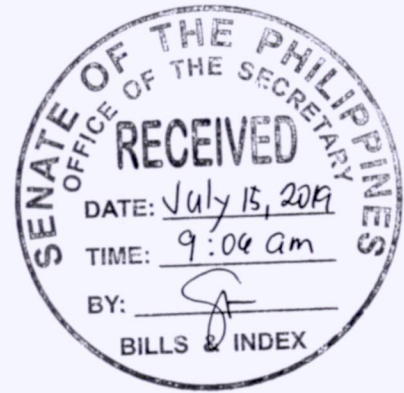


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE

Senate Bill No. 427

Introduced by Senator FRANCIS N. PANGILINAN

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

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 immediately activate said 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. However, 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.

This 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.

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Francis M. Pangilinan.

FRANCIS M. PANGILINAN

SENATE

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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

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 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
5 offenses under Philippine laws.

6 b) *Law enforcement operation* includes service of warrants of arrest,
7 implementation of search warrants, enforcement of visitorial powers of the
8 Chief, Philippine National Police and unit commanders, anti-illegal drugs
9 operation, anti-illegal gambling operations, anti-illegal logging operations,
10 anti-illegal fishing operations, anti-carnapping operations, anti-kidnapping
11 operations, anti-cybercrime operations and similar operations that are
12 conducted to enforce laws, statutes, 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

1 who appears on the body camera recording, and shall not include people who
2 incidentally appear on the recording.

- 3 d) *Special police operation* includes checkpoint operations; roadblock operations;
4 civil disturbance management operations; police assistance in the enforcement
5 of demolition, eviction, injunction and similar orders; police assistance in the
6 implementation of final court orders and orders from quasi-judicial bodies;
7 hostage situation; visit, board, search, and seizure of on-board marine vessels;
8 and similar police operations that are conducted by police units with
9 specialized training on the peculiarity of the mission or purpose.

10 **SEC. 3. *Body Camera as Standard Equipment for Law Enforcement Personnel.*** –

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

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

- 17 a) Such body camera shall be worn in a location and manner that maximizes the
18 camera's ability to capture video footage of the officer's activities.
- 19 b) Both the video and audio recording functions of the body camera shall be
20 activated whenever said law enforcement officer is responding to call for
21 service or at the initiation of any other law enforcement officer or investigative
22 encounter between a law enforcement officer and a member of the public,
23 except that when an immediate threat to the officer's life or safety makes
24 activating the camera impossible or dangerous, the officer shall activate the
25 camera at the first reasonable opportunity to do so. The body camera shall not
26 be deactivated until the encounter has fully concluded and the law
27 enforcement officer leaves the scene.

- 1 c) The subject(s) of the recording are notified that they are being recorded by a
2 body camera as close to the inspection of the encounter as is reasonably
3 possible.
- 4 d) Notwithstanding the requirements of subsection (b):
- 5 1. Prior to entering a private residence without a warrant or in non-exigent
6 circumstances, an occupant shall be asked if said occupant wants the
7 officer to discontinue use of the officer's body camera. If the occupant
8 responds affirmatively, said law enforcement officer shall immediately
9 discontinue use of body camera;
- 10 2. When interacting with an apparent crime victim, as soon as practicable,
11 ask the apparent crime victim, if the apparent crime victim wants said
12 officer to discontinue use of the body camera. If the apparent crime
13 victim responds affirmatively, said law enforcement officer shall
14 immediately discontinue use of body camera; and
- 15 3. When interacting with a person seeking to anonymously report a crime
16 or assist in an ongoing law enforcement investigation, said law
17 enforcement officer shall, as soon as practicable, ask the person seeking
18 to remain anonymous, if the person seeking to remain anonymous wants
19 the officer to discontinue use of the officer's body camera. If the person
20 seeking to remain anonymous responds affirmatively, the law
21 enforcement officer shall immediately discontinue use of body camera.
- 22 e) All law enforcement officers' offer to discontinue the use of a body camera
23 made pursuant to subsection (d), and the responses thereto, shall be recorded
24 by the body camera prior to discontinuing use of the body camera.
- 25 f) Body cameras shall not be used surreptitiously.
- 26 g) Body cameras shall not be used to gather intelligence information based on the
27 right to free speech, freedom of association or religion, or to record activity

1 that is unrelated to a response to a call for service or law enforcement or
2 investigative encounter between a law enforcement officer and a member of
3 the public.

4 h) Law enforcement officers shall not activate a body camera while on the
5 grounds of any public, private or parochial elementary or secondary school,
6 except when responding to an imminent threat to life or health.

7 i) Body camera video footage shall be retained by law enforcement agencies that
8 employ the officer whose camera captured the footage, or an authorized agent
9 thereof, for six (6) months from the date it was recorded after which time such
10 footage shall be permanently deleted.

11 j) Notwithstanding the retention and deletion requirements in subsection (i):

12 1. Video footage shall be automatically retained for not less than three (3)
13 years if the video footage captures images involving:

14 i. Any use of force;

15 ii. Events leading up to and including an arrest for a felony-level
16 offense, or events that constitute a felony-level offense; or

17 iii. An encounter about which a complaint has been registered by a
18 subject of the video footage.

19 2. Body camera footage shall also be retained for not less than three (3) years
20 if a longer retention period is voluntary requested by:

21 i. The law enforcement officer whose body camera recorded the video
22 footage, if that officer reasonably asserts the video footage has
23 evidentiary or exculpatory value;

24 ii. Any law enforcement officer who is a subject of the video footage,
25 if that officer reasonably asserts that the video footage has
26 evidentiary or exculpatory value;

- 1 iii. Any superior officer of a law enforcement officer whose body
2 camera recorded the video footage or who is a subject of the video
3 footage, if that superior officer reasonably asserts the video footage
4 has evidentiary or exculpatory value;
- 5 iv. Any law enforcement officer, if the video footage is being retained
6 solely and exclusively for police training purposes;
- 7 v. Any member of the public who is a subject of the video footage; or
- 8 vi. Any parent or legal guardian of a minor who is a subject of the
9 video footage; or
- 10 vii. A deceased subject's next of kin or legally authorized designee.
- 11 k) To effectuate Section 1(j)(2)(v), (j)(2)(vi) and (j)(2)(vii), any member of the
12 public who is a subject of the video footage, the parent or legal guardian of a
13 minor who is a subject of the video footage, or a deceased subject's next of kin
14 or legally authorized designee, shall be permitted to review that specific video
15 footage in order to make a determination as to whether they will voluntarily
16 request it ne subject to a three (3) year retention period.
- 17 l) No review or receipt of an accounting of any body camera video footage that
18 is subject to a minimum three (3) year retention period pursuant to paragraph
19 (j)(1) prior to completing any required initial reports, statements and
20 interviews regarding the recorded event be undertaken.
- 21 m) Video footage not subject to a minimum three (3) year retention period shall
22 not be viewed by any superior officer of a law enforcement officer whose body
23 camera recorded the footage absent a specific allegation of misconduct, nor
24 shall it be subject to automated analysis or analytics of any kind.
- 25 n) Video footage shall not be divulged or used by any law enforcement agency
26 for any commercial or other non-law enforcement purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved,