

# PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

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## CONSTABLES' TRAINING BULLETIN

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### UPDATE ON CONSTABLES' LIABILITY INSURANCE

Recently, the Constables' Education and Training Board, and the Pennsylvania Commission on Crime and Delinquency (PCCD) have become aware of two trends affecting the professional liability insurance required by Section 2942(b) of Act 1994-44. The premiums for professional liability insurance have increased while the number of insurance producers providing professional liability insurance has decreased. As a result, the Board directed staff to inquire concerning the reasons for these trends and to discuss the issue with the Pennsylvania Insurance Department.

In 2002 all insurance companies raised their rates for constables' professional liability insurance. According to their agents, the companies are experiencing an insurance market that is getting tighter for many lines of insurance. In addition, investment and interest income are down, reinsurers have increased their charges to agents, and overall expenses have risen. They also cited the events of September 11, 2001, as being a major contributing factor to the tight insurance market and expect that the current insurance market conditions will persist for another year, possibly longer.

The reduced number of insurance companies providing constables' professional liability insurance since 2000 is due to companies going out of business and companies choosing not to continue to insure constables. Agents of those companies, which chose not to write policies for constables, indicate that the companies did not make a profit on policies for constables, noting that constables are a small, specialized population that requires considerable maintenance. With such a small population, any increase in the number or size of claims results in serious insurance consequences not only for the individual, but the group as a whole. One agent stated that the training provided to constables by the Board is beneficial; however, in order to see the benefit in terms of insurance, adherence to guidelines and procedures set forth in training is vital to minimize claims.

The following list contains contact information for insurance companies/agencies that are currently offering professional liability insurance to constables and deputy constables. This list contains the information available as of the date of this bulletin and may not be all-inclusive. You may be able to purchase professional liability insurance through your own insurance agent. *Publication of this list does not imply endorsement by the Pennsylvania Commission on Crime and Delinquency, or the Constables' Education and Training Board.*

E. R. Munro and Company - (412) 281-0673, extension 136

W. N. Tuscano Agency Inc. - (800) 442-8063.

Walter Olshanski Insurance - (724) 695-1490

Pennsylvania State Constables' Association members - (800) 424-7827

The status of professional liability insurance offerings of the three companies presently insuring constables is summarized below.

**Capitol Indemnity Corporation** – This Company's premiums increased from a flat rate of \$250 per year to a minimum of \$386 without firearms, effective December 1, 2001. Rates vary by county and whether or not firearms are covered. This insurance could cost as much as \$700 in the metropolitan Philadelphia area. This company does not cover moonlighting. Coverage is in the amount of \$300,000 for each occurrence, \$600,000 annual aggregate with no deductible. This company insures about 600 constables.

**CNA Municipal Insurance Program** – This is the company that issues the master policy held by the Pennsylvania State Constables' Association (PSCA). Constables must maintain a current PSCA membership, at \$50 per year, in order to qualify for this insurance. In 2002 the cost of this insurance increased from \$326 to \$376 per year. The policy covers moonlighting. Coverage is in the amount of \$250,000 for each occurrence, \$500,000 annual aggregate with a \$500 deductible. This company insures about 425 constables.

**United National Specialty** – This Company used to write under the name of Hall Mark. As of January 1, 2002, policies cost \$415 per year. Effective June 1, 2002 rates increased to between \$530 and \$1045 per year, depending on the constable's location and workload. Coverage is in the amount of \$500,000 for each occurrence, up to \$1,000,000 annual aggregate with a \$1000 deductible. The policies may cover moonlighting; however, the moonlighting cannot be done in establishments where the sale of alcohol is the main source of income. This company insures about 100 constables.

Although, as noted in earlier issues of the Constables' Training Bulletin, the Constables' Education and Training Board, the PCCD, and the Insurance Department are not empowered or tasked with providing professional liability insurance, the issues relating to constables professional liability insurance have been reviewed with the Insurance Department. In its own search, the Insurance Department did not find any sources for constables liability insurance other than the ones noted in this bulletin.

The Pennsylvania Insurance Department's Office of Chief Counsel has informed PCCD that 42 Pa.C.S. §2944(10) empowers the Insurance Commissioner to consult with the Constables' Education and Training Board regarding the price and availability of liability insurance required by 42 Pa.C.S. § 2942(b). However, the statute does not authorize the Insurance Commissioner or the Department to compel insurers to offer such coverage or to set the price charged.

The Insurance Commission provided the following regarding the Liability Risk Retention Act 1986, the federal statute that provides for the establishment of Risk Retention Groups and Risk Purchasing Groups. There are no Risk Retention Group or Risk Purchasing Group for constables in Pennsylvania; however, they represent potential options that may be pursued. Additional information is available at <http://www.rrr.com/education/#1>

Risk Retention Group (RRG) is a liability insurance company that is owned by its members. Under the Liability Risk Retention Act (LRRRA), RRGs must be domiciled in a state. Once licensed by its state of domicile, an RRG can insure members in all states. Because the LRRRA is a federal law, it preempts state regulation, making it much easier for RRGs to operate nationally. As insurance companies, RRGs retain risk.

Purchasing Group (PG) is comprised of insurance buyers who band together, typically on a national basis, to purchase their liability insurance coverage from an insurance company, including a company operating on an admitted basis, a surplus lines basis, or a risk retention group. As the name implies, the PG serves as an insurance purchasing vehicle for its members.

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## **MAINTAINING CURRENT INSURANCE INFORMATION WITH COUNTY CLERK OF COURTS' OFFICE**

Act 1994-44 provides that any constable or deputy constable who fails, neglects or refuses to maintain a current insurance policy as required, or to file proof thereof with the clerk of courts, shall cease automatically to be certified to perform judicial duties upon the expiration of the policy of which proof has been filed with the clerk of courts. In order to ensure uninterrupted constable certification, it is essential that every constable notify the county clerk of courts whenever the insurance company issues a new certificate of insurance.

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## **2002 TRAINING ENDS IN OCTOBER**

Constables are reminded that the training cycle ends in October, and that classes are limited as to size and are on a first-come, first-served basis. In order to assure continued, uninterrupted certification, constables are encouraged to enroll in class as soon as possible. Registration with the appropriate training provider is required prior to attending any class. To register, a completed Standard Registration Form must be mailed or Faxed directly to the training delivery contractor. Registrations will not be accepted over the telephone.

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## **NO-SHOW POLICY**

- A person who registers for basic, continuing education, or firearms training and does not attend all or part of the training, without providing proper notice of withdrawal to the training delivery contractor, will receive a failing grade of zero for any and all classes missed.
  - Proper notice of withdrawal will be a written notice, received by the training delivery contractor at least seven days in advance of the training start date.
  - The school director may use discretion regarding emergencies, extenuating circumstances, and taking into account the positive or negative record of previous attendance of the constable when deciding whether to sanction non-attendance by submitting zero grades.
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## **WEB-BASED CONSTABLE FINDER**

Constables are encouraged to visit the PCCD's website at [www.pccd.state.pa.us](http://www.pccd.state.pa.us). A new feature of the site is the Constable Finder. It allows the user to search on a constable's name or certification number. A county search will list all certified constables in the county selected. The information contained in the Constable Finder is restricted only to information that is public in nature; namely, constables' names, certification numbers, and counties. The information is updated every day. No privileged, confidential information, such as constables' social security numbers, addresses, or telephone numbers, are revealed on the site.

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