

Date of Hearing: June 9, 2026

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ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

SB 691 (Wahab) – As Amended May 26, 2026

SUMMARY: Requires a law enforcement agency that has a body-worn camera policy to update that policy to include a procedure for emergency service personnel to request the redaction of specified recordings of a patient receiving certain medical treatment from emergency service personnel. Specifically, **this bill:**

- 1) Requires each law enforcement agency that has a body-worn camera policy, on or before July 1, 2027, to update that policy to include a procedure for emergency service personnel to request, prior to any public release, the redaction of evidentiary and non-evidentiary recordings of a patient undergoing medical or psychological evaluation, procedure, or treatment (MPE) by emergency service personnel, and specifies that such redaction may include blurring patient care and muting audio.
- 2) Specifies that this bill shall not be construed to limit the protections of the Confidentiality of Medical Information Act, or the federal Health Insurance Portability and Accountability Act of 1996, or to create a new obligation on law enforcement personnel to render aid.
- 3) Requires an unredacted copy of redacted MPE body-worn camera recordings to be maintained consistent with the policies and procedures developed for the implementation and operation of body camera-worn systems by the law enforcement agency.
- 4) Establishes Legislative intent to support the protection of patient privacy while the patient is receiving MPE from emergency service personnel, and to support emergency service personnel in taking reasonable efforts to safeguard patients' protected health information.
- 5) Expands the Legislature's intent to establish policies and procedures related to the downloading and storage of data from body-worn cameras by peace officers to include recordings of such data.

EXISTING LAW:

- 1) Defines "emergency service personnel" to mean 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. (Gov. Code, § 8669.15, subd. (e).)
- 2) States that it is 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, and provides that these policies and procedures shall be based on best

practices. (Pen. Code, § 832.18, subd. (a).)

- 3) Requires law enforcement agencies to consider the best practices regarding the downloading and storage of body-worn camera data when establishing policies and procedures for the implementation and operation of a body-worn camera system, including:
 - a) Designate the person responsible for downloading recorded data from the body-worn camera.
 - b) Establish when data should be downloaded.
 - c) Establish measures to prevent data tampering, deleting, and copying.
 - d) Categorize and tag body camera video at the time the data is downloaded and classified according to the type of event or incident captured in the data. (Pen. Code, § 832.18, subd. (b)(1)-(4).)
 - e) Specifically state the length of time the recorded data is to be stored, as follows:
 - i) Except as specified, non-evidentiary data should be retained for at least 60 days.
 - ii) Evidentiary data should be retained for at least two years if the recording is of a use of force incident by a peace officer or is of an officer-involved shooting; of an incident that leads to a person's detention or arrest; or is relevant to a complaint against a law enforcement.
 - iii) If relevant to a criminal prosecution, the data should be retained for any time in addition to that specified above, and in the same manner as is required by law for other evidence.
 - iv) Records or logs of access and deletion of data should be retained permanently. (Pen. Code, § 832.18, subd. (b)(5)(A), (B), (C) & (E).)
- 4) Defines "evidentiary data" as 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 is subject to state evidentiary laws. (Pen. Code, § 832.18, subd. (c)(1).)
- 5) Defines "non-evidentiary data" as 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)(2).)
- 6) Generally provides that the personnel records of peace officers and custodial officers are confidential and cannot be disclosed, except as specified. (Pen. Code, § 832.7, subd. (a).)
- 7) States, notwithstanding exceptions in the California Public Records Act (CPRA), or any other law, the following peace officer or custodial officer personnel records and records

maintained by a state or local agency, including audio and video evidence, shall not be confidential and shall be made available for public inspection pursuant to the CPRA:

- a) A record relating to the report, investigation, or findings of:
 - i) Any incident involving the discharge of a firearm at a person by an officer;
 - ii) Any incident involving the use of force by an officer that results in great bodily injury or death;
 - iii) A sustained finding involving a complaint alleging excessive force; or
 - iv) A sustained finding that an officer failed to intervene when another officer clearly used excessive or unreasonable force. (Pen. Code, § 832.7, subd. (b)(1)(A) & (3).)
 - b) Any record relating to a sustained finding: 1) that an officer sexually assaulted a member of the public; 2) involving dishonesty by an officer relating to the reporting, investigation, or prosecution of a crime; 3) that an officer engaged in prejudicial or discriminatory conduct; 4) that an officer made an unlawful arrest or conducted an unlawful search; and 5) a specified prohibited agreement between an employing agency and a peace officer. (Pen. Code, § 832.7, subd. (b)(1)(A)-(F).)
- 8) Provides that an agency shall redact a record that is subject to release as described above, only for the following purposes:
- a) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers;
 - b) To preserve the anonymity of whistleblowers, complainants, victims, and witnesses;
 - c) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force by peace officers and custodial officers; or
 - d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person, as specified. (Pen. Code, § 832.7, subd. (b)(6).)
- 9) Provides that, notwithstanding other provisions of law relating to law enforcement records, a video or audio recording relating to a critical incident may be withheld only as follows:
- a) During an active criminal or administrative investigation, for no longer than 45 days after the date the agency knew or reasonably should have known about the incident, if disclosure would substantially interfere with the investigation. (Gov. Code, § 7923.625, subd. (a)(1).)

- b) 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, if the agency demonstrates that disclosure would substantially interfere with the investigation. (Gov. Code, § 7923.625, subd. (a)(2).)
 - c) After one year from the date the agency knew or reasonably should have known about the incident, if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. (Gov. Code, § 7923.625, subd. (a)(2).)
 - d) If the agency demonstrates, on the facts of the particular case, that the public interest in withholding a recording clearly outweighs the public interest in disclosure because the release of the recording would violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide the basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology. (Gov. Code, § 7923.625, subd. (b)(1).)
 - e) Prohibits the redaction described above from interfering with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording from otherwise being edited or altered. (Gov. Code, § 7923.625, subd. (b)(1).)
 - f) Except as specified, if the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction, as specified, and that interest outweighs the public interest in disclosure, the agency may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to specified persons including the subject of the recording whose privacy is to be protected. If disclosure would substantially interfere with an active criminal or administrative investigation, the agency shall provide the basis for that determination and an estimated disclosure date. (Gov. Code, § 7923.625, subd. (b)(2)-(3).)
- 10) Defines a recording as relating to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a peace officer or custodial officer; or 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).)

FISCAL EFFECT: Unknown.

COMMENTS:

- 1) **Sponsor:** California Professional Firefighters.
- 2) **Author's Statement:** 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 and general patient privacy.

“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 law enforcement agencies to update their body camera policies to include a process for emergency medical services professionals to request redaction of any video recorded of a patient undergoing a medical evaluation prior to the video being made public.”

- 3) **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. AB 69 (Rodriguez), Chapter 461, Statutes of 2015 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. (Pen. Code, § 832.18, subd. (b).) 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 preventing agency personnel from disclosing bodycam data to the public or uploading data onto social media, among others. (*Ibid.*) Though existing law does not expressly state when officers must activate or deactivate their bodycams, such guidance is typically included in a law enforcement agency’s bodycam policy.¹
- 4) **Relevant Medical Privacy Laws:** Several well-established federal and California laws work together to protect personal medical information and patient privacy. Perhaps the most well-known is the Health Insurance Portability and Accountability Act (HIPAA), which provides federal standards protecting sensitive health information from disclosure without the patient’s consent. (45 C.F.R. § 160 et seq.) Most relevant here, HIPAA allows covered entities to disclose personal health information 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 the information 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. (45 C.F.R. § 164.512(f).)

California has its own set of laws regarding the protection of personal health information and its use and disclosure, known as the California Confidentiality of Medical Information Act (CMIA). Among other things, CMIA 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, among other things. (Civ. Code, § 56 et seq.) 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. (Civ. Code, § 56.10, subd. (b)(6).) CMIA also prohibits providers from releasing medical information to requesting parties otherwise authorized to receive that information when the

¹ S.F. Dept., Gen. Order 10.11 (June 1, 2016) Body Worn Cameras, pp. 2-3, <<https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/sanfranca-bwcpolicy.pdf>> [as of June 3, 2026].

information relates to a patient's participation in outpatient treatment with a psychotherapist. (Civ. Code, § 56.104, subd. (a).) 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. (Civ. Code, § 56.104, subd. (d).)

- 5) **Effect of this Bill:** This bill requires a law enforcement agency that has a body-worn camera policy to, by July 1, 2027, update that policy to include a procedure for emergency service personnel to request the redaction of evidentiary and non-evidentiary recordings of a patient undergoing MPE by emergency service personnel. Such redaction may include blurring patient care and muting audio. "Emergency service personnel," for purposes of this bill, means 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 is a relatively narrow definition that encompasses specified public fire agency employees. This would not apply to other types of personnel, such as private ambulance or private medical services personnel.

Under this bill, any unredacted copy of a redacted MPE body-worn camera recording must be maintained consistently with the policies and procedures developed for the implementation and operation of body camera-worn systems by the law enforcement agency. Such procedures, among other things, require specified evidentiary data recorded by a body-worn camera to be retained for a minimum of two years, and non-evidentiary data to be retained for a minimum of 60 days. (Pen. Code, § 832.18, subd. (b)(5)(A)-(B).)

Finally, this bill provides that it shall not be construed to limit the protections of CMIA or HIPAA, or to create a new obligation on law enforcement personnel to render aid. It also establishes legislative intent to support the protection of patient privacy while the patient is receiving MPE from emergency service personnel, and to support emergency service personnel in taking reasonable efforts to safeguard patients' protected health information.

This bill reasonably seeks to protect the privacy of individuals receiving medical treatment, who may be hesitant to share sensitive medical information while they are being recorded by a body camera. However, the impact of this bill may be limited. The primary provision of the bill requires law enforcement agencies to update their body-worn camera policies to include a procedure for emergency service personnel to request the redaction of recordings of a patient receiving MPE. This gives a certain amount of discretion to local law enforcement agencies to determine what this process looks like. Notably, there is no requirement that law enforcement respond or comply with such a request from emergency service personnel. Moreover, mandating strict compliance with such a request may not be prudent or necessary. Existing law already outlines the circumstances under which law enforcement may, or must, redact disclosable recordings, and the standards that govern such disclosure. This includes several statutory grounds to redact sensitive medical information.

Penal Code 832.7 requires the public disclosure of certain types of law enforcement personnel records, and other records maintained by a state or local agency. (Pen. Code, § 832.7, subd. (b)(1).) Disclosable records include records relating to the report, investigation, or finding of an incident involving the discharge of a firearm at a person by a peace officer and an incident involving use of force against a person by a peace officer that resulted in

death or great bodily injury. (Pen. Code, § 832.7, subd. (b)(1)(A)(i)-(ii).) Other disclosable records include any record relating to a sustained finding: 1) that an officer sexually assaulted a member of the public; 2) involving dishonesty by an officer relating to the reporting, investigation, or prosecution of a crime; 3) that an officer engaged in prejudicial or discriminatory conduct; 4) that an officer made an unlawful arrest or conducted an unlawful search; and 5) a specified prohibited agreement between an employing agency and a peace officer. (Pen. Code, § 832.7, subd. (b)(1)(A)-(F).) Such disclosable records specifically include audio and video evidence. ((Pen. Code, § 832.7, subd. (b)(3).)

A law enforcement agency must redact such a record “[t]o preserve the anonymity of whistleblowers, complainants, victims, or witnesses.” (Pen. Code, § 832.7, subd. (b)(6)(B).) Law enforcement agencies are also required to redact disclosable records to “[t]o protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force by peace officers...” (Pen. Code, § 832.7, subd. (b)(6)(C).) Such mandated redactions may already function to protect the privacy interests of certain victims receiving medical treatment that are depicted in video and audio recordings. For example, if there is a CPRA request for an otherwise disclosable body camera recording relating to a sustained finding of misconduct that depicts a victim or witness receiving medical treatment, the applicable law enforcement agency would be required to redact the record to preserve the anonymity of that person. In addition to these grounds to redact medical information, an agency may also, more generally, redact a disclosable record, including personal identifying information, where the public interest served by not disclosing clearly outweighs the public interest in disclosure. (Pen. Code, § 832.7, subd. (b)(7).)

Further, existing law specifically authorizes redaction and nondisclosure for specific audio and video recordings of critical incidents resulting in either the discharge of a firearm at a person by law enforcement or in death or great bodily injury to a person from the use of force by law enforcement. (Gov. Code, § 7923.625, subd. (b)(1).) For video and audio recordings related to critical incidents, a law enforcement agency may redact footage to protect the privacy of a person depicted in the recording, subject to specified requirements. (Gov. Code, § 7923.625, subd. (b)(1).) To redact the footage, the agency must demonstrate, on the facts of the particular case, that the public interest in withholding the recording clearly outweighs the interest in disclosure because the release would violate the reasonable expectation of privacy of a subject depicted in the recording. (*Ibid.*) The agency must also provide the basis for the expectation of privacy and the interest served by withholding the recording. (*Ibid.*) The agency may also withhold a recording from the public entirely, with limited exceptions, if the agency demonstrates that a subject’s reasonable expectation of privacy cannot adequately be protected through redaction, and that interest outweighs the public's interest in disclosure. (Gov. Code, § 7923.625, subd. (b)(2).)

Given that existing law already outlines the types of law enforcement records that are subject to disclosure, when privacy-based redactions are required, and the standards governing such disclosure, the value of authorizing a single category of people (emergency personnel) to request medical treatment-based redactions may be limited.

- 6) **Argument in Support:** According to the *California Professional Firefighters*, the sponsor of this bill, “Due to the nature of emergency medical services, this care may take place in any location or scenario, both private and public, and may potentially have interaction with law enforcement officers. While EMS personnel are attending the scene of an automobile accident, assisting someone experiencing a medical emergency, or responding to transport a patient experiencing a behavioral health crisis, the presence of law enforcement personnel on those scenes means that body-worn cameras will often be recording the medical assessment and treatment interactions. These recordings raise serious privacy concerns for patients, potential impacts on patient willingness to fully cooperate with medics on scene, and may even complicate the working relationship between public safety officers.

“As a covered provider under HIPAA, EMTs and paramedics are responsible for taking reasonable action to protect their patients’ private health information until the transfer of their care. The possibility of private medical information being recorded can potentially make it less likely that life-saving information is shared while in the presence of body-worn cameras. The confidential nature of the relationship between patient and medical provider allows for patients to feel comfortable divulging sensitive information with the knowledge that it will remain with their provider and be used only for their treatment. While the chaotic nature of an emergency medical scene may not be as strictly private as a medical examination room, that foundational trust of confidentiality remains, a confidentiality that is shattered by an ever-present recording device.

“Currently, local jurisdictions may have policies regarding the use of body-worn cameras, but they may not necessarily address the recording of a patient undergoing a medical or psychological evaluation or treatment. SB 691 will provide directions to local jurisdictions to update their policies to establish a procedure for emergency personnel to request the redaction of footage of medical and behavioral health treatment and evaluation before it is released to the public.

“Body-worn cameras provide protection for both civilians and law enforcement officers alike, creating a record of interactions and ensuring accountability and transparency on all sides. While these goals should be preserved, it is also true that video recordings may, in certain circumstances, present a violation of the privacy of individuals in distress. Patients in an emergency medical setting often have reduced or no capability to consent to such recordings, and once recordings have been received and stored by the law enforcement agency there is no recourse for preventing them from potentially being released to the public.”

- 7) **Argument in Opposition:** According to the *Los Angeles County Professional Peace Officers Association*, SB 691 “sets a precedent that moves too far in restricting officer discretion over body-worn camera use in dynamic field settings. Body-worn cameras are a critical public safety and accountability tool. They protect the public, preserve evidence, document officer conduct, and often provide the most reliable record of rapidly unfolding incidents.

“Medical scenes are often unstable, emotionally charged, and closely tied to criminal investigations or use-of-force incidents. In those moments, officers must make quick decisions to protect life, preserve evidence, and maintain scene security. SB 691 would inject ambiguity into those situations by requiring additional policy constraints around when

recording should be limited, increasing the risk of second-guessing after the fact and undermining the value of body-worn camera footage as an objective record.

“While PPOA supports protecting patient dignity and privacy, existing law already allows agencies to adopt body-worn camera policies based on best practices. SB 691 unnecessarily mandates new restrictions instead of allowing local agencies to balance privacy, officer safety, evidentiary needs, and public accountability based on the realities their personnel face in the field.”

8) **Prior Legislation:**

- a) SB 337 (Menjivar), of the 2025-2026 Legislative Session, would have, among other things, required CDCR to establish policies and procedures relating to the implementation and operation of a body-worn camera system that include circumstances, including confidential medical treatment, under which a body-worn camera may be deactivated. SB 337 was held in suspense in the Assembly Appropriations Committee.
- b) AB 60 (Salas), of the 2021-2022 Legislative Session, would have applied the best practices that must be considered for body camera systems to law enforcement agency policies and procedures regarding the retrieval and retention of data recorded by an unmanned aircraft system or drone operated by the agency, among other changes. AB 60 was never heard in this Committee.
- c) SB 748 (Ting), Chapter 960, Statutes of 2018, established a standard for the release of body-worn camera footage by balancing privacy interests with the public's interest in the footage.
- d) AB 69 (Rodriguez), Chapter 461, Statutes of 2015, required law enforcement agencies to consider specified best practices when establishing policies and procedures for downloading and storing data from body-worn cameras.

REGISTERED SUPPORT / OPPOSITION:

Support

California Professional Firefighters
California State Association of Psychiatrists (CSAP)
Mental Health America of California

Opposition

California District Attorneys Association
California State Sheriffs' Association
Disability Rights California
Initiate Justice
Justice2Jobs Coalition
La Defensa
Local 148 LA County Public Defenders Union
Los Angeles County Professional Peace Officers Association

Los Angeles Police Protective League
Riverside County District Attorney
Riverside County Sheriff's Office
San Francisco Public Defender

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