

Prison Body Cams Raise Health Privacy Compliance Issues

By **Allison Becker and Kendra Stark** (November 14, 2025)

As correctional facilities across the U.S. increasingly adopt body-worn cameras, or BWCs, to enhance transparency and safety, a new legal frontier is emerging — one that intersects surveillance technology with the constitutional and regulatory complexities of healthcare delivery in the correctional setting.

Surveillance in Healthcare: A Collision of Priorities

BWCs have become a staple in law enforcement and correctional environments, praised for their ability to document incidents, deter misconduct and protect staff. However, their integration into healthcare settings within jails and prisons raises profound legal and ethical questions.

While many facilities have broad policies mandating the use of BWCs at all times in the facility or during every interaction with an incarcerated person, few have clear policies and training that account for exceptions for interactions that might reveal a person's private health information.

Capturing a patient's confidential medical information on BWC footage, even inadvertently in an effort to maintain safety and transparency, seems nearly inevitable. For example, confidential medical encounters — particularly those involving medical and mental health assessments, crisis interventions, or involuntary medication — are governed by strict privacy protections under federal and state law.

However, some may believe recording is necessary in those circumstances for the safety of patients and staff alike. This raises a broader question: How can correctional institutions reconcile the need for oversight with the imperative to protect patient confidentiality?

Regulatory Compliance and Risk Management

BWCs introduce new challenges most immediately in regulatory compliance. Healthcare providers must ensure that their use of surveillance technology aligns with the Health Insurance Portability and Accountability Act, state confidentiality laws and professional licensing standards.

HIPAA was designed to establish national standards for healthcare entities to safeguard patients' confidential protected health information. Entities subject to HIPAA's regulations include healthcare providers and their business associates, but they do not historically include law enforcement agencies working with healthcare providers in the correctional setting. Some states, in an effort to address this gap in protection of PHI of incarcerated patients, have enacted their own laws, regulations or best practices on whether and how BWCs should be used to best protect patients' rights.

For example, California's Title 15 requires that correctional officers both wear and activate BWCs during the entire course of their shift, while explicitly prohibiting the use of BWCs



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during confidential medical, dental or mental health assessments, appointments, or consultations, in order to preserve provider-patient privilege and constitutional privacy rights.[1] However, California law also requires, pursuant to Penal Code Section 832.7(b)(1)(A)-(C) and the California Public Records Act, that BWC video records be made available for public review upon request, without making any specific exemption for video that may contain PHI.

These regulations ultimately expose a broader tension: How can correctional institutions reconcile the need for oversight with the imperative to protect patient confidentiality? This tension is reflected in the experiences of the staff who must make decisions every day about the appropriateness of the use of BWCs in medical settings.

For example, a study of correctional officers in Queensland, Australia, found that only 8% supported activating BWCs near medical consultations, highlighting widespread concern about privacy violations.[2] However, while facility policy prohibited the use of BWCs in areas where residents had a reasonable expectation of privacy, and most officers recognized that would include medical consultations, officers had differing views over whether they would still record, particularly when they had concerns about safety.[3]

Moreover, BWCs generate vast amounts of sensitive data. Without proper redaction and access controls, facilities risk breaching privacy laws. Artificial intelligence-powered tools are now being used to automatically identify and blur personally identifiable information in footage, helping facilities meet legal obligations while maintaining transparency, but more needs to be done to ensure adequate protection of personally identifiable information and PHI before this footage is more broadly viewed or released.

Legal Exposure and Litigation Trends

Beyond the regulatory issues posed, the use of BWCs in the healthcare setting raises concerns over the use of this footage in litigation. While there has been little guidance from appellate courts on avoiding privacy violations in the use of BWCs or release of BWC footage, recent research and case outcomes show BWCs playing a dual role in litigation, either as a shield for staff or as a sword for plaintiffs alleging constitutional violations.

In one of the first randomized controlled trials of BWCs in a correctional setting, conducted at Virginia's Loudoun County Adult Detention Center, researchers from Arizona State University and the Center for Naval Analyses found that BWCs significantly reduced response-to-resistance incidents and injuries of incarcerated people.[4]

Similarly, following October 2024 oral arguments in the U.S. Court of Appeals for the Ninth Circuit Court in the matter of *A.R.L. v. City of Fullerton*, counsel for the city noted that having BWC footage of the incident available bolstered their argument that the officers had attempted to deescalate, and thus supported their defense against the plaintiff's constitutional claims.[5] These findings suggest that BWCs can help defend against allegations of excessive force or deliberate indifference.

However, the fatal December 2024 beating of Robert Brooks — captured on New York prison staff's BWCs — demonstrates the opposite effect. The footage revealed the use of excessive force by multiple officers and the inaction of bystanders, supporting legal action against them.[6] This underscores the power of BWCs to both expose abuse and catalyze systemic change.

Ultimately, whether similar footage might be available to help defend medical professionals

against claims of deliberate indifference or support such claims against them is a different question, and one that implicates different privacy concerns. While courts as recently as 2024 have begun to rule that BWC footage is generally admissible at trial,[7] they have yet to provide clear guidance on the admissibility of BWC footage that specifically includes a plaintiff or other patient's protected health information.

The Path Forward: Policy, Training and Advocacy

The rise of BWCs in correctional healthcare is not merely a technological shift — it is a legal and cultural transformation. Correctional partners must engage in thoughtful policy development, robust training and ongoing legal review to ensure that surveillance enhances care rather than undermining it.

When developing policy, all impacted partners, including custody, healthcare providers and risk management, should have a seat at the table. Policies should be comprehensive and should address both security and patient privacy concerns, while ensuring compliance with all applicable federal and local laws and regulations. Once drafted, thorough training of all personnel on the policies must follow, along with a clear system to track staff's compliance and make adjustments where needed as a result.[8] Holding staff accountable for gaps in compliance both protects patients from privacy violations and protects staff from unfounded allegations.

Finally, facility partners should encourage an open and honest dialogue about how the use of BWCs is impacting the provision of medical and mental health services, and the safety of patients and staff, to improve policy and procedure on an ongoing basis.

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[1] Cal. Code Regs. Tit. 15, § 3270.3(a), (d).

[2] Body-worn camera activation in prisons: understanding correctional officers' decision-making and use of discretion | Security Journal.

[3] Id.

[4] Deploying Body-worn Cameras in a Jail Setting: Impacts and Lessons Learned | Office of Justice Programs.

[5] Recent Ninth Circuit Arguments Highlight the Importance of Body-Worn Cameras - Jones Mayer.

[6] The Need for Body-Worn Cameras in Prisons | CNA.

[7] Baez v. Commonwealth, 909 S.E.2d 809 (2024).

[8] The Need for Body-Worn Cameras in Prisons | CNA.