Law Enforcement Coverage

A county sheriff deputy assigned to a high school as a resource officer tasered a student during a fight on school grounds. The student was injured in the fall, sustaining permanent brain injury. The family has filed suit in Federal Court against the County and the District. Federal law trumps the Texas Tort Claims Act, removing Tort Claims protection for both the District and the County. Are your District's limits sufficient? Would your insurance company defend you under the General Liability policy or the Educators Legal Liability policy? Do you have insurance coverage for law enforcement activities even though you may not have a District police department?

Resource officers - the question is how will your District be protected in the event of a law suit? Whether or not the city or county's insurance will protect the District may depend on the contract between the District and the municipality. The contract should require the municipality to defend the District and add the District as Additional Insured under its insurance. Request a Certificate of Insurance.

If the District hires an off-duty police officer directly (example: football game traffic control), the officer may not be covered by the city's Liability or Worker's Compensation insurance. It makes sense to contract directly with the city or county. Does your District's insurance coverage include Law Enforcement Liability?

In any event it is a good idea to obtain a Non-Employee Waiver from any contract officer, acknowledging that they are not covered by the District's Liability, Worker's Compensation or Employee Benefits insurance.

Not all Law Enforcement coverages are equal. Some of the risk pools only cover officers if they are acting within the course and scope of their employee. They do not provide the officer with liability coverage if they are off duty, moonlighting or off premises.