



SENATE

S. No. 85

'19 III -1 P2:36

Introduced by **Senator Richard J. Gordon**

RECEIVED

**AN ACT
REQUIRING AND REGULATING THE USE OF WEARABLE BODY
CAMERAS AND DASHBOARD CAMERAS BY LAW ENFORCEMENT
OFFICERS IN THE COURSE OF CONDUCTING A SEARCH OR
MAKING AN ARREST, PROVIDING FUNDS THEREFOR, AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

The Bill of Rights categorically provides that, "[n]o person shall be deprived of life, liberty, or property without due process of law". It also provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable".

Despite the foregoing pronouncements, the alarming reports of abuses committed by some policemen necessitates the institutionalization of safeguards to protect the citizens of our country and to help put an end to the culture of impunity within the ranks of our law enforcement agencies. This Bill requires policemen to use wearable body cameras and make a video and audio recording of events while in the course of conducting a search or making an arrest.

By recording police-public encounters, the National Police Commission, disciplinary bodies within the PNP, the judiciary, and the public, in general, could obtain object evidence that could be used in administrative, criminal or civil cases against erring law enforcement officers. This bill is meant to ultimately improve the criminal justice system in the country.

In view of the foregoing, the immediate approval of this bill is hereby sought.

RICHARD J. GORDON



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

1 **SECTION 1. Title.** – This Act shall be known as the “Body Camera and
2 Dashboard Camera for Law Enforcement Officers Act of 2019”.

3 **SEC. 2. Policy of the law.** – It is the policy of the State to promote accountability
4 and transparency in the conduct of police operations. This emanates from
5 constitutional mandates that “[n]o person shall be deprived of life, liberty, or property
6 without due process of law” and that “the right of the people to be secure in their
7 persons, houses, papers, and effects against unreasonable searches and seizures of
8 whatever nature and for any purpose shall be inviolable”. Towards this end, all law
9 enforcement officers with the authority to conduct searches and make arrests shall be
10 required to use body and dashboard cameras to record events that occur while in the
11 course of conducting a search or making an arrest.

12 **SEC. 3. Definitions.** – The following phrases when used in this Act shall have
13 the meanings given to them in this section unless the context clearly indicates
14 otherwise:

15 (a) Dashboard camera. – An event-recording device issued to a law
16 enforcement officer by his/her agency, attached to the interior windshield or to the

1 top of the dashboard of a vehicle that continuously records the view through a
2 vehicle's windscreen.

3 (b) Law enforcement officer. – Any government employee, whether
4 permanent or temporary, authorized by law to conduct searches and make arrests,
5 including, but not limited to, officers of the PNP, National Bureau of Investigation
6 (NBI), and Philippine Drug Enforcement Agency (PDEA).

7 (c) Subject of the video footage. – Any identifiable law enforcement officer
8 or any identifiable suspect, victim, detainee, injured party, or other similarly situated
9 person who appears on the body camera recording, and shall not include people who
10 only incidentally appear on the recording.

11 (d) Use of force. – Any action by a law enforcement officer that (i) results
12 in death, injury, complaint of injury, or complaint of pain that persists beyond the use
13 of a physical control hold, or (ii) involves the use of a weapon against a member of
14 the public, or (iii) involves any intentional pointing of a firearm at a member of the
15 public.

16 (e) Video footage. – Any image or audio recorded by a wearable body
17 camera or a dashboard camera contemplated under this Act.

18 (f) Wearable body camera. – A portable event recording device issued to a
19 law enforcement officer by his/her agency to be worn on his/her body and which
20 records both audio and visual events occurring during an encounter with a member
21 of the public while performing his/her duties as a law enforcement officer.

22 **SEC. 4.** *Mandatory use of wearable body cameras.* – All law enforcement
23 officers with the authority to conduct searches and make arrests shall be required to
24 wear a body camera and record the events that occur while in the course of conducting
25 a search or making an arrest. Such body cameras shall be worn in a location and
26 manner that maximizes the camera's ability to capture a video footage of the law
27 enforcement officer's activities.

28 Both the video and audio recording functions of the body camera shall be
29 activated whenever a law enforcement officer is responding to a call for service, or at
30 the initiation of any other law enforcement encounter between a law enforcement
31 officer and a member of the public, except that when an immediate threat to the
32 officer's life or safety makes activating the camera impossible or dangerous, the officer

1 shall activate the camera at the first reasonable opportunity to do so. The body camera
2 shall not be deactivated until the encounter has fully concluded and the law
3 enforcement officer leaves the scene.

4 Body cameras shall not be used surreptitiously. ⁽¹⁾_(SEP)A law enforcement officer
5 who is wearing a body camera shall, as far as practicable, notify the subject of the
6 recording that he/she is being recorded by a body camera at the commencement of
7 the encounter.

8 **SEC. 5. *Minimum Core Standards of Wearable Body Cameras.*** – All wearable
9 body cameras to be utilized in compliance with this Act shall meet the following
10 minimum core standards:

11 (a) Picture Quality/Resolution – the resolution should be at least 640 x 480
12 pixels.

13 (b) Frame Rate – the frame rate should be at least 25 frames per second.

14 (c) Battery Runtime – the camera should be equipped with a battery that
15 permits the device to record continuously for at least 3 hours. All officers should also
16 be equipped with a spare battery and/or a means of recharging the camera while on
17 duty.

18 (d) Camera Focal Width – the camera must employ a wide point of view.

19 (e) Memory Specifications – at the lowest quality setting, the camera must
20 permit at least 3 hours of recording.

21 (f) Night video quality – the camera must be able to capture decent video
22 during nighttime.

23 **SEC. 6. *Prohibited uses of wearable body cameras.*** – No law enforcement
24 officer shall use wearable body cameras to record activity that is unrelated to a
25 response to a call for service or a law enforcement or investigative encounter between
26 a law enforcement officer and a member of the public.

27 **SEC. 7. *Mandatory use of dashboard cameras on vehicles.*** – All law
28 enforcement agencies authorized by law to conduct searches and make arrests shall
29 be required to install dashboard cameras to be used to record the events that occur
30 while in the course of conducting a search or making an arrest. Such dashboard
31 cameras shall be installed in a location and manner that maximizes the camera's ability
32 to capture video footage of the law enforcement officer's activities.

1 **SEC. 8. *Minimum core standards of dashboard cameras.*** – All dashboard
2 cameras utilized in compliance with this Act shall meet the following minimum core
3 standards:

4 (a) Picture Quality/Resolution – the resolution should be at least 640 x 480
5 pixels.

6 (b) Frame Rate – the frame rate should be at least 25 frames per second.

7 (c) Runtime – the camera should be able to record continuously for the
8 entire duration of a law enforcement operation.

9 (d) Camera Focal Width – the camera must employ a wide point of view.

10 (e) Memory Specifications – at the lowest quality setting, the camera must
11 permit at least eight (8) hours of recording.

12 (f) Night video quality – the camera must be able to capture decent video
13 during nighttime.

14 **SEC. 9. *Retention of video footage.*** – All video footages taken using a wearable
15 body camera or a dashboard camera as required under this Act shall be retained by
16 the law enforcement agency that employs the law enforcement officer whose wearable
17 body camera captured the footage, or an authorized agent thereof, for one (1) year
18 from the date it was recorded; provided, a video footage shall be automatically
19 retained for no less than three (3) years if the video footage captures an interaction
20 or event involving: any use of force, or an encounter about which a complaint has
21 been registered by a subject of the video footage.

22 **SEC. 10. *Right to inspect and possess a copy of a video footage.*** – During the
23 one (1) year retention period, the following persons shall have the right to inspect
24 and/or possess a copy of the body camera footage:

25 (a) Any person who is a subject of body camera video footage, or his/her
26 legal counsel;

27 (b) A parent or legal guardian of a minor subject of body camera video
28 footage, or their legal counsel;

29 (c) The spouse, next of kin or legally authorized designee of a deceased
30 subject of body camera video footage, or their legal counsel;

31 (d) A law enforcement officer whose body camera recorded the video
32 footage, or his/her legal counsel;

1 (e) The superior officer of a law enforcement officer whose body camera
2 recorded the video footage;

3 *Provided*, a law enforcement agency may establish reasonable fees relating to
4 the costs incurred to disclose audio or video recordings. The fees shall b paid by the
5 requesting party at the time of disclosure of the audio or video recording.

6 *Provided further*, a body camera video footage may not be withheld from the public
7 on the basis that it is an investigatory record or was compiled for law enforcement
8 purposes where any person under investigation or whose conduct is under review is
9 a police officer or other law enforcement employee and the video footage relates to
10 that person's on-the-job conduct.

11 **SEC. 11.** *Use of redaction technology.* – Whenever doing so is necessary to
12 protect personal privacy, the right to a fair trial, the identity of a confidential source
13 or crime victim, or the life or physical safety of any person appearing in video footage,
14 redaction technology may be used to obscure the face and other personally identifying
15 characteristics of that person, including the tone of the person's voice, provided the
16 redaction does not interfere with a viewer's ability to fully, completely, and accurately
17 comprehend the events captured on the video footage.

18 *Provided*, when redaction is performed on video footage pursuant to this
19 Section, an unedited, original version of the video footage shall be retained.

20 *Provided further*, no other editing or alteration of video footage, including a reduction
21 of the video footage's resolution, shall be permitted under this Act.

22 **SEC. 12.** *Prohibition on third parties maintaining footages.* – Where a law
23 enforcement agency authorizes a third-party to act as its agent in maintaining body
24 camera footage, the agent shall not be permitted to independently access, view, or
25 alter any video footage, except to delete videos as required by law or agency retention
26 policies.

27 **SEC. 13.** *Disciplinary action; disputable presumption.* – Should any law
28 enforcement office or agent fail to adhere to the recording or retention requirements
29 contained in this Act, intentionally interfere with a body camera's or a dashboard
30 camera's ability to accurately capture video footage, or otherwise manipulate the video
31 footage captured by a body camera during or after its operation shall be subject to
32 appropriate disciplinary action.

1 A disputable presumption shall be adopted in favor of plaintiffs suing the
2 government, a law enforcement agency and/or law enforcement officers for police
3 misconduct when the evidence supporting their claim was destroyed or not captured.

4 *Provided,* the disciplinary action requirement and rebuttable presumptions
5 under this Section may be overcome by contrary evidence or proof of exigent
6 circumstances that made compliance with Sections 4 and 7 of this Act impossible.

7 **SEC. 14. *Prohibited use as evidence.*** – Any body camera or dashboard camera
8 video footage recorded in contravention of this Act or any other applicable law may
9 not be offered as evidence by any government agency, office, or any other subdivision
10 thereof, in any criminal or civil action or proceeding against any member of the public.

11 **SEC. 15. *Funding.*** – The initial amount necessary for the implementation of
12 this Act shall be charged against the current fiscal year's appropriations of the law
13 enforcement agency involved, such as, but not limited to, the PNP, NBI and PDEA.
14 Thereafter, such sums as may be necessary for the continued implementation of this
15 Act shall be included in the annual General Appropriations Act.

16 **SEC. 16. *Implementing Rules and Regulations.*** – Within sixty (60) days from
17 the implementation of this Act, the Department of Interior and Local Government,
18 National Police Commission, PNP, NBI and PDEA shall promulgate rules and
19 regulations implementing this Act.

20 Such rules and regulations shall include imposing administrative disciplinary
21 measures for:

22 (a) Failure to wear the body camera while on duty;

23 (b) Failure to keep the wearable body camera on during an interaction
24 with a member of the public as required under this Act.

25 **SEC. 17. *Separability Clause.*** – Should any provision of this Act be declared
26 unconstitutional, the same shall not affect the validity of other provisions of this Act.

27 **SEC. 18. *Repealing Clause.*** – All laws, decrees, orders, rules, and regulations
28 or other issuances or parts thereof inconsistent with the provisions of this Act are
29 hereby or modified accordingly.

30 **SEC. 19. *Effectivity of this Act.*** – This Act shall take effect fifteen (15) days
31 after its publication in the Official Gazette or two (2) newspapers of general circulation
32 in the Philippines.

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Approved,