



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
May 2, 2012**

TO: Mayor and City Council

FROM: Gary D. Peterson, Chief of Police

SUBJECT: Gym Project Utilizing Asset Forfeiture Funds to Purchase Fitness Equipment and Make Improvements Necessary to Complete the Project

DATE: April 25, 2012

RECOMMENDATION:

Adopt a resolution authorizing the Chief of Police to expend not more than \$45,000 in asset forfeiture funds to purchase fitness equipment and make improvements to the gym space and bathrooms in the Police Department.

BACKGROUND:

Staff analyzed previous worker's compensation claims data-related to injuries and illnesses. The goal of the review was to identify the risk conditions leading to workers' compensation claims among police personnel with respect to frequency, type and cost.

The primary source of data for this review came in the form of raw numbers related to claims for the past five (5) years from the Municipal Policing Authority, the City of Martinez's worker's compensation insurance carrier.

The data included information about the source and nature of the occupational injury or illness, and costs associated with such claims. The City had 106 total claims in the past five years; with 67 originating from the police department. See Table 1. Claims were included in the data even if the injury or illness was not work-related because there is a cost associated with managing and defending claims.

Each year, police employees accounted for the majority of worker's compensation claims for the city. Over the past five years, the police department averaged 13.4 claims or 63.2% of city claims. Although the claims have been reduced by over 100% in FY 2011/2012 from the previous FY, staff remains concerned about work place injuries and illnesses and the costs associated therewith.

TOTAL CLAIMS v. POLICE CLAIMS BY FISCAL YEAR

Table 1

FY	TOTAL CLAIMS	POLICE CLAIMS	% of TOTAL CLAIMS
2007/2008	27	17	62.96%
2008/2009	16	9	56.25%
2009/2010	24	18	75%
2010/2011	25	16	64%
2011/2012	14	7	50%
Total	106	67	63.20%

Municipal Poling Authority classified all claims by cause of injury based on American National Standards Institute (ANSI) code for ‘accident type.’ Accident type describes the action leading to the occurrence of an injury (e.g. fall from ladder, overexertion). See Table 2.

While other accidents include insect bites, exposure to bodily fluids and repetitive movement activities, staffs primary concern centers on police personnel’s interaction with combative subjects (n=19). The department participates in the California Peace Officers Training and Standards (POST) Perishable Skills Program, which requires 16 hours of training in firearms, defensive tactics, communications and defensive driving every two years. The department meets and exceeds this minimum standard, yet our employees are still being injured by combative subjects at an unacceptable level.

ACCIDENT TYPE - PAST FIVE YEARS

Table 2

Accident Type	Number of Occurrences
Involved combative subjects	19
Cumulative Trauma	7
Tactical Training	7
Over Exertion	6
Stairs/Steps/Uneven Surfaces	6
Firearms	3
Total	48

After reviewing the categorized claims, some claims were manually classified based on a review of short text descriptions of the accident, the nature of the injury and the body part injured. The following table illustrates the most common type of injury. See Table 3.

Strains and sprains were the most frequent type of injuries arising out of all police claims. Contusions were the second most frequent type of injury.

NATURE OF INJURY BY FREQUENCY

Table 3

Nature of Injury	Number of Occurrences
Strains or sprains	37
Contusions	9
Repetitive Strains	5
Total	51

Federal Bureau of Investigation (FBI) fitness instructors suggest that when breaching a door or engaging a combative subject, the muscles of the body do not function in isolation.¹ In order to perform these movements the entire musculoskeletal system must work together to effectively produce forces, stabilize, and reduce forces during training and in operational situations.²

Currently, the department does not have a resistance training protocol or specific exercise program. FBI experts suggest that physical training should include multi-joint movements as they will typically be biomechanically similar to operational activities.³ Since, shoulder injuries were the most frequently injured body part in work place claims; it follows that physical training for multi-joint movements would improve operational efficiency and reduce injuries related thereto. See Table 4.

Incidentally, only two lower back claims have been filed since 2010 and neither resulted in significant lost work time. Staff attributes the lower back injury rate to several back injury training programs sponsored by MPA and City Hall.

IMPACTED BODY PART BY FREQUENCY

Table 4

Impacted Body Part	Number of Occurrences
Shoulder	11
Knee	10
Hand, wrist or thumb	8
Lower leg	5
Multiple body parts	5
Lower back	4
Neck	2
Total	45

¹ Training Ideas for Group Physical Training, Chimento, Kevin T., 2008

² Ibid

³ Ibid

COST OF CLAIMS

During this five year period, the department has paid nearly \$350,000 in 4850 time, meaning the employee did not work, but received their salary or partial salary because they were unable to perform their primary job functions. Although seven of the police claims did not have any associated medical costs, the remaining 60 claims cost the carrier \$308,371. The total medical cost and expenses totaled \$878,061. Staff included all claims in the raw data, but excluded the cost of two claims involving the deaths of two police officers because the situations and costs (\$1.4 million) were unique and would have slanted the results in favor of approving the resolution. The cost and number of claims are major factor in the city's annual workers compensation premium.

POLICE PERSONNEL NEED EXERCISE EQUIPMENT

Currently, police officers arrive for work prior to the start of their shift. They don their uniform which consists of 20-25 pounds of gear. They sit through briefing for 15-20 minutes then carry a 25-30 pound duffle bag containing their ancillary equipment to their police car, which is their office for the day. Police officers patrol the City for 12-hours a day, getting in and out of the car several times a day and often times eating on the run.

Over the last several years some police officers have discovered the advantages of engaging in a comprehensive strength and conditioning program when striving to improve operational performance. As a result, many programs that once focused exclusively on wellness and general health are beginning to understand the value of incorporating training techniques to help operators improve their performance in the real world, especially in the areas of law enforcement and fire fighting.

Train the Planes

All ground based activities occur in all three planes of movement (sagittal, frontal, and transverse). While in many instances these movements appear to be occurring only in one plane at a time, in actuality they are occurring in multiple planes. For example sprinting not only requires propelling the body forward in the sagittal plane, but also requires loading the body in a rotational manner (transverse plane) to generate the appropriate muscle forces to propel the body from one place to another.⁴ Thus, training programs designed for the tactical athlete should include various exercises and drills that emphasize work in all three planes. This can easily be done with the use of many conditioning drills, free weight equipment, and other training apparatus.⁵

Train Fast

With few exceptions most tactical athletes must react, respond, and move quickly in order to maintain personal safety or successfully complete a mission. While many individuals would argue that performing movements quickly in the weight room may be dangerous, this author would argue that speed is not the primary factor that would determine an injury, it is control.⁶ Rarely do people simply get hurt because they are going fast, they get hurt because they are going fast and fail to remain in control of their bodies. In order to be fast you must train fast,

⁴ Ibid

⁵ Ibid

⁶ Ibid

however this is predicated on the ability to maintain postural control and control of the implement, such as a dumbbell or barbell, being utilized.⁷

Injury Reduction

Providing an adequate space, making improvements, and purchasing the appropriate equipment for employees to stretch, exercise, improve flexibility, strength and conditioning should result in a reduction in workplace injuries because our employees will be in better physical condition.

Utilizing weights, bands, balls, dumbbells and conditioning and cardiovascular equipment will improve our employees' strength, flexibility and physical conditioning. Consequently, employees who take advantage of the space should be in better physical condition and less likely to sustain an injury.

FISCAL IMPACT:

This action is before Council because the cost of the project exceeds the spending authority of the Chief of Police. The project does not have any impact on the general fund.

ACTION:

Approve a resolution authorizing the chief of police to expend not more than \$45,000 in asset forfeiture funds to purchase fitness equipment, make improvements to the gym space and bathrooms in the Police Department.

APPROVED BY:



City Manager

⁷ Ibid

RESOLUTION NO. -12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ
AUTHORIZING THE CHIEF OF POLICE TO EXPEND NOT MORE
THAN \$45,000 IN ASSET FORFEITURE FUNDS TO PURCHASE FITNESS
EQUIPMENT, MAKE IMPROVMENTS TO THE GYM SPACE AND
BATHROOMS IN THE POLICE DEPARMENT**

WHEREAS, the City Council of the City of Martinez desires to reduce work place injuries and illnesses and increase employee fitness and morale, and;

WHEREAS, the police department has asset forfeiture funds to purchase equipment, make improvements to advance fitness opportunities, and;

WHEREAS, the cost associated with the Gym Project does not impact the general fund.

NOW, THEREFORE, BE IT RESOLVED that the Chief of Police of the City of Martinez is hereby authorized, to expend not more than \$45,000 in asset forfeiture funds for the purposes stated herein.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez, at a Regular Meeting of said Council held on the 2nd day of May, 2012, by the following vote:

Ayes:

Nays:

Absent:

Richard G. Hernandez, CITY CLERK
CITY OF MARTINEZ

From: [Jose Marin](#)
To: [Gary Peterson](#)
Subject: RE: Use of Asset Forfeiture Funds
Date: Wednesday, April 25, 2012 6:00:03 PM

Chief Peterson,

There are no specific guidelines within the Health & Safety Code asset forfeiture statutory scheme regarding how forfeited funds can be spent by a law enforcement agency. The only provisions touching on the subject can be found in Section 11469 (b), which states that “[a] sworn law enforcement officer’s employment or salary shall be made to depend upon the level of seizures or forfeitures he or she achieves”, and section 11489 (d), which states that “...the funds distributed to the ... governmental agency ... shall not supplant any state or local funds that would ... be made available to support the law enforcement ... efforts of these agencies.”

The California District Attorney’s Association generally recommends that the United States Department of Justice permissible uses for Federal forfeited funds be followed with respect to state funds also. These permitted uses include: investigations; training, transportation and travel related to law enforcement activities; awards and memorials for law enforcement personnel; costs associated with the purchase/lease, construction, expansion/improvement, and operation of detention facilities; and law enforcement equipment (which includes furniture, supplies and FITNESS EQUIPMENT, in addition to traditionally recognized used by law enforcement that supports law enforcement activities.)

In my opinion your intended use would be appropriate under the Federal guidelines and is equally appropriate under the California H & S scheme. If you wish, I can send you copies of the Federal permissible uses, which I consider to be very persuasive in determining the extent to which state funds can be used.

Do not hesitate to contact me if there are further questions.

From: Gary Peterson [mailto:gpeterson@cityofmartinez.org]
Sent: Wednesday, April 25, 2012 4:13 PM
To: Jose Marin
Subject: Use of Asset Forfeiture Funds

Jose Marin
Drug Unit - Supervising District Attorney
Contra Costa County Distinct Attorney’s Office
10 Douglas
Martinez, CA 94553

Mr. Marin,

I know you have been in charge of the Contra Costa County DA's Office Drug Unit for several years now and I know your unit includes asset forfeiture. Before we expended some of our current forfeited funds we wanted to ensure that we are expending the funds for a permitted and legal use.

Our police personnel has had 67 workers compensation claims in the past 5 fiscal years. We intend to turn a space into a small exercise room and purchase a treadmill(s), machine(s), weights, bands and exercise balls etc.. so employees will have a space to work out and hopefully it will improve police personnel's flexibility strength and endurance. We hope the net result will be reduced injuries. Currently, I do not have any monies budgeted to accomplish the goal of outfitting the space. Other improvements may include, mirrors, rubberized flooring and the installation of a door to improve security to the police facility. I believe the use of the funds for the purposes stated herein are a permitted use. Can you tell me if you believe that any of the potential uses that I have identified are not permitted. Thank you in advance for your thoughts.

Chief Gary Peterson

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