

We ask that you please share this information with your organization/facilities.

Office of the State Fire Marshal is providing a brochure to all facility operators who might have questions about OSFM staff use of body worn cameras.

Due to recent questions, our legal counsel has visited with legal counsel from the Kansas Hospital Association, Kansas Association of School Boards, Kansas Board of Education, and other groups/entities who have contacted us with concerns over the use of the Body Cameras. In all cases, the attorneys have agreed that OSFM is operating legally, and the use of the body worn camera by our staff does not violate HIPAA or FERPA. All the attorneys have agreed that they need to better educate their membership and will be distributing the pamphlet.

Our personnel are to be accompanied by a staff member who ensures rooms are clear and no private materials are visible before we ever enter them. Under the law, it is the facility staff responsibility to protect privacy, and this is nothing new. That responsibility existed prior to the invention of body worn cameras.

Our personnel understand that these cameras are there to defend them from malicious allegations and that the videos are not viewed unless a complaint is made against an employee or there is an unusual incident that needs to be documented. Our recordings are protected from disclosure by K.S.A. 45-254, which defines the recordings as a criminal investigation record. In the end, these cameras document the true events and protect the State of Kansas against frivolous claims and complaints- saving an enormous amount of funding from having to defend against unsubstantiated allegations against our employees.

If you have any questions, please feel free to contact our legal counsel, Jared P Smith at jared.smith@ks.gov or 785-250-9498.

Thank you.

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