
THIRD READING

Bill No: SB 691
Author: Wahab (D)
Amended: 1/5/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/29/25
AYES: Arreguín, Seyarto, Caballero, Gonzalez, Pérez, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 1/22/26
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SUBJECT: Body-worn cameras: policies

SOURCE: California Professional Firefighters

DIGEST: This bill requires, on or before July 1, 2027, each law enforcement agency that has a body-worn camera policy to update that policy to include a procedure for emergency service personnel to request, prior to any public release, the redaction of evidentiary and nonevidentiary recordings of a patient undergoing medical or psychological evaluation, procedure, or treatment by emergency service personnel.

ANALYSIS:

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

Existing law:

- 1) Establishes the Confidentiality of Medical Information Act (CMIA), 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. (Civil Code, §§ 56 et. seq.)

- 2) 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. (Penal Code, § 13510.8, subd. (b).)
- 3) Provides generally via the California Public Records Act, that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state. (Government (Gov.) Code, §§ 7920.000 et. seq.)
- 4) 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:
 - a) 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.
 - i. 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.
 - b) 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).)

- 5) 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:
 - a) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
 - b) 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).)
- 6) 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. Requires these policies and procedures to be based on best practices. (Penal Code, § 832.18, subd. (a).)
- 7) 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:
 - a) Designate the person responsible for downloading the recorded data, as specified.
 - b) 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.
 - c) 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.
 - d) Specifically state the length of time that recorded data is to be stored, as specified.
 - e) State where the body-worn camera data will be stored, as specified.
 - f) Consider specified factors to protect the security and integrity of the data if using a third-party vendor to manage the data storage system.
 - g) 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. (Penal Code, § 832.18, subd. (b)(1)-(8).)

- 8) Sets forth the following definitions regarding data collected via body-worn camera:
 - a) “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.
 - b) “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. (Penal Code, § 832.18, subd. (c).)
- 9) 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. (Penal Code, § 832.18, subd. (d).)

This bill:

- 1) States that it is 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 from emergency service personnel, and to support emergency service personnel in taking reasonable efforts to safeguard patients’ protected health information.
- 2) Requires, on or before July 1, 2027, each law enforcement agency that has a body-worn camera policy to update that policy to include a procedure for emergency service personnel to request, prior to any public release, the redaction of evidentiary and nonevidentiary recordings of a patient undergoing medical or psychological evaluation, procedure, or treatment by emergency service personnel. Provides that redaction may include blurring patient care and muting audio.
- 3) Provides that the provisions of this bill shall not be construed to limit the protections of the CMIA or HIPAA, or to create a new obligation on law enforcement personnel to render aid.

- 4) 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.

Comments

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. 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 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].

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. 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. 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.

Several well-established federal and California laws work together to protect personal medical information and patient privacy. Perhaps the most well-known is 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. 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 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 consent for these uses.

California has its own set of laws regarding the protection of PHI and its use and disclosure, known as the CMIA. The CMIA governs who may release confidential medical information, and under what circumstances, and prohibits the sharing,

selling or otherwise unlawful use of medical information. The 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.

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 from emergency services personnel, and to support emergency service personnel in taking reasonable efforts to safeguard patients' protected health information. To that end, the bill requires, by July 1, 2027, each law enforcement agency that has a bodycam policy to update that policy to include a procedure for emergency service personnel to request, prior to any public release, the redaction of evidentiary and nonevidentiary recordings of a patient undergoing medical or psychological evaluation, procedure, or treatment by emergency service personnel. The bill specifies that redaction may include blurring patient care and muting audio. The bill further states that its provisions shall not be construed to limit the protections of the CMIA or HIPAA, or to create a new obligation on law enforcement personnel to render aid.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

According to the Senate Appropriations Committee:

Unknown, potentially significant cost pressures (General Fund, local funds) to state and local law enforcement agencies to the extent that they are required to update their policies pursuant to this bill. The California Constitution requires the state to reimburse local agencies for certain costs mandated by the state. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on counties may claim reimbursement of those costs.

SUPPORT: (Verified 1/22/26)

California Professional Firefighters (source)
Mental Health America of California

OPPOSITION: (Verified 1/22/26)

ACLU California Action
California District Attorneys Association
California Public Defenders Association

California State Sheriffs' Association
Disability Rights California
Initiate Justice
Justice2Jobs Coalition
La Defensa
LA County Public Defenders Union, Local 148
Los Angeles Police Protective League
Oakland Privacy
Riverside County District Attorney
Riverside County Sheriff's Office
San Francisco Public Defender

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***** **END** *****