

BILL: House Bill 767
TITLE: Public Information Act - Inspection of Records from Body-Worn Digital Recording Devices
POSITION: SUPPORT
DATE: February 21, 2017
COMMITTEE: Judiciary Committee
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The Maryland Association of Boards of Education (MABE) supports House Bill 767, which would establish reasonable parameters for the circumstances under which a custodian of public records is required to allow inspection of a recording from a body-worn digital recording device worn by a law enforcement officer.

MABE supports House Bill 767 because it would reasonably limit access to recordings of incidents of domestic violence, sexual crimes, and other limited circumstances. Local boards of education are concerned that these are the types of incidents which may, if released, create unnecessary disruption and harm for victims and families and therefore negatively impact and disrupt the school environment. Correspondingly, MABE supports the balanced approach of this bill to ensure the right to inspect recordings by persons directly involved in the incident.

Local boards are extraordinarily sensitive to the privacy rights and interests of our students; rights which are strictly governed explicitly by the federal Family Educational Rights and Privacy Act (FERPA) and related state regulations. Another federal statute, the Health Insurance Portability and Accountability Act (HIPAA), also includes privacy rules that affect the management of student records. Based on our familiarity with the heightened responsibilities of maintaining and protecting the privacy of student records maintained by school systems, MABE recognizes the merits of establishing the types of reasonable conditions on the inspection and release of body-worn camera recordings.

Importantly, MABE believes that this legislation will provide much needed clarity for law enforcement agencies and school systems when discussing and considering the development of formal agreements on the use of body-worn cameras in the school setting. Safety in public schools is the joint responsibility of local boards of education, school administrators and staff, students, parents and guardians, law enforcement and other public safety agencies, human services agencies, and the community in general. This legislation is a testament to the value of collaboration on public safety legislation among a diverse group of key stakeholders.

For these reasons, MABE requests a favorable report on House Bill 767.