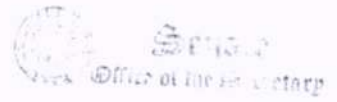


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SENATE

S.B. No. 1576

Introduced by SEN. SHERWIN 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 anti-illegal 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

1 operations, as well as safeguard these officer's rights against false
2 accusations;

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

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

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

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

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

17 c) *Law Enforcement Officers* shall refer to elements of the Philippine
18 National Police (PNP), and members of the Drug Enforcement Unit of
19 the Philippine Drug Enforcement Agency (PDEA);

20 d) *Anti-Illegal Drug and Criminality Operation* shall refer to any law
21 enforcement or police operation involving the conduct of searches,
22 service of warrants, arrest or apprehension of persons for violation of
23 Republic Act No. 9165, as amended, or any other law related to illegal
24 drug activities, as well as of laws involving other crimes, or under any
25 related anti-drug or criminality program or campaign of the PNP,

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

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

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

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

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

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

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

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

27 The on-body camera shall not be used surreptitiously in order to
28 obtain data or information that is unrelated to the purpose of the operation.
29 Any recording of person(s) inside a restroom, toilet, shower, bathroom,

1 bedroom, changing room and other similar areas shall not be allowed to be
2 used as evidence in any court of law except when the suspect or the person
3 under investigation has concealed himself and/or the contraband in the
4 places mentioned, or that the crime was committed therein.

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

12 **SEC. 8. *Procedure for Access and Disclosure of Recordings.*** –
13 Only persons authorized by the court, upon application, shall have access
14 to images and recordings from law enforcement or police on-body cameras.
15 Viewing of the images and recordings shall take place in a restricted area or
16 in private conditions. All access granted under the circumstances must be
17 documented and for a limited or prescribed time only. The courts shall in its
18 discretion grant the use, viewing, copying or disclosure of images and
19 recordings performed in accordance with this Act under the following
20 circumstances:

- 21 a) Upon request by law enforcement officers in connection with and
22 limited to an investigation for the prosecution of an offense
23 punishable by law, which is the subject of the operation or incidental
24 to the occurrence of the operation;
- 25 b) By a person whose image has been captured indubitably revealing
26 information of a highly sensitive and personal nature;
- 27 c) Where a disclosure of the recording is necessary to advance a
28 compelling interest of the public;
- 29 d) By any interested person in connection with a pending criminal or
30 civil proceeding to prevent a serious threat to the fair administration
31 of justice;

1 e) To determine whether an administrative or criminal offense has been
2 committed by a law enforcement officer during the course of an anti-
3 illegal drug and criminality operation, and to ascertain his identity
4 and the manner by which the offense was committed.

5
6 Law Enforcement Officers are prohibited to release images or
7 recordings from the on-body camera to the media or to upload the same
8 onto public and social media internet websites.

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

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

15 **SEC. 9. Retention, Storage and Preservation.** – Unless otherwise
16 reserved for a specific purpose to review the events of a crime, or where the
17 recording shall be used as evidence in an administrative, civil, or criminal
18 proceeding, or where there is a formal or informal complaint against any law
19 enforcement or police officer involved in the operation, or where the
20 operation has led to the arrest or detention of person(s), or that the
21 information in the recording needs to be studied further for any number of
22 reasons, data of recordings shall not be kept for more than thirty (30) days
23 and shall be deleted beyond said period.

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

29 **SEC. 10. Officers' Training.** - There shall be an appropriate training
30 for the law enforcement officers in the use and handling of the on-body

1 camera. It is important that their knowledge shall include both the
2 technical familiarity on usage of the camera and the implication of
3 Constitutional provisions and other relevant laws on the protection of
4 privacy.

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

10 SEC. 12. **Prohibited Acts.** –

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

26 b.) Where a law enforcement officer involved in the operation has
27 abused his authority and committed a crime, regardless whether
28 the incident has been captured in the on-body camera recording,
29 he shall be prosecuted under the law for the crime which he has
30 committed and the penalty to be applied shall be the maximum
31 period;

1 c.) Any use of the recording that are not in accordance with the
2 objective of this Act shall be punishable with an imprisonment of
3 not less than six (6) months but not exceeding six (6) years, or a
4 fine not less than One Hundred Thousand Pesos (Php100,000.00)
5 but not more than One Million Pesos
6 (Php1,000,000,00) or both such fine and imprisonment at the
7 discretion of the court.
8

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

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

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

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

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

Approved,