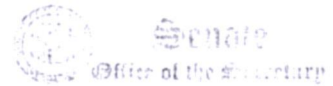


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'17 SEP 13 P5:17

SENATE

RECEIVED BY: 

SENATE BILL NO. 1585

INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

AN ACT

MANDATING LAW ENFORCEMENT PERSONNEL TO WEAR A BODY CAMERA DURING LAW ENFORCEMENT AND SPECIAL POLICE OPERATIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Since President Duterte declared War on Drugs, numerous controversies surrounded the conduct of police operations. The recent statistics of more than 5,000 unresolved homicide cases created a stigma towards the Philippine National Police (PNP) as an institution that promotes lawless violence.

As reported on August 16, 2017, a Grade 11 student by the name of Kian Loyd Delos Santos was killed in an anti-drugs operation in Caloocan City. Police officers who conducted the operation claimed that Kian shot at them first and they were forced to fire back. However, a Closed-Circuit Television (CCTV) footage allegedly showed a different story.

For the reasons mentioned above, the proposed bill seeks for the mandatory use of Body Cameras for police officers who are tasked to conduct police and law enforcement operations. The Body Cameras are intended for recording police-civilian encounters or interactions for the purpose of ensuring the legitimacy of the operations and increasing the level of accountability to both law enforcement officers and the public. Moreover, the mandatory use of body

camera by police personnel will also protect law enforcement personnel from any doubt and legal action as they perform their official functions.

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



JOSEPH VICTOR G. EJERCITO

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MANDATING LAW ENFORCEMENT PERSONNEL TO WEAR A BODY
CAMERA DURING LAW ENFORCEMENT AND SPECIAL POLICE
OPERATIONS, PROVIDING FUNDS THEREFOR AND FOR OTHER
PURPOSES

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

1 **SEC. 1. Short Title.** - This act shall be known as the 'Body Camera for Law
2 Enforcement Personnel Act of 2017'

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4 **SEC. 2. Definition of Terms.** - For purposes of this Act, the following terms
5 are defined as follows:

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7 a) *Law Enforcement Officer* refers to any person authorized by law to
8 prevent, investigate, conduct searches and other police operations,
9 apprehend or detain individuals suspected or convicted of offenses
10 under Philippine laws;

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12 b) *Law Enforcement Operation* refers to any legitimate police operations
13 which includes but not limited to service of warrants of arrest,
14 implementation of search warrants, enforcement of visitorial powers,
15 anti-illegal drug operation, anti-illegal gambling operations, anti-illegal
16 logging operations, anti-carnapping operations, anti-cybercrime
17 operations, special police operations and similar operations that are
18 conducted to enforce laws, statutes, executive orders and ordinances.

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c) *Video Footage* refers to any images or video recorded by a Body Camera

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d) *Subject of the Video Footage* refers to identifiable law enforcement officer or any identifiable suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body camera recording, and shall not include people who only incidentally appear on the recording.

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e) *Body Camera* refers to a wearable body camera that is used by law enforcement officer by his/her agency that records both audio and video when conducting police operations.

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SEC. 3. *Mandatory Use of Body Cameras* - All law enforcement officers that conduct police operations shall be required to wear a body camera and record the events while in the course of conducting any police operations as defined in this Act.

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SEC. 4. *Guidelines for the Use of Body Cameras.* - Any law enforcement officer mandated to wear a body camera shall ensure that:

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a. The body cameras shall be worn in a location that maximizes the camera's ability to perform its full potential by capturing audio and video footage of the law enforcement officer's activities.

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

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SEC. 5. *Prohibition on the use of Body Cameras* - The use of body camera shall not be allowed in the following instances:

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- a) Body cameras shall not be used to gather intelligence information based on protected speeches, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and the member of the public.
- b) Law enforcement officers shall not activate the camera while on the grounds of any public, private or parochial elementary or secondary school, except when responding to an imminent threat to life or health.
- c) Video footage shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose.
- d) No government agency or official, or law enforcement agency, officer, or official may public disclose, release, or share body camera video footage.
- e) Body cameras shall not be used surreptitiously.

SEC. 6. Penalties. - Any act or omission causing the violation of duties mandated under this Act shall be punishable by a fine not exceeding fifty thousand pesos (P50,000.00) and/or suspension without pay for a period not exceeding three (3) months, without prejudice to other administrative, civil or criminal liabilities that may arise therefrom.

SEC. 7. Funding. - The initial amount necessary for the implementation of this Act shall be charged against the current fiscal year's appropriation of the law enforcement agencies involved, such as, but not limited to, the PNP, NBI and PDEA, Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 8. Separability Clause. - Should any provision of this Act or part hereof be declared invalid or unconstitutional, the other provisions or parts not affected thereby shall remain valid and effective.

1 SEC. 9. *Repealing Clause.* - All laws, decrees, orders, and issuances, or
2 portions thereof, which are inconsistent with the provisions of this Act are
3 hereby repealed, amended, or modified accordingly.
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5 SEC. 10. *Effectivity.* - This Act shall take effect fifteen (15) days from its
6 publication in two (2) newspapers of general circulation.

Approved,