



## CITY OF PORTLAND, OREGON



### Bureau of Police

Ted Wheeler, Mayor  
Charles Lovell, Chief of Police

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Integrity • Compassion • Accountability • Respect • Excellence • Service

## Executive Summary Directive 0631.70 Investigation of Animal Problems

### Introduction

The Portland Police Bureau began reviewing Directive 0631.70, Investigation of Animal Problems, in April of 2022. The Bureau posted the directive for Universal Review in May of 2022, and a revised version for Second Universal Review in July of 2023.

The Bureau reviewed this directive in response to the removal of the use of firearms and less lethal weapons against animals from Directive 1010.00, Use of Force. As such, the directive needed to be updated to institute a new review process for these incidents.

The revised directive directs supervisors to use the Non-Force After Action process from Directive 0905.00 when members use weapons against animals and includes several other small changes to language for clarity.

### Public Comments

The Bureau received two comments during the First Universal Review Process, and a single comment during the Second Universal Review Process.

During the first universal review process, one commenter presented a specific concern around the behavior of opossums. This comment fell more appropriately into the realm of training for Bureau members; therefore, Policy Development Team (PDT) did not adopt the recommendation.

The other commenter presented numerous concerns around the existing policy. The primary concern presented was the removal of the use of weapons against animals from the Use of Force Directive. The commenter stated that this was likely to encourage violence against animals. In actuality, Directive 1010.00, Use of Force, is crafted to encompass a very specific legal landscape and requirements that are fundamentally distinct, and do not overlap well with the Bureau's encounters with animals. This is why a separate standard is enunciated in this directive.

The commenter also suggested changing the term prisoner as it was inaccurate. The PDT adopted this comment.

The commenter also made several suggestions around the concept of de-escalation. First the commenter said that the concept of de-escalation came too late in the policy and should be addressed sooner. The placement of a specific term or requirement in a directive is not related to that concept's importance, but rather with the aim of creating an easy to read and understand document.

The commenter also suggested listing specific de-escalation tactics and use instructions for less lethal weapons. Directives are written to establish the limits of permissible action by Bureau members and are not intended to serve as training documents.

The commenter also asked that all After Action reports for the use of weapons against animals be forwarded to Professional Standards, the Independent Police Review and the Police Review Board. Bureau Directives already place an affirmative duty on members to forward any suspected misconduct to Internal Affairs, as such, the PDT did not adopt this comment.

Lastly, the commenter suggested that the policy more clearly spell out when people in custody can contact a private retrieval company. This is ultimately a fact specific inquiry, depending on the situation. Depending on staffing, safety, and other factors, officers may or may not be able to allow a person in custody to contact a private party to care for a companion animal. As such, the PDT did not adopt this comment.

### **The Bureau's Revised Policy**

The revised directive places the use of weapons on animals under the After-Action Process established in Directive 0905.00, Non-Force After Action Reporting. It also includes several changes to the language in the directive to improve clarity. The PDT left the remaining substance of the directive largely unchanged.

The Bureau welcomes further feedback on this policy during its next review.

The Directive goes into effect on 03/16/2024. Published on 02/15/2024.

## **0631.70 Investigation of Animal Problems**

### **Refer:**

- ORS § 498.016 Taking Crippled or Helpless Wildlife
- DIR 0640.13, Drug Lab Procedures
- DIR 0870.40, Prisoners' Animals
- DIR 0900.00, General Reporting Guidelines
- DIR 0905.00, Non-Force After Action Reporting
- DIR 1010.00, Use of Force

### **Policy:**

1. This directive establishes guidelines and procedures for managing animal-related calls.
2. Although the Portland Police Bureau receives calls to respond to animal problems, Multnomah County Animal Control (MCAC) is responsible for the investigation of all complaints regarding domestic animals and the enforcement of animal related laws. Issues concerning animal cruelty or managing protective custody of animals belonging to people in custody should be directed to MCAC. The Oregon Department of Fish and Wildlife (ODFW) is the managing agency for situations involving wildlife animals.

### **Procedure:**

1. Member Responsibilities.
  - 1.1. For non-emergency situations, members will refer a complaint and/or problem regarding noisy, dangerous, loose, abandoned, sick, injured, and dead animals to MCAC. Police units will not be dispatched for situations involving barking dogs, dog bites where the animal is presently contained, cats on a roof, strays, loose livestock, etc., unless the animal is creating a hazardous condition.
  - 1.2. In situations involving non-domestic animals (e.g., deer, raccoons, etc.), members may contact ODFW for assistance.
  - 1.3. In emergency situations where an aggressive animal poses a threat to public safety, members will take appropriate action to deter or prevent the animal from doing immediate harm to a person(s) and, when time and circumstances permit, notify MCAC or ODFW or advise the Bureau of Emergency Communications (BOEC) dispatcher to notify either agency.
  - 1.4. Members will take appropriate action to save the life of an animal they reasonably believe is in danger (e.g., breaking a car window to extract an animal trapped in a hot car).
  - 1.5. Members may be called to respond to traffic accidents involving animals and in situations where an animal is injured or dead and is creating a traffic hazard. Upon arrival of MCAC, ODFW, or Oregon Department of Transportation personnel, members should remain at the scene to assist, if requested.

- 1.6. Members have the option of calling MCAC to take an animal belonging to a person in custody into protective custody at the scene or impounding the animal and transporting it to the Central Precinct animal holding cage in accordance with Directive 0870.40, Prisoners' Animals.
  - 1.6.1. In situations where MCAC is requested to take an animal belonging to someone in custody, members should request from the owner a name and contact information for someone who can pick up the animal if they are unable to. Members will then ensure that MCAC personnel are provided with the name and address of either the owner or the party designated by the owner for subsequent retrieval of the animal.
- 1.7. Members will not contact privately contracted animal retrieval companies directly. These companies provide after-hour response under contract with MCAC. However, members may refer individual pet owners to MCAC or these companies (if known) for services at the individual's own expense.
2. Response to Vicious, Aggressive, or Badly Injured Animals.
  - 2.1. Members encountering vicious or aggressive animals may use a Bureau-issued less lethal weapon to stop an animal when the member reasonably believes:
    - 2.1.1. The animal presents an immediate danger to the life or personal safety of the member or other persons.
    - 2.1.2. The animal interferes with the safety of the members, the execution of a police function, or completion of a mission.
    - 2.1.3. When necessary to secure an animal.
  - 2.2. Members may use their Bureau-issued firearm on a vicious or aggressive animal to stop what the member reasonably believes is an immediate danger to the life or personal safety of the member or other persons.
    - 2.2.1. Members will exhaust all other practical means of containing or capturing the animal before discharging their firearm. If time allows, members will obtain permission from a supervisor.
  - 2.3. Members may use their firearm to end the suffering of a badly injured animal when no other humane disposition is available.
3. Notification and Reporting.
  - 3.1. Members who use a less lethal weapon on or discharge their firearm at an aggressive or badly injured animal will notify their supervisor as soon as feasible and will complete an appropriate police report including their justification.
  - 3.2. Supervisors will review members' use of less lethal weapons or firearms and complete an After Action in accordance with 0905.00, Non Force After Action Reporting.
  - 3.3. Members who discharge a firearm at a vicious or aggressive animal or to end the suffering of a badly injured animal shall contact the Service Net to arrange for disposal of the animal.

- 3.3.1. For disposal of domestic animal remains, members will request MCAC to respond.
  - 3.3.2. For disposal of wildlife animal remains, members will notify ODFW for the appropriate response and disposal in accordance with state Fish and Wildlife Commission regulations.
4. Warrant Service.
  - 4.1. Members will assist MCAC in warrant services when the animal control officer has knowledge of a potential problem and requests Bureau assistance to serve the warrant. Members will also assist if the animal control officer encounters a problem and immediate assistance is required.

### **History**

Established: 09/06/2001

Signed: 2/15/2024

Effective: 03/16/2024

Next Review Date: 03/16/2026

## 0631.70 — Investigation of Animal Problems

### Refer:

- ORS § 498.016 Taking Crippled or Helpless Wildlife
- DIR 0640.13 Drug Lab Procedures
- DIR 0870.40 Prisoners' Animals
- DIR ~~0904.00 Field Reporting Handbook Instructions~~ General Reporting Guidelines
- DIR ~~090540.00 After Action Reports~~ Non-Force After Action Reporting
- DIR 1010.00 Use of Force
- ~~ORS § 498.016 Taking Crippled or Helpless Wildlife~~

### Policy:

1. ~~The purpose of t~~This directive ~~is to~~ establishes es guidelines ~~for and~~ the procedures for managing handling of animal related calls.
2. ~~While-Although~~ the Portland Police Bureau receives calls to respond to animal problems, Multnomah County Animal Control (MCAC) is responsible for the investigation of all complaints regarding domestic animals and the enforcement of animal related laws. Issues concerning animal cruelty or managing protective custody of ~~prisoners'~~ animals belonging to people in custody should be directed to MCAC. ~~For situations involving wildlife animals,~~ The Oregon Department of Fish and Wildlife (ODFW) is the managing agency for situations involving wildlife animals and will be notified to respond.

### Procedure:

1. Member Responsibilities.
  - 1.1. For non-emergency situations, members will refer a complaint and/or problem regarding noisy, dangerous, loose, abandoned, sick, injured, and dead animals to MCAC. Police units will not be dispatched for situations involving barking dogs, dog bites where the animal is presently contained, cats on a roof, strays, loose livestock, etc., unless the animal is creating a hazardous condition.
  - 1.2. In situations involving non-domestic animals (e.g., deer, raccoons, etc.), members may contact ODFW for assistance.
  - 1.3. In emergency situations where an aggressive animal poses a threat to public safety, members will take appropriate action to deter or prevent the animal from doing immediate harm to a person(s) and, when time and circumstances permit, notify MCAC or ODFW or advise the Bureau of Emergency Communications (BOEC) dispatcher to notify either agency.
  - 1.4. Members will take appropriate action to save the life of an animal they reasonably believe is in danger (e.g., breaking a car window to extract an animal trapped in a hot car).
  - 1.5. Members may be called to respond to traffic accidents involving animals and in situations where an animal is injured or dead and is creating a traffic hazard. -Upon

arrival of MCAC, ODFW, or ~~the~~ Oregon Department of Transportation personnel, members should remain at the scene to assist, if requested.

1.6. Members have the option of calling MCAC to take a ~~prisoner's~~ animal belonging to a person in custody into protective custody at the scene or impounding the animal and transporting it to the Central Precinct animal holding cage in accordance with Directive 0870.40, Prisoners' Animals.

1.6.1. In situations where MCAC is requested to take an ~~prisoner's~~ animal belonging to someone in custody into protective custody at the scene, members should request from ~~the owner a prisoner~~ a name and contact information for someone who can pick up the animal if they are unable to. Members will then ensure that MCAC personnel are provided with the name and address of either the owner or the party designated by the owner for subsequent retrieval of the animal.

1.7. Members will not contact privately contracted animal retrieval companies directly. These companies provide after-hour response under contract with MCAC. However, members may refer individual pet owners to MCAC or these companies (if known) for services at the individual's own expense.

2. Response to Vicious, ~~or~~ Aggressive, or Badly Injured Animals.

~~Directive 1010.00, Use of Force, governs all uses of force, including force used on animals.~~

2.1. Members encountering vicious or aggressive animals may use a ~~bureau~~ Bureau-issued less lethal weapon to stop an animal ~~under the following conditions~~ when the member reasonably believes:

2.1.1. ~~T~~When the animal presents an immediate danger to the life or personal safety of the member or other persons.

2.1.2. ~~When t~~The animal interferes with the safety of the members, ~~or~~ the execution of a police function, or completion of a mission.

2.1.3. When necessary to secure an animal.

—Members may use their Bureau-issued firearm ~~on a dangerous or vicious or aggressive animal to~~ s:

2.2. Stop what the member reasonably believes is an immediate danger to the life or personal safety of the member or other persons.

~~2.1.4. —end the suffering of a badly injured animal and no other humane disposition is available.~~

2.2.1. Members will exhaust all other practical means of containing or capturing ~~the~~ vicious or aggressive animal before discharging their firearm. If time allows, members will obtain permission from a supervisor.

~~2.2.2.3.~~ Members may use their firearm to end the suffering of a badly injured animal and when no other humane disposition is available.

3. Notification and Reporting.

~~3.1. Members who use a less lethal weapon on or discharge their firearm at an aggressive or badly injured animal will notify their supervisor as soon as feasible; and will complete an appropriate police report including their justification. discharge their firearm at an aggressive animal or to end the suffering of a badly injured animal shall write an appropriate report, which will be reviewed by a supervisor in accordance with Directive 1010.00.~~

~~3.1.3.2. Supervisors will review members' use of less lethal weapons or firearms and complete an After Action in accordance with 0905. Non Force After Action Reporting. Members who use a less lethal weapon on an animal shall document the use of force in an appropriate police report in accordance with Directive 910.00, Field Reporting Handbook Instructions General Reporting Guidelines.~~

~~3.2.3.3. Members who discharge a firearm at a vicious or aggressive animal or to end the suffering of a badly injured animal shall contact the Service Net to arrange for disposal of the animal.~~

~~3.2.1.3.3.1. For disposal of domestic animal remains, members will request MCAC to respond.~~

~~3.2.2.3.3.2. For disposal of wildlife animal remains, members will notify ODFW for the appropriate response and disposal in accordance with state Fish and Wildlife Commission regulations.~~

4. Warrant Service.

4.1. Members will assist MCAC in warrant services when the animal control officer has knowledge of a potential problem and requests Bureau assistance to serve the warrant. Members will also assist if the animal control officer encounters a problem and immediate assistance is required.



# #1

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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Page 1

## Q1

Please provide feedback for this directive

COMMENTS on Violence Against Animals, Arrests and Training Directives, July 2023

To Chief Lovell, Inspector Buckley, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, Mayor/Police Commissioner Wheeler, US Dept. of Justice, Citizen Review Committee, Training Advisory Council and the Portland Police Bureau:

Below are Portland Copwatch's comments on six Directives posted for review in July at <http://www.portland.gov/police/directives-overview>. All six are policies on which we've previously commented; in some cases the PPB made substantive changes reflective of our remarks, which we list below.

The Training Directive (1500.00) should always be posted with at least a two-month review timeline, since the Training Advisory Council only meets once every two months and should be consulted for input.

We continue to ask the Bureau to put letters or numbers on the major sections ("Refer," "Definitions," "Policy," "Procedure") to make it easier to refer to a particular subsection. We repeatedly suggested the Bureau should publish redline versions for years, and now that is happening regularly. Maybe this renumbering will happen one day as well. Our comments are on the Procedure section unless otherwise noted.

DIRECTIVE 631.70 INVESTIGATION OF ANIMAL PROBLEMS (last comments May 2022)

Only Human Life is Sacred?: It appears one of the main reasons this policy was revised was to remove the requirement to report on deadly force used against a non-human animal in the same way as other deadly force. While we understand that the US Department of Justice either suggested or approved of the change, it ignores that humans who abuse animals are often ones who go on to abuse other humans. Tracking officers who use deadly force should include their force against non-human animals.

Slight Improvement in Reporting: In our previous comments, we noted that the requirement for a Supervisor to provide an After Action Report for the shooting of an animal was removed. It has been re-inserted, albeit that it has to be a "non-force report" (Section 3.2). When is force not force? When you have domain over all other creatures because of your opposable thumbs. We also encouraged that the After Action Report should be forwarded to Professional Standards, the "Independent" Police Review and, if appropriate, the Police Review Board, which is not required in this version.

Still No Opinion: As we've written a few times now, "This Directive guides the police to defer to Multnomah County Animal Control for most concerns about domestic animals. Since that agency is not one that we study, we have no direct comment on that concept at this time."

Improvement in Language: We pointed out that referring to people as "prisoners" when they have only been detained/arrested by police (and are thus not in prison) was inaccurate; the Bureau fixed this issue in Section 1.6 by referring to a "person in custody."

Emphasize De-Escalation: Even if the Bureau devalues the lives of four-legged family members (or animals living in the wild), officers should still be encouraged to begin any encounter using de-escalation tactics, as they are in the Force policy (1010.00). The Bureau removing the Force policy from the Directive does not absolve officers from avoiding violence when they opt to use lethal or less-lethal weapons. As noted previously, the suggestion to "exhaust all other practical means of containing or capturing the animal" (Section 2.2) comes late in the policy.

List Possible Tactics: We repeat our previous comment that the Bureau should list actions officer can take other than using force, such as retreat, containment, and allowing an animal's owner who's not posing a threat to officers to calm the animal down.

## 0631.70 Directive Feedback (2UR)

Less Lethals Can Kill: As PCW noted before, the term "less lethal" is used to describe weapons like projectile launchers because these weapons are capable of causing death in some circumstances. We again remind the Bureau that a dog was hit by a PPB Taser in 2005 and died of "circulatory collapse" after an officer zapped it multiple times (Willamette Week, July 13, 2005). The Directive should include references to possible harm by these weapons, and inform officers where on animals' bodies to aim that is unlikely to cause serious injury or death.

Do People in Custody Get to Call?: Section 1.7, which tells officers to refer pet owners to privately contracted retrieval companies if Animal Control is not open for business, should be clear if people in custody can call to check on their companions.

### CONCLUSION

With the Training Directive clocking in at over 10 pages, trying to review it in all its complexity in a 30 day review period along with five other policies is a challenge. Notably the Chair of the Training Advisory Council sent in personal comments during the last round of review because the TAC did not have time to look at them on their own. The PPB should strategically invite particular community and/or advisory groups to hold public meetings to go over policies such as this which directly intersect with those groups' work, and again, give extra time to ensure this can be done meaningfully. PCW appreciates the steps toward mitigating the impacts of policing both in response to some of our comments and what appears to be on the Bureau's own initiative. We hope to see more of these changes in the future.

--dan handelman (and other members of)

--Portland Copwatch

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### Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

**Portland Copwatch**

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# #1

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, May 16, 2022 11:06:57 AM  
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**Time Spent:** 00:00:27

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Page 1

## Q1

Please provide feedback for this directive

Seems reasonable to me, in all respects.

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## Q2

**Respondent skipped this question**

Contact Information (optional - your name will be visible on PPB's website)

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## #2

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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Page 1

### Q1

Please provide feedback for this directive

PPB Officers and all LEO personnel need to be educated about wildlife and how they defend themselves. Not long ago, there was an instance of a Possum that had been shot and killed by an Officer because a citizen reported it was dying and had rabies. Possums do not carry rabies and are 99.9% immune to the virus. Possums "play dead" and spew a greenish liquid to ward off predators. Hence the term "playing possum". They are not sick or dying! PLEASE don't shoot Possums. We need them for cleanup of our environment in regards to rodents, slugs, etc. Most native Oregonians know this, but with all the "transplants" coming in, I believe education of our Officers and them educating the public will help save our only true North American marsupial. This may be a small thing, but I believe it's important. Thank you for reading.

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### Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Teresa Colton**

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#3

COMPLETE

**Collector:** Web Link 1 (Web Link)  
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Page 1

## Q1

Please provide feedback for this directive

COMMENTS on Police Violence Against Animals Directive, May 2022

To Chief Lovell, Inspector Buckley, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on the "Investigation of Animal Problems" Directive posted for review in May . We refer to this as the "police violence against animals" policy because most of the guidelines for officers directly engaging with animals involve use of force.

Our comments are updated from the previous review of this Directive in June 2016, almost six years ago.

It is difficult to know why this policy has come up for review at this time. As noted before, we believe the Bureau should indicate the reason for review and any changes it is considering making, particularly because the First Universal Review only applies to an existing Directive. The short windows given to review Directives was commented on by the Chair of the Citizen Review Committee at the May 23 meeting of the Police Accountability Commission and we once again urge the PPB to think about how to genuinely engage its advisory boards in crafting policy.

While there are no Definitions in this Directive, PCW continues to urge the Bureau to put letters or numbers on the major sections ("Refer," "Policy," "Procedure") to make it easier to understand what people are referring to when commenting, filing a complaint or investigating police activity. Our comments are on the Procedure section unless otherwise noted.

### DIRECTIVE 631.70 INVESTIGATION OF ANIMAL PROBLEMS

In June, 2017, the PPB released a version of this Directive which included substantial rewrites to the 2016 draft. Portland Copwatch (PCW) has noted that the Bureau removed references to "destruction" of animals as per our suggestion; we thank the Bureau for that change. We also appreciate that a reference to animals who destroy property has been removed.

As we wrote in 2016: "In general, this Directive guides the police to defer to Multnomah County Animal Control for most concerns about domestic animals. Since that agency is not one that we study, we have no direct comment on that concept at this time."

The police are directed to respond if there is an "aggressive animal" posing a threat to people (1.3), if an animal is in danger (such as locked in a hot car--1.4), if there has been a traffic accident (1.5) or when a person who has an animal is taken into custody (3.1--here such a person is called a "prisoner"; perhaps "detainee" or "arrestee" is more appropriate as the PPB generally doesn't take people directly to prison).

Lack of Oversight: We previously complimented the Bureau for a section in this Directive requiring a Supervisor to write an After Action Report, recognizing that using force/deadly force on a non-human animal is a serious matter. That requirement-- and a reference to the After Action Report Directive-- has been removed. After Action Reports should be required and forwarded to Professional Standards, the Independent Police Review, and if appropriate the Police Review Board.

De-Escalation Should Come First: While the policy has added the ability for officers to use "less lethal" weapons before considering using firearms, the caution to "exhaust all other practical means of containing or capturing the animal" (Section 2.4) should be the first item under the section titled "Response to Vicious or Aggressive or Badly Injured Animals" in order to emphasize de-escalation. Directive 1010.00, which is referenced in Section 2.1, begins with de-escalation.

Specific De-Escalation Ideas: We repeat our previous comment urging the Bureau to list actions officers can take other than using force, such as retreat, containment, and allowing an animal's owner who's not posing a threat to officers to calm the animal down.

## 0631.70 Directive Feedback (1UR)

Emphasize Caution on "Less Lethals": The term "less lethal" is used because these weapons are capable of causing death in some circumstances. We wrote in our previous comments about a dog who was hit by a Taser in 2005 and died of "circulatory collapse" after an officer zapped it multiple times (Willamette Week, July 13, 2005). Possible harm by these electroshock weapons, as well as areas of the body to aim for unlikely to cause serious injury or death, should be added.

Clarify Who Gets to Call: We wrote about what is now Section 1.7: "It should be made clear whether section [1.7] which tells officers to refer pet owners to privately contracted retrieval companies if Animal Control is not open for business is about community members in general, prisoners, or both."

Remembering Chief O'Dea: Finally, this reference is now dated, but what's now Section 1.2 directs officers to contact the Oregon Department of Fish and Wildlife for non-domestic animals. We asked for the Bureau to add a restriction against officers using firearms to shoot at ground squirrels or at their hunting buddies, especially if members have consumed alcohol.

### CONCLUSION

We're glad to have the opportunity to offer our comments to the Bureau. As we have said before, receiving feedback on why certain suggestions are or are not incorporated will help build community trust, particularly if such feedback is presented to public bodies such as the Portland Committee on Community Engaged Policing. Communication is key to building trust.

--dan handelman and other members of  
--Portland Copwatch

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### Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

**Portland Copwatch**

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