

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



*22 JUL 12 P5:28

SENATE
S. No. 436

RECEIVED BY:

INTRODUCED BY SENATOR RONALD "BATO" DELA ROSA

AN ACT
MANDATING LAW ENFORCEMENT PERSONNEL TO USE A BODY-WORN
CAMERA DURING LAW ENFORCEMENT OPERATIONS, PROVIDING FUNDS
THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

In other countries, the use of body-worn camera has been a standard in law enforcement agencies. This standard was implemented based on studies that show the beneficial use of body-worn cameras in law enforcement operations. Increased call on the use of body-worn camera rests on the fact that it enhances transparency and accountability of law enforcement personnel. In addition, the use of body-worn cameras improves community relations and protect both citizens and law enforcers. Recordings of body-worn cameras also contributes to the speedy resolution of crimes and prosecutorial efforts.

Following the footsteps of modern countries in terms of crime investigation, I have initiated the procurement of body-worn cameras for the police force in January 2018 as the then PNP Chief. However, this initiative remains within the walls of the PNP. Other law enforcement agencies have not used body-worn cameras in their operations. As such, there is a need to institutionalize the mandatory use of body-worn cameras in all law enforcement agencies to take advantage of the benefits of using body-worn cameras especially in protecting of the citizens and law enforcement

personnel. Said law will also complement the Supreme Court Rules on the use of Body-Worn Cameras in the Execution of Warrants¹.

In light of the above, the proposed measure mandates the use of body-worn camera in all law enforcement operations. It aims to preserve the credibility of the conduct of duties of our law enforcement personnel. This will in turn improve the public trust and citizen confidence to our law enforcement personnel.

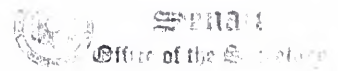
Likewise, the bill undertakes to promote modern crime investigation by integrating the use of body-worn cameras to support law enforcement while at the same time ensures protection of fundamental rights of citizens. In view of this, the bill prohibits the use of body-worn cameras in some instances including gathering intelligence information on protected speeches, associations, or religion, or to record activity that is unrelated to a response to a call or service or a law enforcement or investigative encounter between a law enforcement officer and the member of the public, among others. Furthermore, the bill limits access and disclosure of recordings with those persons authorized by the court.

With enough safeguard to protect the rights of our citizens, the passage of this bill is earnestly sought.


RONALD "BATO" DELA ROSA

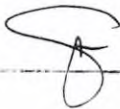
¹ Supreme Court – A.M. No. 21-02-08-SC

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

1 Section 1. *Short Title.* – This Act shall be known as "Law Enforcement Body-
2 worn Camera Act".

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 actively promote, induce and accelerate a sound and modern procedure in crime
5 investigation. Towards this end, the State shall maximize the advances in technology
6 and integrate its use to support law enforcement and to guarantee the protection of
7 fundamental rights.

8 Sec. 3. *Definition of Terms.* – As used in this act:

9 (a) *Alternative Recording Device* refers to an electronic camera system which is not
10 a body-worn camera, that is capable of creating, generating, sending,
11 receiving, storing, displaying, and processing audio-visual recordings, and may
12 be worn during law enforcement activities. It may be used as a substitute for
13 body-worn cameras in case of unavailability. To be used as a functional
14 equivalent, it shall comply with the minimum requirements set forth by the law
15 enforcement agencies in accordance with this Act: *Provided,* That the
16 alternative recording device shall be capable of capturing with reasonable
17 clarity the events that transpire during the implementation of the warrant;

1 (b) *Body-worn Camera* refers to an electronic camera system designated to law
2 enforcement units for creating, generating, sending, receiving, storing,
3 displaying, and processing audio-visual recordings that may be worn during law
4 enforcement activities;

5 (c) *Data Custodian* refers to a designated officer of the law enforcement agency
6 for the conduct of law enforcement operation, who has the sole responsibility
7 of storing and safekeeping data recorded from body-worn cameras;

8 (d) *Law Enforcement Operation* refers to any legitimate operations conducted to
9 enforce laws, statues, executive orders, and ordinances;

10 (e) *Metadata* refers to information within the recording file containing any digital
11 identifiers that are captured as part of the actual recording, such as the
12 recording date, time, GPS coordinates, and other relevant information; and

13 (f) *Recording* refers to digital material generated as a result of using body-worn
14 cameras or alternative recording devices, which contains images and audio-
15 video footages. It shall include the copies of the material created by way of
16 copying to portable media storage and other date repositories.

17 *Sec. 4. Mandatory Use of Body-worn Camera.* – Law enforcement officers and
18 personnel are hereby mandated to wear and activate body-worn camera to capture
19 and record the entire conduct of operation during the conduct of law enforcement
20 operations: *Provided,* That in case of unavailability of body-worn cameras, the law
21 enforcement officers shall secure a written authorization from the head of the agency
22 to use alternative recording devices: *Provided, further,* That the written authorization
23 shall require the use of at least two alternative recording devices.

24 Body-worn camera shall also be activated whenever a law enforcement officer
25 is responding to a call for service or at the initiation of any other law enforcement or
26 investigative encounter between a law enforcement officer and a member of the
27 public: *Provided, however,* except that when an immediate threat to the officer’s life
28 or safety makes activating the camera impossible or dangerous, the officer shall
29 activate the camera at the first reasonable opportunity.

30 *Sec. 5. Minimum Standards for Body-worn Camera.* – Body-worn cameras shall
31 meet the following minimum standard requirement:

32 (a) Video resolution : 720p or higher

- 1 (b) Frame rate : 30 frames per second
- 2 (c) Audio : Built-in
- 3 (d) Date and time stamping : Built-in
- 4 (e) GPS : Built-in
- 5 (f) Battery life : eight (8) hours continuous
- 6 (g) Storage : capable of storing eight (8) hours continuous
- 7 audio-video footage
- 8 (h) Low-light recording : with a night mode built in, a low lux rating,
- 9 and/or and infrared (IR) illuminator

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

- 12 (a) Body-worn cameras shall be worn in a location and manner that maximizes the
- 13 camera’s ability to capture a video footage of the law enforcement officer’s
- 14 activities
- 15 (b) Body-worn camera shall record in full all the activities incidental to the conduct
- 16 of the operation. It shall not be deactivated until the encounter has concluded
- 17 and the law enforcement officers leave the venue of the operation;
- 18 (c) Both video and audio recording functions of the body-worn camera shall be
- 19 activated during operations;
- 20 (d) It shall not be used surreptitiously in order to obtain data or information that is
- 21 unrelated to the purpose of the operation;

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

- 24 (a) It shall not be used to gather intelligence information based on protected
- 25 speeches, associations, or religion, or to record activity that it unrelated to a
- 26 response to a call or service or a law enforcement or investigative encounter
- 27 between a law enforcement officer and the member of the public;
- 28 (b) In locations where individuals have a reasonable expectation of privacy such
- 29 as residences, unless the recording is being made pursuant to a valid arrest or
- 30 search warrant of the individuals or location, or pursuant to a valid warrantless
- 31 arrest and search in accordance with established rules;

1 (c) During privileged communications between the subject of recordings and other
2 individuals, such as attorneys, members of the clergy, peer support counselors,
3 and medical professionals; and

4 (d) Such other circumstances as may be provided in the implementing rules and
5 regulations of this Act, which is part of constitutional privilege and where the
6 dignity of an individual may outweigh the public necessity for recording.

7 *Sec. 8. Access and Disclosure of Recordings.* – Subject to the provisions of
8 Republic Act No. 10173, otherwise known as the “Data Privacy Act of 2012”, only
9 persons duly authorized by the court shall have access to images and recordings from
10 body-worn cameras. The court shall, in its discretion, grant the use, viewing, copying
11 or disclosure of images and recording under the following circumstances:

12 (a) Upon request by law enforcement officers in connection with the subject of the
13 operation or incidental to the occurrence of the operation;

14 (b) Any person who is a subject of the recording or his or her counsel: *Provided,*
15 That in case of a minor, his or her parent, guardian or counsel;

16 (c) The spouse, next of kin, or legally authorized designee of a deceased subject
17 of the recording, or his or her counsel;

18 (d) Any interested person in connection with a pending criminal or civil proceeding
19 to prevent a serious threat to the fair administration of justice;

20 (e) For determination of administrative or criminal violation of a law enforcement
21 officer during the course of law enforcement operation;

22 *Sec. 9. Funding.* – The initial amount necessary for the implementation of this
23 Act shall be charged against the current fiscal year’s appropriations of the law
24 enforcement agency involved. Thereafter, such sums as may be necessary for the
25 continued implementation of this Act shall be included in the annual General
26 Appropriations Act.

27 *Sec. 10. Implementing Rules and Regulations.* – Within sixty (60) days from
28 the effectivity of this Act, the Department of Interior and Local Government and the
29 Department of Justice, in consultation with the PNP, NBI, PDEA, and other law
30 enforcement agencies and concerned stakeholders, shall promulgate rules and
31 regulations implementing this Act.

32 *Sec. 11. Separability Clause.* – If any provision of this Act is held invalid or

1 unconstitutional, the same shall not affect the validity and effectivity of the other
2 provisions hereof.

3 *Sec. 12. Repealing Clause.* – Sections 58, 59, and 61 of Republic Act No. 9165,
4 otherwise known as “The Comprehensive Dangerous Drugs Act of 2002” are hereby
5 repealed. All other laws, decrees, executive orders and rules and regulations contrary
6 to or inconsistent with the provisions of this Act are hereby repealed or modified
7 accordingly.

8 *Sec. 13. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or in a newspaper of general circulation.

Approved,