



Republic of the Philippines
House of Representatives

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5830**



Introduced by Rep. Luisa Lloren Cuaresma
Lone District of Nueva Vizcaya

EXPLANATORY NOTE

Article 2, Section 5 of the 1987 Constitution states that: *"The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."*

The use of body-worn camera by law enforcement officers (e.g., arresting and seizing officers, sheriffs, corrections officers, SWAT and other tactical responders) offers noteworthy advantages in keeping officers and citizens safe, enabling situational awareness and providing evidence for trial for any official proceedings.

The intensified anti-drug campaign had come under fire from local and international human rights groups, prompted by the alleged killings of more than 7,000 mainly poor users and pushers. Many policemen that were involved in the alleged killings maintained that they only acted in self-defense. Most suspects would often argue they were "set-up" by the arresting officers.

Sheriffs have extraordinary authority and responsibility to enforce judgments and to take practical measures to solve various sets of human problems that challenge the goal of having a peaceful community. However, whenever

sheriffs enforce the execution of judgments, they would often be assaulted by different adverse and losing parties, groups and organizations.

Traffic and Parking Bureau members in Manila are now required to wear body cameras to avoid "under-the-table" transactions between traffic enforcers and violators after terminating 690 members of the MTPB following many complaints from motorists concerning their alleged extortion activities.

The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law and the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances is duly recognized. However, there have been cases where highest degree of restraint that the military, police, and other peace keeping authorities shall observe during a public assembly or in the dispersal of the same is not observed due to alleged assaults of the demonstrators.

The above-mentioned operations are just a few of the various types of interactions that law enforcers perform on a daily basis and there are many more executed on a daily basis where body-worn cameras could support. Among the types of interactions include service calls, primary response, self-initiated public contact, surveillance, motorcycle or patrol operations, emergency response, vehicle or site searches, transfer of inmates or detainees by correction officers to and from the court, tactical operations and many more.

The International Association of Chiefs of Police (IACP herein after) in the United States measured the impact cameras have had on the judicial process. The study found that an overwhelming ninety one percent (91%) have used video evidence in court that was captured from an in-car camera and body worn cameras. They reported that the presence of video evidence enhances their ability to obtain convictions and increases the number of guilty pleas prior to going to trial. The majority of the prosecutors (58 percent) reported a reduction in the time they actually spent in court, although when video evidence was used, 41 percent of prosecutors reported an increase in their case preparation time (IACP, 2004).

Protection of law enforcers is of paramount importance. Law enforcers are frequently assaulted while performing their functions. A bulk of administrative cases were filed due to technical and procedural errors of law enforcers while performing their duties. The use of a camera system, whether in-car or body-worn, can deter violence or other negative behavior and help to convict a person who would choose to attack an officer. It may also reveal other information that might not normally be recorded by officers.

The use of cameras has been said to help improve the accountability of police officers as well as reduce the number of complaints of police misconduct. There are numbers of reports where cameras have cleared officers of "wrongdoing" once the video evidence was reviewed, as opposed to only 5 percent of complaint cases being sustained (as studied using in-car camera as the

representative system) (IACP, 2004).

Body-worn camera thus promotes transparency, provides audit trails speed up proceedings, declog court dockets and aid in administration of justice in various types of interaction that law enforcers perform on a daily basis that protects not only the law enforcers but citizens alike.

In view of the foregoing, the passage of this bill is earnestly sought.


LUISA LLOREN CUARESMA



Republic of the Philippines
House of Representatives

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **5830**

Introduced by Rep. Luisa Lloren Cuaresma
Lone District of Nueva Vizcaya

**AN ACT MANDATING ALL ENFORCEMENT OFFICERS OF ALL
GOVERNMENT INSTITUTIONS, AGENCIES AND SUBDIVISIONS TO
WEAR BODY-WORN CAMERAS IN THEIR OPERATIONS TO
PROMOTE TRANSPARENCY, TO AID ADMINISTRATION OF JUSTICE
AND TO PROTECT CITIZENS AND OFFICERS ALIKE AND
APPROPRIATING FUNDS THEREFOR**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Short Title - This Act shall be known as the "Body-Worn Cameras Act"

SECTION 2. Declaration of Policy - It is the prime duty of the Government to serve and protect the people, to maintain peace and order, to protect life, liberty, and property, and to promote the general welfare as essential for the enjoyment by all the people of the blessings of democracy.

The use of body-worn camera systems by law enforcement officers offers significant advantages which includes:

- a) Increased transparency and citizen views of police legitimacy;

- b) Improved behavior and civility among both police officers and citizens;
- c) Improve the accountability of police officers as well as reduce the number of complaints of police misconduct; and
- d) Increased evidentiary benefits that expedite resolution of citizen complaints or lawsuits and improving evidence for arrest and prosecution.

Law enforcement agencies and officers tirelessly work to protect the citizens and make communities safer. Thus, the State recognizes the above-mentioned advantages of the use of body-worn cameras by on-duty law enforcement with the end goal of protecting both citizens and police.

SECTION 3. Definition of Terms – For the purpose of this Act, the following terms shall be used under the definition provided hereof, to wit:

- a) *Body-Worn Camera* – Body-worn audio and video, also known as body cameras and body-worn camera (BWC herein after), is an audio and video recording system that is typically utilized by law enforcement to record their interactions with the public or gather video evidence at crime scenes.
- b) *Law Enforcement Agency* – refers to all Government agencies, institutions and subdivisions which enforce the law. It includes but not limited to the Philippine National Police, National Bureau of Investigation, Philippine Drug Enforcement Agency, Bureau of Custom and the Judiciary;
- c) *Law Enforcers* – refers to the body of Government employees trained in methods of law enforcement and crime prevention and detection and authorized to maintain peace and order. It includes but not limited to arresting officer, seizing officer, corrections officer, and court sheriff.
- d) *Certificate of Authenticity* - certificate issued by the law enforcement agency to support the audio and video recording taken from a BWC which purports to confirm the authenticity of the recording.

SECTION 4. Placement of BWC – BWC is a mobile audio and video capturing device that allows law enforcers to record what they see and hear. Units can be mounted in several areas to include, around the ear or head, on a helmet or hat, on the lapel, pocket, badge or in many other parts of the body which should clearly capture the interaction between the law enforcer and other parties involved in the operation. BWC lenses should not be obstructed.

The law enforcement agency shall consider other factors to determine the proper placement and mounting of the BWCs which highly depend on the type of interactions involved.

SECTION 5. Specifications to Consider – For the purpose of this Act, the following shall be considered in procuring BWC.

- a) Battery life
- b) Video quality
- c) Recording limits
- d) Night recording

- e) Camera focal width must have a wide point-of-view
- f) Audio recording
- g) Weather resistant
- h) Time and date stamp shall be clearly seen in the video recording
- i) Data storage
- j) Encryption and other security features necessary to protect the BWC and the data storage.
- k) Control number assigned to each unit shall also be clearly stamped within the video for audit and control purposes.

SECTION 6. Restrictions on the Use of BWC - For the purpose of this Act, the following limitations shall be applied:

- a) Warrantless capturing of photo or video images of people where they have an expectation of privacy is strictly prohibited;
- b) Use of BWC other than those that are intended for purpose of this Act shall be prohibited;
- c) Only authorized and trained law enforcers shall use BWC in the performance of their duties.

Parameters would need to be set by the law enforcement agency for voluntary, compulsory and prohibited use of the camera.

SECTION 7. Training - Proper training on policies and equipment is a must. The implementing agency should ensure that a thorough logistics plan is in place prior to implementation. Training should not only be for use of the BWC but also for the law enforcer's perceptions of the camera. Law enforcement officers should understand the primary purpose of cameras is for evidence collection and officer safety and transparency. Officers will need to understand that monitoring officer performance and improving public relations also come with the camera use.

SECTION 8. Data Storage and Management - For the purpose of this Act, the following data storage and management must be considered:

- a) Storage issues, such as how long and who has access to the recordings;
- b) Each BWC unit must have time and date stamp and control number while recording;
- c) Not only must the data be protected and backed up regularly, it must be accessible to all parties involved;
- d) Crime recordings must be managed by law and through policies. Even video of standard officer interaction may be retained for a default period of time to cover potential performance complaints;
- e) Policies should control the period of time this data is maintained. As recordings become more or less important to your law enforcement agency, adjustments need to be made; and
- f) The law enforcers may review the video recordings they have taken provided that they are accompanied by the custodian at all times. Provided

further, they may review only for the purposes intended by this Act.

- g) The law enforcement agency shall appoint custodian to supervise, control and secure BWC units, its storage, database management and ensure its authenticity and integrity.
- h) The custodian shall provide logbook that will show the name of the law enforcer who will use the BWC, date and time used and returned. The logbook shall be submitted monthly or as may deem necessary to the Department head where the database is stored for audit and authentication purposes.

Database must protect data at all times with evidence encryption. Once filmed nothing can be deleted from the unit and the information is fully encrypted. Video must be uploaded to a secured server within the law enforcement agency. An audit trail is created that shows who has used it, and when, not only useful for processing the evidence through the criminal justice system but to guard against leaks.

SECTION 9. Allowed Use and Disclosure – The use, viewing, copying, or disclosure of video feeds and recordings obtained pursuant to the purposes of this Act shall only be allowed in any of the following circumstances:

- a) Use, viewing, copying, or disclosure to a member or officer of a law enforcement agency in connection with and limited to the investigation or prosecution of an offense punishable by law or regulation;
- b) Use, viewing, copying, or disclosure in connection with any pending criminal, administrative or civil proceeding shall be allowed provided that it is accompanied by a request from a judge, quasi-judicial body or head of the law enforcement agency; or
- c) Viewing of persons to determine whether or not an offense was committed against their person or property, to ascertain the identity of a criminal perpetrator, and to determine the manner by which the offense was perpetrated may be allowed provided that they acquire permit from the department head where the data is stored. Provided further, they shall be accompanied by the custodian at all times.

SECTION 10. Admissibility as Evidence – For the purposes mentioned in this Act, the audio and video recording taken from BWC shall be admissible as evidence civil, administrative, criminal or any official proceedings without prejudice to the Rules on Evidence and other special laws.

Certificate of Authenticity or any of the following stated in SECTION 11 hereof shall be attached to the records in any proceedings without prejudice to the Rules on Evidence and other special laws.

SECTION 11. Manner of Authentication – Before any recorded data taken from BWC offered as authentic is received in evidence, its authenticity must be proved by any of the following means:

- a) By evidence that it had taken by the person purported to have taken the same;
- b) By Certificate of Authenticity issued by the law enforcement agency to certify its authenticity shall be signed by all of the following:
 - 1. BWC custodian; and
 - 2. Department head where the database is being stored
- c) By other appropriate security procedures or devices as may be authorized by the Supreme Court or by law for authentication of electronic data are applied to the audio and video recording taken; or
- d) By other evidence showing its integrity and reliability to the satisfaction of the judge.

SECTION 12. Implementing Rules and Regulations – Within ninety (90) days from the effectivity of this Act, the law enforcement agency in consultation with appropriate government agencies and other stakeholders shall promulgate the necessary rules and regulations as may be necessary to carry out the purpose of this Act.

SECTION 13. Penal Clause – Altering, destroying, suppressing or concealing any recording, or object, with intent to impair its verity, authenticity, legibility, availability, or admissibility as evidence in any investigation of or official proceedings in, civil, criminal or administrative cases shall be punishable with imprisonment of not exceeding six (6) months, or a fine not exceeding five thousand pesos (P5,000.00), or both without prejudice to other civil, criminal and administrative liabilities that may arise therefrom.

SECTION 14. Appropriations - Each government institutions, agencies and subdivisions shall immediately include the operationalization of the BCWs, the funding of which shall be included in the annual General Appropriations Act.

SECTION 15. Separability Clause – Should any provision of this Act be subsequently declared unconstitutional, the same shall not affect the validity or the legality of the other provisions.

SECTION 16. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or newspaper of general circulation. Approved,

Approved,