

Republic of the Philippines
House of Representatives
Quezon City

20th Congress
First Regular Session

House Bill No. 7597



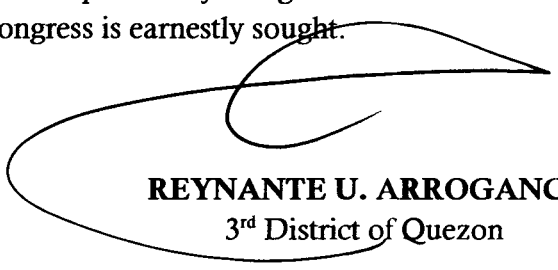
Introduced by Representative Reynante U. Arrogancia

EXPLANATORY NOTE

This bill seeks to mandate the use of body-worn cameras or alternative recording devices by law enforcement agencies during law enforcement operation. The 1987 Constitution guarantees that no person shall be deprived of life, liberty, and property without due process of law. This utilization of body-worn cameras or alternative recording devices enhances the rights of persons and protects both the law enforcement officers and the civilian population especially during the law enforcement operations. It will likewise serve as a deterrent against abuse and enhance accountability on the part of the law enforcement officers. The Supreme Court has issued Rules on the Use of Body Worn Cameras in the execution of warrants. The National Privacy Commission has also issued guidelines on the processing of data collected from using body -worn cameras and similar recording devices. The issuance of these rules and guidelines ensures legal compliance and accountability on all parties including the protection of the data privacy rights of individuals.

A legislative mandate through the passage of this bill will provide a legal framework for the use of these devices. The use of body-worn cameras could improve the safety of both the law enforcer and civilians, enhance evidence-based prosecution and ensure the protection of constitutional rights, and protection from abuse in the enforcement of police operations.

A similar bill has been filed in previously Congresses and in view of the foregoing, the passage of this bill in this Congress is earnestly sought.



REYNANTE U. ARROGANCIA
3rd District of Quezon

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AN ACT
MANDATING LAW ENFORCEMENT OFFICERS TO USE A BODY-WORN
CAMERA DURING LAW ENFORCEMENT OPERATIONS, PROVIDING
PENALTIES FOR VIOLATIONS, AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as “Law Enforcement Body-worn
2 Camera Act”
3

4 **SEC. 2. *Declaration of Policy.*** - It is the policy of the State to guarantee that no person
5 shall be deprived of life, liberty, and property without due process of law. Towards this
6 end, the State shall continuously develop mechanisms to help improve law enforcement
7 transparency and accountability and protect the public through:
8

- 9 a. Proper documentation of interactions between law enforcement officers and the
10 public during law enforcement operations to increase transparency;
11 b. Utilization of modern technology as a tool to deter incidents of misconduct by law
12 enforcement officers during legitimate law enforcement operations, as well as
13 safeguard these law enforcement officers’ rights against false accusations;
14 c. Formulation of means to reduce the cost and impact of crime in the community;
15 and
16 d. Improvement in community relations between law enforcement officers and the
17 public by maintaining policies that balance the rights of the public for privacy and
18 the promotion of accountability during law enforcement operations.
19

20 **SEC. 3. *Definition of Terms.*** – As used in this Act:

- 21 a. ***Alternative Recording Device (ARD)*** refers to an electronic camera system which is
22 not a body-worn camera, that is capable of creating, generating, sending, receiving,
23 storing, displaying, and processing audio-visual recordings, and may be worn

24 during law enforcement activities. To be used as a functional equivalent of body-
25 worn camera as defined herein, it shall comply with the minimum requirements set
26 forth by the law enforcement agencies in accordance with this Act: *Provided*, That
27 the alternative recording device shall be capable of capturing with reasonable
28 clarity the events that transpire during the law enforcement operation;
29

30 b. ***Body-worn Camera (BWC)*** refers to an electronic camera designated to law
31 enforcement units for creating, generating, sending, receiving, storing, displaying,
32 and processing audio-visual recordings that shall be worn during law enforcement
33 operation;
34

35 c. ***Data Custodian*** refers to a designated officer of the law enforcement agency, who
36 has the responsibility of storing and safekeeping data recorded from body-worn
37 cameras and other alternative recoding device;
38

39 d. ***Law Enforcement Agency*** refers to the persons engaged in police operations and
40 other law enforcement functions. These agencies include but not limited to, the
41 Philippine National Police, the National Bureau of Investigation, and the
42 Philippine Drug Enforcement Agency;
43

44 e. ***Law Enforcement Officer*** means any person authorized by law to conduct law
45 enforcement, special police operations, including but not limited to preventing,
46 investigating, apprehending, or detaining individuals suspected or convicted of
47 offenses punishable under Philippine laws, and other similar police and law
48 enforcement operations;
49

50 f. ***Law Enforcement Operation*** refers to any legitimate operations to enforce laws,
51 statutes, executive orders, and ordinances including but not limited to the service
52 of warrant of arrest, search warrant, hot pursuit operations, enforcement of
53 visitorial powers, anti-illegal drug operations, anti-cybercrime operations, anti-
54 human trafficking operations, check point operations; and
55

56 g. ***Recording*** refers to digital material generated as a result of using body-worn cameras
57 or alternative recording devices, which contains images and audio-video footages.
58 It shall include the copies of the material created by way of copying to portable
59 media storage and other data repositories.
60

61 **SEC. 4. *Mandatory Use of Body-worn Camera.*** – Law enforcement officers are hereby
62 mandated to wear and activate their body-worn cameras to capture and record the conduct
63 of law enforcement operations: *Provided*, That in case of unavailability of body-worn
64 cameras, the law enforcement officers shall use alternative recording devices subject to the
65 requirements under this Act.

SEC. 5. Minimum Standards for Body-worn Camera. – Body-worn camera shall meet the following minimum standard requirements:

- (a) Video resolution : 720p
- (b) Frame rate : 30 frames per second
- (c) Audio : Built-in
- (d) Date and time stamping : Built-in
- (e) GPS : Built-in
- (f) Battery life : Continuous Eight (8) hours
- (g) Storage : Capable of storing eight (8) hours continuous audio-video footage
- (h) Low-light recording : Built in night mode, a low lux rating, and/or infrared IR (illuminator)

SEC. 6. Guidelines for the Use of Body-worn Camera. – Law enforcement officers mandated to wear body-worn camera under this Act shall ensure that:

- (a) Both the video and audio recording functions of the BWCs/ARDs shall be activated and shall commence recording:
 - i. For Warrant of Arrest and Search Warrant, when officers approach the target location or upon receiving instructions to proceed with the operation;
 - ii. For Warrantless Arrest or Search, at the time when officers have reasonable suspicion or probable cause to conduct such actions;
 - iii. For Entrapment, Buy-bust Operation, and other planned law enforcement operations, immediately upon arriving at the place of operations;
 - iv. For Hot Pursuit Operations, as soon as officers are engaged in pursuit of suspects or vehicles involved in criminal activities, ensuring that recording captures the entire pursuit; and
 - v. For Response to Calls or Services, upon dispatch of a law enforcement officer in response to a call or service request.
- (b) The Recording shall only be terminated:
 - i. For Warrant of Arrest and Search Warrant, when the law enforcement officers have completed the execution of the warrant, left the premises or area specified in the warrant, and endorsement of the custody of the person arrested and the items seized to the authorized unit or agency;
 - ii. For Warrantless Arrest or Search, upon conclusion of the warrantless arrest or search, including the transportation of suspects or evidence for custody to the authorized unit or agency;
 - iii. For Entrapment Operation, Buy-Bust Operation, and other planned law enforcement operations, upon the conclusion of the buy-bust operation, encompassing the arrest of suspects, seizure of contraband, departure of law

- 109 enforcement officers from the operation location, and the taking of the arrested
110 persons and seized items for custody to the appropriate unit or agency;
- 111 iv. For Hot Pursuit operations, upon the conclusion of the pursuit, either upon the
112 apprehension and taking for custody of suspects or upon officers discontinuing
113 the pursuit and the return of law enforcement officers to their respective units;
114 and
- 115 v. For Response to Calls or Services; Recording shall persist until the officers have
116 resolved the situation or incident at the scene and have left the premises,
117 ensuring comprehensive documentation of the response.
- 118
- 119 (c) Body-worn cameras shall be worn in a location and manner that maximizes the
120 camera's ability to capture a video footage of the law enforcement officer's
121 activities during the conduct of law enforcement operation;
- 122
- 123 (d) For transparency purposes, an appropriate privacy notice shall be included in the
124 guidelines on the use of BWCs or ARDs which shall be published and made
125 accessible to the public; and
- 126
- 127 (e) Body- worn camera shall record in full all the activities incidental to the conduct of
128 the operation.
- 129

130 **SEC. 7. *Prohibition on the Use of Body-worn Cameras.*** – The use of body camera shall
131 not be allowed in the following instances:

132

- 133 (a) It shall not be used to gather intelligence information based on protected speeches,
134 associations, or religion, or to record activity that is unrelated to a response to a
135 call or service or a law enforcement officer and the member of the public;
- 136 (b) In locations where individuals have a reasonable expectation of privacy, unless the
137 recording is being made pursuant to a valid arrest or search warrant of the
138 individuals or locations, or pursuant to a valid warrantless arrest and search in
139 accordance with established rules;
- 140 (c) During privileged communications between the subject of recordings and other
141 individuals, such as attorneys, members of the clergy, peer support counselors and
142 medical professionals;
- 143 (d) The recording would pose an imminent danger to the law enforcement officer or a
144 serious threat to national security; and
- 145 (e) To obtain data or information surreptitiously that is unrelated to the purpose of the
146 law enforcement operation being conducted.
- 147

148 **SEC. 8. *Submission of Recording.*** – Any law enforcement officer tasked to wear and
149 activate BWCs, or ARDs shall submit to the data custodian of their law enforcement
150 agency the recordings of their BWCs or ARDs used in the law enforcement operation
151 withing forty-eight (48) hours from termination of such law enforcement operation.

Failure to submit the recordings within the period of time specified herein may subject the concerned law enforcement officer to administrative penalty.

SEC. 9. *Custody and Period of Retention of the Recordings.* – All recordings from the body-worn camera or alternative recording devices used during the operation shall be stored in an external media storage device and shall be under the custody of the law enforcement agency that employs the officer whose camera captured the footage, or an authorized agent thereof, for thirty (30) days after the date it was endorsed to the data custodian of such law enforcement agency.

Immediately after the law enforcement operation, all recordings must be properly labelled with time stamps, location, date and the law officers involved.

In case there is an order from a judicial, administrative, or quasi-judicial body requesting for a copy of the footage, said footage shall be retained by the data custodian and will be permanently deleted only after the final resolution of the case.

SEC. 10. *Use of Redaction Technology.* Whenever doing so is necessary to protect an individual's personal data, the identity of a confidential source or crime victim, or the life or physical safety of any person appearing in video footage, redaction technology may be used to obscure the face and other personally identifying characteristics of that person, including the tone of the person's voice: *Provided*, That the redaction does not interfere with a viewer's ability to fully, completely, and accurately comprehend the events captures on the video footage: *Provided, further*, That when redaction is performed on video footage pursuant to this Section, an unedited, original version of the video footages shall be retained by the law enforcement agency: *Provided, finally*, That no other editing or alteration of video footage, including a reduction of the video footage's resolution, shall be permitted under this Act.

SEC. 11. *Access and Disclosure of Recordings.* – Subject to the provisions of Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012", only persons duly authorized by the head of the concerned law enforcement agency may be allowed to access recordings under their custody. The head of law enforcement agency may, in its discretion, grant the use, viewing, copying, or disclosure of recording to upon request of the following individuals:

- (a) Law enforcement officers, in connection with the subject of the operation or incidental to the occurrence of their operations;
- (b) Any person who is subject of the recording or his or counsel: *Provided*, That in case of a minor, his or her parent, guardian or counsel may be authorized;
- (c) The spouse, next of kin, or legally authorized designee of a deceased subject of the recording, or his or her counsel;

- 194 (d) Any parties in interest in connection with a pending criminal or civil proceeding
195 for the fair administration of justice; and
196 (e) Any person duly authorized to determine administrative or criminal violation of a
197 law enforcement officer during the course of law enforcement operation.
198

199 **SEC. 12. *Prohibited Acts.*** It shall be unlawful for any of the identified persons wot
200 perform the following acts:
201

- 202 (a) Failure to Observe the Requirements for Body-Worn Cameras. – Any law
203 enforcement officer who fails to adhere with the requirements on the mandatory
204 use of body-worn cameras, or as prescribed in Sections 4,6, 7, 8 and 9 of this Act
205 shall be subject to the following penalties:
206

- 207 (1) First offense – punishable by suspension of one (1) month and one (1) day to
208 six (6) months;
209 (2) Second offense – punishable by suspension of six (6) months and one (1) day to
210 one (1) year plus demotion to the next lower position: *Provided*, That in case
211 there is no such next lower position available, he or shall suffer diminution in
212 salary corresponding to the next lower salary grade; and
213 (3) Third offense – dismissal from the service.
214

- 215 (b) Accessing Recording Due to Negligence. – Any person who, due to negligence,
216 provides access to recordings without being authorized under this Act or any
217 existing law shall be penalized by imprisonment ranging from one (1) year to three
218 (3) years and a fine of not less than Five Hundred Thousand Pesos (Php500,000.00)
219 but not more than Two Million Pesos (Php2,000,000.00);
220

- 221 (c) Spoliation of recording – Any person who will tamper with, alter, conceal,
222 manipulate, falsify, or destroy a recording with the intent to interfere with an
223 investigation shall be penalized by imprisonment ranging from six (6) months to
224 two (2) years and a fine of not less that One Hundred Thousand Pesos
225 (Php100,000.00) but not more than Five Hundred Thousand Pesos
226 (Php500,000.00); and
227

- 228 (d) Unauthorized Use of Recordings. – Any use of the recording that are not in
229 accordance with the objective of this Act shall be punishable with an imprisonment
230 of not less than six (6) months but not exceeding six (6) years, or a fine not less than
231 One Hundred thousand Pesos (Php100,000.00) but not more than One Million
232 Pesos (Php 1,000,000.00) or both such fine and imprisonment at the discretion of
233 the court.
234

235 **SEC. 13. *Appropriations.*** – The initial amount necessary for the implementation of this
236 Act shall be charged against the current fiscal year's appropriations of the law

237 enforcement agency involved. Thereafter, such sums as may be necessary for the
238 continued implementation of this Act shall be included in the annual General
239 Appropriations Act.

240
241 **SEC. 14. *Implementing Rules and Regulations.*** – The Department of the Interior and
242 Local Government and the Department of Justice, in consultation with the PNP, NBI,
243 PDEA, and other concerned government agency, shall within sixty (60) days from the
244 effectivity of this Act, promulgate rules and regulations to effectively implement the
245 provisions of this Act.

246
247 **SEC. 15. *Separability Clause.*** – If any provision of this Act is held invalid or
248 unconstitutional, the same shall not affect the validity and effectivity of the other
249 provisions hereof.

250
251 **SEC. 16. *Repealing Clause.*** – All other laws, decrees, executive orders and rules and
252 regulations contrary to or inconsistent with the provisions of this Act are hereby
253 repealed or modified accordingly.

254
255 **SEC. 17. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
256 complete publication in the Official Gazette or in a newspaper of general circulation.

257
258 Approved,