
UNFINISHED BUSINESS

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

SENATE FLOOR: 33-0, 1/27/26

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Stern, Strickland, Umberg, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Alvarado-Gil, Choi, Hurtado, Niello, Ochoa Bogh, Smallwood-Cuevas, Valladares

ASSEMBLY FLOOR: Passed, 8/27/26

SUBJECT: Body-worn cameras: policies

SOURCE: California Professional Firefighters

DIGEST: This bill 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.

Assembly Amendments requires law enforcement agencies to maintain an unredacted copy of body-worn camera recordings consistent with specified policies and procedures.

ANALYSIS:

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) 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.

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

According to the Assembly Appropriations Committee:

Potentially reimbursable state-mandated local program costs (General Fund), likely minor, for local law enforcement agencies that have a BWC policy to perform the one-time update adding the required redaction-request procedure. Because the bill applies only to agencies that already maintain a BWC policy and the mandated activity is a one-time policy revision, these costs are likely minor; whether they rise to a reimbursable mandate is a determination for the Commission on State Mandates. To the extent the Commission finds a reimbursable mandate, costs would be General Fund.

Possible ongoing costs (General Fund/local) to process redaction requests and perform requested redactions. The bill requires agencies to establish a procedure for emergency service personnel to request redaction but does not require agencies to grant the request, and agencies already perform redactions under existing law so existing redaction infrastructure may absorb a share of the workload. Costs would be largely contingent on request volume and on each agency's discretionary decision whether to grant requests. To the extent the Commission finds a reimbursable mandate, costs would be General Fund.

Possible costs (General Fund) to state law enforcement agencies that maintain BWC policies to similarly update their policies, process requests, and defend against possible litigation. California Highway Patrol, for its part, reports minor and absorbable costs.

SUPPORT: (Verified 8/27/26)

California Professional Firefighters (source)
California State Association of Psychiatrists
Fire Districts Association of California
Mental Health America of California

OPPOSITION: (Verified 8/27/26)

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

Prepared by: Alex Barnett / PUB. S. /
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