

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6433**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTES

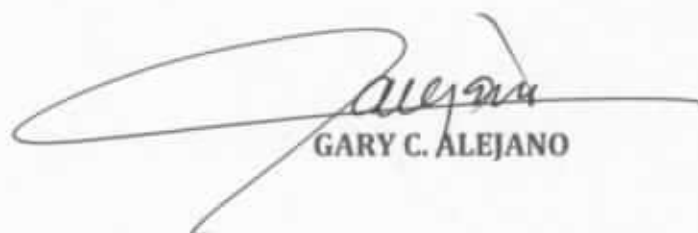
During the second State of the Nation Address (SONA) by President Rodrigo Duterte last July the President announced that the war on illegal drugs will continue and will be unrelenting. Just a few weeks after the pronouncement of the President, from Aug. 15-18, 2017, the Philippine National Police conducted relentless operations against illegal drugs in Bulacan and Metro Manila claiming the life of 82 suspected drug users. Among those who were killed is 17-year old Grade 11 student, Kian Delos Santos.

The spate of killings instigated by members of the Philippine National Police (PNP) sparked outrage over allegations of human rights abuse and police brutality. As of July 1, 2016, there were 7,080 number of people killed in the government's war on drugs. Most of the cases are categorized as deaths under investigation while others were brushed off as cases of "nanlaban". Hence, there is a need to ensure transparency in the conduct of these police operations for the protection of our people and our law enforcers.

This proposed measure aims to aid the government, especially our law enforcers, in the maintenance of peace and order, protection of life, liberty, and property, and in promoting the public's general welfare thru the provision of adequate tools and instruments to aid in law enforcement and public safety.

This legislation institutionalizes the use of body-worn cameras during the conduct of police operations. The use of body-worn cameras aims to promote law enforcement transparency and accountability. As experienced by other countries, body-worn cameras help increase transparency and provide a record of encounters between officers and the public. It seeks to provide protection not only to the public but the officers as well and further boost the trust of the community in law enforcement.

In view of the foregoing reasons, the expeditious approval of this bill is earnestly requested.


GARY C. ALEJANO

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6433**

Introduced by **MAGDALO** Party-List Representative
HON. GARY C. ALEJANO

AN ACT
REQUIRING ALL MEMBERS OF THE DIFFERENT LAW ENFORCEMENT AGENCIES OF
THE GOVERNMENT TO WEAR BODY-WORN CAMERAS DURING THE CONDUCT OF
THEIR OPERATIONS, AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "**Body-Worn Camera Act**
2 **of 2017.**"

3
4 **SEC. 2. Declaration of Policy.** - It is the policy of the State to maintain peace and
5 order, protect life, liberty, and property, and promote the general welfare, which are
6 deemed essential for the enjoyment by all the people of the blessings of democracy.

7
8 Towards this end, the State shall provide its law enforcement agents and enforcers
9 adequate tools and instruments that will ensure the safety both of its citizens and its law
10 enforcers in the fulfilment of this policy.

11
12 **SEC. 3. Definition of Terms.** - For purposes of this Act, the following terms shall
13 mean:

- 14 a) "Body-Worn Camera (BWC)" means a portable electronic recording device that
15 is worn on a law enforcement officer's body and that records audio and video
16 data in the course of the officer performing his or her official duties and
17 responsibilities.
- 18 b) "Law Enforcement Officer" means any person authorized by law to prevent,
19 investigate, apprehend or detain individuals suspected or convicted of offenses
20 under Philippine laws.
- 21 c) "Law Enforcement Operation" includes service of warrants of arrest,
22 implementation of search warrants, enforcement of visitorial powers of the
23 Chief, Philippine National Police and unit commanders, anti-illegal drugs
24 operation, anti-illegal gambling operations, anti-illegal logging operations, anti-
25 illegal fishing operations, anti-carnapping operations, anti-kidnapping
26 operations, anti-cybercrime operations and similar operations that are
27 conducted to enforce laws, statutes, executive orders and ordinances.

- 1 d) "Subject of the video footage" means any law enforcement officer or any suspect,
2 victim, detainee, conversant, injured party or other similarly situated person
3 who appears on the body camera recording, and shall not include people who
4 incidentally appear on the recording.
- 5 e) "Special police operation" includes checkpoint operations; roadblock operations;
6 civil disturbance management operations; police assistance in the enforcement
7 of demolition, eviction, injunction and similar orders; police assistance in the
8 implementation of final court orders and orders from quasi-judicial bodies;
9 hostage situation; visit, board, search, and seizure of on-board marine vessels;
10 and similar police operations that are conducted by police units with specialized
11 training on the peculiarity of the mission or purpose.
- 12 f) "private place" means a place where an individual may reasonably expect to be
13 safe from casual or hostile intrusion or surveillance but does not include a place
14 to which the public or a substantial group of the public has access.
15

16 **SEC. 4. Law Enforcers' mandatory use of Body-worn cameras.** - All law
17 enforcement officers with the authority to conduct searches and make arrests shall be
18 required to wear a body camera and record the events that occur while in the course of
19 conducting a search or making an arrest. Such body cameras shall be worn in a location and
20 manner that maximizes the camera's ability to capture a video footage of the law
21 enforcement officer's activities.
22

23 Law Enforcement Officers shall only use body-worn cameras (BWC) issued by their
24 respective law enforcement agency. The BWC equipment and all data, images, and video
25 captured, recorded, or otherwise produced by the equipment shall be the property of the
26 State. Officers shall inspect and test their BWCs prior to each shift in order to verify proper
27 functioning and shall notify their supervisor of any problems. Law Enforcement Officers
28 shall activate the video and audio components of BWC to start recording at the
29 commencement of any and all law enforcement and police service contacts with citizens.
30 The body camera shall not be deactivated until the encounter has fully concluded and the
31 law enforcement officer leaves the scene. Officers shall not indiscriminately record entire
32 duties or patrols.
33

34 Law Enforcement Officers shall inform individuals that they are being recorded.
35 When notification is not made, the recording officer shall note the reason for non-
36 notification within the associated report.
37

38 **SEC. 5. Camera Specifications.** - All body-worn cameras to be procured under this
39 Act shall meet the following minimum core specifications:
40

- 41 a) Picture Quality/ Resolution - the resolution should at the minimum be at least
42 640 x 480 pixels.
- 43 b) Frame Rate - the frame rate should at least be 30 frames per second.
- 44 c) Battery Runtime - the camera should be able to record continuously for at least 3
45 hours on a fully charged battery, and are typically powered by rechargeable
46 batteries and may allow for a variety of charging options (e.g., AC charger, DC
47 charger, USB, docking station).
- 48 d) Data Storage - The camera's onboard storage, at the lowest video quality
49 settings, should permit at least 3 hours of recording.

- 1 e) Low-light Recording - The camera should have a low lux rating and/or an IR
2 illuminator for recording targets in low-light.
3 f) Warranty - System purchase should include, at a minimum, a 1-year warranty.
4

5 **SEC. 6. Training for Law Enforcers.** - There shall be an appropriate training for the
6 law enforcement officers in the use and handling of the on-body camera. It is important
7 that their knowledge shall include both the technical familiarity on usage of the camera and
8 the implication of Constitutional provisions and other relevant laws on the protection of
9 privacy.
10

11 **SEC. 7. Data Storage and Management.** - All video footages taken using a body-
12 worn camera during legitimate Law Enforcement Operations may be retained by the Law
13 Enforcement Officer in his device for no later than the end of their shift. All recorded
14 images and sounds shall be downloaded in the form of a file to a secure storage device not
15 connected either to the Internet or to any off-site storage facility no later than the end of
16 each shift. Access to such files shall be password-protected. Each file shall contain
17 information related to the date, BWC identifier, and assigned officer.
18

19 Unless being retained as evidence in a civil or criminal case or as part of an internal
20 affairs investigation, recordings made by a BWC shall be destroyed or overwritten every 30
21 days.
22

23 **SEC. 8. Privacy Rights.** - The use of body-worn cameras shall be made in a manner
24 consistent with the Constitution and laws on piracy.
25

26 The body-worn camera shall not be used surreptitiously in order to obtain data or
27 information that is unrelated to the purpose of the operation. Any recording of person(s)
28 inside a restroom, toilet, shower, bathroom, bedroom, changing room and other similar
29 areas shall not be allowed to be used as evidence in any court of law except when the
30 suspect or the person under investigation has concealed himself and/ or the contraband in
31 the places mentioned, or that the crime was committed therein.
32

33 As part of an information campaign, the public shall be informed of the general
34 procedure and guidelines in the conduct of the police operation with body-worn cameras in
35 at least two (2) newspapers of general circulation. It shall likewise be posted in the website
36 of the PNP, and other concerned law enforcement agencies. Likewise, printed copies of said
37 guidelines shall be displayed in the every police precincts as well as in the premises of
38 concerned law enforcement agencies to constitute due notice of the presence of the body-
39 worn cameras during these police operations.
40

41 **SEC. 9. Procedure for Access and Disclosure of Recordings.** - Only persons
42 authorized by the court, upon application, shall have access to images and recordings from
43 law enforcement or police body-worn cameras. Viewing of the images and recordings shall
44 take place in a restricted area or in private conditions. All access granted under the
45 circumstances must be documented and for a limited or prescribed time only. The courts
46 shall in its discretion grant the use, viewing, copying or disclosure of images and recordings
47 performed in accordance with this Act under the following circumstances:
48

- a) Upon request by law enforcement officers in connection with and limited to an investigation for the prosecution of an offense punishable by law, which is the subject of the operation or incidental to the occurrence of the operation;
- b) By a person whose images has been captured indubitably revealing information of a highly sensitive and personal nature;
- c) Where a disclosure of the recording is necessary to advance a compelling interest of the public;
- d) By any interested person in connection with a pending criminal or civil proceeding to prevent a serious threat to the fair administration of justice;
- e) To determine whether an administrative or criminal offense has been committed by a law enforcement officer during the course of an anti-illegal drug and criminality operation, and to ascertain his identity and the manner by which the offense was committed.

Law Enforcement Officers are prohibited to release images or recordings from the body-worn camera to the media or to upload the same onto public and social media internet websites.

The courts shall give its order allowing or denying the use, copying or disclosure of images and recordings within twenty-four (24) hours after submission of the request, as herein specified.

The public shall be informed of the procedure for the access to the images and recording of the operation in a manner consistent with the policy of this Act.

SEC. 10. Prohibited Acts. -

- a) Any law enforcement officer who shall participate in the anti-illegal drug and criminality operation who fails to wear, record or otherwise interfere with the body-worn camera recording shall suffer the penalty of suspension from service for a period of six (6) months without pay; *Provided*, that if said anti-illegal drug and criminality operation results in the injury or death of a drug personality or any other person who is not a law enforcement officer, the law enforcement officer shall suffer the penalty of permanent removal from service; *Provided, Further*, that the presumption of irregularity and misconduct in the course of the performance of his duty may be rebutted only by evidence of another recording attesting to the regularity in the conduct of the operations exculpating said officer or by proof that circumstances has made it impossible for him to comply with the provisions of this Act;
- b) Where a law enforcement officer involved in the operation has abused his authority and committed a crime, regardless whether the incident has been captured in the body-worn camera recording, he shall be prosecuted under the law for the crime which he has committed and the penalty to be applied shall be the maximum period;
- c) Any use of the recording that are not in accordance with the objective of this Act, or any alteration, deletion of any body-worn camera recording, shall be punishable with an imprisonment of not less than six (6) months but not exceeding six (6) years, or a fine not less than One Hundred Thousand Pesos

(Php100,000.00) but not more than One Million Pesos (Php1,000,000.00) or both such fine and imprisonment at the discretion of the court.

SEC. 11. Appropriations. – The amount necessary to carry out the provisions of this Act shall be included in the budget of the concerned law enforcement agencies in the year immediately following its enactment.

SEC. 12. Implementing Rules and Regulations. – The Secretary of the Department of Interior and Local Government or his representative, the Secretary of the Department of Justice or his representative, the Director General of the Philippine National Police (PNP), and the Director General of Philippine Drug Enforcement Agency (PDEA), shall issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 13. Separability Clause. If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

SEC. 14. Repealing Clause. All other laws, acts, presidential decrees, executive orders, presidential proclamations, issuances, rules and regulations or parts thereof which are contrary to or inconsistent with any of the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 15. Effectivity. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved.