

**CITY COUNCIL WORK SESSION**  
Police Department Budget

Thursday, May 12, 2004 - 6:30 p.m.

Conference Room A

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City Council Present: Mayor Sirrell, Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, Raynolds, Whitehouse and St. Laurent

Officials Present: John P. Bohenko, City Manager; Dianna Fogarty, Human Resource Director; Judie Belanger, Finance Director; Robert Sullivan, City Attorney; Suzanne Woodland, Assistant City Attorney; David Moore, Community Development; Dianne Kirby, Deputy City Clerk; Police Commissioners Devine, Howe and Kelley; Michael Magnant, Police Chief; David Young, Deputy Police Chief; Len DiSesa, Police Captain; Karen Senecal, Police Budget Coordinator.

**I. Call to Order**

Mayor Sirrell called the meeting to order at 6:35 p.m. She stated that she was going to set new ground rules for this meeting. Mayor Sirrell asked that each Councilor ask two questions only for the first round of the table and then, if time permits, they will go around the table again.

**II. Introduction**

City Manager Bohenko welcomed everyone to the second work session on the 2006 Budget. He said we are here to review the 2006 Budget for the Police Department. In addition to the Police Department we have asked City Attorney Sullivan to address the Legal Department budget. The primary difference in his budget deals with the prosecutor issue and the proposal for two prosecutors. City Manager Bohenko advised the City Council he reduced it down to one and a half persons and wanted the City Attorney to address the need for the additional prosecutor, which is not in the budget this year. He said it was in his proposed budget and because of budget constraints of 4% it was removed.

The Police Department has worked very closely with us on the change in the format dealing with the budget summary of expenditures, our goals and services, and the performance measures. City Manager Bohenko thanked the Commission, the Police Chief, the staff and David Moore who worked together to put it in the format that you see tonight.

**III. Presentation - Police Commission/Police Department**

Commissioner Jack Kelley stated that the Police Department put on a special presentation that was rebroadcast on Channel 22 Saturday night and Monday at 7:00 p.m., of the live presentation made on Friday.

Commissioner Kelley said the presentation was quite comprehensive. He stated that it is that time of year again and the Police Department is going into a very critical situation. He said there is a tug of war going on between taxes and public safety. He

urged the Council to not disregard the Police Department assets. He stated that the presentation will show that they are involved in so much more than the public realizes. He stated that public safety has taken some unusual turns and they are involved in a lot of strange things that are going on that effect and will effect their budget in the coming months and years. Commissioner Kelley stated that the roles of a police officer are changing constantly and that is why their training changes and evolves on a constant basis. He continued to say that he wanted to set the stage to give everyone an awareness as to what kind of community is out there and what the Police Department has to be aware of. Commissioner Kelley then turned the meeting over to Police Chief Michael Magnant for the presentation.

Police Chief Magnant stated that when they get together in staff meetings they talk about strategy, goals and objectives. They discuss reducing criminal victimization, ways to hold offenders accountable, and look into ways to reduce fear and enhance personal security and guarantee safety in public places. Chief Magnant stated that law enforcement has evolved over the years and they realize that one of the things that the police are responsible for is a perception of fear. He stated that if people have a fear of crime they are not going to come out of their homes, they are not going to go shopping and they are not going to spend money. Chief Magnant stated that this hit home many years ago when downtown became a popular place with our youth. For years and years the Police Department had two officers who walked the downtown area. All of a sudden these kids started to congregate. People were concerned, especially the elderly. He stated that they took the SRO's from the school during the summer and put them downtown and before you knew it the feed back the Police Department started to get was that downtown was safe. Chief Magnant stated that satisfied customer demands achieved legitimacy with those police.

Chief Magnant stated that for a Police Department to be effective the people have to have a certain amount of trust in the Department. He stated that our Police Department is doing this through community policing and developing partnerships. He stated that they try to problem solve to get at the issues. He said that they use their financial resources fairly, efficiently and effectively and that they constantly monitor their dollars.

Chief Magnant went into a PowerPoint presentation, explaining the amount of police calls for service handled by the Police Department in 2004. He explained the activity of the Accident Investigation Team, Seacoast Emergency Response Team, Animal Control Officer, Bureau of Investigative Services – Detective Division, Family Services Section, School Resource Officers, and Emergency Communications Center. He stated that the K-9 is a valuable asset with regards to time, effort and money. He said K-9's save and prevent officers from getting hurt. Chief Magnant went on to explain the fixed cost increases. He said that the Police Department has additional requests for an eleventh dispatcher, a part time secretary in Family Services, Professional Services - ACO Substitute and the implementation of a technology replacement schedule. He stated that the total fixed costs and additional requests combine to give the Police Department a FY 2006 budget request of 7.83%. Chief Magnant stated that even if the Police Department dropped the additional requests, their total fixed costs remain at 6.73%, which is still 2.73% above the Council's requested 4% budget limit. Chief

Magnant stated that 88.8% of the Police Department's fixed budget is salary and benefits with 4.9% for external funding and 6.3% for other operating costs. He stated that in order for the Police Department to live within a 4% budget there would be a reduction in force of 4 positions.

#### **IV. Questions and Discussion**

Councilor Marchand said that he appreciates the value of the police and the job they are doing. His main concern is overtime. He stated that the staffing levels per shift are similar, but the calls for service vary. He asked how do you get data from the calls for services to match the staffing and are you using this data to match the calls for service to eliminate overtime.

City Manager Bohenko stated that he wanted to let everyone know that in Chief Magnant's presentation, he had the retirement fixed cost at 23% when in fact the actual rate is really 30%. He stated that this is the amount that the City has to fund and that it is a statewide problem.

Police Chief Magnant stated that the staffing shifts are not level. He explained that there are 8 on days, 10 on evenings and 6 on midnight with some overlapping.

Councilor Marchand asked if this was based upon calls for service.

Police Chief Magnant stated that to some extent yes. He said that the Police Department has what is called Shift Pick and certain beats are required to be filled by this contract. They do put out a new Shift Pick every three months and they will rearrange their assets to some extent depending on what is going on. Police Chief Magnant stated that they also look to minimize overtime similar to what the Fire Department has with minimum manning. Each shift commander has the option, when he has an individual call out; to evaluate the situation and either operate short-handed or call someone in to fill the shift.

Councilor Marchand asked what is the average committed time per call for services.

Police Chief Magnant stated that 14 – 15 minutes of patrol time is committed time. The last time they checked the national average it was about 30% and we are operating at about 33%. Councilor Marchand asked if about 30% of patrol time is committed. Police Chief Magnant stated that is correct.

Councilor St. Laurent stated that over one million dollars is being spent a year between the Police and Fire Departments on overtime. He asked if anyone is doing anything to control overtime. Councilor St. Laurent stated that he looked over the salaries listing that the City Manager put out and there are a number of police and fire personnel that are making substantial salary dollars on overtime. He stated that he did not want to hurt safety to save dollars, but the taxpayers need to keep the dollars down.

Police Chief Magnant stated that the police need overtime to function. They monitor all overtime, but when staffing goes down, overtime will go up. He stated that no one is allowed to approve overtime for themselves and that overtime is looked at on a monthly basis. Police Chief Magnant stated that a lot of overtime is with case investigations. Due to the lack of a secretary these officers are required to prepare their own reports as well as perform their investigations.

Councilor Pantelakos asked if this contracts tells the Police Department how many people they must have and where to put them.

Police Chief Magnant stated that the contracts states where the main or primary beats are and that they will be filled.

City Manager Bohenko stated that it might be useful to talk about contract negotiations in non-public at some point.

Councilor Pantelakos stated that she was not asking to know anything about negotiations, but just wanted to know if that contract is how patrolmen are put out on the street.

Police Chief Magnant stated that contractually there is a foundation of main beats. If it weren't in the contract he would still put his people there because we need to have an officer at those positions.

Deputy Chief Young stated that the contract states a minimum manning requirement of 4 officers on day shift, 5 officers on evening shift and 4 officers on midnight shift until 3 am and then 3 officers. He indicated that this staffing is really quite low.

Councilor Ferrini stated that he appreciates the Police Departments good faith and he does not want to see anyone laid off. He stated that he understood the step points, but under additional requests they have listed the dispatcher, secretary, technology replacement and professional services. He understood that these items were requested last year and were pushed out and that they seem to be at the high end of this request. Councilor Ferrini asked what happens if you don't get that, what does that mean in terms of overtime, response time and officers doing their work?

Police Chief Magnant stated that the 11<sup>th</sup> dispatcher is key. He stated that we need the additional man. He stated that he looked at filling the position with overtime and part time manning, but the use of a full time officer would cut overtime and could be used to fill in when needed in other areas. He stated that the additional secretary would put the detectives back to where they need to be, instead of the administrative and clerical duties they have to perform now. Police Chief Magnant spoke to the need for a technology replacement schedule. He stated that the grant money is going to go away and he has to figure out a way to replace equipment and software when needed. Police Chief Magnant stated that we only have one Animal Control Officer and she is allowed time off, vacation time and sick time. When she is not available, there is no one to do her job.

Councilor Raynolds echoed Councilor Ferrini's comment on the level of detail and overall job done by the Police Department. Portsmouth is a safe community due to our police. Councilor Raynolds stated he is concerned with shift staffing and management of overtime.

Police Chief Magnant stated that there are two supervisors available per shift to fill in when needed.

Councilor Raynolds asked how often do supervisors pull shift.

Deputy Chief Young stated that senior supervisors are inside as shift commanders and junior supervisors are put outside to supervise officers and go to hot calls.

Councilor Raynolds stated that he was not convinced that the police are using the data as well as they could to decrease overtime.

Assistant Mayor Grasso thanked the Commission and Police Chief for the presentation. She stated that the Police Department is not asking for anything that is ridiculous, but we have to look at the Police Department's budget in line with the whole budget. She stated that she is going to refrain from saying what amount should be awarded to the Police Department. Assistant Mayor Grasso stated that in performance measures for 2004, the Police Department was in 100% compliance for the registration of sex offenders with a number of 27 offenders. In 2005, there were 39 registered sex offenders. She asked what could the Chief attribute to such a remarkable increase?

Police Chief Magnant stated that a number of the offenders have roots in the area and we do have a number of low rent boarding houses in the area that attract them.

Assistant Mayor Grasso stated that the other night in the City Council meeting they were discussing the Dog Ordinance and barking dogs. If it is 6:30 p.m. in the evening and a neighbor's dog is barking excessively, how do they call this in to the police? They are not going to use 911.

Police Chief Magnant stated that the dispatch number is 436-2145 and that the dispatcher does answer the main line of 427-1500. He said that calls could also be called into the 911 line, as Portsmouth has not had to limit this line to emergency type calls at this time.

Councilor Hynes stated that if we have to lower the budget we need to look at where we can cut. He further stated that we might have to multi task instead of adding more people. Councilor Hynes asked Police Chief Magnant how sex offenders are identified.

Police Chief Magnant stated that they are already multi tasking. Police Chief Magnant stated that unfortunately there is no notice if a sex offender moves. He said that if a sex offender moves from North Hampton to Portsmouth and North Hampton does not notify them and the sex offender does not register with the police, as they are required, then they do not know about them.

Councilor Hynes stated that a lot of the problems the police have with our children today, in the past was taken care of by the parents. How much is the taxpayer going to have to pay to protect our children and do the job of the parents.

Councilor Whitehouse stated that he believes, as does Councilor St. Laurent, that we need to cut overtime hours. When an officer makes an arrest prior to the end of his shift, he should be able to turn over the paperwork to an officer coming on shift instead of working the overtime. He further asked Police Chief Magnant to suggest ways to cut overtime.

Police Chief Magnant stated that they monitor overtime religiously and when they have money left over at the end of the year, they turn it back to the City. The Police Department pursues all possible grants in order to augment their budget.

Councilor St. Laurent said it was his understanding that last year was a catch up year. What happened? He wanted to know if we were going to play catch up every year and when was it going to end.

City Manager Bohenko stated that it is important to understand the fact of life is retirement has gone up 30%, which is \$115,000 right off the bat, just for the police. We then had worker's compensation go up 10.5% and there were contract negotiations with step increases that had to be put into the budget. When you look at it, that's 93% of the total budget on salaries and benefits alone.

Councilor St. Laurent stated that the public heard that the last budget was a catch up year and how do we explain to the people now we still need more.

City Manager Bohenko stated that he would tell them what happened. Retirement happened, worker's compensation went up, insurance has gone up. Sure during 2001 the Police Department had an increase of 3.5%, in 2002 it was 4.75% and in 2003 it was 3%. This was during years when we had statewide property tax and we kept things low. City Manager Bohenko stated that 2005 is a catch up year.

Police Chief Magnant stated that the public doesn't see that we have new programs that the Police Department has to deal with such as Homeland Security and the homeless. He said Portsmouth is growing and we have to handle the increase of the traffic, accidents, and the expansion of new businesses. The demands have increased on the Police Department.

Councilor Pantelakos asked Police Chief Magnant how the outside details get handled. Do you put the money into the budget and pay the people.

Judie Belanger, Finance Director stated that the funds come through the Finance Department and do not flow through the budget.

Councilor Pantelakos stated that we are sitting here talking about fixed cost but the facts are there is no way to handle these fixed costs without layoffs. Next year the fixed costs will go up again.

Councilor Marchand asked what can we do about overtime. He stated that we could stagger more hours to decrease overtime and we could minimize overtime, not people. Councilor Marchand stated that in some counties he knows that overtime is given to individuals preparing for retirement in order to boost their yearly income and their retirement pay.

Police Chief Magnant stated that is not true in Portsmouth.

Councilor Marchand stated that one of the problems is that it does put additional pressure on the output of pension fund and puts pressure on all of us by increasing the rate.

Councilor Ferrini stated that we voted for union contracts so we need to come to a compromise that maintains service and personnel.

Councilor Hynes states that these are not normal times. We need to be able to meet the challenges. He said that fixed costs, as he sees it, is the number of people that get paid. If add more people you add to the fixed costs. He went on to say that he is not looking to reduce the Police Budget, simply to cut taxes and look for a way to function more efficiently.

Councilor Pantelakos asked if there is a way we can get our 911 calls to come here directly. Police Chief Magnant stated that we fought the big fight and lost.

## **V. Presentation – Legal Department**

Mayor Sirrell passed the introduction to City Manager Bohenko.

City Manager Bohenko stated that one of the issues with the legal budget, was the half a prosecutor. This item was proposed but has been cut out to comply with the 4% guideline.

City Attorney Sullivan stated that for 20 years prosecution was low enough for 1 part time outside lawyer. As the caseload rose, we went to 1 full time lawyer in the County Attorney's office. When Mr. Ducharme left, we went to a contractual arrangement with the County Attorney's office. City Attorney Sullivan stated that his office handles the labor and civil cases and the County Attorney's office handles all the cases resulting from Police Department arrests. Over the past 3 years we have been having problems getting District Court coverage. City Attorney Sullivan stated that at the request of the Police Department, the prosecutor position, which is handled under the legal budget is being requested to go from 1.5 to 2 full time individuals. Captain DiSesa is here to explain the reasoning behind this request.

Captain DiSesa stated that we have contracted with the County Attorney's office for 1.5 positions. The County Attorney's office is having a hard time getting us the .5 a person. Portsmouth District Court is very labor extensive. Captain DiSesa passed out a handout showing the increase in court cases. He stated that it is too much work for one attorney.

## **VI. Questions and Discussion**

Councilor Pantelakos stated that we send 3 million dollars to the county and we are going to send them additional funding for two of their prosecutors.

City Manager Bohenko stated that if we put on another attorney, we should bring one in-house and contract out one with the County Attorney's office. Councilor Pantelakos has a good point, legal should be part of the County fees, but it is not. We have to cover the courts and one in-house will create the same situation we have now where we do not have coverage.

Councilor Pantelakos ask how many cases did we win?

Captain DiSesa stated that he doesn't have that information with him, but will get it for her. He stated that they have a very good conviction rate, but many cases are pled prior to going to court.

Assistant Mayor Grasso stated if it is \$97,000 for one prosecutor, how much will it be for 2?

City Attorney Sullivan stated that it would be \$142,000 for 2 with either arrangement.

Councilor Raynolds stated that there is no sense doing the patrols and the arrests without the attorneys to process the cases. He further asked if it would make more sense to have both attorneys in-house.

City Manager Bohenko stated that it would need to be evaluated. He said if the Council feels it is necessary, we could reinstate it into the budget.

Police Chief Magnant thanked Councilor Raynolds. His remarks are what make an officer see his worth.

Councilor Hynes stated that he did not know if the Councilors knew how much service the Boards and Commissions get from the legal system we have available. Whenever we have a problem that arises that requires legal interpretation of an Ordinance or State and Federal regulations, they are available immediately. Councilor Hynes stated that it has improved the City greatly to have the legal assistance there when they need it.

Councilor Ferrini stated that this is a creative proposal to incorporate continuity in both arenas and make sense to him.

Councilor Marchand echoed Councilor Reynolds comment. To not fund this position will be the equivalent to catch and release.

Councilor Whitehouse asked if we can write into the contract that the County Attorney stay with the City for 1 year.

City Attorney Sullivan stated that the nature of the job is not conducive to longevity. The job appeals to a lot of young lawyers. They can get into the courtroom quickly, but the day to day routine leads to burn out. The pay is low and once they get the experience, they move into private practice. He stated that he did not think there was any way we could do that.

Councilor Pantelakos asked if we have signed an agreement on what it is going to cost with the County Attorney's office for the 2 prosecutors.

City Attorney Sullivan stated that they have it in writing that we can get the 2 prosecutors for \$142,000.00.

City Manager Bohenko stated that he would send a copy of the signed contract to the Councilors if one is signed.

Councilor St. Laurent stated that adding one more position creates more fixed costs.

### **VIII. Adjournment**

At 8:35 p.m., Mayor Sirrell closed the meeting.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk