

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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Senate
Office of the Secretary

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SENATE

S. No. 721

RECEIVED BY: _____

Introduced by SENATOR SHERWIN T. GATCHALIAN

AN ACT MANDATING THE USE OF ON-BODY CAMERAS BY LAW ENFORCEMENT OFFICERS DURING ANY ANTI-ILLEGAL DRUG AND CRIMINALITY OPERATIONS, AND PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

The untimely death of seventeen year-old Kian Lloyd delos Santos during an anti-drug and criminality police operation sparked anew allegations of human rights abuse and police brutality, casting doubts and furor over the continued rash of killings. Although accusations without proof are downright unfair, our police operatives as the primary protector of the civilian populace, must ensure that their integrity and character are always beyond reproach, especially in the conduct of their function.

It is the intent of this measure to deter misconduct and improve law enforcement accountability during police encounters by the introduction of the body camera. A recording made in the body camera shall provide evidence of an objective narration of the police operation. The account on the incident will be factual and from hereon not be reliant on witnesses with uncorroborated hearsay and self-serving testimonies. In this wise, the function of the on-body camera will be two-pronged: protect the public against police misconduct, and help protect our policemen from false accusations of abuse.

Further, it is important to recognize the value of utilizing technology as an important enforcement and public safety tool. In order, however, that public confidence in this technology is maintained, basic policies to protect the integrity of the recording must be put in place, fortified with stringent guidelines in its use. The purpose of this Act is to provide guidance in the responsible and effective use of overt cameras in public areas by the police for the purpose of safety and security. Since the cost involved in the procurement of the body cameras will be significant, the implementation of this measure shall be in several phases and the determination of the number of personnel who will be armed with the on-body camera shall initially involve law enforcement officers who are tasked to conduct antillegal drug and criminality operations in the country.

This legislation is necessary to institutionalize reforms to help allay the fears of the public when conduct of these operations will be made in the future, hence, immediate approval of this bill is earnestly sought.




SHERWIN T. GATCHALIAN

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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 "Police On-Body Cam
2 Act".

3 SEC. 2. **Declaration of Policy.** - It is the declared duty of the State to
4 maintain peace and order, protect life, liberty and property and promote the
5 general welfare. Towards this end, the State shall continuously develop
6 mechanisms to help improve law enforcement transparency and
7 accountability, hence:

8 a) There shall be proper documentation of interactions between law
9 enforcement officers and the public, especially during anti-illegal drug and criminality
10 operations;

11 b) Utilize modern technology as a tool to deter incidents of abuse or
12 misconduct by law enforcement officers during legitimate police operations, as well
13 as safeguard these officer's rights against false accusations;

14 c) Devise means to reduce the cost and impact of crime in the community;

1 d) Improve community relations between police enforcement officers and the
2 public by maintaining policies that balance the rights of the public for privacy and
3 the promotion of accountability during anti-illegal drug and criminality operations.

4 SEC. 3. **Definition of Terms.** - For purposes of this Act, the following 10
5 terms shall be defined as follows:

6 a) On-Body Camera shall refer to the use of a wearable audio, video or
7 photographic recording system utilized by law enforcement officers to record their
8 interactions with the public or gather video evidence at crime scenes. Some feature
9 live streaming capabilities while others are based on local storage;

10 b) Images shall refer to recorded images in the On-Body Camera;

11 c) Law Enforcement Officers shall refer to elements of the Philippine National
12 Police (PNP), and members of the Drug Enforcement Unit of the Philippine Drug
13 Enforcement Agency (PDEA);

14 d) Anti-illegal Drug and Criminality Operation shall refer to any law
15 enforcement or police operation involving the conduct of searches, service of
16 warrants, arrest or apprehension of persons for violation of Republic Act No. 9165,
17 as amended, or any other law related to illegal drug activities, as well as of laws
18 involving other crimes, or under any related anti-drug or criminality program or
19 campaign of the PNP;

20 SEC. 4. **Use of On-Body Camera in Police Operations.** - Members of the
21 Philippine National Police (PNP) and other law enforcement officers involved in anti-
22 illegal drug and criminality operations are hereby mandated to use on-body cameras
23 during police operations and as such, shall establish protocols and stringent standard
24 for the responsible and effective use of this overt camera.

25 The camera must be turned on and left running until the operations shall have been
26 completed.

27 SEC. 5. **Minimum Standards.** - The on-body camera system must be
28 capable of setting on playback a full account of the operation that was concluded. It
29 must likewise be ensured that the cameras are of 6 high-quality resolution capable
30 of delineating the activity and physical features of individuals and areas within the
31 premises being recorded.

1 The requirement for the technology that will become the storage for the recorded
2 data must consider optimum measures to retain its integrity, preventing tampering,
3 deleting or copying as well as prohibiting its unauthorized use.

4 Other standard specifications of the camera shall be provided in the IRR of this Act.

5 SEC. 6. ***On-Body Camera Recordings.*** - In all anti-illegal drug and
6 criminality operations of law enforcement officers, on-body cameras shall record in
7 full all the activities incidental to the conduct of the operation. There shall be
8 continuous recording of the events throughout these encounters to ensure that
9 officers involved cannot manipulate what is to be recorded. Neither shall the consent
10 of any person recorded be necessary for the continuous recording of the on-body
11 camera.

12 The content of the recordings become property of the State. It is vital that
13 these recordings are tamper-proof and access thereof shall contain immutable
14 audits. They shall not be accessed or downloaded without obtaining prior authority
15 from the courts.

16 SEC. 7. ***Privacy Rights.*** - The use of the on-body camera shall be made in a
17 manner consistent with the Constitution and laws on privacy.

18 The on-body camera shall not be used surreptitiously in order to obtain data or
19 information that is unrelated to the purpose of the operation. Any recording of
20 person(s) inside a restroom, toilet, shower, bathroom, bedroom, changing room and
21 other similar areas shall not be allowed to be used as evidence in any court of law
22 except when the suspect or the person under investigation has concealed himself
23 and/or the contraband in the places mentioned, or that the crime was committed
24 therein.

25 As part of an information campaign, the public shall be informed of the
26 general procedure and guidelines in the conduct of the police operation with the on-
27 body camera in at least two (2) newspapers of general circulation. It shall likewise
28 be posted in the website of the PNP and the PDEA and printed copies thereof shall
29 be displayed in every police precinct to constitute due notice of the presence of the
30 on-body camera during these police operations.

31 SEC. 8. ***Procedure for Access and Disclosure of Recordings.*** Only
32 persons authorized by the court, upon application, shall have access to images and

1 recordings from law enforcement or police on-body cameras. Viewing of the images
2 and recordings shall take place in a restricted area or in private conditions. All access
3 granted under the circumstances must be documented and for a limited or
4 prescribed time only. The courts shall in its discretion grant the use, viewing,
5 copying or disclosure of images and recordings performed in accordance with this
6 Act under the following circumstances:

7 a) Upon request by law enforcement officers in connection with and limited to
8 an investigation for the prosecution of an offense punishable by law, which is the
9 subject of the operation or incidental to the occurrence of the operation;

10 b) By a person whose image has been captured indubitably revealing
11 information of a highly sensitive and personal nature;

12 c) Where a disclosure of the recording is necessary to advance a compelling
13 interest of the public;

14 d) By any interested person in connection with a pending criminal or civil
15 proceeding to prevent a serious threat to the fair administration of justice;

16 e) To determine whether an administrative or criminal offense has been
17 committed by a law enforcement officer during the course of an anti-illegal drug and
18 criminality operation, and to ascertain his identity and the manner by which the
19 offense was committed. Law Enforcement Officers are prohibited to release images
20 or recordings from the on-body camera to the media or to upload the same onto
21 public and social media internet websites.

22 The courts shall give its order allowing or denying the use, copying or disclosure of
23 images and recordings within twenty-four (24) hours after submission of the
24 request, as herein specified.

25 The public shall be informed of the procedure for the access to the images and
26 recording of the operation in a manner consistent with the policy of this Act.

27 SEC. 9. ***Retention, Storage and Preservation.*** - Unless otherwise
28 reserved for a specific purpose to review the events of a crime, or where the
29 recording shall be used as evidence in an administrative, civil, or criminal
30 proceeding, or where there is a formal or informal complaint against any law
31 enforcement or police officer involved in the operation, or where the operation has
32 led to the arrest or detention of person(s), or that the information in the recording

1 needs to be studied further for any number of reasons, data of recordings shall not
2 be kept for more than thirty (30) days and shall be deleted beyond said period.

3 The administration for the proper data storage, the chain of custody for the camera
4 and its recording, and the guidelines for the release of the recording with prior leave
5 of the court, shall be provided for in detail in the Implementing Rules and Regulation
6 which must be consistent with the policy established herein.

7 SEC. 10. **Officers' Training.** - There shall be an appropriate training 30 for
8 the law enforcement officers in the use and handling of the on-body camera. It is
9 important that their knowledge shall include both the technical familiarity on usage
10 of the camera and the implication of Constitutional provisions and other relevant
11 laws on the protection of privacy.

12 SEC. 11. **Periodic Review.** - A bi-annual review of the use of the on body
13 camera and the utilization of its recording shall be required to ensure that the
14 policies established under this Act are effectively implemented. A copy of the report
15 on the findings made from the review conducted shall be submitted to Congress
16 within thirty (30) days upon its conclusion.

17 SEC. 12. **Prohibited Acts.**

18 a.) Any law enforcement officer who shall participate in the anti-illegal drug
19 and criminality operation but fails to wear, record or otherwise interfere with the on-
20 body camera recording shall suffer the penalty of suspension from service for a
21 period of six (6) months without pay; Provided, that if said anti-illegal drug and
22 criminality operation results in the injury or death of a drug personality or any other
23 person who is not a law enforcement officer, the law enforcement officer shall suffer
24 the penalty of permanent removal from service; Provided, Further, that the
25 presumption of irregularity and misconduct in the course of the performance of his
26 duty may be rebutted only by evidence of another recording attesting to the
27 regularity in the conduct of the operations exculpating said officer or by proof that
28 circumstances has made it impossible for him to comply with the provisions of this
29 Act;

30 b.) Where a law enforcement officer involved in the operation has abused his
31 authority and committed a crime, regardless whether the incident has been captured

1 in the on-body camera recording, he shall be prosecuted under the law for the crime
2 which he has committed and the penalty to be applied shall be the maximum period;

3 c.) Any use of the recording that are not in accordance with the objective of
4 this Act shall be punishable with an imprisonment of not less than six (6) months but
5 not exceeding six (6) years, or a fine not less than One Hundred Thousand Pesos
6 (Php 100,000.00) but not more than One Million Pesos (Php 1,000,000,00) or both
7 such fine and imprisonment at the discretion of the court.

8 SEC. 13. **Appropriations.** - The amount necessary to carry out the
9 provisions of this Act shall be included in the budget of the Department of Interior
10 and Local Government in the General Appropriations Act in the year immediately
11 following its enactment.

12 SEC. 14. **Implementing Rules and Regulations.** - The Director General of
13 Philippine Drug Enforcement Agency (PDEA) and the Philippine National Police in
14 close coordination with the Secretary of Interior and Local Government, and the
15 Secretary of Justice shall issue the necessary rules and regulations for the effective
16 implementation of this Act, including the 18 determination of the number of PNP and
17 PDEA personnel who shall be prioritized in the initial phase of implementation of this
18 Act.

19 SEC. 15. **Repealing Clause.** - All laws, presidential decrees, executive
20 orders, rules and regulations or part thereof, contrary to or inconsistent with the
21 provisions of this Act, are hereby repealed or modified accordingly.

22 SEC. 16. **Separability Clause.** - If any section or provision of this Act is held
23 unconstitutional or invalid, all other sections or provisions shall remain in full force
24 and effect.

25 SEC. 17. **Effectivity Clause** - This Act shall take effect fifteen (15) days after
26 its publication in at least two (2) newspapers of general publication.

Approved,