

BEFORE THE EMPLOYMENT RELATIONS BOARD  
OF THE STATE OF OREGON

PORTLAND POLICE ASSOCIATION,	)	
	)	
Complainant,	)	Case No. UP-023-12
	)	
v.	)	
	)	PETITION OF THE ALBINA
CITY OF PORTLAND,	)	MINISTERIAL ALLIANCE COALITION
	)	FOR JUSTICE AND POLICE REFORM
Respondent.	)	TO PARTICIPATE AS AMICUS
	)	

**PETITION TO PARTICIPATE AS AMICUS**

The Albina Ministerial Coalition Alliance for Justice and Police Reform (“AMA Coalition”) respectfully requests permission to participate as a limited party in the above-captioned matter pursuant to OAR 137-003-0005. Specifically, the AMA Coalition asks that it be allowed to submit the attached brief for the Board’s consideration. As explained further in the AMA Coalition’s brief, under a centuries-old common law public policy doctrine, the ERB will need to consider the rights of people in communities affected by excessive police use of force. As explained further below, the AMA Coalition is uniquely positioned to advocate on behalf of those rights.

Counsel for the AMA Coalition certifies that both counsel for the City and for the PPA take no position on this Motion.

OAR 115-001-0005 provides that the Board will follow the Model Rules of Procedure where its own rules do not specify a procedure. The Board's rules do not provide a procedure for the participation of amici, so the Coalition draws the Board's attention to OAR 137-003-0005 which invites agencies to grant "limited party" status sets out factors relevant to the decision of whether to do so.

Pursuant to OAR 137-003-0005(3), Jessica Ashlee Albies states that she submits this petition on behalf of the AMA Coalition. She is serving as counsel for the AMA Coalition in this matter. She requests that the Board direct all communications on this matter to her address:

J. Ashlee Albies  
Creighton & Rose PC  
815 SW 2nd Suite 500  
Portland OR 97204

The AMA Coalition requests permission to participate only as a limited party and only to the extent of submitting the attached brief for the Board's consideration.

The AMA Coalition seeks to represent a public interest in this proceeding. Specifically, it wishes to bring to the Board's attention the interests of communities disproportionately impacted by police use of force in the City of Portland, such as African American communities, people with mental disabilities and mental health issues, and other minority groups. The outcome of this case will determine whether the City is able to take measures that the Coalition and its members have long demanded to increase accountability for police use of force. These measures are necessary to protect members of the communities represented by the Coalition's member organizations, both against excessive use of force itself and against community reluctance to call law enforcement for fear of its use of force. The common law public policy

doctrine explained in the attached brief requires ERB to take these interests into account in ruling on this case.

The AMA Coalition was founded in 2003 after Kendra James, a young African American woman, was shot during a traffic stop. The AMA Coalition was broadened with the police shooting of Aaron Campbell in January 2010 and now includes 25 community and faith-based organizations who are dedicated to bringing Justice to the citizens of Portland and reforming the Portland Police Bureau (“PPB”). The AMA Coalition is working toward these five goals: 1. A federal investigation by the Justice Department to include criminal and civil rights violations, as well as a federal audit of patterns and practices of the Portland Police Bureau; 2. Strengthening the Independent Police Review Division and the Citizen Review Committee with the goal of adding power to compel testimony; 3. A full review of the Bureau's excessive force and deadly force policies and training with diverse citizen participation for the purpose of making recommendations to change policies and training; 4. The Oregon State Legislature narrowing the language of the State statute for deadly force used by police officers; 5. Establishing a special prosecutor for police excessive force and deadly force cases. It pursues these goals with an emphasis on team work among the AMA Coalition’s diverse members and on the principles of non-violent direct action enunciated by Dr. Martin Luther King, Jr.

Founding AMA Coalition member Albina Ministerial Alliance (“Alliance”) is a group of 125 Portland-area churches, including many predominantly African American congregations. The Alliance has its roots in the civil rights work of ministers in the mid-Twentieth Century. Some of the AMA Coalition’s other member organizations represent other groups at high risk for police use of force, such as Disability Rights Oregon, Mental Health America - Oregon Chapter,

and Oregon Action. Others are policy groups working in the area of police accountability, such as the Portland Chapter of the National Lawyers Guild.

The AMA Coalition, as a diverse coalition with deep roots in the communities most affected by the PPB's use of force, is well-suited to represent the interests of these communities. It has a long established role as a stakeholder in the public debate concerning police use of force.

Neither party to this case will adequately represent the public interests that the AMA Coalition seeks to bring to the Board's attention. Indeed, the City frequently finds itself in litigation against the victims about whom the Coalition is concerned. See, e.g., *Estate of Aaron Campbell v. Frashour, Lewton, Reyna, Birkinbine and the City of Portland*, 10-CV-1358 (D. Or.). Indeed, as explained further in the AMA Coalition's brief, the implication of the AMA Coalition's public policy argument is that the City is liable under 42 U.S.C. § 1983 for its officers' excessive use of force.

In sum, the ERB should grant the AMA Coalition's petition because it requests only the most limited possible form of participation, the submission of an amicus brief. The stakes of this case are high for the interests the AMA Coalition represents, and it is uniquely well positioned to represent them.

Finally, the AMA Coalition notes that OAR 137-003-0005 does not provide a timeline for submission of an amicus brief and assumes a case will involve a hearing, which will not occur in this case. Therefore, the AMA Coalition requests that in this case, the ERB adopt the timeline used for amicus briefs in the Oregon Court of Appeals. ORAP 8.15(4) provides that, absent leave of the court, an amicus curiae must submit its brief seven days after that of the party with

whose interests it is aligned. The AMA Coalition is submitting its brief at the same time as the City, with whose position the AMA Coalition is most nearly aligned in this case.

DATED: June 8, 2012.

*s/ J Ashlee Albies*  
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J. Ashlee Albies, OSB No. 05184  
Creighton & Rose, PC  
Of Attorneys for the AMA Coalition