

PORTSMOUTH POLICE COMMISSION

**Minutes of the March 20th, 2006 Special Meeting
Requested by Matrix Consulting Group**

**1200 Noon, Wm. Mortimer Conference Room
Portsmouth Police Department**

**John D. Kelley, Chairman
Gerald W. Howe
John C. Russo**

- I. CALL TO ORDER:** The Chairman called the March 20th, 2006 special police commission meeting to order at 12:07 PM.

Present: Commissioners Kelley, Howe, and Russo, Chief Magnant, Deputy Chief Len DiSesa, Captain Bill Irving, representatives from Foster's Democrat and The Portsmouth Herald

- II. PLEDGE OF ALLIEGANCE** – Deputy DiSesa led the Pledge of Allegiance.

III. POLICE COMMISSION

Chairman John Kelley welcomed Mr. Bill Gay of Matrix Consulting as well as the attending members of the press. The chairman explained that this was the commission's first contact with Matrix, the consulting group hired by the city to do an overtime audit. He indicated the commission had questions for the company representative. Commissioner Kelly then asked Mr. Gay if he would like to make an opening statement before the commission began.

Chief Magnant said that before Mr. Gay made his opening statement, the Chief wanted to clarify that the meeting was called in response to a request from Matrix Consulting. When the department first met with Matrix after they received the contract from the city to do this overtime study, Matrix asked to meet with the commission and give the commission a synopsis of what it is that they would be doing, as well as provide the commission an opportunity to ask any questions. The meeting would also give Matrix the opportunity to gain an understanding of how the commission works with the police department.

Mr. Gay explained that Matrix is a management consulting firm that works exclusively with local government. He indicated that one of the areas in

which Matrix does a lot of work is in the area of police and fire operations. They do not, however have anyone on staff who has worked in police or fire operations in a professional capacity.

Commissioner Kelley asked what geographic area Mr. Gay worked from. Mr. Gay indicated that he worked out of the Virginia area near Washington DC, and that the company was headquartered in Palo Alto, California. He said the company also has an office in Massachusetts and one in Texas. He indicated the company works nationwide. Mr. Gay explained that for a period of time the company principals were located in Massachusetts area and accordingly they had done a lot of work in New England municipalities.

Mr. Gay went on to explain that the City of Portsmouth had retained their firm to review overtime operations and costs, with the goal of looking for opportunities to control overtime costs. Areas in which overtime is a large expenditure for the city tend to be in police, fire, and public works. Mr. Gay said he believed the police overtime budget line for this year was running at \$600,000. Deputy DiSesa corrected him, indicating that it was at \$400,000. Mr. Gay said that this cost has been pretty consistent over the last few years. Deputy DiSesa corrected him that it had actually gone down.

The Chief indicated that the number of hours has been decreasing more so than the cost. Mr. Gay agreed that every year the costs increase some due to labor costs.

Chairman Kelley asked Mr. Gay if their company would also be looking at fire and public works, and other city departments. Mr. Gay indicated that they would be. However, he did say that they would be concentrating on those departments that use a lot of overtime, which would be police, fire, and public works.

Chairman Kelley asked how long the company anticipated the study would take. Mr. Gay indicated that Matrix had started their work back in February, and the plan is to wrap it up sometime in the middle of April, with a submission of a draft report. That report would probably be finalized sometime toward the latter part of April.

Tonight Matrix is meeting with the council to bring them up to date as to where the consulting group is with the study. Mr. Gay said that basically they have been doing a lot of fact-finding and have put together an informal profile of the departments they're working with to get an understanding of

how they are put together and operate and looking at some but not all, of the overtime issues. This is primarily a data-gathering phase.

Commissioner Howe asked if the data they were using was primary or secondary data. Mr. Gay answered that he thought it was pretty much primary data. Commissioner Howe asked if therefore they were doing things like riding with the officers. Mr. Gay said no. He said they were working mostly with dated information that the department has.

Commissioner Howe corrected Mr. Gay that it was therefore secondary data, having already been collected. Mr. Gay indicated that they were not collecting the data, but using the data that the department already had itself gathered. He insisted that items like CAD system information was primary data, and that the department was just assisting Matrix by putting the information together and summarizing it for them.

Commissioner Howe summarized that Matrix was using the department's primary data and not gathering its own data directly. Mr. Gay agreed. Chairman Kelley asked if he was correct in his understanding that our new mayor, Steven Marchand, worked for Matrix in the past. Mr. Gay indicated that he had, but that he, Mr. Gay, did not know him.

Mr. Gay explained that Matrix had been at the department in February gathering data, and he observed that the record systems for the police department are in good shape. He said they were supplied with a lot of information, probably more information that he would find in other departments.

Chairman Kelley commented that was good to learn. Commissioner Russo then asked Mr. Gay what was the last police department that he had worked with. Mr. Gay responded that it had been a while since he last worked with a police department, having been out of the consulting business for about eight years. He said prior to that he had worked for about twenty years with police and fire, some of it at the national level with the National Institute of Justice, and more recently with local governments. Mr. Gay said that Matrix has worked with 200+ police departments. Chairman Kelley asked Mr. Gay if the company has worked with comparable sized departments.

Chief Magnant said that was a good question, because part of the RFP is to compare Portsmouth to other communities. The Chief asked Mr. Gay how that portion of the project was coming along.

Mr. Gay responded that they had a list of communities and they are putting together a survey to send out to them about 'overtime types of issues'. He indicated that Matrix has worked with larger departments and smaller ones as well.

He observed that Portsmouth is a little unusual in that the population here is about 20,000 or so, yet it is a busier city than other cities of comparable population. Commissioner Howe pointed out that the day population is more than double that number. Mr. Gay observed that Portsmouth was kind of a central hub for employment as well as nighttime kinds of activities.

Chairman Kelley said that some of the data shows that we can run to about 70,000 seasonally and on weekends, because of the nature of the community. We have 92 bars and restaurants, we're close to the university, the seacoast. Etc.

Mr. Gay said that what you would look at are calls for service, and see what the calls for service are. He said Matrix had done a little bit of that, but not a complete analysis.

The Chairman briefly went over the calls for service numbers, indicating that they run at about 40,000, with about 3,000 of that for fire. Mr. Gay said they've gone through some of that information, the activities that officers are engaged in.

Chief Magnant said he thought one way this study process was going to help the department in the future was to help focus on how we capture information. One of the department's stated Goals & Objectives is to work on that and try to provide some consistency in how we collect the information. We want to be sure that the maximum possible volume of officer activity is indeed being captured, and that the data is usable.

The Chief said that in his experience, calls for service can be defined in different ways from jurisdiction to jurisdiction, so we are looking at coming up with a universal language that can be used in categorizing the calls for service, and whether or not they are citizen-initiated or self-initiated. Perhaps the product that Matrix produces will help us with these definitions.

In response to a question from Chairman Kelley, Deputy DiSesa explained that even before the city's announcement regarding the overtime audit, the police department had begun re-examining how it collects data and whether

or not it is collecting all available data. This was in response to a study put forward last year. In the process we learned that there were errors in how we collect data, and that we were not accurately reflecting our officer's time on the street. The Deputy noted that it was a slow process because it involves a cultural change and software changes as well.

Chief Magnant noted that the way the data was being collected was not wrong; it was doing what it was originally designed to do. Rather, the significant change was that the data was now going to be used differently, and against the different measure, it did not accurately reflect the full use of officers' time on shift. He gave the example of a common occurrence, a fight at Gilley's. Knowing the dynamics of a fight at Gilley's it is not uncommon to dispatch half of the shift there to restore order. However, for data collection purposes, the beat officer is the primary officer on the call. Although they may remain on the scene and continue to assist, the assisting officer from other beats clear themselves from the call as soon as they are able so as to be available to answer other calls for service. Once they have cleared with dispatch, though they remain assisting at Gilley's, all of the time they have each invested in the fight at Gilley's is not captured.

The operational data was now being used in a different way than we ever intended it to be used in terms of how committed time is classified. We also weren't capturing time committed to doing reports. One of the benefits of the laptop in the cruiser is now an officer can park someplace out on his/her beat and do reports, while remaining available and on the beat. Previously, we weren't capturing that information, hence time blocks showed as 'uncommitted time' when in fact those blocks of time were productive.

In some ways during the last budget process, this data disparity was used to hurt us. But again, it was a cultural thing. The officers were making sure they were visible in the community and available to respond. Now, in response to the realization that our present data structure is going to be used by the city in a way it was not developed for, we are looking at a shift to a new paradigm where we are going to have to account for every minute of time so as to prove our worth, if you will – if such a thing is possible. Otherwise we run the risk of losing funding at budget time.

At this point, the Matrix representative asked about how the commission works with the department, what oversight it has, where its authority starts and stops, and where that of the city manager stops and starts.

Chairman Kelley began his response by going back to the origins of the police commission in 1888, when it was first mandated by the state. At the time the directive came from the state, because there was a feeling that in some communities, there would be a tendency toward nepotism in filling the seats. The Chairman used the analogy of a corporation and its board of directors to illustrate the relationship between the police commission and the executive staff of the police department. The commission is involved in personnel matters, i.e., promotions, hirings & firings. It is very much involved with the budget, and the compilation of the stats that go into the budget, it also works very closely with counsel and the three unions regarding contract negotiations.

The budget we produce goes to the city council by way of the city manager. As far as approvals are concerned, that is solely up to the city council. We do look to the manager for direction from time to time, but the decision process for that which concerns the department lies with the commission itself.

Commissioner Howe added that another big piece of the commission's work is policy. Chairman Kelley said that in terms of time, it depends on what is going on. Overall, the commissioners are in and out of the department every week, together and individually, conducting business. There is a posted monthly meeting, but there are other ancillary meetings as business requires.

The commission has a hand-in-glove working relationship with police administration. It is a board of elected citizen oversight whose goal is to provide the best possible public safety for Portsmouth.

Mr. Gay asked Chairman Kelley what the involvement of the commission was with the idea that the city wanted to do an overtime study. The Chairman replied the commission had no input in that decision. It was clearly something that had been put forward by a councilor at a city council meeting. The idea had been advanced from time to time in the past, but it originated in the city council and was decided there. Our input was not solicited.

Chief Magnant explained that the police commission reviews the budget on a monthly basis, including overtime expenditures. Mr. Gay concluded that the commission must therefore be aware of the overtime expenses on an on-going basis. Chairman Kelley explained further that the overtime approval slips are scrutinized through four levels of supervision, and that Chief

Magnant routinely reviews the slips against the individual calls. Any questions are kicked back for clarification and documentation.

Chief Magnant added that he felt the most important piece of the commission's purpose was the liaison it provided with the public. Any citizen can pick up the phone and contact a commissioner with their concerns and questions. At the last commission meeting we had a gentleman in here representing his neighborhood regarding 'jake' brakes and loud trucks. Whether is it how much money we are spending in overtime, or whether it's loud motorcycles, the citizen of Portsmouth has a point of contact with an elected official, and their input helps decide what policy looks like, and what direction the department is going to go in from year to year with goals and objectives. Are we just going to be responding to calls, or are we going to be proactive in doing community-oriented policing.

For example, the grants we receive for internet crimes against children or for our street investigations unit must pass before what is essentially a citizen review advisory board. The commission takes its meetings out into community neighborhoods so that they are further accessible to the public. This input adds a lot to how this department polices the city.

Mr. Gay asked the commission about their perspective regarding the two sworn officers positions secured by a past COPS grant but never funded by the city. Commissioner's Kelley and Howe made the following points:

- We have a compliment of 69 officers that have to deliver the services of 71 officers; this impacts overtime.
- This is compounded by the training and annual leave requirements of the 69 officers when you don't have the depth of staff to move around for coverage.
- Managing this dynamic and fulfilling our fiduciary responsibilities to the city is a 'Catch 22' situation: If we're not funded, we can't hire. If we can't hire, we still have to provide the coverage somehow, regardless.

Mr. Gay then asked about the SRO program, noting it seemed quite active. Chairman Kelley and Commissioner Howe talked about the long term benefits that have been realized through the program. Namely, the continuity of relationships built among students and the SROs in all of the schools. This is a big component of community policing. Students see the officers as

allies, sources of guidance, a safe place to take information, etc. This is a funding partnership with the school system.

The meeting continued with a series of questions and answers. Overall, the nature of the information about the pending audit relayed by Mr. Gay was general in nature.

Toward the close of the meeting, Chief Magnant summarized his concerns regarding the upcoming audit. Namely, whether this was to be an overtime study, or if in fact it will be a staffing study. The Chief stated further that it was never intended to go forward as a staffing study.

Mr. Gay repeated decisively that it would be an overtime study. Chief Magnant went on to say that if it was to be a staffing study, all well and good, but the RFP would have been written much differently to properly secure a staffing study. In its current form, the RFP does not contain the necessary elements, time or manpower resources to complete a credible staffing study.

Chairman Kelley explained that the police commission has repeatedly extended invitations to the city council to become acquainted with the inner workings of their police department. They have invited the council to go through the department, division by division, and learn what is done here, how it is done, how our data is captured, what we do with it, etc. The council has not yet taken the commission up on any of these invitations, and it is a source of frustration for the commission to know that their invitations have not been acted on, but now the council wants to hire an audit firm to tell them what is going on in the police department.

Commissioner Russo made a specific request of Mr. Gay that his report documents the high level of satisfaction the police commission has with the management of the department by this present command staff. Commissioner Howe added that one of the reasons for this is that command staff is continually examining the way things are done. As a team they are continually pursuing best practices.

At this point, no further questions were forthcoming from the command staff to Mr. Gay, and Mr. Gay indicated that he had completed his presentation. Chairman Kelley asked the press in attendance if there were any questions. Their being none, Chairman Kelley asked for a motion to adjourn.

Action: Commissioner Russo moved the March 20th, 2006 public meeting to present the police department budget be adjourned.

Seconded by Commissioner Howe.

On a Roll Call Vote: The Board unanimously voted in favor of the motion.

*Respectfully submitted by Kathleen M. Hoyt, Executive Assistant
Reviewed by Commissioner Gerald W. Howe, Clerk of the Commission*