



Armed Security Presence in Schools and your General Liability Insurance Coverage

All educational institutions are at risk for violent events, intruders, drug and alcohol use, and other emergency and/or crisis situations. This is true for K-12 public, independent and charter schools as well as higher education institutions. Education officials must take a proactive stance to better assure the safety and security of staff, students and visitors within their buildings and throughout their campus.

School Resource Officers

One risk management approach is to use School Resource Officers (SROs) or other security personnel (armed or unarmed) that are either contracted for, or employed directly by, the educational institution to perform various security functions

When it comes to School Security Personnel, a risk management best practice preferred and recommended by Utica National is the use of trained Law Enforcement/School Resource Officers (SROs). SROs typically are highly qualified and experienced police officers who carry out a number of duties in addition to patrol and crime prevention – including providing administrators and faculty with advice on safety and security issues; training administrators, faculty, and parents regarding safety issues; and preparing and teaching classes to students on personal safety, bus safety, drugs and alcohol, and gang awareness.

The SRO wears the hat of police officer, counselor and educator within the school environment. The arrangement is contractual with the law enforcement agency providing the SROs, or may be a joint contractual arrangement that also includes the city or village in which the law enforcement agency operates.

Security Officers/Guards

A second option schools may exercise if an SRO program isn't available within their state or community law enforcement agencies is to contract with a Security (Guard) firm for services of trained/licensed Security Officers/Guards. This is also a contractual arrangement for services and, although not as preferred as the use of law enforcement SROs, with proper screening and due diligence this is an acceptable alternative for schools to provide an enhanced school security presence.

Copyright 2013 by the Utica Mutual Insurance Company, all rights reserved. This material may not be copied, reproduced or distributed in any fashion, print or electronically, in whole or part, without the express permission of the Company. The information contained in this publication has been developed from sources believed to be reliable. It should not, however, be construed or relied upon as legal advice and Utica National accepts no legal responsibility for its correctness or for its application to specific factual situations.



Utica National Insurance Group • Utica Mutual Insurance Company and its affiliated companies, New Hartford, NY 13413 • www.uticanational.com

OF SPECIAL NOTE:

- The first two options above – School Resource Officers and Security Officers/Guards – are not considered “insureds” under your school’s general liability policy.
- These agencies should provide you with proof of Law Enforcement and Security Officers Liability Coverage under their policies.
- Agreements and contracts for services provided by law enforcement agencies and/or municipalities, or independent security firms should be reviewed by your school attorney and by your independent insurance agent.
- Appropriate hold-harmless language should be in place favoring the school district and proof of adequate insurance must be provided, naming the educational institution as additional insured on its policy.

Another option

The use of “armed guards,” “armed security personnel” or other security personnel directly employed by the educational institution is another approach to enhancing school security – although it is less desirable from a transfer of risk than the two options listed above. Given the tough economic times for schools and communities, we recognize this may be a more affordable/accessible option for educational institutions.

- School officials should be aware that armed guard/security officer positions require more rigorous background checks and entry requirements than those of unarmed guards/security personnel.
- Security personnel employed directly by the school are not excluded under your school’s general liability policy with Utica National.
- Bodily injury claims that arise out of the use of reasonable force to protect persons or property are not excluded. However, allegations of excessive or unreasonable force could potentially fall outside the policy’s coverage as could allegations of conduct that falls outside the scope of the security personnel’s employment duties, such as abuse and molestation, sexual harassment or employment-related practices.
- The policy also includes coverage for “personal and advertising injury” which, depending on the facts of the claim, could extend to allegations of false arrest, detention or imprisonment, or malicious prosecution. A review of your insurance policy language with your independent agent is recommended for a full understanding of the definitions under the policy particularly as they relate to the definition of personal and advertising injury.

Screenings and Background Checks

Prior to engaging security personnel, it is important for educational institutions to perform screening and background checks. Reasonable screening procedures provide a means to confirm that security personnel are qualified and that the program will meet the school’s need for a security presence within the school. Agreements with outside security agencies, whether private or public, should clearly define the nature of the relationship between the educational institution, as well as the roles and responsibilities of the security agency. All agreements should include hold harmless language and insurance provisions in favor of the educational institution.

In addition, the educational institution must reasonably screen any other personnel employed directly by the school to perform security functions. Rigorous hiring and screening programs consisting of background, criminal record, and fingerprint checks are expected and the norm in the occupation. Security guards or other security personnel who carry weapons must be licensed by the appropriate government authority.

****All claims are subject to policy language, terms, conditions and exclusions.*

Copyright 2013 by the Utica Mutual Insurance Company, all rights reserved. This material may not be copied, reproduced or distributed in any fashion, print or electronically, in whole or part, without the express permission of the Company. The information contained in this publication has been developed from sources believed to be reliable. It should not, however, be construed or relied upon as legal advice and Utica National accepts no legal responsibility for its correctness or for its application to specific factual situations.



Utica National Insurance Group • Utica Mutual Insurance Company and its affiliated companies, New Hartford, NY 13413 • www.uticanational.com