PNP MEMORANDUM CIRCULAR
NO. 2018 - 009

SUBJECT: OPERATIONAL GUIDELINES AND POLICIES ON THE USE OF BODY WORN CAMERA

TO: See Distribution

DATE:

1. REFERENCES:
   a. PNP Supplemental Operational Guidelines in the Conduct of Anti-Illlegal Drugs Campaign dated January 19, 2018;
   b. PNP Operational Strategy (E-MPO);
   c. PNP MC No. 2014-49 “Strengthening the Police Station Patrol Operations” dated October 29, 2014; and

2. RATIONALE:
The PNP recognizes that trust and mutual respect between law enforcement agencies and the community are essential to effective policing. The policies and guidelines prescribed in this Memorandum Circular (MC) shall ensure the protection of human rights including the privacy of both the police personnel and the community as it ensures transparency of all police operations and other related law enforcement activities.

3. PURPOSE:
This MC sets forth the guidelines, policies, and procedures on the use of body worn cameras during police operations and other related law enforcement activities or as deemed necessary by the Commander on the ground.

4. DEFINITION OF TERMS
   a. Body-Worn Cameras (BWC) – an electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audio-visual recordings that may be worn by PNP personnel during law enforcement activities.
   b. BWC Computer System – refers to the BWC software including its designated computer station, storage media, server and its peripherals used to operate and manage the BWC data recordings.

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c. **Digital Multimedia Evidence (DME)** – consists of all digital recordings, to include but not limited to audio, video, and their associated metadata.

d. **Metadata** – includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

e. **Data Repository** – the designated area wherein all archived video footage shall be stored/kept.

f. **ICT Device** – this covers the hardware (computer, mobile phone, digital camera, sound/video recorder, etc.), software, protocols, digital storage and communication media used by the device, as a system.

g. **IT/BWC Data Custodian** – the PNP personnel who has the sole responsibility of storing and safekeeping the recorded data. He must be properly trained, undergone complete background investigation and vetting by the Directorate for Intelligence and duly designated by the RD, PRO.

h. **Real Time Monitoring System** – Real time monitoring of BWC that enables the command center and supervisors to monitor, communicate and supervise field personnel/teams in real time in the command center or while on the go on mobile devices such as phones or tablets, providing complete flexibility for the PNP to monitor, guard and provide real time supervision and guidance of personnel/teams within their AOR.

i. **Recorded Data** – any material stored by, or as a result of using BWC. It shall include images recorded on the digital storage and by way of copying to portable media including video prints.

j. **User/s** – refers to PNP personnel performing law enforcement, special/tactical, and public safety operations.

5. **OBJECTIVES:**
The PNP has adopted the use of body-worn cameras to accomplish the following objectives:

a. To allow accurate documentation of police and community contacts, arrests, critical incidents, tactical response and other forms of police operations and other related law enforcement activities;

b. To enhance the capability of PNP personnel to review and evaluate police operations through the audio and video recordings;

c. To document crimes, accidents, and other significant incidents which may be used in police operations or filing of cases in the proper courts; and

d. To ensure that public safety, order and interest are the primordial concerns of PNP personnel when using BWC on top of the privacy of communication between the PNP personnel and the citizen.
6. CONCEPT OF OPERATIONS

The following are the different guidelines/activities to be followed at the various stages of police operations and other related law enforcement activities:

a. PRE-OPERATIONS PHASE

1) Establishment of Command/Operations Center

For purposes of this MC, there shall be an established Command/Operations Center in all Police Stations nationwide supervised by the COP, to properly record, monitor, oversee, evaluate and audit the actual police operations and other related law enforcement activities undertaken by the stations.

However, the NHQ through the NOC and down to all levels of command/offices/units with BWC shall prepare the necessary structures and equipment needed in a Command/Operations Center as the program progresses for real time monitoring purposes.

2) Training

Designated uniformed personnel and selected/vetted units including the IT/BWC Data Custodian assigned shall be provided with appropriate training on the proper care, maintenance, operations and use of the BWC and its computer system. The training shall also include the policy that governs its use, including related laws and evidence handling.

Periodic training and assessment shall be done to ensure the continued effective use of the equipment, the BWC computer system, proper calibration, maintenance and performance. The periodic trainings are also vital to evaluate if changes or modifications are necessary in the equipment or the policies for its use.

3) Issuance and Operational Check

a. All personnel must ensure that the use of camera is widely announced prior to the start of recording to ensure fair processing.

b. BWC and data storage equipment should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer’s immediate supervisor as soon as possible for the repair or replacement of the unit.

c. Supply Officer/Desk Officer and Patrol Supervisor shall record or log recipient of BWC before and after deployment.

d. Supply Officer/IT/BWC Data Custodian must ensure that the BWC are fully charged with fully free storage space before issuing it to the personnel. Personnel issued with BWC shall inspect and test the BWC prior to its use to verify proper functioning, and shall notify their Supply Officer or supervisor of any problem.
e. COPs, PCP Commanders, Patrol Supervisors shall be responsible in ensuring that all personnel using BWC shall abide by the protocols provided in this MC.

f. In the event that a body camera is lost, upon discovery, the officer shall immediately notify his/her supervisor.

b. OPERATIONS PHASE

1) The BWC shall be appropriately and firmly attached to either the epaulet, collar, hat, and shoulder board. It may be attached to other suitable parts of the uniform or special equipment provided that it shall not impede movements and afford the maximum recording of the operations.

2) When issued, the personnel concerned shall start the recording, make a verbal announcement to the Desk Officer or Ground Commander that the recording has been activated. The personnel should also state his name, rank, location, date, time, and nature of the incident, to include weather condition.

3) The BWC shall be used in all planned police operations and during the following instances, whenever possible and applicable:
   a. Checkpoints/chokepoints, traffic stop, vehicle searches and lawful searches incidental to lawful arrest;
   b. Hot pursuits- vehicle or foot;
   c. Use of force situations, physical arrests, hostile/physical confrontational citizen contacts;
   d. Suspicious vehicle stops/person stops;
   e. Responding for police assistance;
   f. Work-related transport of evidences, detainees, victims, suspects, and injured officer;
   g. Crimes in progress;
   h. Reading of Miranda rights of the arrested persons;
   i. Alarm responses on banks, financial establishments, government offices, and other buildings/installations that require building checks and investigation;
   j. Any significant incidents and other law enforcement activities with the officer’s discretion that necessitate to preserve audio or visual evidence consistent with the purposes stated in this policy; and
   k. In any situation that the officer feels appropriate when taking statement and/ or gathering information from victims, suspects or witnesses and other relevant police activities.

4) In the course of interviews, the person to be interviewed should always be informed that the interview shall be recorded.

5) Intentionally turning off the system in anticipation for whatever purpose is absolutely prohibited. The Body Worn Camera SHALL NOT be:
   a. Activated in police facilities unless in an official capacity, or as part of an investigation procedure;
   b. Used to record any personal activity (In any location where individuals have a reasonable expectation of privacy, such as
restroom, locker room, or break room). As a reminder, there is potential criminal and civil liability if this restriction is violated;
c. Intentionally activated to record conversations of fellow employees without their knowledge during routine, and other non-law enforcement related activities;
d. Used to record confidential informants or undercover officers unless approved by the supervisor or team leader; and
e. Used to record a patient during a medical or psychological evaluation by a medical practitioner or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect.

6) All PNP personnel using BWC shall not erase, alter, reuse, modify, or tamper with original audio/video recordings. When video is recorded during an incident requiring a report, the video must be supported by a written report, an Affidavit of Authentication shall be issued by the concerned officer.

7) The deactivation of the BWC shall be done during activities such as:
   a. Culmination of Tour of Duty (TOD); and
   b. Conclusion of planned operations and officer should note down the reason in their report:
      1) The event ended;
      2) Victim and/or witness contact has concluded;
      3) All persons stopped and frisked have been released; and
      4) Once an arrested person’s custody has been transferred to the detention facility.

   c. POST OPERATIONS PHASE

1) Turn-over
   BWCS used shall be immediately turned-over to the team leader for immediate and subsequent submission to the IT/BWC Data Custodian after operations.

2) Downloading and Storage of Recorded Data
   a. All recorded data from the BWC shall be securely downloaded immediately by the designated/vetted IT/BWC Data Custodian to the designated BWC computer system and dedicated storage media intended for such purpose.
   b. Each recorded data shall primarily contain information such as the date, body camera identifier and assigned officer. After the completion of the download, the IT/BWC Data Custodian shall securely erase any remaining data from the BWC to prevent any leakage of recorded data and to free up the storage capacity of the BWC and be ready to be issued to be used by other personnel.
   c. Recorded data shall not be copied, sold or used for personal or commercial purposes or for the provisions of entertainment.
the identity of the BWC holder. On the other hand, it is important to cogitate if it is necessary to include in the said operational policies and procedures the legal basis of recorded information to be used as evidence in all court proceedings and how to preserve its admissibility as evidence as well.

e. In handling BWC recorded data that have been classified to have evidentiary value, the chain of custody shall be strictly maintained and the rules on handling electronic evidence shall be strictly followed.

f. All incidents monitored and recorded shall be kept by the authorized user/s in their data repository for future use. It shall be the responsibility of the assigned personnel to inspect on a daily basis the recorded video footage and maintain a journal to record any observation for future reference.

g. There shall only be two PNP personnel in charge of storage; one principal with a rank of at least SPO1 and alternate PNP personnel with a rank of PO3 or NUP of more than 2 years experience properly vetted and trained for the purpose.

h. Unauthorized access of other personnel or staff to data recorded on BWC is prohibited and users should enforce this requirement at all times with due diligence.

i. All files shall be securely stored with a maximum of 60 days retention period or as the law prescribes for the retention of records based on classification such as recordings used in an investigation, prosecution, and connected to pending cases or are still under the control of judicial or quasi-judicial bodies.

3) Review and Disclosure

a. Any review of BWC recorded data shall be logged so that there is an audit trail.

b. Only the Shift Supervisor/Team Leader are allowed to review the recordings of body cameras at any time to ensure accuracy and consistency especially before the preparation of written reports. All recorded data shall not be released without written requests and approval of the Chief of Police/Head of Office. Recorded data shall only be disclosed to:

a) The person who requested as approved by the Chief of Police/Head of Office. They should have been identified as the person shown on video scenes or images;

b) Upon order of Courts or any quasi-judicial body; and

c) Upon the directive of Higher Headquarters and/or Higher Officials.

c. To ensure the accuracy of reports, the Shift Supervisor/Team Leader/COP should ensure the review of audio and video data before making a report or statement. An officer shall note the following in his/her report:

a) Event/incident including the time, date, and place where the recorded data were gathered;
b) If the BWC was deactivated prior to the conclusion of the event, specify the reason for deactivation; and

c) Any malfunction of the BWC equipment during the recording or the downloading of the recorded data.

d) Copyright and ownership of all materials recorded by the BWC shall remain with the PNP. All released recorded data shall be encrypted PNP property.

e) Upon request, a copy of all recorded data shall be disclosed and submitted to the Internal Affairs Service (IAS) for cases of police operations where death occurred.

f) The Chief of Police/Head of Office must ensure that the recorded data to be released shall only contain the incident subject of the inquiry or investigation as stated in the written request.

4) Maintenance of BWC

a) The BWC is an expensive and delicate piece of equipment. It shall be the responsibility of the BWC personnel to ensure that the BWC and the BWC computer system is operated and maintained according to the manufacturer’s instructions.

b) When any part of the BWC is lost or damaged, assigned personnel must immediately notify their supervisor and document the incident in writing.

c) Damaged BWC due to negligence of assigned personnel shall be dealt with accordingly.

d) BWC, when not in use, shall be stored in a safe and secured location to be determined by the personnel in charge of storage.

e) Periodic check of BWC shall be done by the Information Technology (IT) officer assigned to ensure that the equipment is functioning properly prior to use in the presence of the personnel in charge of storage.

5) Retention and Destruction of Digital Multimedia Evidence

a) Recorded data shall be retained up to 60 days or as the law or court may require for the retention of records; except for those recorded data that are pending for investigation, used as evidence in court proceedings or useful for training PNP personnel.

b) Each set of recorded data copied to a portable storage drive shall have a unique tracking sheet.

c) The destruction of recordings shall be pursuant to the limitations provided by law.

d) All recorded data shall have a backup copy stored in a separate and secure storage hard drive to be taken charge by the personnel in charge of storage.

e) BWC recorded data stored to be used as evidence in court shall be saved on a digital storage media and placed in a sealed evidence bag following strictly the rules on evidence handling and chain of custody.
6) **Monitoring and Audit of Recorded Data**
Regular monitoring and audit of saved data recordings shall be conducted at all levels and always in the presence of the team leader of the operations and personnel in charge of storage:

a. CPS/MPS – the team shall be led by the Deputy COP with CESPO/MESPO and IT officer as members;

b. District, NCRPO – the team leader shall be led by DDDO with C, DOPD and IT officer as members;

c. PPO/CPO – the team shall be led by DPDO with PESPO and IT officer as members; and

d. PRO – the team shall be led by DRDO with C, ROPD and IT officer as members.

e. Other Units - the team shall be led by DDO with C, OMD and IT officer as members.

7. **TASKS:**
   a. **DO**
      1) OPR in the implementation of this PNP MC;
      2) Ensure strict implementation of the procedures on the use of Body Worn Camera (BWC) during the conduct of police operations and other related law enforcement activities as prescribed in this PNP MC and for other purposes; and
      3) Perform other tasks as directed.

   b. **DIDM**
      1) Maximize the pieces of evidence being obtained in the BWC to uphold transparency;
      2) Determine the level of authority of who shall disclose the content of the BWC;
      3) Formulate the guidelines to maintain the integrity of recorded data through the proper chain of custody to include information on how the digital evidence shall be collected, transported, analyzed, preserved, and handled in coordination with Anti-Cybercrime Group (ACG) and Directorate for Information and Communications Technology Management (DICTM); and
      4) Perform other tasks as directed.

   c. **DI**
      1) Conduct complete background investigation, vetting and monitoring of personnel assigned in the storage of BWC recordings and files; and
      2) Perform other tasks as directed.

   d. **DPRM**
      1) Formulate and implement administrative guidelines for PNP personnel violating this PNP MC; and
      2) Perform other tasks as directed.

   e. **DC**
      1) Allocate funds necessary for the implementation of this PNP MC;
2) Formulate a program for the inclusion of regular fund support necessary for the utilization of body worn camera; and
3) Perform other tasks as directed.

f. DL
1) Provide logistical requirements for the implementation of this PNP MC;
2) Monitor the inter-operability, maintenance, repair of all body worn cameras issued to lower units in coordination with DICTM;
3) Facilitate provision for a secured facility on data storage specifically for offices/units concerned;
4) Remind and monitor lower units that the donated BWC by the LGUs, NGOs, and other similar entities shall be covered by Property Acknowledgement Receipt (PAR) and Deed of Donation;
5) Ensure that in the procurement of the BWC and necessary peripherals and computer system needed to operate and manage the said equipment, the standard specifications approved by NAPOLCOM shall be satisfied; and
6) Perform other tasks as directed.

g. DHRDD
1) Ensure the conduct of training on the proper operation and care of body worn cameras in coordination with LS, ACG, PNPTS, and ITMS;
2) Consolidate names of personnel who shall undergo training in coordination with tasked units; and
3) Perform other tasks as directed.

h. DICTM
1) Formulate, develop and establish the guidelines on the uploading and storage of files, review and disclosure, maintenance, retention and destruction of digital multimedia evidence, and monitoring and audit;
2) Provide guidelines on the periodic inspections of BWC by the Information Technology (IT) officer to ensure that the equipment is functioning properly; and
3) Perform other tasks as directed.

i. ITMS
1) Formulate Program of Instruction (POI) for three (3) days seminar exclusive for PNP personnel to be reviewed by PNPTS and presented to TDHRDD for certification and approval. Once approved, BWC seminar shall only be conducted with clearance from ITMS, PNPTS and DHRDD;
2) Review and upgrade program of instruction on BWC equipment use and management of the BWC computer system as needed;
3) Conduct training of PNP personnel in coordination with PNPTS and DHRDD;
4) Conduct training of PNP personnel who will be assigned to use the BWC, equipment and operation of the BWC computer system including storage management of BWC recorded data files;

5) Ensure the inclusion of BWC Seminar on ITMS Training Action Plan (TAP);

6) Formulate a system to enable the real time monitoring of the BWC by the NOC and TOC as the program progresses;

7) Provide IT officer to support the management of BWC;

8) Provide lecturers for BWC training/seminar; and

9) Perform other tasks as directed.

j. CES
1) Ensure connectivity of BWC with Command/Operations Center during police operations in coordination with DICTM and ITMS; and

2) Perform other tasks as directed.

k. NSUs
1) Ensure the implementation of this PNP MC in respective units; and

2) Perform other tasks as directed.

l. PROs
1) Ensure the strict implementation of this PNP MC in respective AORs;

2) Designate DRDO as the team leader of Regional Monitoring and Audit Team with C, ROPD and IT officer as members;

3) Ensure the establishment of Command/Operations Center in all police station within respective AOR;

4) Supervise and oversee the conduct of appropriate training on the operation, use, and proper care of the BWC and the BWC computer system of the selected/vetted personnel including the Supply Officer/IT/BWC Data Custodian;

5) Organize an inspection/audit team to oversee the compliance and adherence of subordinate units/office on this MC;

6) Conduct monthly regional operational review on the use of BWC to enhance operational capability and for the subsequent improvement and formulation of policies;

7) Monitor and initiate the filing of appropriate criminal/administrative charges against PNP personnel for violation of this MC and other related laws; and

8) Perform other tasks as directed.

8. COORDINATING INSTRUCTIONS:

a. Generally, the use of BWC is intended only for planned police operations or as it deemed necessary. However, police personnel can still use it upon the discretion of the Commander citing the circumstances stated in this PNP MC;

b. Command responsibility and accountability shall be observed by every Unit Commander, thus, he shall monitor and closely supervise all operations of his subordinates;
c. All PNP personnel who do not adhere to the policies on the use of BWC prescribed in this PNP MC shall be subject to disciplinary action;
d. Lateral and vertical coordination between and among units is highly encouraged;
e. Rule of Law shall always prevail during the conduct of all police operations and other related law enforcement activities;
f. Respect for human rights and privacy of individuals shall be strictly observed;
g. Wearing of proper uniform must be observed during the conduct of every police operations/activities except for covert police operations or upon lawful discretion of the commander;
h. Concerned offices/units shall adjust respective tasks as the program progresses for Real Time Monitoring (RTM) purposes; and
i. All tasked units shall submit respective IMPLANs to DO for consolidation within 15 days upon approval of this MC and to strictly observe this directive.

9. ADMINISTRATIVE SANCTION:
Any PNP personnel violating the provisions of this MC shall be dealt with administratively in accordance with the existing provisions of NAPOLCOM MC No. 2016-02 “Revised Rules of Procedures Before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police”; Executive Order No. 226 “Institutionalization of the Doctrine of Command Responsibility in all Government Offices, Particularly at all Levels of Command in the Philippine National Police and Other Law Enforcement Agencies”; and other laws, rules and regulations.

10. RESCISSION:
All issuances, memoranda, rules and regulations issued by the PNP inconsistent with this PNP MC are deemed repealed or amended accordingly.

11. EFFECTIVITY:
This PNP MC shall take effect after 15 days from filing a copy thereof at the UP Law Center in consonance with Section 3, Chapter 2, Book VII of Executive Order 292 otherwise known as the “Revised Administrative Code of 1987,” as amended.

Distribution:
All RDs, PROs
All Dir, NSUs
Copy furnished:
Command Group
All D-Staff/DIPOs
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Chief, PNP

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