

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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HOUSE OF REPRESENTATIVE

H.B. No. 4459

Introduced by **Representative TEODORICO T. HARESCO, JR.**

EXPLANATORY NOTE

Under the 1987 Philippine Constitution, particularly the Bill of Rights, “[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.

In the United States, police enforcers use police body cameras in order to capture images of law enforcement encounters with members of the public, including suspects, witnesses and passersby.¹ The recordings help keep all parties honest and allow them to gain some confidence in one another, knowing that anything anyone says about the interaction can later be verified.²

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.


TEODORICO T. HARESCO, JR.

¹ <https://www.latimes.com/opinion/story/2019-09-05/facial-recognition-bill-police-body-cams>
² Ibid.

HOUSE OF REPRESENTATIVES
H.B. No. 4459

Introduced by Representative TEODORICO T. HARESCO, JR.

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

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

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

SEC. 2. *Policy of the law.* – It is the policy of the State to promote accountability and transparency in the conduct of police operations. This emanates from constitutional mandates that “[n]o person shall be deprived of life, liberty, or property without due process of law” and that “the 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”. Towards this end, all law enforcement officers with the authority to conduct searches and make arrests shall be required to use body and dashboard cameras to record events that occur while in the course of conducting a search or making an arrest.

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

- (a) Dashboard camera. – An event-recording device issued to a law enforcement officer by his/her agency, attached to the interior windscreen or to the top of the dashboard of a vehicle that continuously records the view through a vehicle's windscreen.
- (b) Law enforcement officer. – Any government employee, whether permanent or temporary, authorized by law to conduct searches and make arrests, including, but not limited to, officers of the PNP, National Bureau of Investigation (NBI), and Philippine Drug Enforcement Agency (PDEA).

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

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

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

11 (f) Wearable body camera. – A portable event recording device issued to a law
12 enforcement officer by his/her agency to be worn on his/her body and which records both audio
13 and visual events occurring during an encounter with a member of the public while performing
14 his/her duties as a law enforcement officer.
15

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

21 Both the video and audio recording functions of the body camera shall be activated
22 whenever a law enforcement officer is responding to a call for service, or at the initiation of any
23 other law enforcement encounter between a law enforcement officer and a member of the
24 public, except that when an immediate threat to the officer's life or safety makes activating the
25 camera impossible or dangerous, the officer shall activate the camera at the first reasonable
26 opportunity to do so. The body camera shall not be deactivated until the encounter has fully
27 concluded and the law enforcement officer leaves the scene.

28 Body cameras shall not be used surreptitiously. A law enforcement officer who is
29 wearing a body camera shall, as far as practicable, notify the subject of the recording that he/she
30 is being recorded by a body camera at the commencement of the encounter.
31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 9. *Retention of video footage.* – All video footages taken using a wearable body camera or a dashboard camera as required under this Act shall be retained by the law enforcement agency that employs the law enforcement officer whose wearable body camera captured the footage, or an authorized agent thereof, for one (1) year from the date it was

1 recorded; provided, a video footage shall be automatically retained for no less than three (3)
2 years if the video footage captures an interaction or event involving: any use of force, or an
3 encounter about which a complaint has been registered by a subject of the video footage.

4
5 **SEC. 10. *Right to inspect and possess a copy of a video footage.*** – During the one (1) year
6 retention period, the following persons shall have the right to inspect and/or possess a copy of
7 the body camera footage:

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

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

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

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

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

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

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

25
26 **SEC. 11. *Use of redaction technology.*** – Whenever doing so is necessary to protect
27 personal privacy, the right to a fair trial, the identity of a confidential source or crime victim, or
28 the life or physical safety of any person appearing in video footage, redaction technology may
29 be used to obscure the face and other personally identifying characteristics of that person,
30 including the tone of the person's voice, provided the redaction does not interfere with a
31 viewer's ability to fully, completely, and accurately comprehend the events captured on the
32 video footage.

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

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

1 **SEC. 12. *Prohibition on third parties maintaining footages.*** – Where a law enforcement
2 agency authorizes a third-party to act as its agent in maintaining body camera footage, the agent
3 shall not be permitted to independently access, view, or alter any video footage, except to delete
4 videos as required by law or agency retention policies.
5

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

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

14 *Provided,* the disciplinary action requirement and rebuttable presumptions under this
15 Section may be overcome by contrary evidence or proof of exigent circumstances that made
16 compliance with Sections 4 and 7 of this Act impossible.
17

18 **SEC. 14. *Prohibited use as evidence.*** – Any body camera or dashboard camera video
19 footage recorded in contravention of this Act or any other applicable law may not be offered as
20 evidence by any government agency, office, or any other subdivision thereof, in any criminal or
21 civil action or proceeding against any member of the public.
22

23 **SEC. 15. *Funding.*** – The initial amount necessary for the implementation of this Act shall
24 be charged against the current fiscal year's appropriations of the law enforcement agency
25 involved, such as, but not limited to, the PNP, NBI and PDEA. Thereafter, such sums as may be
26 necessary for the continued implementation of this Act shall be included in the annual General
27 Appropriations Act.
28

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

32 Such rules and regulations shall include imposing administrative disciplinary measures
33 for:

- 34 (a) Failure to wear the body camera while on duty;
35 (b) Failure to keep the wearable body camera on during an interaction with a
36 member of the public as required under this Act.

1 **SEC. 17. *Separability Clause.*** – Should any provision of this Act be declared
2 unconstitutional, the same shall not affect the validity of other provisions of this Act.
3

4 **SEC. 18. *Repealing Clause.*** – All laws, decrees, orders, rules, and regulations or other
5 issuances or parts thereof inconsistent with the provisions of this Act are hereby or modified
6 accordingly.
7

8 **SEC. 19. *Effectivity of this Act.*** – This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or two (2) newspapers of general circulation in the
10 Philippines.
11

12 *Approved,*