

Ofelia San Pedro, Deputy Superintendent
Business Operations

**SUBJECT: RECOMMENDATION FOR RENEWAL OF POLICE
PROFESSIONAL LIABILITY INSURANCE COVERAGE**

**COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL
RELATIONS**

The District has carried Police Professional Liability Insurance Coverage since 1998, which provides Law Enforcement and Professional Liability coverage for wrongful acts including but not limited to the following:

- FALSE ARREST
- DETENTION
- IMPRISONMENT
- CIVIL RIGHTS VIOLATIONS
- MALICIOUS PROSECUTION
- WRONGFUL ENTRY
- EVICTION OR OTHER INVASION OR PRIVATE OCCUPANCY
- HUMILIATION
- DISCRIMINATION
- LIBEL
- SLANDER
- ASSAULT AND BATTERY
- FIRST AID
- FALSE OR IMPROPER SERVICE OF PROCESS
- VIOLATIONS OF PROPERTY RIGHTS

Staff is recommending that the District renew this coverage with the incumbent carrier, Lexington Insurance Company (AIG) (A.M. Best A++XV). The number of insurance providers for this type coverage is very limited, and the current program, which has multiple claims reported as a result of claims brought against the district, has very favorable terms, including coverage for defense costs, subject to the deductible, which could be eliminated if provided by other carriers. This recommendation is made as a result of the District's ability to negotiate renewals for coverage, pursuant to the provisions of State Board Rule 6A-1.012(11), wherein the Board may purchase insurance by direct negotiations and contract.

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Pursuant to the authority contained in State Board Rule, a renewal quotation has been requested from the District's current carrier. Updated exposure information has been provided to the carrier, including updated officer listings, budgets, claims information, mutual aid agreements, and much information on the district's current practices with regard to use of Tasers. The whole issue with regard to police forces use of Tasers nationally has become a major issue to Police Professional Liability insurers as the number of claims against insurers claiming inappropriate use of Tasers increases.

The underwriter at Lexington Insurance Company has provided two renewal quotations. The first quotation is a flat renewal at the current annual premium of \$141,075, subject to a deductible of \$100,000 each wrongful act, including defense costs, and limits of \$5 million each wrongful act/\$5 million annual aggregate.

The alternate quotation provides the same limits as expiring, but raises the deductible from \$100,000 per wrongful act to \$200,000 per wrongful act and increases the annual premium from \$141,075 to \$148,130. The difference in the quotations is dependent upon adequate addressing of the Taser issues.

Staff has met with the Chief of Police regarding these issues. Although numerous bills were filed this past legislative session which would have restricted the use of Tasers, all of the bills died in committee. The one bill which did pass provides authorization for carrying a dart-firing stun gun for self defense purposes and establishes training criteria for those who carry them.

Staff will continue to dialogue with the insurance carrier's underwriter to provide updated information and procedures regarding Tasers and how they effect Miami-Dade County Public Schools. The fact that Miami-Dade Schools Police officers do not carry Tasers has been made very clear. Staff will work with the Police Chief, who continues to have conversations with the Dade Chief's Association, and to further the conversation regarding other police forces within Miami-Dade County, and the use of Tasers in dealing with School Board issues.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida:

1. authorize renewal of its Law Enforcement and Professional Liability Insurance coverage, pursuant to the provisions of the received renewal quotation from Lexington Insurance Company (AIG)(A++XV), through Arthur J. Gallagher & Co., effective July 1, 2006 through June 30, 2007, at a flat annual premium of \$141,750, subject to a per wrongful act deductible, including defense cost, of \$100,000 with limits of liability of \$5 million per wrongful act/\$5 million annual aggregate, and authorize renewal of this program for one additional year, effective July 1, 2007 through June 30, 2008, subject to no change in premium, terms and/or conditions, with funds to be taken from the Board's liability insurance premium budget; and
2. authorize the Superintendent through the Chief of Police to work with staff in the Office of Risk and Benefits Management to develop strategies on the use of Tasers on school properties by police agencies with whom the district has entered into Mutual Aid Agreements.

OSP:sc