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## SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair  
2025 - 2026 Regular

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**Bill No:** SB 691                      **Hearing Date:** April 29, 2025  
**Author:** Wahab  
**Version:** April 21, 2025  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** AB

**Subject:** *Body-worn cameras: policies*

### HISTORY

**Source:** California Professional Firefighters

**Prior Legislation:** AB 748 (Ting), Ch. 960, Stats. of 2018  
AB 69 (Rodriguez) Ch. 461, Stats. of 2015

**Support:** Mental Health America of California

**Opposition:** ACLU California Action (unless amended); California District Attorneys Association; California Public Defenders Association (unless amended); California State Sheriffs Association; Initiate Justice (unless amended); Justice2Jobs Coalition (unless amended); La Defensa (unless amended); LA County Public Defenders Union, Local 148; Los Angeles Police Protective League; Oakland Privacy; Riverside County Sheriff's Office; San Francisco Public Defender (unless amended)

### PURPOSE

*The purpose of this bill is to require, on or before July 1, 2026, each law enforcement agency that has a body-worn camera policy to update that policy to provide guidance to personnel who wear bodycams regarding circumstances in which they are required to limit the recording of medical or psychological evaluations, procedures or treatment, as specified.*

*Existing federal law*, the Health Insurance Portability and Accountability Act (HIPAA), establishes federal standards protecting sensitive health information from disclosure without the patient's consent. (45 CFR, §§160, 164.)

*Existing law* establishes the Confidentiality of Medical Information Act, which generally protects the confidentiality of individually identifiable medical information obtained by a health care provider and prohibits specified entities from disclosing such information without first obtaining authorization, as specified. (Civ. Code, §§ 56 et. seq.)

*Existing law* requires the Commission on Peace Officer Standards and Training (POST) to adopt a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, peace officer certification, and which must include tampering

with data recorded by a body-worn camera or other recording device for the purpose of concealing misconduct. (Pen. Code, § 13510.8, subd. (b).)

*Existing law*, the California Public Records Act, generally provides that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code, §§ 7920.000 et. seq.)

*Existing law* provides that notwithstanding other restrictions regarding the disclosure of law enforcement records, a video or audio recording that relates to a critical incident, as defined, may be withheld only as follows:

- During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days after the date the agency knew or reasonably should have known about the incident if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source.
  - After 45 days from the date the agency knew or reasonably should have known about the incident, and up to one year from that date, the agency may continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation. After one year from the date the agency knew or reasonably should have known about the incident, the agency may continue to delay disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation.
- If the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. (Gov. Code, § 7923.625, subds. (a), (b).)

*Existing law* provides that for the purposes of the above provision, a video or audio recording relates to a critical incident if it depicts any of the following incidents:

- An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
- An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury. (Gov. Code, § 7923.625, subd. (e).)

*Existing law* states the intent of the Legislature to establish policies and procedures to address issues related to the downloading and storage of data recorded by a body-worn camera worn by a

peace officer. These policies and procedures shall be based on best practices. (Pen. Code, § 832.18, subd. (a).)

*Existing law* encourages agencies to consider the following best practices regarding the downloading and storage of data in establishing policies and procedures for the implementation and operation of a body-worn camera system:

- Designate the person responsible for downloading the recorded data, as specified.
- Establish when data should be downloaded to ensure the data is entered into the system in a timely manner, the cameras are properly maintained and ready for the next use, and for purposes of tagging and categorizing the data.
- Categorize and tag body-worn camera video at the time the data is downloaded and classified according to the type of event or incident captured in the data.
- Specifically state the length of time that recorded data is to be stored, as specified.
- State where the body-worn camera data will be stored, as specified.
- Consider specified factors to protect the security and integrity of the data if using a third-party vendor to manage the data storage system.
- Require that all recorded data from body-worn cameras are property of their respective law enforcement agency and shall not be accessed or released for any unauthorized purpose, explicitly prohibit agency personnel from accessing recorded data for personal use and from uploading recorded data onto public and social media internet websites, and include sanctions for violations of this prohibition. (Pen. Code, § 832.18, subd. (b)(1)-(8).)

*Existing law* sets forth the following definitions regarding data collected via body-worn camera:

- “Evidentiary data” refers to data of an incident or encounter that could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public. The retention period for evidentiary data are subject to state evidentiary laws.
- “Nonevidentiary data” refers to data that does not necessarily have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities the officer might perform while on duty. (Pen. Code, § 832.18, subd. (c).)

*Existing law* provides that the provisions above regarding law enforcement agency body-worn camera policies shall not be interpreted to limit the public’s right to access data under the California Public Records Act. (Pen. Code, § 832.18, subd. (d).)

*This bill* requires, on or before July 1, 2026, each law enforcement agency that has a body-worn camera policy to update that policy to provide guidance to personnel who wear body-worn cameras regarding the circumstances in which they are required to reasonably and temporarily

limit the recording of medical or psychological evaluations, procedures, or treatment performed by emergency services personnel that may cause embarrassment or humiliation to the patient, including, but not limited to, circumstances in which the person's groin or breasts are exposed while the emergency service personnel is performing a medical or psychological evaluation, procedure, or treatment.

*This bill* provides that the policy update shall provide personnel who wear body-worn cameras with sufficient discretion to enable them to respond appropriately in a variety of situations.

*This bill* specifies that the policy update shall include a procedure for emergency service personnel to request the redaction of evidentiary of a patient undergoing medical or psychological evaluation, procedure, or treatment by emergency service personnel.

*This bill* provides that emergency service personnel may request that law enforcement personnel who wear body-worn cameras limit the recording of a patient receiving medical or psychological evaluation, procedure, or treatment. Law enforcement personnel shall respond to the request in accordance with the policy update required by this bill.

*This bill* defines "emergency services personnel," consistent with an existing definition, as an employee of the state, local, or regional public fire agency who provides emergency response services, including a firefighter, paramedic, emergency medical technician, dispatcher, emergency response communication employee, rescue service personnel, emergency manager, or any other employee of a state, local, or regional public fire agency.

*This bill* specifies that it shall not be construed to limit the protections of the Confidentiality of Medical Information Act or HIPPA or to create a new obligation on law enforcement personnel to render aid.

*This bill* states the intent of the Legislature in enacting its provisions to support the protection of patient privacy while the patient is receiving a medical or psychological evaluation procedure, or treatment from emergency service personnel, and to support emergency service personnel in taking reasonable efforts to safeguard patients' protected healthcare information.

## COMMENTS

### 1. Need for This Bill

According to the Author:

Emergency Medical Technicians (EMTs) and paramedics are responsible for the total care of their patient until they are transferred to a higher level of care at a medical facility. When this care takes place in the presence of law enforcement officers, who are required to wear body-worn cameras that are actively recording, it can raise concerns about the Health Insurance Portability and Accountability Act (HIPAA) violations.

Knowing they are being recorded by law enforcement can impact patients' willingness to fully cooperate with medics, compromising the safety of the patient as well as first responders. SB 691 will require any entity that collects patient medical

information must reasonably safeguard it and limit incidental uses or disclosures and protects the privacy and security of health information for all patients.

## 2. Relevant Background on Body-Worn Cameras

Body-worn cameras, or “bodycams,” are small recording devices that can be attached to an officer’s uniform to capture audio and video of their interactions with the public. While a handful of law enforcement agencies across the country began experimenting with bodycams in the early 2000s, widespread adoption of the technology remained limited until the mid-2010s. The first full scientific study on policing with bodycams was conducted in Rialto, California in 2012, where researchers found that bodycams were effective at preventing escalation during public interactions with police: during the 12-month experiment, use-of-force by officers wearing cameras fell by 59% and reports against officers fell by 87% over the previous year’s figures.<sup>1</sup> In 2014, the fatal shooting of Michael Brown in Ferguson, Missouri drew national attention to police use-of-force issues and galvanized public demand for police accountability and transparency. The incident also spurred the Obama Administration to launch a \$75 million bodycam partnership program, providing matching funds to local agencies that adopted the technology.<sup>2</sup> By 2016, 47% of general-purpose law enforcement agencies in the United States had acquired bodycams, and 86% of those agencies had a formal bodycam policy.<sup>3</sup>

Following this national trend, in 2015, the Legislature passed AB 69 (Rodriguez), Chapter 461, Statutes of 2015, which required law enforcement entities to consider specified best practices regarding the downloading and storage of bodycam data when establishing agency-wide bodycam policies and procedures.<sup>4</sup> These best practices include establishing measures to prevent tampering and unauthorized use or distribution of data, establishing clear data retention requirements, stating where the data will physically be stored, ensuring that any third-party vendors used to manage data storage are secure and reliable, and prohibiting agency personnel from disclosing bodycam data to the public or uploading data onto social media, among others. Though existing law does not expressly state when officers must activate or deactivate their bodycams, such guidance is routinely included in a particular agency’s bodycam policy. The bodycam policy of the San Francisco Police Department provides a useful example:

All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: Detentions and arrests; Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim, except as noted; 5150 evaluations; Traffic and pedestrian stops; Vehicle pursuits; Foot pursuits; Uses of force; When serving a search or arrest warrant; Conducting any of the following searches on one's person

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<sup>1</sup> Ariel, Barak, et al. “The Effect of Police Body-Worn Cameras on Use of Force and Citizens’ Complaints Against the Police: A Randomized Controlled Trial.” *Journal of Quantitative Criminology*. Volume 31, pages 509–535, (2015). [The Effect of Police Body-Worn Cameras on Use of Force and Citizens’ Complaints Against the Police: A Randomized Controlled Trial | Journal of Quantitative Criminology](#)

<sup>2</sup> “Obama requests \$263 million for police body cameras.” *NBC News*. 1 December 2014. [Obama Requests \\$263 Million for Police Body Cameras, Training](#); ultimately, of the \$75 million requested from Congress, only 23.2 million was allocated – see [Office of Public Affairs | Justice Department Awards over \\$23 Million in Funding for Body Worn Camera Pilot Program to Support Law Enforcement Agencies in 32 States | United States Department of Justice](#)

<sup>3</sup> Hyland, Shelley. “Body-Worn Cameras in Law Enforcement Agencies, 2016.” *Department of Justice Bureau of Justice Statistics*. November 2018. [Body-Worn Cameras in Law Enforcement Agencies, 2016 | Bureau of Justice Statistics](#)

<sup>4</sup> AB 69 is codified at Pen. Code, § 832.18.

and/or property: [a. Incident to an arrest b. Cursory c. Probable cause d. Probation/parole e. Consent f. Vehicles]; Transportation of arrestees and detainees; During any citizen encounter that becomes hostile; In any situation when the recording would be valuable for evidentiary purposes; Only in situations that serve a law enforcement purpose.

Members shall not activate the BWC when encountering: Sexual assault and child abuse victims during a preliminary investigation; Situations that could compromise the identity of confidential informants and undercover operatives; Strip searches. However, a member may record in these circumstances if the member can articulate an exigent circumstance that required deviation from the normal rule in these situations. Members shall not activate the BWC in a manner that is specifically prohibited by [other guidelines regarding surreptitious recording and First Amendment Activities].<sup>5</sup>

In 2018, the Los Angeles Police Commission approved a policy requiring the Los Angeles Police Department (LAPD) to release video footage of officer-involved shootings and other “critical incidents” within 45 days, unless there are extenuating circumstances that require delaying release.<sup>6</sup> This policy became the model for AB 748 (Ting) Chapter 960, Statutes of 2018, which was passed by the Legislature that same year and required that audio and visual recordings of critical incidents resulting in either the discharge of a firearm by law enforcement or in death or great bodily injury to a person from the use of force by law enforcement be made publicly available under the California Public Records Act within 45 days of the incident, with limited exceptions.<sup>7</sup> Under AB 748, if an agency demonstrates that the public interest in withholding a particular critical incident video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would violate the privacy interests of the recording’s subject, the agency must provide the requesting party the specific basis for the expectation of privacy and the public interest served by withholding the recording, and may use redaction technology to obscure specific portions of the recording.<sup>8</sup>

### 3. Relevant Medical Privacy Laws and Effect of This Bill

Several well-established federal and California laws work together to protect personal medical information and patient privacy. Perhaps the most well-known is the federal Health Insurance Portability and Accountability Act of 1996, or HIPAA, an expansive law that addresses issues related to health insurance coverage for workers, guidelines for medical spending accounts, group health plans, life insurance, and most relevant to this bill, national standards for electronic healthcare transactions.<sup>9</sup> The HIPAA Privacy Rule consists of several federal regulatory rules governing the use and disclosure of protected health information (PHI) by “covered entities” (primarily health plans and healthcare providers). HIPAA permits emergency medical services (EMS) to capture PHI with bodycams and use the recorded information for treatment, healthcare operations and other purposes permitted by the Privacy Rule, and does not require patient

<sup>5</sup> San Francisco Police Department General Order 10.11, “Body Worn Cameras.” Effective 6/01/16. [SFPD-DGO10.11-Body Worn Cameras.pdf](#); the format of this policy has been modified for the purposes of this analysis.

<sup>6</sup> “Board of Police Commissioners Critical Incident Video Release Policy.” 20 February 2018. [Board of Police Commissioners Critical Incident Video Release Policy - LAPD Online](#)

<sup>7</sup> Gov. Code, § 7923.625.

<sup>8</sup> *Id.*

<sup>9</sup> Health Insurance Portability and Accountability Act. Pub. L. No. 104-191, 110 Stat.1936.

consent for these uses.<sup>10</sup> HIPAA also allows covered entities to disclose PHI to law enforcement for law enforcement purposes under six circumstances: as required by law (such as subpoenas and court orders), to identify a suspect or other person of interest, in response to a law enforcement request for information about a victim, to alert law enforcement of a person's death, when a covered entity believes that PHI is evidence of a crime, and in a medical emergency when necessary to inform law enforcement about the commission of a crime, the location of the crime or victims, and the perpetrator of the crime.<sup>11</sup>

California has its own set of laws regarding the protection of PHI and its use and disclosure, known as the California Confidentiality of Medical Information Act (CMIA). CMIA governs who may release confidential medical information, and under what circumstances, and prohibits the sharing, selling or otherwise unlawful use of medical information.<sup>12</sup> CMIA generally requires that healthcare providers, healthcare service plans or contractors keep medical information confidential unless they obtain authorization to release the information, but requires these entities to disclose medical information if disclosure is compelled by a lawful search warrant issued by law enforcement.<sup>13</sup> CMIA also prohibits providers from releasing medical information to requesting parties otherwise authorized to receive that information when the information relates to a patient's participation in outpatient treatment with a psychotherapist. However, the law exempts from this prohibition the disclosure or use of medical information by a law enforcement agency when required for an investigation of unlawful activity.<sup>14</sup>

This bill states the intent of the Legislature to support the protection of patient privacy while the patient is receiving a medical or psychological evaluation, procedure or treatment (hereinafter, "MPEs") from emergency services personnel. To that end, the bill requires, by July 1, 2026, each law enforcement agency that has a bodycam policy to update that policy to provide guidance to personnel who wear bodycams regarding circumstances in which they are required to limit the recording of MPEs performed by emergency services personnel. The bill requires the policy update to include a procedure for emergency services personnel to request redaction of evidentiary recordings of patients undergoing MPEs, and authorizes emergency services personnel to request that law enforcement personnel who wear bodycams limit the recording of a patient receiving an MPE.

#### 4. Policy Considerations

This relatively short bill, in some places overly prescriptive and in others near-fatally ambiguous, presents a host of policy questions and concerns that the Author and Committee should consider.

##### *"Embarrassment or Humiliation"*

The bill states that the required bodycam update "provide guidance to personnel who wear body-worn cameras regarding the circumstances in which they are *required* [emphasis added] to reasonably and temporarily limit the recording of medical or psychological evaluations, procedures, or treatment performed by emergency service personnel that *may* [emphasis added]

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<sup>10</sup> 45 CFR § 164.506. See also, "EMS Body-worn Camera Quickstart Guide: Legal Considerations for EMS Agencies." Published by Page, Wolfberg & Wirth. [EMS-Body-worn-Camera-Quickstart-Guide Legal-Considerations 06.2021.pdf](#)

<sup>11</sup> 45 C.F.R. § 164.512, subd.(f).

<sup>12</sup> Civ. Code, §§ 56, et. seq.

<sup>13</sup> Civ. Code, § 56.10, subd. (b)(6).

<sup>14</sup> Civ. Code, § 56.104, subds. (a), (d).

cause embarrassment or humiliation to the patient, including, but not limited to, circumstances in which the person's groin or breasts are exposed" while the MPE is being performed. As an initial point, nothing in existing law requires law enforcement to limit recording of MPEs, so it is unclear what this provision of the bill refers to. If the intent is to have the agencies themselves develop these "required circumstances" as part of the bodycam policy update, such a mandate should be clearly stated. Additionally, any number of actions taken by emergency services personnel or law enforcement "may" cause embarrassment or humiliation. Depending on the individual, the mere fact that one is being recorded by a bodycam or is being attended to by an emergency medical technician or paramedic may be embarrassing or humiliating. Under this deeply subjective standard, it is unclear when, if ever, law enforcement would be permitted to allow their bodycams to record. The Author and Committee may wish to strike this language entirely, or craft a more precise and objective standard referencing the types of patient information sought to be protected.

### *Discretion*

The bill mandates that the "policy update shall provide personnel who wear body-worn cameras with *sufficient discretion* [emphasis added] to enable them to respond appropriately in a variety of situations." The breadth of this provision almost entirely swallows any patient protection provided by the bill's requirement that recording of MPEs be limited in certain situations. If the policy update gives officers wide latitude in subjectively determining, at the scene of any MPE conducted by emergency services personnel, what is "appropriate," how does that differ from current practice, especially when the officer's principal concern in those situations will almost always be the pursuit of an investigation and the collection of evidence?<sup>15</sup> In order to ensure that they are complying with a statutory requirement that the policy update give officers "sufficient discretion," law enforcement agencies are unlikely to give officers anything less than maximum discretion in these situations.

### *"Emergency Services Personnel"*

The bill uses the term "emergency services personnel" throughout its provisions, defining the term consistently with an existing definition as "as an employee of the state, local, or regional public fire agency who provides emergency response services, including a firefighter, paramedic, emergency medical technician, dispatcher, emergency response communication employee, rescue service personnel, emergency manager, or any other employee of a state, local, or regional public fire agency."<sup>16</sup> Evidently, this definition only includes employees of public fire agencies, and not a variety of other types of personnel that may conduct MPEs in the field, including private ambulance or medical services personnel, law enforcement officers, or even helpful bystanders with medical experience. The Author and Committee may wish to include a more expansive definition of the term, perhaps by reference to an existing definition for "Prehospital emergency medical care person or personnel," which is defined as any of the following: an authorized registered nurse or mobile intensive care nurse, emergency medical technician-I, emergency medical technician-II, emergency medical technician-paramedic, lifeguard,

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<sup>15</sup> Certainly, if an officer is first on scene, their primary priority may be the safety of victims or bystanders or controlling an escalated situation, but this comment refers to situations where the emergency services personnel are already on-scene and conducting an MPE. An earlier version of this bill applied to law enforcement personnel conducting MPEs, but the language was modified to only apply to emergency services personnel, as defined.

<sup>16</sup> Gov. Code, § 8669.15



firefighter, or peace officer (as those terms are defined in specified provisions of existing law), or a physician or surgeon who provides prehospital emergency medical care or rescue services.”<sup>17</sup>

### *Permissive Provisions and Remedies*

This bill also requires the policy update to include a procedure for emergency service personnel to request the redaction of evidentiary recordings of a patient undergoing an MPE, and authorizes emergency personnel to request that law enforcement personnel who wear body-worn cameras limit the recording of a patient receiving an MPE. The bill states that law enforcement personnel shall respond to such a request in accordance with the policy update. Regarding the redaction provision, though such a provision is certainly useful in protecting sensitive patient information, it is ultimately ineffectual if law enforcement agencies are not required to comply with such a request when disclosing a given recording. However, mandating compliance in this fashion may be challenging for law enforcement agencies balancing such a requirement with existing redaction mandates related to the disclosure of bodycam audio and video.<sup>18</sup> Similar to the redaction provision, the provision authorizing emergency services personnel to request that officers limit recording may prove ineffectual if officers are not required in any way to heed the request. How is a provision authorizing emergency services personnel to make such a request, and directing officers to respond based on a policy granting them essentially limitless discretion any different than what happens now? Relatedly, when will an officer know when they have violated the policy, and what are the remedies for any violation of a policy that is only binding on the officers and not on emergency services personnel?

### *Sporadic Recording*

One potentially harmful consequence of the bill’s ambiguity is that it may lead to situations where officers, during a given interaction or investigation, are sporadically activating and deactivating their bodycams, leading to disjointed and possibly indecipherable recordings. Such an outcome would not only be unfavorable from a data management perspective, but in some cases would certainly undermine the collection of critical information in support of both a criminal prosecution and a defense, not to mention evidence that could be used in any number of civil actions. In criminal cases, any information not collected via bodycam would only later be recorded by an officer in their official report, a process subject to the deficiencies of memory. Often, bodycam footage provides the clearest and most accurate depiction of events captured, and helps to resolve conflicting testimony provided by witnesses for the defense and prosecution.

### *Other Questions*

The bill raises several other questions, such as:

- When is the exact moment that someone begins undergoing an MPE? If a policy update under the bill specifies the general circumstances in which an officer is required to limit recording, how specific does the policy need to be to give the officer adequate guidance as to the exact moments that the officer must deactivate and reactivate their bodycam? As mentioned above, will such a policy give an officer adequate notice that they have violated the policy?

<sup>17</sup> Health and Safety Code, § 1797.188, subd. (a)(1).

<sup>18</sup> Gov. Code, §7923.625, subd. (b); Pen. Code, § 832.7.

- What happens when an officer inadvertently records an MPE? What happens when the bodycam footage appears to show inadvertent recording, but the officer is in fact trying to record, such as capturing audio without direct video? If such conduct is prohibited, how should a violation be determined and punished?
- Should the bill require a training on this policy update?
- Should the bill require that the policy update include some exigency exception to situations in which officers are required to limit recordings?
- Does the bill create a new environment in which there will be such increased friction between emergency services personnel (firefighters and EMTs/paramedics) and law enforcement as to impair the discharge of their duties at a given scene?

## 5. Argument in Support

According to Mental Health America of California:

The types of services and supports individuals receive during a mental health crisis require trust, rapport with providers, and an assurance of confidentiality. People experiencing a mental health crisis are often in an immensely vulnerable, isolating, and sometimes life-threatening situation. In the event an individual must be forced into treatment, their right to privacy must be prioritized and upheld. Furthermore, recordings and sharable videos of individuals without their consent during moments of crisis may be used to further inflame and stigmatize individuals during assessments or conservatorship investigations. These potentially singular moments of crisis should not be used to define the entirety of an individual's journey towards wellness. A moment of crisis should not define them or prohibit their ability to establish a path towards recovery that works for them.

## 6. Argument in Opposition

According to the California State Sheriffs:

We understand the intent to protect patient privacy and appreciate amendments that seek to make the bill more permissive in terms of practical application but remain concerned that the bill may compromise the evidentiary value of BWC recordings. If a patient makes a statement against penal interest while they are being detained/evaluated and the camera is off or the officer walks away, it is possible, if not probable, that it will be argued that the statement was not made or was different than what the officer reports. Given the liability that can attach to officers and agencies based on dishonesty allegations, we are concerned about the direction/discretion to limit recording.

Another problematic example is the situation when an officer is involved in a shooting and EMS is providing medical aid to the suspect who has been mortally wounded. Is an officer or public entity going to lose a record of important facts that may inform an investigation if the officer exercises discretion to turn off their camera? SB 691 will likely put peace officers in the field in the position of having to decide on the spot whether they think a recording will have evidentiary value and whether that should be trumped by a request or guidance to limit recording.