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SENATE  
S.B. No. 1564

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Introduced by Senator Francis N. Pangilinan

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**AN ACT MANDATING LAW ENFORCEMENT PERSONNEL  
TO WEAR A BODY CAMERA DURING LAW ENFORCEMENT AND SPECIAL  
POLICE OPERATIONS, PROVIDING GUIDELINES FOR THE USE OF BODY  
CAMERA AND VIDEO FOOTAGE RETENTION, AND PENALIZING NON-  
COMPLIANCE WITH RECORDING AND RETENTION REQUIREMENTS**

**EXPLANATORY NOTE**

There are 7,080 recorded killings of drug suspects since the beginning of the Duterte Administration's war against drugs in July 2016. Most of these killings were justified by police officers as lawful police operations due to the alleged armed resistance of drug suspects. In addition to the death toll, thirty two (32) people were killed in an overnight "drug sweep" in Bulacan on the third week of August 2017. During the same week, forty nine (49) more died within a span of four days in a series of police operations conducted in Caloocan, Malabon, Navotas, Valenzuela, and Manila. The most recent one is that of Kian de Los Santos, a 17 year old student from Caloocan City, which resulted in public outrage. However, some believe the police's claim that it was a lawful operation. If not for the CCTV footage showing Kian being dragged by policemen towards an alley and other witnesses to the alleged incident, he would have been reduced to a mere statistic and labelled as a drug suspect killed because he resisted arrest and shot at police officers.

While media personnel are allowed to witness police operations, none of them have so far recorded these killings during operations. There are no CCTV cameras at the scenes of these operations or if there are, these are either defective or intentionally turned off for allegedly security purposes. There is thus a lingering doubt as to what actually transpires during police operations; the worn-out narrative is that most of those who died resisted arrest or, in the usual police alibi, "nanlaban." It is therefore imperative to put in place mechanisms that will ensure transparent police operations.

To address this, this bill mandates a body camera as standard equipment for law enforcement personnel while conducting "special police operations" and "law enforcement operations." It requires said personnel to notify the person being recorded, subject to certain exceptions. Enforcement personnel should immediately activate the body cameras at the beginning of said operations or at the first reasonable opportunity when there is an immediate threat to their life or safety.

The body camera shall not be deactivated until said operations have been concluded and the law enforcement leaves the scene. However, in specific instances and with the required consent, discontinuance of the use of the body camera is allowed to protect the privacy of occupants of private residences, crime victims, and anonymous reporters of crimes, among others. Prior to the discontinuance of the recording, the offer by law enforcement officers to discontinue the use of the body camera and the responses of the concerned persons are required to be recorded by the body camera.

Video footages captured by said cameras are subject to a retention period of six (6) months from its recording date, after which time the same are permanently deleted. Such period is, however, extendible for a longer time not exceeding three (3) years, upon the request of concerned law enforcement officers and the public, among others, if the said footage has evidentiary or exculpatory value. Said footages, subject to certain conditions and exceptions, are available for viewing or inspection by law enforcement officers and the public. Law enforcement officers, employees or agents who fail to comply with the recording or retention requirements are subjected to appropriate disciplinary action.

The proposed legislation requiring body cameras that record actual events during police operations will provide valuable information and objective evidence during investigations and civil or criminal litigation, most especially in cases when the police use deadly force during their operations against drugs. It will put an end to the radically divergent accounts of these police encounters and will protect the public from police abuses and misconducts. Most importantly, it will hold police officers accountable for their actions. This will also serve as an effective remedial measure to restore public trust on our law enforcement officers and protect them from wrongful accusations of abuse or crime as a result of their lawful discharge of their functions.

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

  
**FRANCIS N. PANGILINAN**  
Senator

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

- 1     **SECTION 1. *Short Title.***- This Act shall be known as the "***Body Camera Act***".
- 2     **SEC. 2. *Definition of Terms.***- As used in this Act:
- 3         a. *Law enforcement officer* means any person authorized by law to prevent,  
4             investigate, apprehend or detain individuals suspected or convicted of offenses  
5             under Philippine laws.
- 6         b. *Law enforcement operation* includes service of warrants of arrest, implementation  
7             of search warrants, enforcement of visitorial powers of the Chief, Philippine  
8             National Police and unit commanders, anti-illegal drugs operation, anti-illegal  
9             gambling operations, anti-illegal logging operations, anti-illegal fishing operations,  
10            anti-carnapping operations, anti-kidnapping operations, anti-cybercrime  
11            operations and similar operations that are conducted to enforce laws, statutes,  
12            executive orders and ordinances.
- 13        c. *Subject of the video footage* means any law enforcement officer or any suspect,  
14            victim, detainee, conversant, injured party or other similarly situated person who  
15            appears on the body camera recording, and shall not include people who  
16            incidentally appear on the recording.
- 17        d. *Special police operation* includes checkpoint operations; roadblock operations;  
18            civil disturbance management operations; police assistance in the enforcement of  
19            demolition, eviction, injunction and similar orders; police assistance in the  
20            implementation of final court orders and orders from quasi-judicial bodies; hostage  
21            situation; visit, board, search, and seizure of on-board marine vessels; and similar  
22            police operations that are conducted by police units with specialized training on  
23            the peculiarity of the mission or purpose.

1       **SEC. 3. Body Camera as Standard Equipment for Law Enforcement Personnel.-**

2       Within two (2) years upon the effectivity of this Act, a body camera shall become a  
3       standard equipment of all law enforcement officers conducting law enforcement and  
4       special police operations. The heads of all law enforcement agencies shall ensure that  
5       the budgetary requirement for the implementation of this Act shall be incorporated in their  
6       respective budgets in the year following the passage of this Act.

7       A law enforcement officer authorized to wear a body camera shall ensure that:

8       a. Such body camera shall be worn in a location and manner that maximizes the  
9       camera's ability to capture video footage of the officer's activities.

10      b. Both the video and audio recording functions of the body camera shall be activated  
11      whenever said law enforcement officer is responding to call for service or at the  
12      initiation of any other law enforcement officer or investigative encounter between  
13      a law enforcement officer and a member of the public, except that when an  
14      immediate threat to the officer's life or safety makes activating the camera  
15      impossible or dangerous, the officer shall activate the camera at the first  
16      reasonable opportunity to do so. The body camera shall not be deactivated until  
17      the encounter has fully concluded and the law enforcement officer leaves the  
18      scene.

19      c. The subject(s) of the recording are notified that they are being recorded by a body  
20      camera as close to the inspection of the encounter as is reasonably possible.

21      d. Notwithstanding the requirements of subsection (b):

22          1. Prior to entering a private residence without a warrant or in non-exigent  
23          circumstances, an occupant shall be asked if said occupant wants the officer  
24          to discontinue use of the officer's body camera. If the occupant responds  
25          affirmatively, said law enforcement officer shall immediately discontinue use of  
26          body camera;

27          2. When interacting with an apparent crime victim, as soon as practicable, ask the  
28          apparent crime victim, if the apparent crime victim wants said officer to  
29          discontinue use of the body camera. If the apparent crime victim responds  
30          affirmatively, said law enforcement officer shall immediately discontinue use of  
31          body camera; and

32          3. When interacting with a person seeking to anonymously report a crime or assist  
33          in an ongoing law enforcement investigation, said law enforcement officer shall,  
34          as soon as practicable, ask the person seeking to remain anonymous, if the  
35          person seeking to remain anonymous wants the officer to discontinue use of  
36          the officer's body camera. If the person seeking to remain anonymous  
37          responds affirmatively, the law enforcement officer shall immediately  
38          discontinue use of body camera.

39      e. All law enforcement officers' offer to discontinue the use of a body camera made  
40      pursuant to subsection (d), and the responses thereto, shall be recorded by the  
41      body camera prior to discontinuing use of the body camera.

42      f. Body cameras shall not be used surreptitiously.

- 1 g. Body cameras shall not be used to gather intelligence information based on the  
2 right to free speech, freedom of association or religion, or to record activity that is  
3 unrelated to a response to a call for service or law enforcement or investigative  
4 encounter between a law enforcement officer and a member of the public.
- 5 h. Law enforcement officers shall not activate a body camera while on the grounds  
6 of any public, private or parochial elementary or secondary school, except when  
7 responding to an imminent threat to life or health.
- 8 i. Body camera video footage shall be retained by law enforcement agencies that  
9 employ the officer whose camera captured the footage, or an authorized agent  
10 thereof, for six (6) months from the date it was recorded after which time such  
11 footage shall be permanently deleted.
- 12 j. Notwithstanding the retention and deletion requirements in subsection (i):  
13 1. Video footage shall be automatically retained for not less than three (3) years if  
14 the video footage captures images involving:  
15 i. Any use of force;  
16 ii. Events leading up to and including an arrest for a felony-level offense,  
17 or events that constitute a felony-level offense; or  
18 iii. An encounter about which a complaint has been registered by a subject  
19 of the video footage.  
20 2. Body camera footage shall also be retained for not less than three (3) years if a  
21 longer retention period is voluntary requested by:  
22 i. The law enforcement officer whose body camera recorded the video  
23 footage, if that officer reasonably asserts the video footage has  
24 evidentiary or exculpatory value;  
25 ii. Any law enforcement officer who is a subject of the video footage, if that  
26 officer reasonably asserts that the video footage has evidentiary or  
27 exculpatory value;  
28 iii. Any superior officer of a law enforcement officer whose body camera  
29 recorded the video footage or who is a subject of the video footage, if  
30 that superior officer reasonably asserts the video footage has  
31 evidentiary or exculpatory value;  
32 iv. Any law enforcement officer, if the video footage is being retained solely  
33 and exclusively for police training purposes;  
34 v. Any member of the public who is a subject of the video footage; or  
35 vi. Any parent or legal guardian of a minor who is a subject of the video  
36 footage; or  
37 vii. A deceased subject's next of kin or legally authorized designee.
- 38 k. To effectuate Section 1(j)(2)(v), (j)(2)(vi) and (j)(2)(vii), any member of the public  
39 who is a subject of the video footage, the parent or legal guardian of a minor who  
40 is a subject of the video footage, or a deceased subject's next of kin or legally  
41 authorized designee, shall be permitted to review that specific video footage in  
42 order to make a determination as to whether they will voluntarily request it ne  
43 subject to a three (3) year retention period.
- 44 l. No review or receipt of an accounting of any body camera video footage that is  
45 subject to a minimum three (3) year retention period pursuant to paragraph (j)(1)

1 prior to completing any required initial reports, statements and interviews regarding  
2 the recorded event be undertaken.

3 m. Video footage not subject to a minimum three (3) year retention period shall not be  
4 viewed by any superior officer of a law enforcement officer whose body camera  
5 recorded the footage absent a specific allegation of misconduct, nor shall it be  
6 subject to automated analysis or analytics of any kind.

7 n. Video footage shall not be divulged or used by any law enforcement agency for  
8 any commercial or other non-law enforcement purpose.

9 o. Where a law enforcement agency authorizes a third party to act as its agent in  
10 maintaining body camera footage, the agent shall not be permitted to  
11 independently access, view or alter any video footage, except to delete videos as  
12 required by law or agency retention policies.

13 p. Should any law enforcement officer, employee or agent fail to adhere to the  
14 recording or retention requirements contained in this section, or intentionally  
15 interfere with a body camera's ability to accurately capture video footage:

16 1. Appropriate disciplinary action shall be taken against the individual officer,  
17 employee or agent;

18 2. A rebuttable evidentiary presumption shall be adopted in favour of criminal  
19 defendants who reasonably assert that exculpatory evidence was destroyed or  
20 not captured;

21 3. A rebuttable evidentiary presumption shall be adopted on behalf of civil  
22 plaintiffs suing the government, a law enforcement agency and/or law  
23 enforcement officers for damages based on police misconduct who reasonably  
24 assert that evidence supporting their claim was destroyed or not captured.

25 q. The disciplinary action requirement and rebuttable presumptions in subsection (r)  
26 may be overcome by contrary evidence or proof of exigent circumstances that  
27 made compliance impossible.

28 r. Any body camera video footage recorded in contravention of this or any other  
29 applicable law shall be immediately destroyed and shall not be admissible as  
30 evidence in any criminal or civil legal or administrative proceedings.

31 Nothing in this Section shall be read to contravene any laws governing the  
32 maintenance and destruction of evidence in criminal investigations and prosecutions.

33 **SEC. 4. Exemptions to Public Inspection.-** The following video footage shall be  
34 exempt from the public inspection requirements of this Act:

35 a. Video footage not subject to a minimum three (3) year retention period pursuant to  
36 Section 1(j);

37 b. Video footage that is subject to a minimum three (3) year retention period solely  
38 and exclusively pursuant to Section 1 (j)(1)(iii), where the subject of the video  
39 footage making the complaint requests the video footage not be made available to  
40 the public;

- 1 c. Video footage that is subject to a minimum three (3) year retention period solely  
2 and exclusively pursuant to Section 1 (j)(2)(i), (j)(2)(ii), or (j)(2)(iii) or (j)(2)(iv);
- 3 d. Video footage that is subject to a minimum three (3) year retention period solely  
4 and exclusively pursuant to Section 1(j)(2)(v), (j)(2)(vi), or (j)(2)(vii), where the  
5 person making the voluntary request requests the video footage not be made  
6 available to the public; and
- 7 e. Any video footage retained beyond six (6) months solely and exclusively pursuant  
8 to Section 1 (j)(2)(iv) shall not be admissible as evidence in any criminal or civil  
9 legal or administrative proceeding.

10 **SEC. 5. Repealing Clause.**- All laws, executive orders, rules and regulations  
11 inconsistent with, or contrary to this Act, are hereby repealed or amended accordingly.

12 **SEC. 6. Separability Clause.**- If any provision of this Act or the application of such  
13 provision is declared unconstitutional or invalid, the provisions not affected thereby shall  
14 remain in full force and effect.

15 **SEC. 7. Effectivity Clause.** This Act shall take effect after fifteen (15) days from its  
16 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*