

Seattle
Community
Police Commission

June 10, 2024

VIA EMAIL

Councilmember Robert Kettle
Chair, Public Safety Committee
Members, Public Safety Committee

Dear Councilmember Kettle and Members of the Public Safety Committee,

As part of the reappointment process for the Inspector General for Public Safety, the 2017 Accountability Ordinance requires that the Public Safety Committee receive input from the Community Police Commission (CPC) and the Office of Police Accountability (OPA) Director prior to reappointments (3.29.230 B). The CPC welcomes the opportunity to offer input into this process.

A strong working relationship and engagement among the accountability partners are essential for the accountability system to operate effectively. The current leadership at the CPC has been in place for approximately two years, with a top priority of building and strengthening our relationships with all accountability partners, including the Office of Inspector General (OIG).

The CPC is pleased with recent progress from OIG in improving its relationship with the Commission. Each year, as mandated by the Accountability Ordinance, OIG seeks input into their next year's work plan from all accountability partners, including CPC. In May 2024, Inspector General for Public Safety Lisa Judge presented to the CPC on the 2024 OIG work plan and the status of CPC's contributions to that work plan. The CPC is grateful that the OIG plans to begin work on concerns with the 911 dispatch center, which have been noted as a CPC priority for several years. The OIG has also recently engaged with the CPC on the CPC's hiring process for critical staff roles, which has been beneficial.

The appointment packet published last Friday, June 7, included the Monitor's report from December 2023 but did not include the city's response to that report. Key points from the city's response highlight the Monitor's recommendation to grant the OIG the primary role of researching and making recommendations on police policy, with OPA and CPC providing information and data to the OIG. Under this model, the OIG would function as a "clearinghouse" for policy reviews and be responsible for publicly tracking and reporting on the implementation of recommendations.

The City, however, emphasized the importance of preserving the policy roles for CPC and OPA to publicly make recommendations directly to SPD, recognizing the significant contributions CPC has made to policy development since the early years of the Consent Decree. The City's response underscores the value of CPC's role in policy development as envisioned by the original Accountability Ordinance and opposes the idea of OIG serving as the central clearinghouse for policy recommendations.

The CPC's amicus brief, filed simultaneously, emphasized the ongoing importance of the CPC's role in policy. The brief highlights that the CPC has consistently provided a forum for community members to voice their concerns and suggestions, translating these into organized policy recommendations. Working

in partnership with all our accountability partners, including OIG, is crucial, but granting all policy authority to OIG undermines the community's direct input, which is fundamental to the CPC's mission and the original accountability structure.

Moving forward, the CPC and our Executive Director, Dr. Cali Ellis, is looking forward to engaging with the Inspector General for Public Safety, Lisa Judge. We look forward to a more robust relationship with the OIG, where we can jointly support each other's roles in the accountability system.

Thank you for considering our input on the reappointment of Inspector General for Public Safety Lisa Judge. We remain committed to our role in ensuring a fair and effective accountability system for the City of Seattle.

On behalf of Seattle Community Police Commission,

Sincerely,



Reverend Patricia Hunter, Co-Chair



Reverend Harriett Walden, Co-Chair



Joel Merkel, Co-Chair

CC: Public Safety Committee

THE HONORABLE JAMES L. ROBERT

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	Case No. 2:12-cv-01282-JLR
Plaintiff,)	
)	CITY OF SEATTLE’S RESPONSE TO
v.)	MONITOR’S ACCOUNTABILITY
)	ASSESSMENT
CITY OF SEATTLE,)	
)	
Defendant.)	
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The City of Seattle submits its response to the Monitor’s Accountability System Sustainment Assessment. While the Assessment does not evaluate compliance with the Consent Decree, the topics it covers are important to the City and speak to concerns raised by the Court. Moreover, the Assessment contains valuable feedback, and the City agrees with the Monitor’s overarching conclusion that “the City has developed a sophisticated accountability system, yet

1 sustaining the system will require ongoing attention, funding, innovation, and support from the
2 community, the city, and police leadership.”¹

3 **1. Greater Clarity in the Roles of CPC, OIG, and OPA**

4 The Monitor recommended establishing greater clarity in the respective roles of CPC, OIG,
5 and OPA.² Much work in this area is already underway, as described in the Monitor’s Assessment.
6 Notably, CPC-proposed legislation³ was enacted in July 2023 and accomplished the following:

- 7
- 8 • Clarified the roles, responsibilities, and relationship between the CPC Co-Chairs and Executive Director;
 - 9 • Established the qualifications for the CPC Executive Director, consistent with the OIG and OPA Directors;
 - 10 • Added a Deputy Director Position, consistent with the OIG and OPA; and
 - 11 • Returned the Commission to a size of 15 commissioners, reducing from 21, as it was originally when it was established.

12 CPC is in the process of working to fulfill the newly created Deputy Director position. In
13 addition, CPC has made significant progress in developing its internal policies and procedures to
14 clarify its work and processes and has completed its initial draft.

15 OIG is actively engaged in efforts to help the community understand the role that each
16 agency plays in oversight within the City of Seattle. OIG is in the process of adding a new, half-
17 time position for a Public Relations and Community Engagement Specialist. Among other
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19 ¹ Monitor’s Seattle Accountability System Sustainability Assessment (Dkt. 782) at 5.

20 ² See Recommendations 1, 8, and 11-12. A synthesized, numbered set of recommendations
21 appears at pages 6-7 of the Assessment and those numbers are used throughout.

22 ³ Ordinance 126860 is available at
<https://seattle.legistar.com/View.ashx?M=F&ID=12242730&GUID=5E4AFB8D-934D-43CA-B7AF-A0FF8BAC7934>

1 important work, this new resource will help increase public awareness of OIG’s role in the City’s
2 police accountability system; develop newsletters, presentations, reports, press releases, social
3 media and website content; and organize and participate in OIG-sponsored community events and
4 events sponsored by outside organizations.

5 OPA has continued its work engaging and educating community members about Seattle’s
6 police oversight system. For example, in 2023 OPA surveyed almost 500 members of the public
7 in communities that experience disproportionate police contacts. The survey gauged awareness
8 about the police accountability system and OPA complaint process, and it revealed new ways to
9 better reach and serve these communities. Among other efforts, OPA circulates a monthly
10 newsletter and regularly posts to social media. In 2023, OPA led events featuring the heads of
11 CPC, OPA, and OIG to educate faith-based leaders and the NAACP. All told, OPA’s outreach
12 work increased over 200% from 2022 to 2023.

13 **2. Greater Efficiency and Better Tracking of Policy Recommendations**

14 The Monitor recommends “granting the OIG the primary role of researching and making
15 recommendations on police policy with the OPA and the CPC providing information and data to
16 the OIG.”⁴ Under this model, OIG would function as a “clearinghouse” conducting policy reviews
17 on issues identified by CPA and OPA and then reporting the resulting recommendations to SPD
18 and the public. The Monitor also suggests that OIG be responsible for publicly tracking and
19 reporting on the implementation of recommendations.⁵

21 ⁴ Recommendation 6.

22 ⁵ See Recommendations 2 and 6.

1 The City is committed to improving the policy recommendation process to address the
2 Monitor’s findings of inefficiency, and the City agrees that having OIG coordinate and track policy
3 recommendations would improve effectiveness and transparency. The City will incorporate the
4 Monitor’s findings in a way that preserves the policy roles for CPC and OPA to publicly make
5 recommendations directly to SPD. That structure achieves the right balance for our community.
6 Since the early years of the Consent Decree, the CPC has served an important role in policy
7 development. Among other contributions, the CPC provided substantial input to SPD’s use-of-
8 force policy, a process that the Monitor described as: “a historic moment” in which “community
9 representatives and police rank and file and union leaders were involved in a structured process
10 that gave each a voice.”⁶ CPC also contributed significantly to SPD’s bias-free policing training.
11 Dkt. 176 at 7. When the City enacted the Accountability Ordinance in 2017, it established CPC as
12 a permanent body with an expanded mission, while retaining CPC’s original role as the voice of
13 the community.

14 OPA also has a valuable perspective gained from its firsthand knowledge of complaints
15 filed by community members, among other sources. OPA issues recommendations to SPD when
16 its investigations indicate that improvements to Department policy or training may help prevent
17 similar negative outcomes in the future.

18 The Monitor’s goals of improving efficiency and transparency can be advanced while
19 preserving the historical policy roles of CPC and OPA. The Monitor’s Assessment suggests that
20 OIG take on the role of tracking and reporting out publicly on the status of policy recommendations

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22 ⁶ Dkt. 212 at 2 n.5 (quoting NACOLE presentation); *see also* Court’s Order (Dkt. 225) at
3 (recognizing “CPC’s attempts to reach out to SPD officers and the community”).

1 made to SPD as well as the status of implementation of the Accountability Ordinance.⁷ The City
2 agrees that such tracking and reporting are critical tasks and align well with OIG’s mission.

3 **3. Discipline-Related Recommendations and Legislative Reform**

4 The Monitor’s Assessment raises several areas that bear on police discipline and the
5 disciplinary process.⁸ Mayor Harrell already has designated reform of the police accountability
6 arbitration system as one of his top legislative priorities in the 2024 session—addressing
7 Recommendation 14.⁹

8 The City also agrees with Recommendation 9 to develop a more streamlined and practical
9 process for addressing minor misconduct by officers. OIG, OPA, and SPD have conferred on this
10 topic and will continue these discussions. This recommendation is an especially high priority for
11 SPD because OPA’s involvement in minor performance issues is not only inefficient, but it also
12 interferes with effective supervision. Implementing Recommendation 9 would allow for more
13 robust mentorship by empowering SPD supervisors to promptly address performance and
14 customer service concerns (as opposed to serious misconduct—which would continue to be
15 investigated by OPA). And, as noted by the Monitor, it would allow OPA to prioritize its
16 investigative resources on allegations of serious misconduct. SPD looks forward to, in
17 collaboration with the Accountability Partners, developing “specific expectations for first-line
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19 ⁸ See Recommendations 9 and 14-16.

20 ⁹ Mayor Harrell supports legislation that would require arbitrators to afford substantial
21 deference to discipline imposed by a Chief of Police or Sherriff.
22 [https://harrell.seattle.gov/2024/01/08/as-state-legislative-session-begins-mayor-harrell-
highlights-key-priorities-for-seattle/](https://harrell.seattle.gov/2024/01/08/as-state-legislative-session-begins-mayor-harrell-highlights-key-priorities-for-seattle/)

1 supervisors to address such misconduct,” ensuring that “the policy and process [] is fair and
2 uniform; is adequately documented; and is subject to ongoing, systematic review and oversight by
3 OIG.”¹⁰

4 Addressing Recommendation 7, OIG is working to perform a limited follow-up of the 2021
5 Audit of the Disciplinary System for SPD Sworn Personnel, as reflected in its 2024 Work Plan.¹¹
6 This audit will include an updated evaluation of disciplinary outcomes compared to
7 recommendations, complainant input, and any impacts of recent arbitration.

8 **Conclusion**

9 Sustainable reform requires continuous innovation, improvement, and public engagement.
10 The Monitor’s Assessment contains valuable feedback that will help inform the efforts of the
11 City’s elected and appointed leaders in pursuit of meaningful police accountability.

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¹⁰ Monitor’s Assessment (dkt. 782) at 7.

22 ¹¹ Available at
<https://www.seattle.gov/documents/Departments/OIG/Annual/OIG2024Workplan.pdf>

1 Respectfully submitted,

2 DATED this 29th day of January, 2024.

3
4 For the CITY OF SEATTLE
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The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

Case No. C12-1282 JLR

**MOTION FOR LEAVE TO FILE
AMICUS CURIAE MEMORANDUM**

TO: Clerk of the Court

AND TO: All Parties and Counsel of Record

The Community Police Commission (CPC) respectfully moves the Court for leave to file an *amicus curiae* memorandum commenting on issues recently raised before this Court by the Monitor and the City.

The Court granted the CPC *amicus curiae* status in 2013 (Dkt. # 106), stating that the CPC “may file memoranda commenting on any issue or motion raised by the parties in court proceedings.” *Id.* at 13-14. The CPC has actively participated in this action from the beginning, precisely as the parties anticipated in the original 2012 Settlement Agreement and Memorandum of Understanding. *See* Dkt. # 3-1 ¶¶ 3-12 (requiring creation of CPC and describing CPC role). The CPC is thus especially well-situated to provide “unique or helpful information beyond what the

1 parties can provide” (Dkt. # 734) because it “leverage[s] the ideas, talent, and expertise of the
2 community.” Dkt. #3-1 ¶ 6. The CPC’s input is particularly appropriate now in light of the issues
3 raised in the Monitor’s December 29, 2023 Report (Dkt. #782), which provides findings and
4 recommendations concerning the CPC itself. The CPC thus respectfully moves for leave to file the
5 attached *amicus curiae* memorandum.
6

7 DATED January 29, 2024

Respectfully submitted,

8 By: /s/ Edgar Sargent

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16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on January 29, 2024, I electronically filed the foregoing with the Clerk
18 of the Court using the CM/ECF system, which will send notification of such filing to all counsel of
19 record.
20

21 /s/Edgar Sargent

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

Case No. C12-1282 JLR

**COMMUNITY POLICE
COMMISSION'S MEMORANDUM AND
EXHIBIT COMMENTING ON
MONITOR'S DECEMBER 2023
REPORT**

TO: Clerk of the Court

AND TO: All Parties and Counsel of Record

Amicus curiae Seattle Community Police Commission submits this memorandum attaching as Exhibit 1 a letter signed by the CPC Co-Chairs addressing certain issues raised in the Seattle Accountability System Sustainability Assessment, submitted by the Federal Monitoring Team to the Court December 29, 2023 (Dkt #782).

DATED January 29, 2024

Respectfully submitted,

By: /s/ Edgar Sargent
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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/Edgar Sargent

Seattle
Community
Police Commission

Hon. Judge James Robart
United States District Court for the Western District of Washington
United States Courthouse
1051 6th Avenue
Seattle, Washington 98104

Your Honor:

The Seattle Community Police Commission (“CPC”) provides this letter responding to the Seattle Accountability System Sustainability Assessment submitted by the Federal Monitoring Team to the Court on December 29, 2023 (the “Monitor’s Report”). The Monitor provided the CPC with a draft copy of the Report and the CPC attempted to raise the issues addressed in this letter directly with the Monitor, but, in the CPC’s view, the short deadlines established for reactions to the draft precluded meaningful discussion of the CPC’s concerns. Whatever the cause, the CPC’s input does not appear to have been taken into account in the final Monitor’s Report, which is largely unchanged from the initial draft.

In performing his assessment, the Monitor minimized—and sometimes simply ignored—Seattle’s bold and singular plan to prioritize direct community involvement in police policy. Seattle’s approach has empowered its citizens by offering them direct input into the methods and conduct of the officers with whom they interact. Because this community engagement was a fundamental principle in Seattle’s police accountability system from the outset, the Community Police Commission was the first of the three accountability organizations to be created, and did the work of creating the other accountability partners in their current form.

Since its formation in 2012, the CPC has consistently provided a forum where community members could voice concerns, suggestions, complaints and commendations based on actual experience with the SPD. And the CPC could compile these diverse comments into organized and vetted proposals that the CPC could then submit directly to SPD. Over the past ten years, this process generated important policy recommendations in several areas, including use of force, crowd control, Seattle’s first-in-the-nation ruse policy, and the implementation of body-worn cameras.

The Monitor largely ignores the importance of this level of community involvement in his Report and thus downplays the purpose, mandate, and value of the CPC. Instead, the Report prioritizes efficiency and consistency of communication by, for example, repeating without proper context or qualification anonymous complaints that the CPC “gets divided” or suffers from a “lack of clarity.” (Report, page 50) This bias in favor of bureaucratic efficiency over community involvement pervades the report but is particularly evident in the section addressing the CPC. What is missing from the Monitor’s analysis is an acknowledgment that providing voice to the members of a diverse community such as Seattle inherently involves some “lack of clarity” and may “get

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divided.” Seattle’s City Council and the parties to the consent decree fully understood that a high degree of community engagement would likely lead to a multiplicity of voices and messages. Seattle nevertheless chose to prioritize community empowerment.

The Monitor’s failure to appreciate this history is evident in the Report’s use of extensive quotes from a May 2017 statement by former SPD Chief O’Toole addressing what he called “the abject complexity” of the three-part accountability structure being considered by the City Council. What the Monitor fails to acknowledge is that Chief O’Toole’s concerns were presented to the City Council before the accountability ordinance was passed and the City Council chose to proceed with the current structure regardless. Although the Monitor himself clearly found O’Toole’s concerns notable, the Report provides no concrete basis for revisiting the City Council’s 2017 determination to adopt the current system despite those concerns. In particular, the Monitor has not provided any examples of the SPD being “impeded” in its “ability . . . to implement timely and relevant change” or any evidence to believe that the accountability structure has “los[t] its force altogether through its unworkability,” as Chief O’Toole foresaw. Indeed, despite facing the challenges posed by the 2020 racial justice unrest, the pandemic, and other events, the accountability structure has continued to function coherently and effectively. Certainly, the Monitor provides no basis to conclude that any problems that *do* exist with the current system are the result of confusion or bureaucratic inefficiency.

In this general context, the voices that are missing from the Monitor’s Report are particularly notable. Although the Monitor quotes many current city employees as well as officials such as former Chief O’Toole, he includes no remarks from any of the civilian (*i.e.* non-city-employee) members of the community who are the direct constituency of the CPC. He also apparently failed to seek input from any of the community organizations which have been actively involved in efforts to reform the Seattle Police Department, such as the ACLU, Faith Action Network, El Centro De La Raza, Asian Counseling and Referral Service, or other community groups. In the CPC’s estimation, the Monitor’s omission of community viewpoints further skews the analysis in the Report to favor administrative and bureaucratic priorities over community empowerment.

The Monitor also raises several criticisms of the CPC that are either outdated or too one-sided to be useful. The Report focuses on allegations of conflict between the CPC Executive Director, staff, and members of the committee. These claims relate to a relatively brief period of discord which, unfortunately, immediately preceded the period in which the Monitor conducted most of his investigation. Subsequent personnel changes at the CPC have eliminated the previous problems, which were also exacerbated by the challenges of the pandemic and the aftermath of the 2020 racial justice protests. The CPC has not demonstrated a pattern of dysfunction or inaction over time and significant changes to its structure or authority are not warranted.

The most impactful modification to the accountability system proposed by the Monitor is also the most problematic. He suggests that proposals for SPD policy changes should all be made through OIG and that the CPC and OPA should no longer be authorized to communicate such proposals directly. (Report at pages 58-60). Once again, the Monitor bases his conclusions on reports from

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city employees that the current system is “frustrating” because it is “too complex and creates unnecessary conflict”, including “conflicts in policy recommendations.” (all quotes from Report, page 58). It may be correct that silencing the CPC as an independent voice—or, more accurately, collection of voices—would lead to a system that is less complex and has fewer conflicts. But taking this step would be a grave mistake. CPC has effectively demonstrated the importance of this role as assigned to CPC in the Accountability Ordinance, and the capability of the CPC to amplify community voices in the process. The CPC has policy responsibilities to the community by design, and this should not be discounted for the sake of convenience.

This proposed change directly contradicts Seattle’s accountability ordinance, which identifies its goals to include “building a strong community-based entity *with authority to review and weigh in on police policies and assess the responsiveness of SPD, the City of Seattle and accountability system professionals to community concerns.*” (Seattle Ord. No. 125315 § 1, K). Eliminating the CPC’s official authority to comment on police policy would require legislative action to amend the existing accountability ordinance and eliminate the many provisions which authorize the CPC to provide its own, independent evaluation of police policy. *See, e.g.* 3.29.030 (A) (requiring each accountability partner to “exercise independent judgment and offer critical analysis”) and (B) (requiring each accountability partner to “recommend and promote to policymakers changes to policies and practices.”) In addition to the practical challenges posed by the need to rewrite large sections of the relevant city ordinance, the change proposed by the Monitor would signal to the community that Seattle is retreating from its commitment to community involvement in police policy and conduct issues—a message that is both inaccurate and potentially detrimental to the City’s ongoing efforts at reform. This recommendation overrides the intentions of city leaders to provide separate and independent input on policy to the SPD. The community cannot be simply a feeder to the policy clearinghouse in OIG, they must have their own voice, as designed in the 2017 Accountability Ordinance.

Most troubling of all, the Monitor appears to have decided to propose this fundamental change to Seattle’s police accountability process based on the thinnest conceivable justifications. As former Councilmember Lisa Herbold (a member of the Council at the time the Ordinance was enacted) noted in an email to the Monitor, the decision to recommend stripping the CPC of policy proposal authority appears to have been driven by the opinions of a few, largely anonymous, city employees. As Herbold notes, “there are no examples of an actual CPC policy recommendation that created any sort of a problem.” If the only real-world problems being addressed by this Monitor’s recommendation are related to confusion over potentially conflicting communications, those concerns can be addressed in with far less radical proposals, or they can simply be accepted as one of the features of a system that was expressly designed to foster input from many sources.

One additional recommendation in the Monitor’s Report should also be rejected, although it is far less significant than stripping the CPC of its role directly commenting on police policy. The Monitor proposes that responsibility for the database used to track policy initiatives should be transferred from the CPC to OIG. This proposal was based on difficulties CPC staff had initially managing the software that is used to maintain the database. Those challenges have been overcome

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and the CPC is now fully capable of maintaining the database using the existing system, especially if all system partners commit to providing data to the CPC to update the trackers as has been requested.

Despite having a fundamental disagreement with the Monitor over the role of the community and the CPC in SPD policy reform, the CPC commends the Monitor and his team for having produced this extensive Report. Many of the reflections it contains will be valuable for the various parties involved as they seek to improve internal operations. Several of the Monitor's specific proposals are supported by the CPC, including creating and implementing internal policies and procedures to clarify roles, goals and processes for CPC staff, focusing on repairing relationships, and planning to evaluate the effectiveness of changes implemented by the CPC over time. We look forward to facilitating a robust and direct community voice in this important work.

On behalf of Seattle Community Police Commission,
Sincerely,



Reverend Patricia Hunter, Co-Chair



Reverend Harriett Walden, Co-Chair



Joel Merkel, Co-Chair