *Call to order.*

Mr. Nolan (Chair) called the meeting to order at 2:05 p.m. ET.

Mr. Joy thanked the Public Safety Medal of Valor (MOV) Review Board (the Board) for their participation and noted for the benefit of the three newest members that this conference call constituted the first of two required annual meetings for the Board. He welcomed the new members and presented the individual agenda items:

2. *Approval of the minutes from the September 23, 2010 Board Meeting.*

Mr. Nolan called for a general discussion on the September 23, 2010 minutes. Hearing no discussion, Mr. Dyer made a motion to approve the minutes, which was seconded by Mr. Whipple. The members voted via unanimous acclamation to approve the minutes.

Mr. Massarone advised the Board that he was being appointed to U.S. Parole Commission and that he had been advised that once the appointment was approved, he would be required to resign from the MOV Review Board.

Mr. Joy advised Mr. Massarone to forward him all relevant information on his pending appointment, including any information related to a requirement to leave the MOV Board. He noted that Mr. Massarone was appointed by the United States Senate to the MOV Board, and that it was unclear whether the pending appointment would create a conflict of interest that would require his resignation from the Board. Mr. Joy advised that the matter would be forwarded to the U.S. Department of Justice, Office of Justice Program, Office of the General Counsel for their input.

3. *Reconsideration of a withdrawn application.*

Mr. Joy advised the Board that the National Medal of Valor Office had received an e-mail request from a public safety agency asking to resubmit an application it had previously withdrawn. The request involves a 2007–2008 application, which was part of a group submission. At the time, the Board had recommended all three nominees from this group to

Medal of Valor Review Board
Meeting Minutes from Conference Call held on July 20, 2011

receive the Medal of Valor. Prior to the U.S. Attorney General having an opportunity to consider the recommendations of the Board, the nominee's chief requested that the application be allowed to be withdrawn since there was an ongoing investigation involving the officer.

The current request was made by that agency's assistant chief who advised that no charges were filed. Mr. Joy advised that this issue is unique for the following reasons: (1) the application was submitted during the open nomination period, (2) was deemed eligible, (3) was recommend by the MOV Board, (4) was withdrawn before the U.S. Attorney General had an opportunity to consider it, (5) the remaining members of the group did receive the 2007-2008 MOV, and (6) there was no risk of setting a precedence that would negatively impact the MOV application process.

Mr. Joy further advised that there is no pre-set process for such a request, and that prior to the U.S. Attorney General's consideration, the Board must determine whether or not to recommend this officer for reconsideration. He further advised the Board that he had requested additional information of the agency clarifying its findings concerning the officer's actions.

4. General discussion.

The Board entered into a brief general discussion on the issue. Mr. Whipple asked if the nominee received the MOV, would it go against this year's Board recommendation limit. Mr. Joy advised that it would not; if the U.S. Attorney General were asked to consider the nominee; it would be in the context of being the final member of the 2007-2008 group nomination which the U.S. Attorney General had previously approved.

After some brief additional discussion and pending the receipt of the additional requested information, members expressed that in the interest of fairness, the nominee in question should be allowed to receive the MOV. Mr. Creighton made a motion to recommend that the U.S. Attorney General consider awarding the MOV to the nominee in question. The motion was seconded by Mr. Canterbury and approved by unanimous acclamation.

5. Board complement.

Mr. Joy briefly noted the recent replacement of former Board members Mr. Michael Branham and Mr. William Pickle. The Board asked if there were any final recognition upon their departure. Mr. Joy advised that correspondence was sent to each member, notifying them of their replacement on the Board and thanking them for their service. He also noted that they were being considered for recognition (i.e., a plaque or some other item), but that due to budget constraints, this had not occurred.

Mr. Joy formally recognized and welcomed the three new Board Members and thanked the other members for their continued service. He then reviewed the board chart that had been circulated in advance of the meeting.

Mr. Joy noted that upon the close of the current application review period, he will complete a basic minimum review of all applications to confirm their eligibility and will notify the Board to

Medal of Valor Review Board
Meeting Minutes from Conference Call held on July 20, 2011

begin their initial reviews. Mr. Nolan noted that the new members could reach out to other members should they have questions during the review.

6. 2010–2011 nomination submissions and review.

Mr. Joy discussed with the Board the current scoring system for the program. After a brief discussion, the Board elected to continue with the 1 to 3 point scoring system.

The Board then engaged in a general discussion about whether or not a minimal score of “1” presented any issues. The Board came to the conclusion that the current scoring system was appropriate and that no changes were required.

Mr. Gillespie advised that he would need instructions and log-in information to conduct his reviews. Mr. Joy responded that the Board would receive a general notice with instruction on when to begin the review and the time period involved. He further advised that he would send Mr. Gillespie and the other new Board Members the necessary information to be able to access the system.

Mr. Joy advised the Board that he would send out a list of applications for which supplemental material was provided. If any Board Member wanted to view the material in advance of the Review Board Meeting, they should specifically request it.

Mr. Joy reminded the Board that as they conduct their reviews, should they feel that there is important information missing that is necessary to the decision-making process, they should not directly contact the agency or nominee involved as this would present a potential conflict of interest case. Mr. Joy advised the Board that if they had questions concerning an application or felt that witnesses should be made available, they should notify the Chair and himself. He and the Chair would discuss appropriate ways to obtain the information and either (1) directly reach out to the agency to seek appropriate clarifications and/or additional information, which would then be provided to the Board, or (2) he would arrange for the witness(es) to call-in to the Review Board Meeting where the information would be provided and the Board would have the opportunity to ask additional questions.

Mr. Joy noted that such steps should be taken only in special cases where critical information (i.e., the application where the description of the valorous act incorrectly indicated that the nominee had shot his colleagues when in fact he had shot the assailant) is missing. Further, it is the responsibility of the applicant to provide a complete and accurate nomination.

6. Board compensation.

Mr. Joy noted that there were two members, Mr. Canterbury and Mr. Creighton, who as nongovernmental employees were eligible for compensation. Both Mr. Canterbury and Mr. Creighton confirmed that they had received compensation.

Medal of Valor Review Board
Meeting Minutes from Conference Call held on July 20, 2011

7. *2009–2010 MOV Ceremony.*

Mr. Joy advised the Board that the recipient class had been approved and that he was awaiting the determination of a ceremony date from the White House. There is a possibility that the ceremony could take place in September 2011.

8. *Outreach efforts.*

Mr. Joy advised the Board that upon request, he could provide additional MOV brochures that members could pass out at events and to interested parties. He asked the Board to notify him of these events and to provide the purpose of the event. In addition, the Board was encouraged to write articles and press releases about the MOV Program and to notify him of any MOV-related media coverage.

9. *Vote on the position of Chair.*

Mr. Joy thanked Mr. Nolan for serving as the MOV Review Board Chair for the last 2 years and asked the Board if there were any other members that were interested in serving as Chair going forward. Mr. Whipple expressed an interest and put his name forward for the position of MOV Board Chair.

Mr. Joy called for any additional names. Mr. Nolan made a motion to approve Mr. Whipple as the MOV Review Board Chair. The motion was seconded by Mr. Dyer, and approved by unanimous acclamation of the Board.

10. *Additional items for discussion.*

Mr. Dyer reminded the Board that while conducting their reviews, should they see a conflict of interest with scoring an application, they needed to say so right away. Mr. Joy concurred, and advised that any member who believes a conflict exists should notify both the Chair and himself. This would allow for an opportunity to consider the facts involved and determine whether or not a conflict of interest does exist. If a conflict is found to exist, the involved member would recuse him or herself from scoring the application.

11. *Adjourn the meeting.*

Mr. Nolan made a motion to adjourn the meeting. The motion was seconded by Mr. Dyer and approved by unanimous acclamation. The meeting was adjourned at 2:45 p.m.

Medal of Valor Review Board
Meeting Minutes from Conference Call held on June 14, 2012

A. Attendance

From the Office of Justice Programs (OJP): Gregory Joy, Designated Federal Officer

Representing the Board Via Conference Call: Trevor Whipple (Chair), William Nolan, Richard Dyer, Oliver Boyer, Robert Creighton, Charles Massarone, Andy Nimmo, Albert Gillespie, Abbey Johnston and Patrick Gaynor

Absent: Chuck Canterbury

B. Agenda

1. Call to order.

Mr. Whipple (Chair) called the meeting to order at 2:03 p.m. ET.

Mr. Joy noted the error in incorrectly listing the Chair and omitting Ms. Johnson's name on the meeting agenda that had been distributed. He apologized and noted a personal matter that necessitated his being out of the office for an extended period, which led to the late creation and distribution of the agenda.

2. Welcome to new Board Member.

Mr. Joy thanked the Public Safety Medal of Valor (MOV) Review Board (the Board) for their continued participation and noted for the benefit of the newest member that this conference call constituted the first of two required annual meetings for the Board. He welcomed Mr. Patrick Gaynor as the President's newly appointed member to the Board.

Mr. Joy reminded the Board that the President gets to make 3 appointments, and that he was attempting to get direction from the White House as to which position on the Board Mr. Gaynor is intended to replace. He explained that both Chuck Canterbury and Robert Creighton terms have expired and are considered to be in a "hold over" status and that Mr. Gaynor will replace one of these members on the Board. Once direction is obtained from the White House, Mr. Joy will notify the Board.

3. Approval of the minutes from the September 29, 2011 Board Meeting.

Mr. Whipple called for a motion to approve the general discussion on the September 29, 2011 minutes. Mr. Dyer made a motion to approve the minutes, which was seconded by Mr. Nolan. There being no discussion, the motion was approved by unanimous acclamation.

4. *Board Compliment*

Mr. Joy reminded the Board that its full complement should be 11 members. Once the pending issue on which member Mr. Gaynor is intended to replace is resolved, the Board will still be

Medal of Valor Review Board

Meeting Minutes from Conference Call held on June 14, 2012

absent 1 member to be appointed by the Speaker of the House of Representatives. He advised the Board that correspondence had gone out in the name of the BJA Director this spring to the Speaker as well as other appointing authorities who had the opportunity to appoint, re-appoint or name new members.

Mr. Joy again expressed his appreciation for the willingness of Board Members to serve beyond their appointed terms, and for the benefit of the newest member, advised that General Counsel had approved the ability for Board Members to continue to serve in a "hold over" status.

5. 2011-2012 application submissions and review.

Mr. Joy inquired if the current 30 day period given to the Board was sufficient. The Board expressed that the time period should remain. Mr. Joy then briefly re-stated the 3 point scoring system agreed upon by the Board. He asked if there were any issues concerning system access and passwords, and suggested that Members who had not done so, test out their access to the administrative website.

Mr Joy and the Board then engaged in a general discussion about the initial review process, seeking additional information and convening witnesses. Mr. Joy asked the Board to engage in application reviews as soon as possible once the notice goes out. He reminded the Board to inform the Chair and himself of the need to obtain additional information or witness testimony.

Mr. Joy reminded the Board that when he notifies them to begin their review, he also includes a document that list applications where supplemental information has been received. He reminded the Board that unless requested he will not provide in advance or print copies of this information for their meeting. The Chair expressed to the Board that the current process had been agreed upon, works and should continue. The Board unanimously agreed to this point, with Mr. Boyer noted that the Board had historically relied on the written narrative when considering applications.

6. *Board Compensation*

Mr. Joy briefly noted for the Board that there are 2 members that are eligible for compensation, being that they are non-governmental employees.

7. *Joint 2009-2010 & 2010-2011 MOV Ceremony*

Mr. Joy advised the Board that a request to hold a joint ceremony to honor the 2009-2010 and 2010-2011 MOV had been made, and that the Department was currently waiting for a ceremony date from the Office of the Vice President. As in the past, once a date is determined, he expects that the Board will be invited to attend.

8. *Outreach efforts.*

Mr. Nolan expressed that there should be efforts to reach out to Department of Justice components to make them aware of the program. Mr. Joy confirmed that a specific notice is sent

Medal of Valor Review Board
Meeting Minutes from Conference Call held on June 14, 2012

out from DOJ/JMD to make DOJ component agencies aware of the application period, and to further instruct them on the additional submission steps that DOJ requires. Mr. Dyer noted that outreach thru the International Association of Fire Chiefs would be the best approach to reach firefighters.

Mr. Joy further encouraged the Board to reach out to stakeholder organizations and advertise the program. Ms. Johnston noted that in July there would be an International Association of Firefighters meeting in Philadelphia. Mr. Joy asked her to request MOV brochures as needed.

9. Vote on the position of Chair.

Mr. Joy noted for the Board that the Chair had expressed an interest to continue to serve in his position for an additional term. Mr. Dyer made a motion to that Mr. Whipple be approved as Chair for an additional term. Mr. Nolan seconded the motion, and there being no discussion, the Board by unanimous acclamation approved Mr. Whipple to serve as Board Chair for an additional term.

10. Additional items for discussion.

Mr. Boyer inquired about the possibility of providing replacement MOV ribbons as they are worn regularly by recipients and may wear out. Mr. Joy advised that there were no specific provisions for replacing ribbons, and that he had not received any such requests.

11. Adjourn the meeting.

There being no further discussions, the Chair called for a motion to adjourn the meeting. Mr. Nolan made a motion to adjourn which was seconded by Mr. Boyer. The Board agreed and the meeting was adjourned at 2:48 p.m.

Medal of Valor Review Board

Meeting Minutes from Conference Call held on June 5, 2013

A. Attendance

- From the Office of Justice Programs (OJP): Gregory Joy, Designated Federal Officer
- Representing the Board via Conference Call: Trevor Whipple (Chair), Joseph Clemons, Patrick Gaynor, Albert Gillespie and Joanne Hayes-White
- Absent with prior notice: Abbey Johnson and Andy Nimmo

B. Agenda

1. Call to order:

Mr. Whipple (Chair) conducted a roll call and then called the meeting to order at 2:01 p.m.

2. Board approval of the 9/20/12 meeting minutes:

Mr. Joy asked the Board if it had reviewed the draft minutes provided for September 29, 2012, meeting, and if there weren't any objections, he asked for a motion to approve them as final. There being no discussion, Mr. Clemons made a motion to approve the minutes. The motion was seconded by Mr. Gaynor and approved by unanimous acclamation.

Note: At the time that the meeting was called to order, Ms. Hayes-White had not joined the conference call. She joined the call at 2:09 and Mr. Joy briefly related the discussion on the only agenda item that was covered – approval of the September 20, 2012 meeting minutes:

In addition, Mr. Gaynor briefly lost connection with the conference call 2 to 3 times for a few seconds each time, during the length of the call. As these interruptions were brief, no special efforts were made to relate any discussions that he might have missed.

Mr. Joy then advised the Board that its operations fell under the F.A.C.A regulations, and as such he is required to post a copy of any meeting minutes. Under the current process, the length of time between meetings, where the Board would then have an opportunity to approve the minutes, was too extensive. He proposed that in the future he would continue to first collaborate with the Chair to finalize the minutes and then send out the minutes to the entire Board for their review and approval. He expressed his hope that the finalized minutes would go out to the Board within 10 days of each meeting. The Board indicated its general approval of this revised process.

3. Eligibility of private sector agencies engaged in providing public safety services, for the MOV (Medal of Valor):

Mr. Joy restated this eligibility issue which was discussed during the previous Board meeting. He reminded the Board that it had expressed concerns as to whether or not members of private organizations that were engaged in public safety services such as law enforcements and EMS, should be considered as eligible for the MOV.

Medal of Valor Review Board

Meeting Minutes from Conference Call held on June 5, 2013

Mr. Joy stated that whether or not an officer who works for a private contractor or private business is considered to be a person serving a public agency is an issue that is not addressed by either the CBOB (Congressional Badge of Bravery) or MOV Acts. Fortunately, that circumstance is covered by the Public Safety Officer Benefit (PSOB) Act and regulations, and per the Office of General Counsel, we will need to follow those regulations in this instance. This would allow or the Department to be consistent on this issue across its awards programs.

Mr. Joy read the following explanation from the Office of General Counsel as it relates to how this issue is treated under the PSOB Program: "It is generally the case that private contractors are not included in the definition of "public safety officer" for PSOB because for that to happen, the public agency would have to have such a tight relationship with the private contractors, so that there is really no legal distinction between the public safety officers hired directly by the government and the ones serving under the contract."

Mr. Joy stated that in the future, any such agencies that submitted MOV applications would have to provide an affirmative response to a set of five standard questions that he would pose. Upon the request of the Chair, Mr. Joy read the five standard questions:

- 1) Is the individual officially authorized, recognized, or designated by such governmental agency as functionally within or part of it?
- 2) Are his/her acts and omissions, while so serving, legally those of such agency, which legally recognizes them as such (or, at a minimum, does not deny (or has not denied) them to be such)?
- 3) Are the private company's functions and duties solely and exclusively of a public character?
- 4) Are the company's services provided generally to the public as the government would provide if it were acting directly through its public employees (i.e., they are provided without regard to any particular relationship (such as a subscription) a member of the public may have with such entity)?
- 5) Are the acts and omissions of the individual recognized by such government as (or, at a minimum, not denied by such government to be), legally—
 - (A) Those of such government, for purposes of sovereign immunity; or
 - (B) The responsibility of such government, for purposes of tort liability?

In response to a question posed by the Chair, Mr. Joy confirmed that when he conducts the initial basic minimum review of applications that are submitted; should he see any nominees that are employed by private organizations; he would then apply the 5 question test. Further, he noted that if any applications are moved forward to the Board and subsequently appear to fall into this category, then the Board should immediately notify him and he would confirm the status of such nominee(s).

4. Board Compliment:

Mr. Joy reminded the Board that they could no longer serve beyond their terms of appointment in what was previously known as a "holdover status." As such, Members would have to be re-appointed prior to the expiration of their terms or new Members would need to be appointed. He

Medal of Valor Review Board

Meeting Minutes from Conference Call held on June 5, 2013

stated that letters requesting that vacant positions be filled were sent to the White House and Congress on January 17, 2013. Further, that an annual outreach is made to the appointing authorities to request that any vacancies be filled. Finally he noted that currently there is 1 Presidential, 2 Speaker of the House and 1 House Minority vacancy on the Board. In response to a general discussion, Mr. Joy committed to providing each Member with a copy of the Board chart which shows the active Members, the dates for their terms and appointing authorities.

- **Follow up action required:** Send each Board Member a copy of the current Board Chart – *Completed June 6, 2013.*

5. Revision to Bylaws:

Mr. Joy referred to the copy of the bylaws that he distributed to the Board in advance of this meeting. He noted that the highlighted section referred to the prior practice of Members being able to serve beyond their terms, and was identified as such to indicate that it needed to be deleted. Ms. Hayes-White identified an additional reference to “holder capacity” which was in the last line of the paragraph. Mr. Joy advised that he would also delete that reference and conduct a further review of the bylaws to ensure that any additional references were also deleted.

There being no further discussion, Mr. Gaynor made a motion that following the removal of all sections referring to “holdover status” that the revised bylaws be approved. Ms. Hayes-White seconded the motion which was subsequently approved by unanimous acclamation.

- **Follow up action required:** Complete a review of the current bylaws and remove any references to Board Members being able to serve in a “hold over” status. Circulate to the Board the revised bylaws.

6. 2012-2013 application submissions and review:

Mr. Joy noted that the 2012-2013 MOV application submission period opened on May 31st and would run through July 31st. Once the eligible applications are made available to the Board, he encourage them to then conduct their reviews as early as possible.

In advance of their review, Mr. Joy asked the Board to let him know if they needed assistance with their system user names and pass words. Ms. Hayes-White advised that she had received her welcome package upon joining the Board but had not received a user name or password. Mr. Joy committed to providing her with that information.

- **Follow up action required:** Send Ms. Hayes-White her system user name and password – *Completed June 7, 2013.*

In addition, Mr. Joy reminded the Board that supplemental material is submitted separately and that such items would be listed in a document to be provided to the Board along with instructions to begin their review. He noted that the Board did not often ask to see supplemental material but should be aware of its existence. He also reminded the Board that they could ask to have listed witnesses to be available to present additional information. Mr. Joy suggested caution with calling

Medal of Valor Review Board
Meeting Minutes from Conference Call held on June 5, 2013

in witnesses as the Board should strive to be consistent in how it handled all applications. As a general rule, while conducting their initial review, if a Member had a question about an incident, they should refer that question to Mr. Joy. He and the Chair would then consider how best to follow up on the question.

7. Board Compensation:

Mr. Joy advised the Board that currently only one Member, Mr. Gillespie is eligible for compensation as he is not a federal, state or local government employee. Mr. Joy asked the remaining Board Members if any had left government employment, thus making them eligible for compensation. By general response, the remaining Board Members stated that they were all governmental employees. Mr. Gillespie stated that he was comfortable with waiting to the completion of the subsequent Review Board meeting before submitting his invoice requesting compensation.

8. 2011-2012 MOV Recipients/ceremony:

Mr. Joy informed the Board that following the joint presentation ceremony in February 2013, the MOV program was now on schedule and that he was now pursuing a fall date for a presentation ceremony for the 2011-2012 MOV recipients. Further, when a ceremony date and location is determined, it should once again be possible to invite the Board to attend. In response to general comments and questions, Mr. Joy noted that in the years when the ceremony was held in the White House – Oval Office, the participation was limited to only the recipients and 1 member each of their immediate families. For the last couple of ceremonies, the larger facility on the White House grounds that was used, work much better and allowed for greater participation. He advised that the Department of Justice was seeking a similar location for the 2011-2012 ceremony.

9. Outreach efforts:

Mr. Joy provided an abbreviated list of the range of outreach efforts that has been ongoing. He stated that in part this include: Justice Today notices sent out in April, May and June; information posted on the MOV, BJA, and NCJRS websites; tweeting done by BJA personnel; the distribution of a range of directed correspondence to federal public safety agencies and national member organizations such as IACP and others. He noted that the outreach directed to the federal agencies was because traditional such agencies represented the lowest number of applications that are annually received.

In addition, he briefly described a new outreach initiative that he had undertaken. He advised that he has been collaborating with the Bureau of Indian Affairs (BIA) to accomplish two major goals. He wants BIA at consider nominating its own sworn public safety personnel for acts of bravery, and he wants the agency's help in relating information on the MOV program to local tribal public safety agencies.

Mr. Joy asked the Board to continue to share information about the program during appropriate events that they attend. He noted that MOV bi-fold pamphlets and talking points could be provided to the Board as needed. Finally, he asked that they keep him informed of any activities

Medal of Valor Review Board
Meeting Minutes from Conference Call held on June 5, 2013

they engaged in to advance the program, to include any articles that they may contribute to on the subject. Mr. Gaynor asked Mr. Joy to provide him with a small number of bi-fold pamphlets. Following a brief period of general discussion, Mr. Joy advised the Board that he will send out to each Member, six bi-fold pamphlets for their general use. He asked that they request additional copies as needed.

- **Follow up action required:** Send 6 MOV bi-fold pamphlets to each Board Member – *Completed June 11, 2013.*

10. Vote on the position of Chair:

Mr. Joy noted that under the current bylaws, the Chair is elected for a 1-year term and may serve for up to 2 terms. He noted that Mr. Whipple was first appointed as Chair on July 20, 2011, and has now served 2 terms. There followed a period of general expressions of satisfaction for the performance of Mr. Whipple as Chair, and a discussion about options that the Board has should it want Mr. Whipple to continue to serve as Chair. Mr. Joy suggested two possible alternatives. They could either elect to remove the current language in the bylaws that establishes a term limit, or they could modify that language to change the number of allowable terms a Member could serve as Chair. There was a general acknowledgement by Members that if the term limit were removed, the Board would still be in the position each year to vote for any current Member to serve as Chair. The Chair did not contribute to this discussion, but did express appreciation on the Board's confidence in him.

Mr. Gaynor made a motion to revise the bylaws to remove the language limiting the number of terms a Member could serve as Chair. Ms. Hayes-White seconded the motion, which was approved by unanimous acclamation. With Mr. Whipple abstaining, the Board then by unanimous acclamation voted to approve Mr. Whipple to serve an additional term as Chair.

- **Follow up action required:** Make a final update to the bylaws by removing any language limiting the number of terms a Member could serve as Chair.

11. Additional items for discussion:

Mr. Joy asked the Board if there were any additional items that they wished to introduce for discussion. The Board declined to introduce any additional issues for discussion.

12. Adjourn meeting:

Mr. Gaynor made a motion to adjourn the meeting, which was seconded by Ms. Hayes-White. All voting in favor, the meeting was adjourned at 3:05 p.m.

**Public Safety Officer Medal of Valor
Review Board Meeting Minutes
OJP, 810 7th Street NW, Washington, DC – AAG Conference Room
September 23, 2010**

A. Attendance

From the Office of Justice Programs (OJP): James Burch II, Acting Director, BJA; Gregory Joy – Designated Federal Official, Bureau of Justice Assistance, Theron Pride, Policy Advisor, OAAG, Chelsea Gibson, BJA (Intern);

Attending Board Members: William Nolan – Chair, Oliver Boyer, Robert Creighton, Richard Dyer, William Pickle, Stephen Cassidy, and Trevor Whipple

Absent: Michael Branham and Chuck Canterbury

B. Welcoming Remarks

- Welcoming remarks given by Theron Pride (OAAG) and Jim Burch (BJA)

C. Agenda

1. Call to Order

William Nolan (Chair) called the meeting to order at 9:20 a.m. (ET): Mr. Nolan took role call and then made a motion to accept the minutes from the board's previous meeting, Mr. Dyer seconded that, and the Board accepted the minutes.

Gregory Joy then led the Board through the meeting agenda:

- Mr. Joy told the Board that Congress is aware that they will need to either nominate new board members or extend several of current member's terms; however, no new appointments have come up from Congress at this point. He led conversation on Board compensation: there are three Board members that are non-federal employees and are still eligible for pay and should be receiving it, Mr. Joy told group that if those members are not receiving it to talk to him.
- Mr. Joy announced to the group the new award associated with BJA, given out by Congress, the Congressional Badge of Bravery.

An excel spreadsheet with all of the applicants numbers and scores was distributed by Mr. Joy to the Board members to assist in their review process.

- The Board began by reviewing the two highest scoring applicants:
 - Application #909; Ms. Gibson read aloud the narrative of the valor event
 - Application # 931; Mr. Nolan read aloud the narrative of the valor event

Boyer motioned to accept #909 and #931, which was seconded and agreed by all Board Members to recommend for the MOV.

**Public Safety Officer Medal of Valor
Review Board Meeting Minutes
OJP, 810 7th Street NW, Washington, DC – AAG Conference Room
September 23, 2010**

- The narratives for application #895 and # 896 (deceased) were read by Ms. Gibson – Mr. Branham recommended considering these applicants as a group application; Mr. Nolan moved to place #895 and #896 into the ‘second highest scored’ group, seconded by Brenham and agreed by the Board. Mr. Nolan recommended that the Board review more applicants and get back to #895 and #896 to make a final decision.
- The narrative from application #911 was read by Ms. Gibson. Applications #911, #912, and #913 are a group of applicants; however, all three applicants received varying scores. A discussion about these applicants followed where it is decided that they’re actions were undoubtedly brave, but did not exceed the call of duty.
- Ms. Gibson read the narrative for application #918. Mr. Cassidy acknowledged the officer’s resiliency to continue fighting close-range after being injured, significant that she had other options to retreat from the fight. Mr. Nolan moved to hold this applicant for further discussion and move to the next application.
- Ms. Gibson read the narrative of application #928. Mr. Boyer notes error on officer’s part in how he handled the situation initially, did not use his canine or gun, and allowed himself to get too close to the suspect. The Board agreed that it was an outstanding fight on officer’s part; however, if he handled the contact differently from the beginning threat could have been avoided. The Board decided to hold #928 for further discussion.
- Ms. Gibson read the narrative of application #958. The Board then determined the consider application #958 and 955 as a group and to hold for further discussion.

Final Board discussion of applications:

- The Board re-considered application #918 and voted to recommend it for the MOV
- The Board decided not to recommend applications #911, 912, and 913 for the MOV. Mr. Nolan made the motion, Mr. Creighton seconded it, and Board agreed.
- The Board decided not to recommend application #928 for the MOV. Mr. Whipple made the motion, Mr. Pickle seconded it, and Board agreed.
- The Board voted to recommend consider applications (#895 and 896) and (# 958 and 955) as group applications, and to recommend them for the MOV. Mr. Pickle made the motion, Mr. Dyer seconded, and the Board agreed.

**Public Safety Officer Medal of Valor
Review Board Meeting Minutes
OJP, 810 7th Street NW, Washington, DC – AAG Conference Room
September 23, 2010**

Final Recommendation by Board for the MOV

- #909
- #918
- #931
- # 895 and # 896 (as a group)
- #955 and #958 (as a group)

Additional Board discussions:

- The number of applicants is decreasing, especially from firefighters
- Should the rating scales be changed from 1-3 to 1-5
- Board meetings could be at different locations, in the past they have met at different member's departments, etc. – meeting could be held in conjunction with a national/regional conference to increase publicity of MOV at the conference
- Discussion of additional outreach to increase number of applicants. Distribute ads, pictures, articles, or brochures in IAFF, IACP, and IAFC newsletters and websites. Get the MOV image out to firefighters and police officer, all public safety avenues.
- Next meeting will be in spring 2011.

D. Meeting close:

Mr. Nolan motioned to adjourn meeting, seconded by all – the meeting adjourned at 12:00 p.m.

Public Safety Officer Medal of Valor Review Board Meeting Minutes
OJP, 810 7th Street NW, Washington, DC
Executive Conference Room 3700 – September 29, 2011

A. Attendance

From the Office of Justice Programs (OJP): Gregory Joy – Designated Federal Official, Bureau of Justice Assistance, Theron Pride, Policy Advisor, OAAG, Aubrey Prince, Staff Assistant, OAAG

Attending Board Members: Trevor Whipple (Chair), Abbey Johnston, William Nolan, Richard Dyer, Kenneth Canterbury, Robert Creighton, Charles Massarone, Andy Nimmo, and Albert Gillespie

Absent: Oliver Boyer

B. Welcoming Remarks

In advance of the opening welcome, Mr Whipple (Chair) attempted to contact Oliver Boyer who was scheduled to join the meeting via conference call. The effort was unsuccessful. Prior to the formal opening of the meeting, Mr. Joy welcomed the board members and distributed the agenda, application scoring sheet and board chart.

C. Agenda

1. *Call to Order*

Mr. Whipple called the meeting to order at 9:10 a.m. (ET): Mr. Whipple took role call and in consideration of the new members, asked that each member briefly introduce themselves.

Mr. Joy asked that the Board review the information contained in the board chart and advise if there were any errors. The members responded that there were no issues with the information contained in the chart.

2. *Approval of July 20, 2011, Board Meeting Minutes*

- Mr Joy asked that the Board approve the July 20, 2011 meeting minutes. Mr. Dyer made a motion to approve the minutes. The motion was seconded by Mr. Nolan and approve by unanimous acclamation.

3. *Outstanding Issues*

- Board Terms:

Mr. Joy advised the Board that with the exception of the recent additions of new board members, there was no indication that action was pending on appointing

Public Safety Officer Medal of Valor Review Board Meeting Minutes
OJP, 810 7th Street NW, Washington, DC
Executive Conference Room 3700 – September 29, 2011

additional members to replace those currently in a hold over status. He expressed his appreciation for the hold over members' willingness to continue to serve.

- Compensation:

Mr. Joy briefly noted that those board members who are not government employees would continue to receive compensation and noted that Mr. Creighton and Mr. Canterbury would need to continue to track their time engaged in board activities.

- Oklahoma Highway Patrol Application:

Mr. Joy reminded the Board that during the July 20, 2011 meeting, he brought up the issue of a reconsideration request for a 2007-2008 application. He briefly noted that the nominee covered by that application was part of a group nomination, and that subsequent to the initial recommendation of the Board to move the group forward for consideration, and prior to the Attorney General considering the nominee; the nominee' agency head requested that the application be withdrawn from further consideration.

Mr. Joy advised the Board, that at the time of the agency request, he advised the chief that to take such an action would be deemed a final action with no possibility for reconsideration at a future date. He further stated that after discussion with the Office of General Counsel, the request to withdraw the application was honored, and the agency was so notified.

Mr. Joy stated that during the July 20th meeting, after a period of discussion, the members expressed that in the interest of fairness, the nominee in question should be allowed to receive the MOV. Further, that he was awaiting clarification from the agency involved, as to the outcome of their initial investigation concerning the nominee, before any decision could be reached on the appropriate action to take concerning the reconsideration request.

Mr. Joy advised that following the July 20th meeting, there was additional communication with and a formal letter received by the agency. In these communications, the agency advised that it could not further elaborate on facts involved and outcome of their investigation as they were bound by a settlement agreement. He further advised the Board that there is no information to establish if the investigation resulted in a finding of sustained, non-sustained, unfounded or exonerated.

After some general discussion, Mr. Dyer made a motion to not reconsider this nominee for the MOV. Mr Nolan seconded the motion and the Board by

Public Safety Officer Medal of Valor Review Board Meeting Minutes
OJP, 810 7th Street NW, Washington, DC
Executive Conference Room 3700 – September 29, 2011

unanimous acclamation voted to not recommend that the nominee be put forward for reconsideration.

- General Remarks:

Mr. Theron Pride arrived (9:40 a.m.) and offered general remarks concerning efforts to hold a ceremony for the 2009-2010 Recipients. He specifically referenced early budget challenges and more recent competing priorities concerning the White House and Congress. He expressed hope that a ceremony might be able to be scheduled in the spring of 2012.

- Consideration of 2010-2011 Applications:

Mr. Joy briefly related the rules the Board would use when considering the applications: 1) the top scoring applications would be reviewed and initial votes would be taken; 2) any Member could request discussion on any application that was not initially considered by the Board; 3) the Board would be asked to take a final vote once all desired applications were considered, and would be limited to recommending 5 nominees, including group nominations, to the Attorney General; and 4) if the Board found extraordinary circumstances existed, it could ask the Attorney General to consider a 6th nominee/group.

- Application #977; Mr Dyer read aloud the narrative of the valor event. There followed a period of general discussion. Mr. Canterbury made a motion to accept application #977, and a Board Member (not recorded) seconded the motion. The Board by unanimous acclamation voted to recommend moving application #977 forward the MOV.
- Application #1039; Mr Creighton read aloud the narrative of the valor event. There followed a period of general discussion. Mr. Creighton made a motion to accept application #1039, and Mr. Canterbury seconded the motion. The Board by unanimous acclamation voted to recommend moving application #1039 forward for the MOV.
- Application #1098; Mr. Dyer read aloud the narrative of the valor event. There followed a period of general discussion. Mr. Nolan made a motion to accept application #1098, and Mr. Gillespie seconded the motion. The Board by unanimous acclamation voted to recommend moving application #1098 forward for the MOV.
- Group applications #1120, #1121, #1123, #1124, and #1125; It was determined that the narratives of each application were the same. Mr. Creighton read aloud the narrative of the valor event. There followed a period

Public Safety Officer Medal of Valor Review Board Meeting Minutes
OJP, 810 7th Street NW, Washington, DC
Executive Conference Room 3700 – September 29, 2011

of general discussion. Mr. Canterbury made a motion to accept as a group, applications #1120, #1121, #1123, #1124, and #1125, and Mr. Creighton seconded the motion. The Board by unanimous acclamation voted to recommend moving applications #1120, #1121, #1123, #1124, and #1125 forward as a group for the MOV.

The Board took a break from 10:40 to 10:52.

- Group applications #977 and #978; It was determined that the narratives of each application were the same. Ms. Johnston read aloud the narrative of the valor event. There was a brief period to confirm that the group consisted of application #977 and #978, as the group was initially incorrectly identified as application # 978 and #979. There followed a period of general discussion and the Board decided to temporarily set aside group applications #977 and 978.
- Group applications #1059 and #1060; It was determined that the narratives of each application were the same. Mr. Creighton read aloud the narrative of the valor event. There followed a period of general discussion and the Board decided to temporarily set aside group applications #1059 and #1060.
- Application #1064; Mr. Dyer read aloud the narrative of the valor event. There followed a period of general discussion, some of which focused on whether rules and procedures were appropriately followed. Mr. Joy noted that if the Board wished to clarify what are an agency's rules and procedures when considering an application, then he could arrange to have witness testimony or additional input from the agency to be available for a board meeting. The Board decided to temporarily set aside this application.
- Group applications #1066 and #1067; Mr. Dyer read aloud the narrative of the valor event. There followed a period of general discussion concerning the merits of both group applications #1066 and #1067, and group applications #977 and #978.

At the conclusion of the discussion, Mr. Dyer noted that the Board had earlier elected to move forward application #978 as an individual award but made a motion to accept as a group, applications #977 and #978, and Mr. Creighton seconded the motion. The Board by unanimous acclamation voted to recommend moving applications #977 and #978 forward as a group for the MOV.

- Mr. Dyer noted for the Board that any of the other applications previously discussed, but not recommended are deserving of consideration. He expressed his opinion that they do not rise to the level of "exceptional circumstances"

Public Safety Officer Medal of Valor Review Board Meeting Minutes
OJP, 810 7th Street NW, Washington, DC
Executive Conference Room 3700 – September 29, 2011

where the Board could request consideration of a 6th recommendation. The Board in response, agreed with this assessment.

- The Board then engaged in an extended discussion on the merits of application #1064 and group applications #1059 and #1060. Mr. Dyer inquired if all votes in the past to recommend recipients were unanimous. Mr. Joy advised that on a number of occasions the Board had not be unanimous on its recommendations.

At the conclusion of the discussion, Mr. Creighton made a motion to accept as a group, applications #1066 and #1067, and Mr. Nolan seconded the motion. The Board by a 5 to 3 vote, recommended moving group applications #1066 and #1067 forward as a group for the MOV.

Final Recommendation by the Board for the MOV:

- #977 and #978 (as a group)
- #1039
- #1098
- #1120, #1121, #1123, #1124, and #1125 (as a group)
- #1066 and #1067 (as a group)

- The Board engaged in a working lunch and continued general discussions. Mr. Canterbury reminded the Board of the need to keep the discussions and recommendations confidential.

D. Meeting close:

Mr. Whipple asked if there were any additional areas for discussion. Mr. Nolan made a motion to adjourn the meeting, seconded by all – the meeting adjourned at approximately 12:30 p.m.

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 20, 2012

A. Attendance

From the Office of Justice Programs (OJP): Kristen Mahoney, Deputy Director, BJA; Gregory Joy, MOV – Designated Federal Officer, BJA; and Aubrey Prince, Staff Assistant, OAAG

Attending Board Members: Trevor Whipple (Chair), Richard Dyer, William Nolan, Robert Creighton, Abbey Johnston, Andy Nimmo, Albert Gillespie, Patrick Gaynor and Joseph Clemons

Attending via telephone: Oliver Boyer

Prior to formally convening the meeting, the Board signed in and upon request, reviewed and updated a document containing their contact information.

B. Welcoming Remarks

Mr. Joy greeted the Board, thanked them for their service and noted that Ms. Kristen Mahoney would be attending the meeting to offer a formal welcome to the Board.

C. Agenda

1. Call to Order

Mr. Whipple called the meeting to order at 9:02 a.m. (ET): He took role call and in consideration of the new members, asked that each member briefly introduce themselves. Mr. Joy made a specific notation of the Board's newest member, Joseph Clemons.

Ms. Mahoney briefly joined the meeting at approximately 9:15, during which time she thanked the Board and Mr. Joy for their service. Mr. Joy discussed some of the efforts to schedule a joint ceremony for the pending 2009-10 and 2010-11 MOV Classes. He expressed his hope that they would be able to secure a ceremony date with the White House/Office of the Vice President to occur sometime after the General Election and prior to the end of this year.

2. Approval of July 20, 2011, Board Meeting Minutes

Mr Joy asked the Board to approve the July 24, 2012 meeting minutes. Mr. Dyer advised that within the minutes, the first name of Mr. Canterbury needed to be corrected to read 'Chuck.' With that directed change, Mr. Dyer made a motion to approve the minutes. The motion was seconded by Mr. Nolan and approve by unanimous acclamation.

3. Outstanding Issues

- Board Terms:

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 20, 2012

Mr. Joy listed the members who continue to serve on the Board beyond their appointment periods and remained on the Board in what was termed a “holdover” status. He noted that the appointing authorities have been previously made aware of the status of these members, as well as the 1 continuing vacancy, and their responsibility to either formally re-appoint these members or appoint new members. He advised that following the upcoming General Elections, he would send out new notices to address this issue, and he expressed his thanks for these and all the members continued service.

- Compensation:

Ms. Prince advised the Board that in consideration of the close of the fiscal year, she would need their prompt submission of invoices requesting reimbursements for their Board related travel. She then handed out the forms and provided additional instructions concerning their completion and submission.

Mr. Joy referenced the 3 Board Members (Creighton, Gillespie and Nolan) who are not governmental employees and as such were eligible for compensation for Board directed activities. Mr. Dyer corrected the record, noting that he had recently retired and as such was not a governmental employee and so was also eligible for the compensation. Mr. Joy confirmed that each of these members had received the invoice to document their Board activities and requested the prompt submission of their requests for reimbursement.

- Recently resolved eligibility issues:

Mr. Joy provided an overview of two recently addressed eligibility questions for MOV nominations:

- Mr. Joy advised that in consultation with the Office of General Counsel (OGC), it was determined that public safety agencies that fall under military were deemed to not be eligible for the MOV. Mr. Creighton stated that he was aware of a number of Department of Defense agencies that fielded law enforcement and firefighters and which were viewed as contractors – not part of the government.
- Mr. Joy advised that there was a question of eligibility in connection with 2 applications (#1246 and #1247) received this year. The nominees involved were members employed by American Medical Response (AMR), a private agency. The issue under consideration was that this private organization was reported to be fulfilling a governmental role. He noted that during the initial scoring phase, one Board member has expressed concerns about their eligibility. He advised that there were a number of exchanges of information between him and the nominating agency. He noted that normally a private organization would be deemed to not be eligible for the MOV, but that in this case the agency was engaged by the County to perform an intrinsically governmental service, and that the established relationship met a number of criteria that allowed for these

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 20, 2012

nominees to viewed as operating as an arm of the local government, which in this limited circumstance made them eligible for the MOV.

There followed a lengthy period of discussion by the Board. In general, the Board expressed concerns about the general issue of the privatization of governmental services. Specifically, as it relates to the MOV Act, the Board felt that the intent of the program was not to include non-governmental organizations. The Board focused on the section of the Act dealing with the term “public safety officer” and the role of the Attorney General to make the determination of who would qualify as an emergency services officer – Definitions, 42 USC 15204. SEC. 5.

MOTION: Mr. Creighton made a motion to submit a request to the Attorney General to rule on whether or not personnel working for private for profit agencies, contracted to fulfill normally governmental responsibilities (I.e. firefighting, EMS, law enforcement) would meet the definition of a “public safety officer” and/or “emergency services officer” for the purposes of eligibility for the Medal of Valor. The Board made clear that its judgment was that such personnel and agencies should not be deemed to be eligible. The motion was seconded by Mr. Nolan and approved by unanimous acclimation.

In addition, the Board voted to add its formal opinion to the request to be forwarded to the Attorney General, and concurred that Ms. Johnson would act as lead in pulling together background information to be submitted in support of the Board’s position. Finally, the Board made a determination to not further consider applications #1246 and #1247.

The Board recessed at 10:00 and re-convened at 10:11

4. Review of applications:

Mr. Joy advised that in accordance with prior practice, he had conducted an initial review of all applications to confirm their eligibility before moving them to a status to be individually viewed and scored by the Board. He advised: there had been 176 applications received; they consisted of 33 teams; a 138 were deemed to be eligible and moved forward. In addition, he noted that the applications came from 32 state/territories and included two where the incidents that took place in foreign counties.

Finally, Mr. Joy stated that per prior practice he had identified the 5 top scoring applications for the Board to consider first, and that as always any Member can request that any application regardless of its score be brought forward for consideration. In response to a question, he noted that the Board was not required to select the top scoring applications.

- a. **Application #1310;** Mr. Joy stated that this application had received a perfect score of 3.0 from the Board. During the discussion, the application was both projected from an online link and a hard copy was available so that the narrative could be read to inform

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 20, 2012

discussion. The Board confirmed their familiarity with this application and after a brief period of discussion, Mr. Dyer made a motion to recommend application #1310 and Mr. Boyer seconded the motion. There being no further discussion Mr. Whipple called for a vote. The Board by unanimous acclamation voted to recommend moving application #1310 forward to receive the MOV.

- b. **Application #1221**; Mr. Joy stated that this application had received the 2nd highest averaged score of 2.9 from the Board. During the discussion, the application was both projected from an online link and a hard copy was available so that the narrative could be read to inform discussion. After a brief period of discussion, Mr. Nimmo made a motion to recommend application #1221 and Ms. Johnston seconded the motion. There being no further discussion Mr. Whipple called for a vote. The Board by unanimous acclamation voted to recommend moving application #1221 forward to receive the MOV.
- c. **Application #1148/1261**; At this point, Mr. Creighton proposed that the Board discuss application #1148. Mr. Joy noted that the application was actually a duplicate of application #1261. Further, that the application was initially moved forward to the Board for its consideration, but once the duplicate was recognized, application #1148 was placed in a “held” status and the Board was asked to consider application #1261 in its place. He also noted that application #1261 did not receive a top 5 score from the Board, and following president, should the Board wish to recommend it forward it would typically consider any other applications with an identical or higher score. Following Mr. Creighton recount of the narrative, the Board engaged in a brief period of discussion.

Mr. Joy reminded the Board that their initial votes were designed to temporarily move applications forward, and that at the end of the meeting he would recount all of the Board’s recommendations to confirm those to be moved forward to the Attorney General. Should the Board favorable recommend more than the allotted 5 nominees, it could either change a recommendation to remain under the limit, or request that the Attorney General consider a 6th application. He spent a few minutes revisiting the criteria for which the Board might ask the Attorney General to exercise his authority under the Act to approve an additional MOV recipient(s). He concluded that in such a circumstance the Board would need to provide him with an explanation of what it felt were the “extraordinary circumstances” that justified the additional recipient.

Mr. Dyer recommended that #1221 be set aside until the remaining top 5 scoring applications could be reviewed. The Board expressed its agreement and that point Mr. Joy continued with discussions on the remaining top scoring applications.

- d. **Application #1137**; Mr. Joy advised that there are two applications which received the 3rd highest averaged score (2.8), and he asked to the Board to initially consider application #1137. During the discussion, the application was projected from an online link as he read the summary. After a brief period of discussion, Mr. Nolan made a motion to recommend application #1137 and Ms. Johnston seconded the motion. There being no

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 20, 2012

further discussion Mr. Whipple called for a vote. The Board by unanimous acclamation voted to recommend moving application #1137 forward to receive the MOV.

- e. **Application #1233**; Mr. Joy advised that this is second application receiving an averaged score of 2.8. During the discussion, the application was projected from an online link as he read the summary. Mr. Creighton advised that he was familiar with the incident and noted some additional details on the other law enforcement personnel involved and the aftermath. Ms. Johnston made a motion to recommend application #1233 and Mr. Creighton seconded the motion. There being no further discussion Mr. Whipple called for a vote. The Board by unanimous acclamation voted to recommend moving application #1233 forward to receive the MOV.

- f. **Application #1179**; Mr. Joy advised that this was the last of the top 5 scoring applications, and had received the averaged score of 2.7 from the Board. During the discussion, the application was projected from an online link as Mr. Garner discussed the incident.

Note: at approximately 11:00 a.m. telephone contact was lost with Mr. Boyer. Contact was able to be re-established after about 5 minutes and the Board continued its discussion.

After an additional period of discussion, Mr. Dyer made a motion to table further consideration of application #1179 until the Board could further consider application #1261. Mr. Boyer seconded the motion, and the Board agreed by unanimous acclamation voted to recommend moving application #1179 forward to receive the MOV.

- g. **Continued consideration of application #1261**; Mr. Creighton then briefly continued the discussion of application #1261 and made a motion to recommend this application. Ms. Johnston seconded the motion, and there being no further discussion at this point, Mr. Whipple called for a vote. The Board by unanimous acclamation voted to recommend moving application #1261 forward to receive the MOV.

Additional Discussion:

Mr. Dyer initiated additional discussion about the facts related in application #1179, and contrasted those elements with that of application #1261. There followed a substantial period of discussion in which most Board members made contrasting points about each application. Some areas of discussion focused on the risks to these officers and the other involved individuals, these officers awareness of critical factors and the decisions and actions they made during these incidents.

Mr. Dyer made a motion that application #1179 be forwarded to the Attorney General as a 6th recommendation that constituted an “extraordinary circumstance” exception to the Board’s recommendation limit. Mr. Gaynor seconded the motion, and there being no further discussion, Mr. Whipple called for a vote. The Board voted 6 in favor and 4

**Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 20, 2012**

opposed, to recommend that the Attorney General approve application #1179 as a 6th MOV recipient.

Mr. Joy advised the Board that it would need to provide him with a narrative explaining their rationale supporting an extraordinary circumstance exception to allow a 6th recipient. He stated that it would be included in the formal recommendation memorandum to be submitted to the Attorney General for his approval.

Finally, the Board formally expressed that it did not wish to consider any additional applications.

Final Recommendation by the Board for the MOV:

- #1310
- #1221
- #1137
- #1233
- #1261

Board's 6th recommendation seeking the "extraordinary circumstance" exception:

- #1179

Final Discussion Item:

Mr. Joy advised the Board that a new contract needed to be initiated with a vendor to produce the MOV Decoration Sets, and that prior to completing that process he was undertaking an effort to make slight enhancements to the medal design. He noted that certain elements of the current medal reflected an older design and that the Institute of Heraldry (original designer) had proposed some minor changes.

5. Meeting close:

Mr. Whipple asked if there were any additional areas for discussion. There being none, Mr. Nolan made a motion to adjourn the meeting and Mr. Creighton seconded the motion. The Board unanimously agreed and the meeting adjourned at 11:28 a.m.

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 19, 2013

Program, Members could only serve for the period of their appointed term(s). Mr. Joy stated that in advance of any Member's term expiring, the Medal of Valor Office would correspond with the appointing authority to inform them of the term's approaching expiration and the appointing authority's opportunity to either re-appoint the Member or appoint a new member. He expressed that Board Members could separately reach out to their appointing authorities to also enquire about possible re-appointments.

- **Follow up action required:** Resend the final version of the updated Bylaws to the Board and request their approval.

c. 2011-2012 MOV Ceremony update:

Mr. Joy advised the Board that following the joint MOV ceremony in February, there was an effort to get the White House to schedule the 2011-2012 ceremony for this fall. If scheduled, the program would be back on track with holding ceremonies during the targeted years. He further stated that at this point there is no indication that a ceremony would be scheduled to take place prior to the end of this year.

3. Overview of 2012-2013 applications:

Mr. Joy briefly related that a total of 157 applications were received, of which 140 passed the initial eligibility review (BMR). These applications constituted 19 teams and included 17 female nominees. He expressed that the total number of applications was about average for any given year.

Mr. Joy stated that in addition to the normal outreach efforts that he had previously discussed with the Board, that in advance to the current application period he had collaborated with the Bureau of Indian Affairs (BIA) so that both they and local tribal public safety agencies in which they regularly interacted would be aware of the opportunity to apply. He believed that there was 1 application received from BIA.

Ms. Hayes-White expressed that it might be useful to know from what regions the applications come from, and Mr. Gaynor suggested that there's not a lot of public knowledge about the program.

- **Follow up action required:**
 - Review the MOV process to determine the viability of identifying regions for submitted applications.
 - Ms. Johnston requested to receive MOV pamphlets for an upcoming distribution:
Completed at the conclusion of the meeting.

Note: At the request of the Chair, Mr. Joy reconfirmed that both Mr. Clemons and Mr. Nimmo remained connected on the conference line.

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 19, 2013

4. Review of applications:

Ms. Hayes-White advised that at her direction an assistant had entered her application scores into the MOV Administrative System but had made a number of entry errors. After a short discussion it was determined that some of these scoring errors would change the placement of some top scoring applications. Mr. Joy brought up online the scoring document and projected it for the Board in attendance to view. In consultation with Ms. Hayes-White, he revised the scoring document based upon her handwritten notes with scoring information.

Board Recess: The Board took a recess break at 9:40 a.m. and re-convened at 9:55 a.m. and Mr. Joy then confirmed that both Mr. Clemons and Mr. Nimmo remained on the conference line.

- a. Mr. Joy asked the Board to begin by considering applications #1338 and #1339, which are part of a team nomination that had received perfect scores of 3.0 from the Board. He stated that there were a total of four sets of applications (3 teams and 1 individual) that had received perfect scores from the Board.

Mr. Gillespie made a motion for the Board to recommend all of the top scoring applications for the MOV. Mr. Gaynor seconded the motion. Discussion: Mr. Joy asked that each of these top scoring applications be reviewed so that the Board could confirm that they correctly understood which applications they intended to recommend.

The following applications were identified, and there was a brief general discussion of each application's or team of applications' incident elements. Applications under discussion were projected from the online link to the MOV Administrative System.

- Team Applications: #1338 and #1339 (top score of 3.0)
- Team Applications: #1355, #1356 and #1357 all receiving top scores of 3.0 and included in this team are applications #1358 and #1359 that received 2nd place scores of 2.9. There was a brief period of discussion where Mr. Clemons express that all five applications should be included.
- Individual Application: #1378 (top score of 3.0)
- Team Applications: #1384, #1386, #1387, #1388 and #1389 (top score of 3.0)

The Board expressed that they had correctly identified the applications they intended to recommend and then by unanimous acclamation voted to recommend these applications to receive the MOV.

- b. **Application #1327:** Mr. Joy stated that this application was one that had received the 2nd highest averaged score of 2.9 from the Board. Ms. Hayes-White related the details of the incident narrative for this nominee. Prior to further consideration, the Board elected to review the next application (#1442) that had received the same averaged score.

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 19, 2013

- c. **Application #1342** (average score of 2.9): Ms. Hayes-White then related the details of the incident narrative for this nominee.
- d. **Team Applications #1421 and #1422** (average scores of 2.9): The Board then moved to consider this final set of applications. The Board took note this these nominees were involved in the same incident as described for team applications #1355, #1356, #1357, #1358 and #1359. Mr. Nimmo made a motion to include applications #1421 and #1422 with the previously recommended team of #1355 thru #1359. Ms. Johnston seconded the motion, and the Board by unanimous acclamation voted to recommend applications #1355, #1356, #1357, #1358, #1359, #1421 and #1422 as a single team to receive the MOV.

Mr. Nimmo then made to recommend application #1327 for the MOV. Ms. Hayes-White seconded the motion, and the Board by unanimous acclamation voted to recommend moving application #1327 forward to receive the MOV.

Mr. Gillespie made a motion that the Board only put forward the agreed upon 5 sets of applications (3 teams and 2 individual) to receive the MOV. Ms. Hayes-White seconded the motion, and the Board approved by unanimous acclamation.

Final Recommendation by the Board for the MOV:

Mr. Joy then restated and the Board confirmed that the following applications would be recommended for the MOV:

- Team Applications: #1338 and #1339
- Team Applications: #1355, #1356, #1357, #1358, #1359, #1421 and #1422
- Individual Application: #1378
- Team Applications: #1384, #1386, #1387, #1388 and #1389
- Individual Application: #1327

5. Final Discussion:

- Mr. Joy stated he was working with the Institute of Heraldry to create an enhancement to the MOV Award. Once approved, this enhancement would not substantially change the design of the medal. It would upgrade the connection between two elements of the medal and would also increase the medal's overall thickness.
- Ms. Johnston briefly discussed the submission of travel receipts in connection with attending the meeting.
- Mr. Joy briefly conferred with Mr. Gillespie on his need to submit documentation as the only eligible Board Member who may receive compensation for Board activities. **Note:**

Public Safety Officer Medal of Valor Review Board Meeting Minutes
BJA Conference Room 4201 – 810 7th Street NW, Washington, DC
September 19, 2013

Following the Board Meeting, Mr. Joy and Mr. Gillespie met to complete the process for providing documentation to receive this compensation.

6. Adjourn meeting:

There being no final discussions, Ms. Johnston made a motion to adjourn the meeting and Mr. Nimmo seconded the motion. The Board unanimously agreed and the meeting adjourned at 10:35 a.m.